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TELLING THE STORY OF **BAI LOWE'S** TRIAL IN **CELLE, GERMANY**

The first universal jurisdiction trial to
address crimes from Yahya Jammeh's
dictatorship in The Gambia

25 April 2022 - 30 November 2023





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TRIAL International is a non-governmental organisation fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable suffering. The organisation provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

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Victims and representatives of non-governmental organisations in front of the Higher Regional Court in Celle, Germany, where Bai Lowe's trial took place. © 2022 Whitney-Martina Nosakhare, Human Rights Watch

FOREWORD

BY THE AFRICAN NETWORK AGAINST EXTRAJUDICIAL KILLINGS AND ENFORCED DISAPPEARANCES (ANEKED)

Almost 10 years ago, in December 2016, the Gambians voted out President Yahya Jammeh and ended 22 years of dictatorship. Jammeh's regime was characterised by institutionalised and widespread violations of human rights, including extrajudicial killings, unlawful arrest and detention, enforced disappearance, torture and sexual violence. In addition to misusing the existing state security apparatus, Jammeh set up the clandestine hit squad known as "the Junglers" or "Patrol Team". This infamous unit was tasked to repress anyone considered to be a critic or a threat to the regime, and operated under the direct control and supervision of Jammeh. The Junglers are alleged to have perpetrated numerous acts of extrajudicial killings, torture and other serious human rights violations.

While the Gambian government established, in 2018, the Truth, Reconciliation and Reparations Commission (TRRC), victims and civil society, with support from international non-governmental organisations (NGOs), have continuously mobilised to demand justice and accountability for the serious human rights violations and crimes committed in The Gambia during Jammeh's rule.

The trial of Bai Lowe, one of the Junglers, in the German city of Celle from 2022 to 2023 marked the first prosecution and conviction of a Jungler, as well as the first time serious human rights violations committed during Jammeh's regime were tried on the basis of universal jurisdiction, and it also recognised the commission of crimes against humanity in The Gambia during the Jammeh era. As the first case of its kind, it represented a turning point in the efforts of victims and civil society to hold perpetrators accountable for crimes committed by Gambian state forces.

Bai Lowe's trial was followed by that of Ousman Sonko, Jammeh's former Minister of Interior, for crimes against humanity in Switzerland in 2024, and that of Michael Sang Correa, another Jungler, for torture and conspiracy to commit torture, in Denver in the United States in 2025. Both trials were also held on the basis of universal and extra-territorial jurisdiction and were the results of the struggle of victims and civil society, with the assistance of international NGOs, to fight impunity. Strikingly, as detailed in this report, cooperation between the German, Swiss and U.S. prosecution and judicial authorities, as well as that of the UK authorities, played a key role in gathering evidence for the Bai Lowe's case, especially given the lacking responsiveness and cooperation of the Gambian authorities to the judicial cooperation requests of the German authorities.

Bai Lowe's trial not only sparked hope for thousands of victims and survivors in The Gambia, but also set a powerful precedent for the use of universal jurisdiction. It is all the more important since domestic prosecutions in The Gambia have so far been delayed and since the Special Accountability Mechanism (SAM) to prosecute serious human rights violations and crimes committed between July 1994 and January 2017 is yet to be effectively established and functioning.¹

Bai Lowe's trial, as well as those of Ousman Sonko and Michael Correa, have provided some measure of closure to their victims and more broadly have enabled the Gambian population to maintain high expectations that those responsible for serious international crimes committed during Jammeh regime will be brought to justice. It is high time almost 10 years after the end of his regime and some 30 years after the first crimes committed under his rule.



¹ Passed by the Gambian national Assembly in 2024, the SAM bill established three institutions to bring to justice the perpetrators of the crimes committed during Jammeh's dictatorship: the Special Prosecutor Office (SPO) in charge of investigating the crimes and whose Special Prosecutor was just designated, on 8 April 2026, the Special Criminal Division of the High Court focusing on domestic offenses and which was appointed in 2024, and in partnership with the Economic Community of West African States (ECOWAS), the Special Tribunal in charge of addressing international crimes which is yet to be set up.

INTRODUCTION

HOW GAMBIAN HISTORY WAS BROUGHT TO A GERMAN COURTROOM



The Gambia Truth, Reconciliation and Reparations Commission. © Audrey Oettli, TRIAL International

After fleeing The Gambia for Germany in 2012, former Jungler Bai Lowe gave two interviews to Gambian journalists in 2013 and 2014, in which he described in great detail the killings and shootings he participated in while he was driving other members of the Junglers. These included the murders of Gambian editor and journalist Deyda Hydara in 2004 and of former soldier Dawda Nyassi in 2006, as well as the attempted murder of lawyer Ousman Sillah who survived the Junglers' attack against him in 2003.

TRIAL International and the European Center for Constitutional and Human Rights (ECCHR) informed the German prosecuting authorities in 2019 of the suspect's presence on German territory. Indeed, German laws recognise the legal principle of universal jurisdiction over certain serious crimes under international law, which allows for their investigation and prosecution regardless of where they were committed, or of the nationality of the suspects or victims. The investigation of the German Federal Police led to the arrest of Bai Lowe in March 2021. In March 2022, the German Federal Public Prosecutor General indicted him for the murders of Gambian journalist Deyda Hydara in 2004 and of former soldier Dawda Nyassi in 2006, as well as for the attempted murder of lawyer Ousman Sillah, as crimes against humanity.

Bai Lowe's trial began on 25 April 2022 before the Higher Regional Court (*Oberlandesgericht*) of Celle², composed of a five-judge panel. The defendant was tried by the court of this Northern German city – located between Hamburg in the North and Hannover in the South – because of his residence in Hannover. On 30 November 2023, he was sentenced to life imprisonment for two murders and three attempted murders³ as crimes against humanity. Following its challenge by the defendant, this conviction was confirmed by the German Federal Court of Justice on 12 November 2024, making it final.

² Higher Regional Courts are appeal jurisdictions. In Germany however, international crimes cases are tried by higher regional courts in first instance, and the revision process takes place before the Federal Court of Justice whose decision is final. See the following reference in the annexes: TRIAL International & Open Society Justice Initiative, *Briefing Paper: Universal jurisdiction law and practice in Germany* (April 2019).

³ In November 2022, the indictment was extended to include the attempted murders of two colleagues of journalist Deyda Hydara, namely Ida Jagne and Nian Sarang Jobe. He was driving them home from the office when his car was attacked by the Junglers who killed him.

THE CHALLENGES OF OUTREACH AROUND UNIVERSAL JURISDICTION TRIALS

Given the complementarity between universal jurisdiction proceedings and the current Gambian transitional justice and accountability processes, it is crucial that foreign procedures be made accessible to Gambian communities, so they can understand how justice for the crimes their people suffered can also be made abroad. Taking place over 4 000 kilometres away from The Gambia, Bai Lowe's trial in Celle was entirely held in German, whereas Gambians speak mainly English, Wolof, Mandinka, Fula and Jola. In the courtroom, audio translation devices from German to English were only available to the defendant and the witnesses to the stand who did not speak or understand German. TRIAL International and its partners [Human Rights Watch](#) and the [International Commission of Jurists](#) assisted Gambian journalists for them to obtain the accreditation to attend the trial, while [RSF \(Reporters sans frontières or Reporters Without Borders\)](#) was able to fund the travel and accommodation of two Gambian journalists for specific hearings, for instance the first testimony of one of the plaintiffs in June 2022. Following discussions with the Press Office of the Higher Regional Court of Celle, Gambian journalists who were not able to obtain an accreditation before the start of the trial were also authorised to attend hearings, and audio translation devices were made available to Gambian journalists able to attend. Such translation devices were however not accessible to the general public in the courtroom.

To ensure the trial monitoring, TRIAL International, Human Rights Watch and the International Commission of Jurists put in place a clinical project with the students of the Georg-August-University of Göttingen, in coordination with the Göttingen chapter of the European Law Students' Association (ELSA).⁴ The clinical project was under the supervision of Professor Dr. Dr. h.c. Kai Ambos and Dr. Alexander Heinze, and the management of Research fellow Milena Schellenberger, then PhD students Inês Freixo, Susann Aboueldahab and Rodolfo González Espinosa. 43 students took turns in taking the train to Celle in small groups of two to three during the whole duration of the trial, from April 2022 to late November 2023. They attended the hearings, mainly taking place on Thursdays and Fridays, to take notes of history being made in Celle. This monitoring sought to render the trial intelligible beyond the courtroom. In coordination with Dr. Alexander Heinze, Milena Schellenberger, Inês Freixo, Susann Aboueldahab and Rodolfo González Espinosa, TRIAL International, Human Rights Watch and the International Commission of Jurists organised two information sessions for the students to have a good understanding of the Gambian historical and political context at the time of the commission of the crimes and during the ongoing transitional justice process. Along with relevant documentation on this context, methodological advice and guidance was shared with them for the note-taking.

The students took structured notes from the proceedings in Celle – including witness testimonies and procedural decisions –, and translated them in English before summarizing and curating them, in view of their sharing with Gambian civil society organisations such as the Solo Sandeng Foundation and ANEKED, interested Gambian journalists, as well as TRIAL International, Human Rights Watch and the International Commission of Jurists. Given the time required for such work product, notes would usually be shared from one to two weeks following the relevant hearing. Thus, no such thing as a live trial monitoring could be considered, even less given the unpredictable date of the end the trial. The German judicial system has this particularity of holding relatively long trials,⁵ including because the German implementation of the inquisitorial system requires the court to examine all facts during the hearings, without simply relying on the evidence gathered during the investigation stage. These specificities made the implementation of a trial monitoring allowing for the steady information of Gambian audiences about the German procedure particularly challenging.

⁴ Georg-August Universität of Göttingen, [Monitoring of the first trial for international crimes in The Gambia by students of the Georg-August-University Göttingen; The Bai L. Trial and Universal Jurisdiction in Germany – A Trial Monitoring Project.](#)

⁵ For instance, [other universal jurisdiction trials](#) held in Germany such as the procedure for torture, sexual violence and murder as crimes against humanity against former member of the Syrian General Intelligence Service Anwar Raslan, or the procedure for similar crimes against former member of the Syrian Military Intelligence Alaa M., lasted respectively 21 months until January 2022 and three years and a half until June 2025. In comparison, the trials in France of former Rwandan citizen Sosthène Munyemana for crimes against humanity and genocide, and of former Congolese warlord Roger Lumbala for complicity of crimes against humanity, lasted both approximately five weeks, respectively until December 2023 and December 2025. In Switzerland, the trial of former Minister of Interior Ousman Sonko for crimes against humanity lasted four weeks.

TELLING THE STORY OF BAI LOWE'S TRIAL FOR POSTERITY

Drafted and reviewed by NGOs who worked on the criminal procedure and have thorough knowledge of the past and current historical and political Gambian context, this publication is intended to be a resource where Gambian communities and interested law students and professionals can turn to, in order to understand what happened for a year and a half in the courtroom of the Higher Regional Court of Celle. It is neither a legal analysis of the procedure, nor a transcript or a chronological account of the 62 trial hearings.

Articulated in six chapters, the present document is telling the story of Bai Lowe's trial on the basis of the notes taken by the students, through a thematic description of the trial hearings in view of highlighting the main stages and stakes of the procedure. The first chapter focuses on the trial opening with presenting the parties of the procedure, the charges and the main evidence collected during the investigation. Chapter II is dedicated to the voices of the victims heard during the trial, regardless of whether they were direct or indirect victims, or formal parties in the procedure. Chapter III is about the main evidence examined during the trial, *i.e.*, the interviews Bai Lowe gave in 2013 and 2014 to Gambian journalists, the issue of their reliability as evidence, and their perception by other Gambian journalists who testified in this regard. Chapter IV describes the creation, structure and functioning of the Junglers and how the Court identified the defendant as being part of this group. Chapter V mainly presents the defence's approach on the charges of murder and attempted murder as crimes against humanity. Finally, the sixth and last chapter accounts for the last stages of the trial, including the closing arguments of each party, the last statements of the plaintiffs and of the defendant, as well as the issuance of the verdict and how it became final.

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CHAPTER I

OVERVIEW OF THE CASE



This opening chapter of the story of Bai Lowe's trial is intended to give the reader an overview of the main actors involved, with a presentation of the parties (A). It also highlights the stakes at play during this historic procedure (B) and its connection to similar accountability proceedings conducted under the principle of universal jurisdiction and seeking justice for the victims of the crimes committed during Jammeh's dictatorship (C). Finally, this first chapter allows the reader to have insights about the main pieces of evidence used during the investigation that led to the trial (D).⁶

A. Presentation of the parties

1. The defendant: the former driver of a dictator's death squad

Bai Lowe is a former Gambian soldier who was a member of the paramilitary unit created by former Gambian President Yahya Jammeh the "Junglers", also known as the "Jungulars" or "Patrol Team". In this trial, Bai Lowe was prosecuted for his involvement in two murders and three attempted murders, as crimes against humanity, all committed by the Junglers between December 2003 and December 2006. In particular, he was charged to have driven the killers, sometimes with the victims, to the attack sites, in order to carry out President Jammeh's killings orders.

Bai Lowe fled to Europe in 2012, after he was suspected of having participated in an attempted coup to overthrow President Jammeh. He applied for asylum in Germany, from where he later gave two interviews to Gambian media: a first one in 2013 to journalist Pa Nderry Mbai of the Freedom Radio network based in the United States, and a second one in 2014 to leading journalist Fatou Camara, host of the Fatou Network. In those interviews, Bai Lowe described in great detail the killings and shootings in which he participated as a driver of the Junglers. However, he later explained that he did not belong to the Junglers and had only recounted information he had heard from others. He pretended that journalist Pa Nderry Mbai had asked him to pose as a member of the death squad to make his declarations more credible to the Gambian listeners. This last statement was contradicted by Fatou Camara who was heard as a witness during the trial.

In November 2021, the Gambia Truth Reconciliation and Reparations Commission (TRRC) recommended the prosecution of former President Jammeh and his accomplices, including Bai Lowe, for their alleged crimes committed during the Jammeh regime. The prosecution of Bai Lowe was more specifically recommended for his involvement in the attempted murder of lawyer Ousman Sillah in 2003,⁷ the murder of journalist Deyda Hydara in 2004⁸, and the massacre of over fifty West African migrants in 2005⁹. The TRRC had been created in January 2018 "to investigate and establish an impartial

⁶ Photograph: Signpost in the city of Celle, Germany, indicating the Oberlandesgericht, where Bai Lowe's trial took place. © 2023 TRIAL International

⁷ Ousman Sillah died on 23 December 2025 at the age of 86.

⁸ Truth, Reconciliation and Reparations Commission, *Final Report, Volume 8. The Junglers. Unlawful killings, tortures and other human rights violations* (pp. 58-59, para. 5, 6 and 18).

⁹ The exact number of the migrants killed is still unknown until this day. The TRRC found in Volume 12 of its *Final Report*, which is dedicated to the West African migrants' incident, that they were over 67 (p. 31, para. 123, and p. 35, para. 142).

historical record of the nature, causes and extent of violations and abuses of human rights committed during the period July 1994 to January 2017 and to consider the granting of reparations to victims for connected matters".¹⁰ The eleven members of the TRRC, appointed in October 2018 by Gambian President Adama Barrow, heard approximately 400 witnesses during public sessions that spanned from January 2019 to May 2021. These witnesses included mostly victims but also perpetrators, more specifically former Junglers. It was revealed during Bai Lowe's trial that the defendant himself was considering to testify before the TRRC, but it never happened (see *infra* in the current Chapter).

German authorities first became aware of Bai Lowe's involvement in these crimes while processing mutual legal assistance requests by the Swiss and U.S. investigating authorities. Later, in August 2019, TRIAL International and the European Center for Constitutional and Human Rights (ECCHR) filed a letter to the German federal prosecuting authorities providing information about the presence of Bai Lowe on German territory and his past alleged crimes as a former Jungler. Subsequently, he was arrested in March 2021, before being indicted for crimes against humanity in March 2022 (see *infra* in the current Chapter for more details on the charges). Bai Lowe stayed in pre-trial detention from his arrest until the opening of his trial before Higher Regional Court of Celle on 25 April 2022, during which he was represented by defence counsels Dr. Matthias Kracke and Dr. Marco Neumann. After a trial that lasted a year and a half, he was sentenced on 30 November 2023 by the Court to life imprisonment for the murders of journalist Deyda Hydara in 2004 and of former soldier Dawda Nyassi in 2006, as well as for the attempted murders of lawyer Ousman Sillah in 2003, and of Deyda Hydara's colleagues Ida Jagne and Nian Sarang Jobe in 2004, all constituting crimes against humanity. On 12 November 2024, the German Federal Court of Justice upheld his conviction and sentence, making them final.

2. The plaintiffs: family members of direct victims and an injured eyewitness

Under German law, the direct victim of certain crimes such as murder or rape, or certain family members of the direct victim, are considered injured persons. As such, they can become formal parties in criminal proceedings as joint plaintiffs ("*Nebenkläger*"). This legal status provides them with specific rights: together with their lawyers, joint plaintiffs can for instance request information on the status of the proceedings, submit evidence, attend the trial, question witnesses and the defendant, make statements in Court, and challenge the orders and decisions of the Court.

There were four joint plaintiffs in this trial: three indirect victims of murder and one direct victim of attempted murder. Their participation meant that the trial did not unfold solely as proceedings between the prosecution and the defendant. The joint plaintiffs were able to participate in the evidentiary process and to place their experiences on the record.

Baba Hydara is the son of journalist Deyda Hydara, who was killed by the Junglers in a December 2004 drive-by shooting in Banjul's suburb, on his way back from the The Point's premises to Kanifing, while Bai Lowe was driving. Baba Hydara was also a journalist, co-publisher of The Point newspaper founded by his father, and member of the Gambian Center for Victims of Human Rights Violations. This joint-plaintiff was represented by Dr. Patrick Kroker during the proceedings.

“I want to see justice done for my father and for all the others who were victimised by Yahya Jammeh and his security forces. Everyone involved in the murder of my dad will face justice, and we won't stop until each one of them is brought to a court of law.”

Baba Hydara, son of Deyda Hydara and plaintiff in the case,
on the occasion of Bai Lowe's indictment in March 2022

¹⁰ Truth, Reconciliation and Reparations Commission Act, 2017, Preamble.

Baba Hydara's father was a renowned Gambian journalist, co-founder, and primary editor of The Point newspaper, as well as Agence France-Presse and RSF correspondent in The Gambia. He wrote a weekly column titled "Good Morning Mr. President", in which he voiced his dissident views on Jammeh's authoritarian rule. As a result, he regularly received death threats, including from the Gambian National Intelligence Agency (NIA). Deyda Hydara was murdered on the night of 16 December 2004, on the fifteenth anniversary of The Point. His murder was never duly investigated in The Gambia, and his son, Baba Hydara, committed his life to obtaining justice for his father.

Ida Jagne is a former colleague of journalist Deyda Hydara, who was in the car next to him with their colleague Nian Sarang Jobe on the backseat, when the Junglers attacked them. A bullet grazed her right knee and she was wounded by shattered glass during this attack. As eyewitnesses to the killing, she and her colleague Nian Sarang Jobe were under close police surveillance while they were hospitalised in The Gambia. Later, with the support of several international, regional and national civil society organisations defending press freedom, including RSF, the African Office of the International Federation of Journalists, the Gambian Press Union and the Senegalese Union for Information and Communication Professionals, they were both transferred to a hospital in Dakar and obtained asylum in Senegal. The NIA continued harassing them. In the meantime, Ida Jagne was granted asylum in the United States in 2010 and U.S. citizenship five years later. During the trial, Ida Jagne was represented by her lawyer Dr. Peer Stolle.

Omar and Modou Nyassi are the sons of Dawda Nyassi, a former soldier who had fought during the Liberian civil war and was thus seen as a security threat for Jammeh's power. Dawda Nyassi was shot by the Junglers in 2006 next to the airport because the Gambian authorities suspected him of conspiring to overthrow Jammeh. Alongside Baba Hydara, Omar Nyassi made a statement to the Court at the end of the trial, following the closing argument of their common lawyer Dr. Patrick Kroker.

B. An indictment for crimes against humanity

Federal Prosecutors Ms. Schmitt and Ms. Höfer led the prosecution of the case.

In March 2022, Bai Lowe was charged with three counts of crime against humanity under the German International Criminal Code for the murders of Deyda Hydara in 2004 and Dawda Nyassi in 2006, as well as for the attempted murder of lawyer Ousman Sillah who survived the violent attack of the Junglers perpetrated in 2003. In a case of alleged tax evasion, Sillah was the legal counsel of Baba Jobe, a former close associate of Jammeh and majority leader of the presidential party in the National Assembly. Baba Jobe later fell out of Jammeh's grace and was killed in prison.

During the hearing of 10 November 2022, the Higher Regional Court of Celle amended the indictment with extending it to cover the attempted murders of Ida Jagne and Nian Sarang Jobe, both injured in Deyda Hydara's car, when he was murdered during the above-described drive-by-shooting.

These charges of murders and attempted murders as crimes against humanity are of historic importance. It means that according to the prosecution, there was a strong case to establish that the dynamics of Jammeh's oppressive regime created the specific context in which these murders and attempted murders were committed: as part of a systematic or widespread attack against the civilian population.

C. The connection with the Sonko case and other foreign procedures: a crossover between at least two Gambian universal jurisdiction cases in Germany and Switzerland

Federal Prosecutor Schmitt was heard by the Court on 23 February 2023. In one of these rare instances where prosecutors are witnesses in cases they are prosecuting, Ms. Schmitt was called to testify about how Swiss authorities had requested mutual legal assistance for the hearing of Bai Lowe as an informant through a video conference. During the investigation of the Swiss prosecuting authorities into Ousman Sonko, who served as Jammeh's Interior Minister, Inspector General of the Gambian

Police and Director of Prison, Swiss authorities recorded Bai Lowe's testimony on 21 November 2018 in the presence of Prosecutor Schmitt.

The Swiss authorities did not hear Bai Lowe as a suspect, but as an informant and he was not assisted by a lawyer. He was questioned about the killing of Deyda Hydara and the above-mentioned massacre of a large group of West African migrants in The Gambia in 2005. The Swiss authorities were also interested in the attempted coup and media interviews given by Bai Lowe, but he used his right to remain silent. Dettmer, an officer of the German Federal Criminal Police Office ("*Bundeskriminalamt*") who had served as an investigator in the Bai Lowe case was heard by the Court during the first two days of Bai Lowe's trial. The Federal Police Officer explained how, during the implementation of the mutual legal assistance request of the Swiss judicial authorities allowing for the recording of Bai Lowe's statement, the German federal police noted some inconsistencies in his file and started observing him. Judicial cooperation and the use of universal jurisdiction appear to have strengthened both the German and Swiss cases.

Following a six-year investigation, in April 2023, the Swiss Federal Prosecutor indicted Ousman Sonko for crimes against humanity. His trial before the Swiss Federal Criminal Court, that opened in January 2024, concluded with a sentence to twenty years in prison pronounced on 15 May 2024. Sonko was convicted, among other charges, for the murder of above-mentioned Baba Jobe, whose vigorous defence by lawyer Ousman Sillah had displeased Jammeh and led to the attempted murder of the lawyer by the Junglers.

Dettmer also confirmed in his testimony that the police became aware of Mustapha Faal as a relevant witness, because he was mentioned in the Swiss case against Sonko (see Chapter IV). The Swiss authorities later shared Bai Lowe's interview with the German federal police, which helped the German authorities picking pace, leading up to further investigations into his involvement in the commission of international crimes in The Gambia.

Police officer Dettmer also explained how in 2014, the U.S. Federal Bureau of Investigation (FBI) drew the attention of the German Police to three individuals, including Bai Lowe. Subsequently, the FBI also interviewed Bai Lowe as a witness, as part of investigations they were conducting. German, Swiss and U.S. jurisdictions were thus investigating, in parallel three cases of international crimes committed under Jammeh's rule.

D. Federal police officer Dettmer on the main evidence used during the investigation

Police officer Dettmer made it clear that most of the evidence against Bai Lowe consisted of his interviews, including with the Freedom Radio. In January 2019, Federal Prosecutor Schmitt found three video clips of parts of Bai Lowe's interview with the Freedom Radio and alerted the Federal Criminal Police. Later in July 2019, the Swiss authorities shared the entire videos and translations of this interview with their German counterparts. The final TRRC report issued in December 2021, as well as comprehensive summaries of the TRRC hearings available in the "Digests" prepared by the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED) also constituted significant evidence for the case against Bai Lowe. Mustapha Faal and Bakary Sanyang, who assisted the defendant in settling in Germany and were both heard as witnesses during the trial in May, June and December 2022, confirmed that Bai Lowe was the person who gave those interviews.

The German federal police officers also found a lot of physical and digital data from a search operation carried out at Bai Lowe's residence in Germany. This included pictures and messages that confirmed his identity as a Jungler. He was also found to be in contact with a TRRC investigator and had some filled-up TRRC forms on his phone in view of a hearing. These forms were never sent back because Bai Lowe had considered to testify in-person before the TRRC, although this never happened.

CHAPTER II

VOICES OF THE GAMBIAN VICTIMS



During Bai Lowe's trial, Gambian victims had a historic opportunity to provide their testimonies to a Court of law about the crimes instigated by Jammeh during his regime.

The Court heard family members of the direct victims, namely two sons of Deyda Hydara – Baba Hydara and Deyda Hydara Jr., Fatou Sillah, the daughter of Ousman Sillah, and Omar Nyassi, the son of Dawda Nyassi (A). The Court also heard direct victims of the crimes, namely Ida Jagne and Nian Sarang Jobe who were injured in Deyda Hydara's car (B). Their testimonies provided precious insights into the context in which the crimes were committed, the commission of the crimes and how they impacted their lives.¹¹

A. Indirect victims – Family members

1. Baba Hydara: “A Scar That Never Goes Away”

Baba Hydara, son of journalist Deyda Hydara, testified before the Court on 21 June 2022 as a joint-plaintiff. He told the Court how Deyda Hydara had been involved in publishing newspapers in The Gambia since the 1980s. In the early days of his career, his father used government printers to publish the papers. However, Jammeh's government started viewing the press as an opponent and a threat to the regime. Towards the days of his father's murder, new laws were enacted imposing high taxes on the press sector. His father and other journalists had challenged these pieces of legislation before a court, but the judiciary infiltrated by Jammeh ruled in favour of these new laws against them.

According to Baba Hydara, Jammeh hated his father's weekly column. People close to Jammeh and anonymous callers often delivered messages of his displeasure, as well as warnings – if Deyda Hydara did not stop, he would see. But Baba Hydara's father never thought about stopping his work, and his family did not seriously consider that he might actually get killed. On 16 December 2004, Baba Hydara, then living and studying in Paris, received a call from his sister informing him that his father had been shot in the Sankung Sillah Road to Kanifing. Baba Hydara felt lost, was in disbelief, and it took him hours to calm down. As Deyda Hydara was the sole earner of the family, his murder had severe economic consequences on them: among the five siblings, only Baba Hydara and his older sister were able complete a degree, and Baba Hydara had to drop out of university after his father's death. The whole family who was still in The Gambia had to leave the country.

Baba Hydara further explained that there was no serious investigation into the killing of his father. After much pressure, the Gambian government attempted to portray him as a womaniser and claimed that to be the cause of his murder. Baba Hydara joined RSF and conducted investigative research about the killing. As part of this work, they often heard about the involvement of Junglers Sanna Manjang¹² and Malick Jatta, but it was not very clear until the TRRC hearings.

¹¹ Photograph: Two of the plaintiffs and their lawyers after the announcement of the verdict on 30 November 2023 in Celle, Germany. © 2023 TRIAL International

¹² At the time of the drafting of the current document, Sanna Manjang is being tried for at least the murders of Kajali Jammeh and Samba Wurry, dating back to 2006 in Kanilai. Former fellow prisoner Ensa Keita had testified about their murders before the TRRC in March 2020. Following his arrest in Casamance, in Senegal, by a joint-operation of the Gambian and Senegalese authorities in November 2025, Sanna Manjang was initially also charged with the murders of journalist Deyda Hydara, Jammeh's cousin Haruna Jammeh and businessman Ndongo Mboob. Considered high-profile crimes from Jammeh's regime, these charges were put aside so they can be addressed by the Gambian Special Prosecutor Office, one of

“The murder of my father is a scar that will never go away. My life is a commitment to the death of my father and all the other victims. The testimony I am giving today is the most important thing I have done in my life. It is the first step toward justice and peace for the victims and their families. It might be just another case for the Court, but for The Gambia, it is the beginning of justice and a better future.”¹³

Baba Hydera, Testimony of 21 June 2022

2. Deyda Hydera Jr.'s testimony

In his testimony of 24 November 2022, Deyda Hydera Jr. told the Court that he was 14 years old when his father was killed. Although he was still a child, he was aware that his father had received multiple threats. His father had told him about the cars and trucks that followed him. Deyda Hydera thought that the 'Green Boys'¹⁴ were responsible for burning down the office of 'The Independent' newspaper in October 2003. Once, his father was taken to the premises of the NIA to be questioned. However, his father was very proud of his work and never considered backing down. Instead, he had launched yet another column in The Point newspaper, with the telling title 'Bite'. He also remembered that his father had even publicly called out Jammeh at a dinner party for telling lies.

Deyda Hydera Jr. further explained that when his father was killed, only he and his sister were with him in The Gambia. Late in the night of 16 December 2004, they received a call from The Point's office and learnt that their father had been shot dead. The next day, they were taken to identify their father's body which was embalmed completely except for the face that showed a small stitch on the temple. Deyda Hydera Jr. told how the Gambian authorities arrested a Lebanese businessman on suspicion of Deyda Hydera's murder, but never really conducted a thorough investigation. Much later, while he was commuting from the outskirts of Banjul to the city centre, a military man warned him that he should not become like his father or else, the same would happen to him.

According to Deyda Hydera Jr., since his father was a correspondent for Agence France-Presse, the family was entitled to receive a certain sum from the insurance company. However, they could not obtain his death certificate from the Gambian authorities. Being denied this simple document made it clear to him and his family that they would never receive justice in The Gambia. With the support of the Open Society Justice Initiative, Deyda Hydera Jr. and his brother Ismail Hydera filed a lawsuit against The Gambia before the Court of Justice of the Economic Community of West African States (ECOWAS) in Abuja, Nigeria, alleging the violation of press freedom and failure to investigate and grant redress. Given The Gambia's authoritarian rule at the time, they could not bring a case to a Gambian court for the murder of their father. In June 2014, the ECOWAS Court granted a compensation of USD 50,000 to the family for the above-mentioned rights violations alleged by the claimants, and an additional USD 10,000 to cover the legal fees. Despite this ruling, no criminal proceedings in the Gambia had actually addressed the murder of their father.

3. Fatu Sillah's testimony

On 31 August 2022, the Court heard Fatu Sillah, the daughter of Ousman Sillah who was attacked by the Junglers in December 2003. Since Fatu Sillah lives in the United States, she was heard through a live video call with the cooperation of the U.S. authorities. In the call, she was accompanied by a

the entities of the Special Accountability Mechanism (SAM) established by the 2024 SAM bill. In March 2026, Sanna Manjang was also charged for the torture of four individuals suspected of having plotted a coup against President Yahya Jammeh in 2006.

¹³ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

¹⁴ Described by an exiled Gambian journalist in the January 2005 investigation report by RSF, as "young activists who were sent to Libya in the mid-1990s at Jobe's initiative to be instructed in the use of firearms and receive fundamentalist training" and who were "initially called the "22 July Movement"" after the Jammeh's coup in 1994. See RSF, [The Gambia. Who killed Deyda Hydera?](#) (January 2005).

translator and Assistant United States Attorney, Lori Warlick, who was there to ensure that the basic principles of the U.S. Constitution were respected during this hearing.

Fatu Sillah explained that she was in the United States when the attack against her father occurred, but her parents recounted the events to her. Ousman Sillah was driving back from a wedding and had stopped in front of their house to wait for the gate to open when he heard some noise from behind. As he turned around to check what was going on, he was shot in his jaw. While he bent on the steering wheel due to pain, he received another gunshot in his stomach. He pretended to be dead until he was sure his attackers had driven away.

According to Fatu Sillah, her father was in a hospital in Senegal for over two months. He lost his left kidney. He still had a large scar on his face in the jaw area and his jaw still carried fragments of the bullet. Her father did not like to talk much about the attack with her and she had only heard of interviews he had given to a few journalists, without knowing who these journalists were. Nonetheless, she knows that the attack had something to do with a case her father was handling.¹⁵ She also heard rumours that Jammeh was behind it.

“My father lost his left kidney, has a large scar on his face in the jaw area, and his jaw still carries fragments of the bullet”.¹⁶

Fatu Sillah, Testimony of 31 August 2022

Further, she informed the court that her father had agreed to call Bai Lowe at the request of a friend. Although she was not at home when the call happened, she saw her father very depressed for many days afterward.

At the time of the trial, Ousman Sillah suffered from Alzheimer or dementia, but in the excerpt of his interview with a Gambian journalist read out by the defence counsel while questioning his daughter, it is clear that he wanted to file a lawsuit for the attack he had suffered.

4. Omar Nyassi: “My father’s body was never found and I do not know the date of his death”¹⁷

Omar Nyassi is the son of Dawda Nyassi, a former Gambian soldier who fought during the Liberian war and was killed by the Junglers in 2006. Omar Nyassi testified before the Court on 14 December 2022. He told the Court that his father returned to The Gambia around 2003, after having moved to Liberia in 1990 to fight the war under the command of Charles Taylor. They then lived together until he disappeared.

“My father’s body was never found and I do not know the date of his death. There was no official investigation into the disappearance of my father, neither during nor after Jammeh. I am disappointed that nobody fought for him.”¹⁸

Omar Nyassi, Testimony of 14 December 2022

¹⁵ As mentioned in Chapter I, Ousman Sillah was the lawyer of Baba Jobe, a politician once close to Jammeh who later fell out of his grace. Baba Jobe was killed in detention and former Minister of Interior Ousman Sonko was convicted in Switzerland in 2024 for his murder, among other crimes. Ousman Sonko appealed this conviction and the appeal trial is scheduled to start on 30 April 2026.

¹⁶ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

¹⁷ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

¹⁸ Ibid.

Omar Nyassi did not get to spend much time with his father. He was only 15 years old and was just getting to know his father better when he disappeared and was never to be found. Hence, he could not tell a lot about his father's personality or the events around his disappearance, arrest and killing. He remembered that some soldiers from Kanilai – one of Jammeh's strongholds – used to visit his father often, brought beverages to him, and laughed a lot. He assumed they were friends with him.

The witness explained that before his father disappeared, he was arrested along with his friends by the NIA. They were released three days later. Omar Nyassi further explained that he was however not aware of the dates and details of his father's arrest.

According to Omar Nyassi, his stepbrother was the first to claim that Jammeh had killed his father. He came to know more about what happened to his father only through the information gathered from the TRRC report, journalist Pa Nderry Mbai, and Bai Lowe's interviews. Omar Nyassi never had any deep conversations, including about politics, with his late father. However, after hearing former Jungler Malick Jatta's statement to the TRRC, he believes the Gambian government suspected that his father would stage a coup. He thinks this is why the soldiers from Kanilai were always at his father's house.

B. Direct victims – Eyewitnesses to one of the crime scenes

1. Nian Sarang Jobe: "That day took my luck in life"¹⁹

Nian Sarang Jobe was heard by the Court as a witness on 18 August 2022. As a former employee of The Point from 1996 until 2019, she told the Court that the situation in The Gambia was extremely difficult for journalists during that period – so much so that she was scared for her own life.

She recounted how it was usual for Deyda Hydara to drop her and their colleague Ida Jagne home if they worked late. On the night of 16 December 2004, Ida Jagne sat next to Deyda Hydara while the witness was in the back seat. Having noticed how a green and yellow car looking like a taxi was flashing a high beam at them, Deyda Hydara slowed down to let it pass by, assuming it might be some sort of emergency. Then, once the cars came side by side, gunshots were fired from the other vehicle, and she saw Deyda Hydara bleeding. When their car was about to hit a ditch, she tried to escape it. Only then she realised that she could not move her leg as she had been shot in the knee. Later, she was hospitalised for months in Senegal and was only able to walk again after five months.

Nian Sarang Jobe's relatives collected her from the crime scene and took her to the police station. She informed the police about the incident, but they wanted her to file an official report which her condition did not allow. She could tell that the person sitting in the front passenger seat of the green and yellow car fired the shots, and there also were other people in the back seat. However, she could not be sure who or how many people were in the car. In an interview, Jammeh however falsely claimed that the police was not able to talk to her and Ida Jagne because they were in Senegal. Nian Sarang Jobe was frightened when she heard that Jammeh was speaking about her.

“I started working again in late 2005/early 2006, but the knee injury still causes physical and mental suffering. My leg movements are restricted and I cannot sit down for long periods. I also developed a kind of depression and could not be the same mother to my children. That day took my luck in life.”²⁰

Nian Sarang Jobe, Testimony of 18 August 2022

¹⁹ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

²⁰ Ibid.

Nian Sarang Jobe watched TRRC hearings. She also followed the statements of former Junglers Malick Jatta, Sanna Manjang, Pa Saneh and Alieu Manjang. She was watching it live on TV when Malick Jatta said that he had fired a shot that day. She lamented that they were never convicted.

2. Ida Jagne: “Mr. Hydara used to wear flipflops at work just in case he had to flee”²¹

Ida Jagne, who sat next to Deyda Hydara when he was shot in his car, was heard by the Court on 6 October 2022 as a joint-plaintiff. She worked in the editorial office of The Point. Deyda Hydara usually gave the two women some money for a taxi or dropped them home if they worked late. That evening, he was supposed to drop them at the Sankung Sillah intersection in Banjul as he was to attend a wedding where he was the best man.

Ida Jagne told the court that Deyda Hydara received multiple shots primarily on his left temple and chest as soon as he slowed down his car to allow what he thought was a taxi, to pass by. Ida Jagne received a graze shot in her right knee. Even when Deyda Hydara lost control of the car which crashed into a ditch, the attackers did not stop the gunfire. After her relatives rescued Ida Jagne from the car, they went to the police station and told them about the attack. She was supposed to file an official complaint but had to get medical care first.

Ida Jagne explained how, at the hospital in Banjul, the soldiers came to search for her and kept her guarded, denying any medical care. Her leg was swollen and infected, but she had to buy medicines herself. The International Federation of Journalists managed to contact her and have her transferred to the Principal Hospital in Dakar, Senegal, with the assistance of her family. Even while in a Senegalese hospital, Gambian soldiers were reportedly still looking for her.

She told the Court that once she was back in The Gambia, she was questioned by the NIA and felt unsafe, even when she went to the hospital for bandage cleaning. Later, she was granted asylum in Senegal and moved to Dakar. However, even in Dakar, she felt watched and followed by the NIA, received calls from unregistered Gambian numbers, and knew that the NIA intercepted her calls and followed her family to reach her. An NIA agent even interrogated her for three hours in the Senegalese Ministry of Interior about the killing of Deyda Hydara. She was granted asylum in the United States in 2010 and became a US citizen in 2015.

She further declared that in The Gambia, the NIA made her ex-husband the primary suspect of the murder claiming Ida Jagne had an affair with the victim, which she denied.

“Journalists had to either write in favour of the President or face consequences like their office being set on fire. Jammeh expressed his displeasure with Mr. Hydara's dissident columns publicly on Gambian television. Mr. Hydara regularly received death threats for his articles. He used to wear flipflops at work just in case he had to flee.”²²

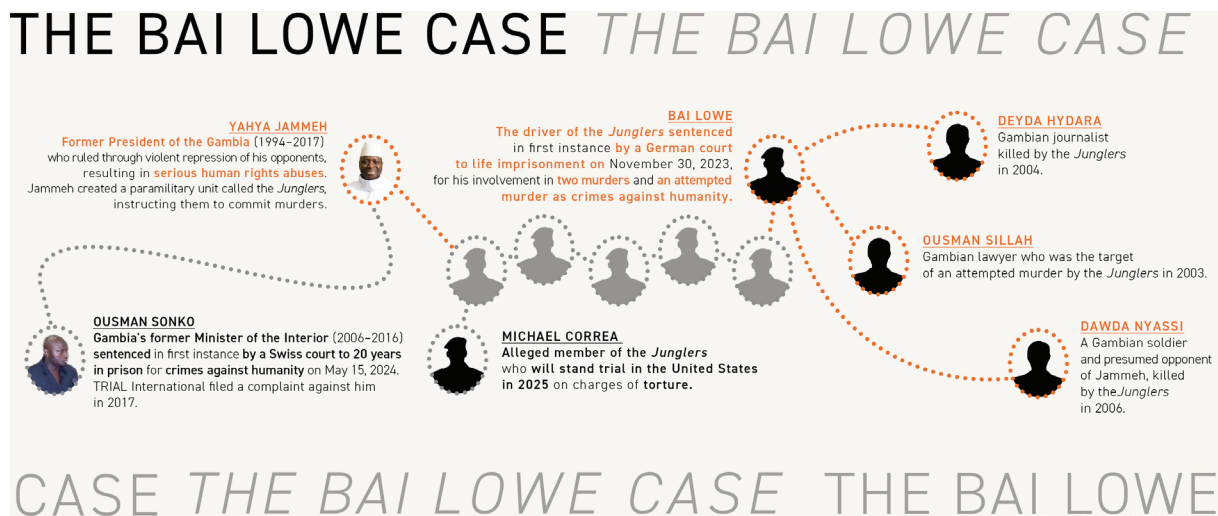
Ida Jagne, Testimony of 6 October 2022

21 Phrased as a quote based on the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

22 Phrased as a quote based on the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

CHAPTER III

BAI LOWE'S INCRIMINATING INTERVIEWS



After Bai Lowe left The Gambia to settle in Germany, he was interviewed in 2013 by Pa Nderry Mbai, editor of the Freedom Newspaper and founder of the Freedom Radio, Gambian opposition media based in the United States (A). In 2014, Bai Lowe also appeared on the digital news platform Fatu Network founded and hosted by leading Gambian journalist Fatou Camara (A). The circumstances, authenticity, and reliability of these interviews were examined thoroughly (see also Chapters I and X) by the Court through testimonies from Gambian journalists (B), and from the defendant's acquaintances (C). As Pa Nderry Mbai died in 2021, he could not be heard, unlike Fatou Camara who was able to explain the circumstances of her interview with the defendant.

A. The Freedom Radio and Fatu Network interviews

In his interviews with Pa Nderry Mbai and Fatou Camara, Bai Lowe described how he joined the State House in The Gambia as an infantry soldier and underwent commando training. Later, he was among a group that went through training for future *Junglers* and was posted to Kanilai. Originally, the members of this group thought they were there to protect the borders, but later they received a list of people who were to be killed by them. Although Bai Lowe did not remember all the names in this list, he recalled some names of politicians, lawyers, and journalists, including Deyda Hydara and Ousman Sillah.

Bai Lowe revealed that Jammeh, whom he described as always behind any operation of the *Junglers*, gave the order to kill Deyda Hydara. According to Bai Lowe, the Minister of Interior Ousman Sonko provided information about the target location, and Tumbul Tamba, the initial commander of the *Junglers*, executed the mission. *Junglers* carried readily available shotguns rather than AK-47 rifles so that people would not suspect soldiers were involved. They took three Mercedes-Benz cars, painted them as taxis, and kept them at a garage in Kanifing. Two of those taxis approached Deyda Hydara's car near Sankung Sillah crossing and blocked him. Sanna Manjang, a *Jungler*, was in the first car and opened fire at Deyda Hydara. Another *Jungler* called Malick Jatta, who was in the second car being driven by Bai Lowe himself, fired more shots at the journalist's car. After the incident, Jammeh kept calling them to check their whereabouts. Upon completion of the mission, they returned to Kanilai.

Bai Lowe also narrated the attempted murder of Ousman Sillah, who was to be executed by the same group in a similar modus operandi. *Junglers* were in a green pickup car driven by Bai Lowe and waited for Ousman Sillah at the corner of the street around his house. Bai Lowe explained how Sanna Manjang fired the first shot at Sillah's car, while Bora Colley, another *Jungler*, was supposed to "finish" him. But when Bora Colley came across Ousman Sillah, he saw the lawyer lying down. He thought the victim was already dead and ran away without firing more shots.

Bai Lowe also talked about the killing of Dawda Nyassi in both interviews. Dawda Nyassi was asked by a friend to accompany him somewhere, but it turned out to be an ambush meant to bring him to the Junglers. When Jungler Tumbul Tamba found them, he arrested Dawda Nyassi. He was put in the back of a pickup truck driven by Bai Lowe himself, and taken to a location between the airport and Makumbaya village. There, the victim was tied to a tree and, as he was asking what he had done wrong, Junglers Malick Jatta, Alieu Jeng and Sanna Manjang, fired at him with their pistols. The Junglers then buried his dead body at the crime scene.

B. Testimonies from journalists

1. Fatu Camara's testimony

On 3 November 2022, Fatu Camara delivered her testimony in Court. She explained that when she lived in The Gambia, she was appointed twice as the press spokeswoman of Jammeh in 2011 and 2013. Upon her second dismissal from this position in 2013, she was detained for 24 days, under the false accusation of having circulated fake allegations. Afterwards, in October 2013, she fled to Senegal, but when Jammeh sent people to bring back Gambians seeking protection in Senegal, she moved to the United States. At the time of her interview with Bai Lowe in 2014, she was already in exile in the U.S. state of Georgia, while Bai Lowe was in Germany.

Fatu Camara explained that she had her own TV Show since 2008 in The Gambia before establishing the Fatu Network as a digital platform, when she was in the United States. She also indicated having worked with journalist Pa Nderry Mbai at the Freedom Radio in the United State, before she established the Fatu Network. She remembered him dying of Covid-19 in 2020, due to medical conditions including diabetes and a heart disease.

Fatu Camara confirmed that she interviewed Bai Lowe on 6 March 2014 via Skype, and that it was aired live. She had contacted Bai Lowe through Facebook and persuaded him to give an interview as she wanted to inform people about Jammeh's crimes. During her testimony, Fatu Camara confirmed to the Court that the voices heard in the extract of the interview played in the courtroom were the defendant's and hers.

During the interview, Bai Lowe narrated the killings committed by the Junglers on Jammeh's orders, in which the defendant was involved as a driver. These included the murder of Deyda Hydara, the attack against Ousman Sillah, and other activities of the so-called 'Patrol team'. She remembered that Bai Lowe started crying towards the end of his recounting.

She declared that Pa Nderry Mbai later released the relevant parts of his interview with Bai Lowe on the Freedom Radio. Aware that Bai Lowe had claimed having been influenced by journalist Pa Nderry Mbai in his answers during his interview with him in 2013, one of the joint-plaintiffs' lawyers, Dr. Patrick Kroker, suggested Fatu Camara that Pa Nderry Mbai might have asked Bai Lowe to present things more dramatically. The witness strongly denied the possibility of him ever adopting such practices.²³

2. Pap Saine's testimony

Pap Saine, who was a childhood friend of Deyda Hydara and co-founder of The Point with him, gave his testimony to the Court on 24 August 2022. He explained how difficult it was to run a newspaper in The Gambia, particularly under the strict media laws of the Jammeh era that required, for instance, the payment of an excessive deposit to create a newspaper. Pap Saine testified of the fact that his friend was a respected journalist.

Pap Saine was often arrested and intimidated by the NIA. He explained that, upon Jammeh's instruction, NIA officials asked Pap Saine to stop Deyda Hydara from writing and publishing his famous column

²³ Gambian journalist Seedy Ceesay was also heard by the Court on 2 November 2023, as the last witness of the trial. The students who were going to take notes during that hearing were not able to attend it. Thus, no detailed recollection of this hearing could be found for its inclusion in the current document. According to the only information we were able to obtain about this testimony, Seedy Ceesay explained that there had been no such thing as specific arrangements between Pa Nderry Mbai and his interviewees, namely Bai Lowe and Musa Saar.

“Good Morning Mr. President”. His family and friends advised Deyda Hydara to follow that order out of fear for his security. During this period, the regime punished any criticism of the government by subjecting journalists to torture and killing, and threats to their lives or burning of their houses were frequent. Only three days before the killing of Deyda Hydara, there was a hearing in a case brought against the adoption of a media surveillance law that Deyda Hydara had challenged in Court with colleagues of his. The witness believed this case, in addition to Deyda Hydara’s column, were the reasons behind his murder.

Pap Saine went to the hospital after the attack to visit Ida Jagne and Nian Sarang Jobe, but he did not feel safe. Only four days after the killing of Deyda Hydara, Pap Saine was detained and questioned by the Gambian police about his relationship with the journalist and the finances of The Point.

Pap Saine also declared that in 2009, with five other journalists, he was sentenced to two-year prison terms for accusing the government of killing Deyda Hydara and ensuring his death remained in the public consciousness. They were released in a month under international pressure including from several human rights and press freedom civil society organisations.

Pap Saine informed the Court that Ousman Sillah had represented him in a Gambian Court case when he was facing charges after having published an article about a prison revolt. When asked by the Court of Celle about the attack against Ousman Sillah, he explained how he had only heard rumours about him being hit by a bullet, rumours that to him, were later confirmed with Bai Lowe’s interviews. Pap Saine could not shed much light on the murder of Dawda Nyassi whom he did not know, and only heard about before he died. When asked about his killing, Pap Saine explained that he heard about it through the work of the TRRC.

C. Other relevant testimonies on the reliability of the interviews

1. A testimony presenting the defendant as truthful in his radio interviews

Babukar Lowe was heard by the Court on 1 December 2022. He claimed to be the half-brother of Bai Lowe, but the defendant denied this and claimed they were not legally related. Upon further clarifications on their relationship, the Court assumed them to be related.

Babukar Lowe had listened to the interview the defendant gave to Pa Nderry Mbai several times and could identify that the voice was that of Bai Lowe. The witness explained that after the interview was aired, President Jammeh denied the allegations and contested the authenticity of the interview. Around six years before the trial, in 2016, Babukar Lowe had the opportunity to ask the defendant about it without going into details, and the latter affirmed that he had spoken the truth in the interview.

2. Testimonies presenting the defendant as influenced by the journalist

a. Mr. Njai’s testimony

Mr. Njai was heard by the Court on 5 January 2023. This Gambian carpenter met Bai Lowe when the defendant came to Germany, and lived in Celle at the time of the trial. A common friend invited Mr. Njai to Bai Lowe’s flat to hear his story. Bai Lowe told them that he was the driver of the Junglers and that Jammeh ordered them to commit murders. As they discussed the situation in The Gambia, Mr. Njai encouraged Bai Lowe to share his knowledge with Pa Nderry Mbai. Bai Lowe responded positively to this idea. Later, Mr. Njai listened to Bai Lowe’s interview when it was aired, and he could confirm that the voices he heard were those of Pa Nderry Mbai and Bai Lowe. The witness also remembered that the defendant could not share all relevant information in that interview, however everything he heard was similar to what the defendant had shared earlier.

He claimed that it was known in all The Gambia that Junglers were killers. He also heard about incidents where the NIA stepped beyond its area of activity.

Mr. Njai had also wanted to talk to Pa Nderry Mbai about Jammeh and politics in The Gambia. As the witness felt more at ease because he was older than the President Jammeh, and safe because he was already living in Germany, he gave three or four live interviews to Pa Nderry Mbai over the phone,

a few of them after Bai Lowe's interview with the same journalist. Later he heard that Alaji Morr, a member of the NIA and former school friend of Jammeh, had threatened to kill him if he did not stop insulting the President in interviews.

However, the witness stated that Pa Nderry Mbai usually asked leading questions, therefore he would not be surprised if he had given instructions to Bai Lowe during the interview. The journalist allegedly wanted the witness to insult Jammeh and the ministers of his government. But he decided to focus only on insulting the President.

b. Musa Sarr's testimony

Musa Sarr, who used to be an adjutant in the Gambian Army before he left the country for Germany, was heard by the Court on 17 and 18 August 2023. He had himself given an interview to Pa Nderry Mbai in 2011, although he was not sure whether the interview was aired. In his interview, he spoke about some incidents he knew about. He explained that upon Pa Nderry Mbai's request, he lied by claiming he had been an eyewitness to those events. Musa Sarr remembered Pa Nderry Mbai telling him that everyone knows what Jammeh is like, but that there is still no soldier coming out to speak about it. Yet, as a member of the Gambian Army, the witness knew about the crimes committed by the Junglers.

Musa Sarr explained that he once talked to Bai Lowe about the above-mentioned arrangement he had with Pa Nderry Mbai and the defendant told him he had a similar arrangement. This discussion occurred in The Gambia, where they shared a flat during the period of the attempted coup. According to what the defendant had told him, he lied to the journalist about being present at the crime scenes. The reason why Bai Lowe repeated accounts he heard from people who were present during the crimes, was so that he could apply for asylum in Germany and also bring down Jammeh.

3. Testimonies presenting the defendant as lying in his interviews

a. Babokar Jow's testimony

On 9 February 2023, the Court heard the testimony Babokar²⁴ Jow, a Gambian national residing in Germany. At first, Babokar Jow seemed scared to testify, refused to answer several questions, and insisted he did not remember much, as he was neither a lawyer nor a journalist. Nonetheless, when the Court instructed him to answer the questions asked, he did as required.

The witness explained that he had met Bai Lowe at a friend's house in 2021 with around five other people for about an hour. He asked Lowe about his reasons for giving such an interview to Pa Nderry Mbai. Lowe told him he had lied a lot during the interview, because he wanted people to vote out, and demonstrate against, President Jammeh. However, since there were other people around, the witness did not get the chance to ask him what parts of the interview were lies.

b. Alastan Tsijej's testimony

Alastan Tsijej, a Gambian national who has lived in Germany for a long time, provided his testimony to the Court on 9 March 2023. He explained being in touch with the Gambian diaspora and seeing them often during his spare time. The witness has known Bai Lowe since 2016-2017. They usually met each other on weekends – in the park, at the mosque, or at home. However, since the witness has no interest in politics in The Gambia, he never asked the defendant about his radio interviews.

The witness once received a call from an unknown person who spoke to him in Wolof and enquired about Bai Lowe. The caller said that there was a trial ongoing in Switzerland,²⁵ and that he should tell Bai Lowe to attend it. However, Bai Lowe refused to go because of the false statements he made in his interviews.

²⁴ The spelling of the first name of this witness is uncertain.

²⁵ The witness was probably referring to the procedure opened since 2017 for crimes against humanity against former Interior Minister Ousman Sonko.

CHAPTER IV

IDENTIFICATION OF THE DEFENDANT AS A JUNGLER



Members of the "Junglers", a paramilitary unit created by former Gambian President Yahya Jammeh.
© Human Rights Watch

Widespread human rights violations have characterised Yahya Jammeh's presidency who not only mobilised the existing state security apparatus to suppress his perceived opponents, but also created a special task force operating directly under his orders, control and supervision. Attached to the Gambia National Army, but independent from it in terms of structure, functions and chain of command, this paramilitary unit was formally called the Patrol Team, but also known popularly as the Black Black because of their uniforms, and more recently as the Junglers (sometimes spelled "Jungulars"). The Junglers were widely known and feared in The Gambia.

The hearings before the TRRC were crucial to the case (see also Chapter I) in order to get a better glimpse at this rather opaque unit, its criminal activities, functioning and members (A). While the testimonies of former members of the Gambian army or special forces also played a role in understanding the organisation of the Junglers (B), the testimony of Ghanaian Martin Kyere, the sole known survivor of the massacre of over 50 West African migrants by the Junglers in July 2005, was instrumental in identifying Bai Lowe as part of this paramilitary group executing Jammeh's orders (C).

A. TRRC findings on the creation, structure, and functioning of the Junglers

The TRRC hearings allowed to shed light into the Junglers' modus operandi as well as the scale and nature of their crimes, through testimonies of victims who survived their attacks, witnesses and some Junglers themselves. Although Bai Lowe did not appear before the TRRC, the truth commission identified him in its findings as part of the Junglers. The German authorities ensured the translation of the TRRC final report from English to German, as well as of certain TRRC hearings, including that of Jungler Malick Jatta. These translations in German were read by their author Ms. Skinner when she was heard by the Court on 17 and 18 September 2022 and 13 October 2022. This allowed for the presentation of the work of the TRRC as evidence.

As described in the eighth volume of the final TRRC report, the birth of the Junglers dates to sometime between 1999 and 2000, when Francisco Caso, an Italian mafia member who got involved in a coup attempt while visiting The Gambia, betrayed those plotting the coup and gained Jammeh's trust. He was thus hired to provide a specialised training to a group of soldiers, which became known as the "Jungler Training". The trainees were selected based on their loyalty to Jammeh and were equipped with the skills and mindset of killing, including civilians. A commando training was also conducted for a batch of soldiers in collaboration with the Libyan military, followed by another Jungler training. Bai Lowe was one of the 30 soldiers who participated in the second Jungler training.

After these trainings, the soldiers were stationed at the State House for the protection of the President in addition to guard duties and border patrols. Later, soldiers who had completed both the commando and Jungler trainings were merged into a single group and stationed either at Jammeh's stronghold in Kanilai, or at the residence of one of Jammeh's close political associates at the time, Baba Jobe²⁶, in the coastal town of Kololi. The Junglers were a loosely structured group with fluid membership, usually relieved from other military-related obligations and disciplinary regulations, which exacerbated their sole loyalty to Jammeh.

The Junglers were officially recruited as a border patrol unit, although their missions consisted in illegally detaining, torturing and/or killing individuals who were perceived to be a threat to Jammeh, with the purpose of suppressing any form of opposition and spreading fear within the population.

Prison facilities were regularly used to illegally detain and torture Jammeh's perceived opponents, for which the Junglers closely liaised with the NIA and prisons. To carry out these missions ordered by Jammeh, the Junglers usually consumed drugs and alcohol.

To cover their crimes, at times with the support of the government, the Junglers would get rid of the bodies by disposing them either in farms owned by Jammeh or in forests near the border in Casamance, Senegal.

Initially, the Junglers were a small Patrol Team headed by Tumbul Tamba, who reported directly to Jammeh. Their activities were kept secret, even within the squad, and they were indoctrinated into believing that staying loyal to the President meant protecting the national interest. Still according to the TRRC, President Jammeh exercised effective control over the Junglers, determined their postings, and often asked for evidence of the execution of his orders. At times, he also rewarded their completion of his orders with cash, barbecue feasts, or promotions. For instance, in a hearing at the TRRC, Jungler Malick Jatta shared that he had overheard Tumbul Tamba saying "Yes, Sir, Your Excellency" on the phone while receiving orders from Jammeh during the killing of Deyda Hydera. He also revealed that he received, from Tamba, an envelope with a sum of fifty thousand Dalasi as a "token of appreciation from the Big Man" – Big Man being the common term used to refer to Jammeh. Testimonies of other Junglers also made it clear that Jammeh provided operational orders, including how the victims were to be killed and their bodies disposed. Furthermore, the TRRC also found that the President gave them allowances, free accommodations, parties with drugs and alcohol, and was also engaged in concealing evidence of the crimes committed through the Junglers. They enjoyed impunity for crimes or activities that would otherwise incur disciplinary sanctions within the military. However, if they did not comply with Jammeh's orders, they would be punished or killed.

“Due to their privileged position of being protected killers for the President, they treated their superiors with contempt and utter disrespect (...) Even though they were junior in rank to their superiors, they wielded more power than them. They were also a much-feared group. They could virtually do anything and get away with it.”

Final report of the TRRC, Volume 8, p.7

²⁶ As mentioned in Chapters I and II, Baba Jobe was a politician once close to Jammeh, who later fell out of his grace. Baba Jobe was killed in detention and former Minister of Interior Ousman Sonko was convicted in Switzerland in May 2024 for his murder as a crime against humanity. Ousman Sonko appealed this conviction and the appeal trial is scheduled to start on 30 April 2026.

B. Testimonies of members of military and special forces

1. Mustafa Faal: the trainer

Mustafa Faal, a former member of the Gambian police and military, was heard by the Court on 17 and 23 May 2022, as well as on 15 December 2022. Mustafa Faal had known Bai Lowe since childhood because they attended the same elementary school, but only saw each other again in 1997 when Bai Lowe joined the army. Indeed, tasked with organising and conducting the so-called "Special Unit" trainings meant for a group of soldiers that would later become the Junglers (referred to as Scorpion 1 and Scorpion 2), Mustafa Faal trained Bai Lowe during Scorpion 1.

Mustafa Faal described Scorpion 1 as a specialised training on fighting –with or without weapons– and conducting raids. According to him, these Scorpion trainings were the hardest, since in his own words, "everyone can be a soldier, but not everyone can be a special unit soldier". Mustafa Faal confirmed that after completing these trainings, the majority of the soldiers were deployed to Kanilai, and the rest were asked to join the Patrol Team. He also confirmed how this specific unit was initially created for the purposes of border control duties and presidential protection, although Jammeh wanted to use it as a killing squad and asked Tumbul Tamba to pick people he trusted.

Having access to a list of all troops and units in the army, Mustafa Faal confirmed that Bai Lowe was a member of the Junglers through this Patrol Team. Mustafa Faal also explained having seen him among the Junglers and advised him not to be present during any killings or torturing. He added that Jammeh also tried to recruit the witness as a Jungler but he fled the country instead in April 2004.

Mustafa Faal explained having witnessed three calls towards the end of 2003 – on loud speaker mode – from Jammeh to General Bajinka, the commander of the Kanilai Patrol Troop. In the first call, Jammeh gave a list of 10 to 15 names, including politicians and lawyers, and asked Bajinka to "carry out the orders", which clearly meant that they were to be killed by the Junglers. The second call was an instruction to kill Baba Jobe, and the third was to threaten Bajinka that if he defied the orders, Jammeh would "kill him with his bare hands". This account from the witness confirmed the TRRC's findings with regards to direct involvement of Jammeh, the targets of the missions and the nature of the orders, which he described as doing Jammeh's dirty work.

With regards to the attempted killing of Ousman Sillah and the murder of Dawda Nyassi, the witness could not tell if Bai Lowe was present at the time, but confirmed that he was usually the Junglers' driver. As for Deyda Hydara's killing, Mustafa Faal said he spoke to the defendant about it during a phone call before he gave the interview to Pa Nderry Mbai's Freedom Radio. In that conversation, Bai Lowe said the Junglers were taken to a garage without knowing what the mission would consist of. In the garage, they were instructed to switch their military cars for taxi cars that were waiting for them there. Bai Lowe drove one of two cars to a location provided by a surveillance team, where Deyda Hydara was shot multiple times with hunting guns –the preferred type of guns used in these missions so that the killings would not be linked to the Junglers.

Mustafa Faal also testified that the defendant wanted to leave the Junglers but the fear of being killed after receiving threats stopped him. Mustafa Faal advised Bai Lowe to flee to Germany.

2. Sherif Gisseh: a thin line between a witness and a suspect²⁷

Former Jungler Sherif Gisseh was summoned by the Court to testify on 30 May 2022. Just like Bai Lowe, Sherif Gisseh left The Gambia in 2013, moved to Germany, and gave an interview to Gambian journalist Pa Nderry Mbai in 2014, in which he claimed to have been in the car with Bai Lowe during Ousman Sillah's attack and Deyda Hydara's killing. When questioned by the German Federal police in May 2021, Sherif Gisseh claimed however having lied about his presence at the crime scenes to make his interview more credible. Before the Court, Sherif Gisseh chose to remain silent, as allowed by German law which provides that a person summoned by a court can choose to remain silent if his or her testimony could lead to self-incrimination.²⁸

²⁷ JusticeInfo (Hannah El-Hitami), [Gambian trial in Germany: the thin line between witness and suspect](#) (2 June 2022).

²⁸ German Code of Penal Procedure, Section 55.

Then, the Federal Police officer who had questioned Sherif Gisseh during the investigation stage in May 2021 was called to the stand. The Officer assumed that Sherif Gisseh retracted what he had said during his 2014 radio interview, because Bai Lowe had been arrested two months earlier. According to him, Sherif Gisseh explained that he and Bai Lowe had received military training from Libyan trainers at the end of the 1990s, and were subsequently recruited into the Patrol Team. Back then, Sherif Gisseh also stated that Bai Lowe was the only driver of the Junglers and that he was a “decent, respectful person, a good Muslim, who did not do drugs, drink or smoke”, even though he did not question the Junglers’ activities. In his own defence, Gisseh added that he never killed anyone and had always questioned the legality of the missions, which is why he did not have his superiors’ trust and left the army in 2005.

C. Martin Kyere: a survivor “hungry for justice”

On 19 January 2023, the Court heard Ghanaian citizen Martin Kyere, who had already been heard before the TRRC in February and March 2021. Martin Kyere survived one of Jammeh’s regime most egregious massacres. In July 2005, he was part of a large group of migrants from at least seven West African countries²⁹ on their way to Europe. When they reached The Gambia, they were arrested and mistreated by Jammeh’s security services. It appears that President Jammeh had suspected them to be mercenaries sent to overthrow him, and ordered the then Police Chief Ousman Sonko to have them murdered by the Junglers.



Ghanaian citizen Martin Kyere, sole known survivor of the 2005 massacre of over 50 West African migrants allegedly executed by the Junglers, in front of his portrait at the Memory House in The Gambia. © 2022 TRIAL International

Bai Lowe had described his participation in the operations leading to the killing of the migrants in his 2013 and 2014 radio interviews with journalists Pa Nderry Mbai and Fatu Camara.

Martin Kyere is the sole known survivor of this massacre. He was working as a salesman in Senegal in 2005, when a white American man, referred to as “Captain”, promised the local vendors that he could take them to Spain on a boat, through The Gambia.

The witness explained how as a group of around 60 people, including two women, they got ready to set sail with the Captain in July 2005. As they were still struggling to find the Captain and his boat in

²⁹ Ghana, Nigeria, Senegal, Ivory Coast, Togo, Sierra Leone and The Gambia itself. See the [TRRC Final Report](#), Volume 12. The killing of the West African Migrants. Enforced disappearances.

the Gambian beach city of Barra, three canoes with Gambian police officers approached them. The police officers arrested the migrants, divided them into two groups and took to them Banjul by boat. Martin Kyere was in the second group. On the boat, they were questioned and beaten as the police officers claimed they were there to overthrow Jammeh.

When he arrived in Banjul, Martin Kyere saw a soldier with a bushwhacking knife, wearing a talisman and a hat with a horn, and he noticed that the migrants of the first group were badly beaten to the point that it was difficult to recognise them. At the stand, Martin Kyere remembered how there was blood everywhere, a man had all his front teeth missing, while knives were held to migrants' chests, and their clothes were cut. The migrants were stripped, beaten, and kept on their knees – with some of them tied up – until a bus took them to various police stations, including Bundung in Serrekunda, where the witness was taken.

The witness recounted that, after a week, five of them were taken to an unfinished building. At 10 PM, three soldiers armed with a bush knife, firearms, and ammunition arrived. The migrants were ordered to take the belongings they needed from their luggage, taken outside of the building and told to undress. Their hands were tied with a black wire. Four of them were shackled and had neck cuffs put on so tight that their eyes were bulging. The migrants were then forced onto the back of a white pickup truck while the man with the long bush knife threatened to kill them if they tried to jump off.

As the group of migrants were being driven, the soldiers inflicted a cut on a Nigerian Muslim man's arm for praying too loudly, while another man, called Jamo, was attacked for complaining about his handcuffs. After realizing that they would all be killed, Martin Kyere tried and managed to loosen his knots, but could not free the other migrants. When the vehicle stopped again, Martin Kyere jumped off the platform and started to run as he heard someone shout: "Who was that?". The soldiers used torchlights and fired around the forest. At some point, he fell down, and the bullets flew over his head, but then he got up and started running in the opposite direction from the firing. While he was running away, he heard the men in the pickup cry out "God save us" in a Ghanaian language. Later, he managed to enter Senegal, provided a statement at a local gendarmerie, and then reported to the Ghanaian embassy in Dakar.

During his testimony, Martin Kyere also shared how he sustained serious injuries and had not yet been able to receive enough medical care. He explained suffering from depression, as well as from a heart condition, and can no longer bend down or lift heavy objects. However, he expressed gratitude for the opportunity to testify.

“Thank you for giving me the opportunity to do a little more justice. Not only for me but also for the families and victims who are eagerly waiting justice. They are hungry for justice.”³⁰

Martin Kyere, testimony of 19 January 2023

In the courtroom, Martin Kyere was also questioned about the statement he gave to the Federal police, in which he had recognised on a photograph a man who was present in the migrants' massacre. He confirmed he was "as sure as [one] can be" that the man on the photograph shown to him was the man who was present at the crime scene as a driver, in other words, the defendant at the trial. Martin Kyere testified having seen him twice during the incident – once when the migrants were apprehended in their boats and later, when they were driven to the forest. Bai Lowe was then asked to stand up and take off his Covid-19 mask. Martin Kyere then looked at him in the eyes. Although the witness seemed intimidated, he confirmed he could testify under oath that the defendant was the man who drove them on the night of the migrants' murder.

³⁰ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

However, the defence counsel challenged that the witness could remember Bai Lowe's face after such a long time, all the more that it was dark when Martin Kyere supposedly saw him the second time. The lawyer also emphasised that the witness had explained having googled Bai Lowe when he had been contacted by TRIAL International and found the same photograph that was shown to him during his interview by the Federal police, thus influencing his identification of the defendant. The doubts raised by the defence lawyers on Martin Kyere's capacity to recognise and identify the defendant did not appear to have been sufficient to prevent the Court from confirming his membership to the Junglers. His identification as a member of the Junglers, as opposed to someone simply providing them driving services, was a crucial element in the decision of the judges to sentence Bai Lowe for crimes against humanity.

CHAPTER V

THE DEFENCE'S APPROACH ON THE CHARGES



Bai Lowe (hooded) and his lawyer at the opening of the trial before the Higher Regional Court in Celle, Germany.
© 2022 Ronny Hartmann, AFP

With the interviews that the defendant gave to Pa Nderry Mbai, the TRRC records, and the testimonies discussed in the above chapters, a picture of Jammeh's authoritarian rule and the role of the Junglers in maintaining its oppressive mechanisms emerged before the Court. Based on the evidence summarised in the previous chapters, Bai Lowe joined the Junglers after completing the Scorpion training sessions, while he was working as a driver at the State House and serving within the Gambian armed forces. The Court heard testimonies regarding the crimes that he was charged with, and according to the prosecution, although the defendant was not the person who fired the fatal shots at the victims, he was responsible for driving the Junglers to the different locations, and thereby directly contributed to the commission of the crimes.

This chapter discusses the way Bai Lowe's alleged role in these crimes was assessed during the trial and focuses largely on the perspective of the defence. The defence strategy³¹ appears to have articulated mainly around demonstrating that the defendant, who denied any involvement in the crimes, simply posed as a Jungler to be more credible, without having been part of the criminal group (A). Bai Lowe's lawyers also pointed out inconsistencies in the different accounts of the events (B), and provided an alibi for one of the murders (C).

³¹ TRIAL International has contacted the defence lawyers to offer them to review the parts of the current document accounting for their client's statements and theirs, but did not receive an answer in this regard. These parts thus only rely on observations and deductions.

A. Posing as a Jungler to be more credible

1. Bai Lowe: “I posed as a Jungler to bring down Jammeh”³²

On 20 October 2022, the defence counsel read to the Court a written statement from Bai Lowe in which he denied that he was a former Jungler and that he was involved in the crimes tried. Except to confirm to the judges at the end of the hearing that it was a statement signed by himself, Bai Lowe did not speak any further to the Court. His counsel declared that the defendant would only answer questions about his statement if they were given to him in advance.

In his statement, Bai Lowe explained that after graduating from high school, he signed a 15-year contract and joined the military, serving as a security guard at the State House. From 2001, he started working as a driver and he continued in this role, including after he completed the Scorpion training. He first met the Junglers when he was transferred to Kanilai as a driver for the Border Control. He was stationed there from June 2003 to May 2004, after which he was deployed to another city affected by drug problems.

Bai Lowe claimed that, while working at the State House, he became aware that a special team had been created to carry out deadly attacks as ordered by the President.

Bai Lowe asserted that he was unaware of the activities of the Junglers until 2006, when one of them, Malick Jatta walked drunk into his room and claimed he had killed the defendant's brother. Bai Lowe first took it as drunk talk, but he later asked others about it, and they confirmed the incident. The defendant also claimed that he then decided to stay in contact with the Junglers to collect more information about their activities. He did not indulge in drugs or alcohol, but he went with the Junglers to the bar and received information from them while they were under heavy influence. This is how, one day, Sanna Manjang talked about the killing of Deyda Hydara and Malick Jatta told him about the way they attacked Ousman Sillah. The defendant also learnt that Jammeh had given a list of people for Junglers to kill.

Bai Lowe explained that, as a member of the Gambian military structure, he was initially afraid of sharing the information, but he eventually realised how relevant it was, as incidents appeared all tied together to him. In a trip to Senegal, he came across the Freedom Newspaper and called Pa Nderry Mbai, using a Senegalese SIM card to avoid being tracked by Gambian authorities. The defendant and the journalist stayed in touch, and he kept sharing information with him about Jammeh and the Junglers.

Bai Lowe further explained how later, in 2012, Gambian soldiers came to his house twice and, in his absence, threatened his wife, claiming that nobody would see him again. This is how he decided to leave The Gambia and to move to Germany.

In his statement, Bai Lowe also claimed that on 15 July 2012, Pa Nderry Mbai called him twice to lament how his publications about Jammeh and the Junglers were failing to draw the attention of the Gambian civil society. The journalist then suggested that Bai Lowe present himself as a Jungler to make their story more believable to the Gambians, and that he could also use this later to seek asylum in Germany. The defendant added that he then shared the information he had gathered from the drunk Junglers, because he wanted to prevent Jammeh from being elected again and becoming an eternal dictator.

2. According to Omar Jallow, “Bai Lowe lied to appear more reliable”³³

On 2 June 2023, the Court heard the testimony of Omar Jallow, a Gambian soldier and a former bodyguard of Yahya Jammeh, who first met Bai Lowe in 1999 and knew him as a driver at the State House.

³² Phrased as a quote on the basis of Hannah El-Hitami's article published in Justice Info on 21 November 2022, [Gambian trial in Germany: I posed as a "Jungler", defendant says](#).

³³ Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

Since Omar Jallow was unable to travel to the Court in the city of Celle on that date, he provided his testimony from London via an online video call. The hearing was arranged in collaboration with the Westminster Magistrate's Court, and the witness joined the call in the presence of District Judge Mrs. Nina Tempia.

Omar Jallow explained that he served in the Gambian Army from 1999 to 2010 and was posted at the State House, first as a physical guard, and later as a bodyguard. He mentioned that everyone at the State House knew about the Junglers' squad, and that he had himself seen some of its members while at work, but had been unaware of their duties. He could not distinguish them from other soldiers since all of them wore the same uniform.

The witness explained that together with the defendant, he participated in the Scorpion training in 2002. Later, they met in Kanilai every August between 2003 and 2006, and saw each other occasionally on weekends. He had guessed that Bai Lowe was a member of the Patrol Team, but he first found out about the defendant's involvement with the Junglers only upon reading an interview Bai Lowe had given in the Freedom Newspaper.

Omar Jallow claimed that this interview horrified him. He then told the Court about a phone conversation he had had with the defendant, in which he expressed his disappointment and enquired about the death of Deyda Hydara. During this short phone call that took place around 2016, Bai Lowe assured him that he was not involved. The defendant insisted that he had merely gathered some information about these crimes from the Junglers. While Omar Jallow was not sure whether someone else advised the defendant to present himself as a Jungler for the interview, he assumed that the defendant just wanted the Gambian people to believe his story and Jammeh to be held accountable.

B. Alleged lack of evidence and inconsistent accounts about the murders and attempted murders

1. Alleged lack of evidence about the attempted murder of Ousman Sillah and the murder of Dawda Nyassi

As pointed out by the defence, there were no eyewitnesses to the attack against Ousman Sillah in December 2003. The main piece of evidence on this attempted murder is Bai Lowe's statements in the radio interviews he gave in 2013 and 2014.

When heard in August 2022 about the attempted murder of her father, Fatu Sillah was questioned by the defence counsel about any potential investigation that may have taken place in The Gambia after his father was attacked, and the phone call that appears to have taken place between her father and Bai Lowe. Fatu Sillah said that she had no recollection of whether the attempted murder of her father had been investigated. The defence asked whether she had been present during the phone conversation between her father and Bai Lowe, which was not the case. Fatu Sillah explained that her husband told her about it when she came back from work and she could only realise how depressed her father had been for a few days after this call with the defendant. By confirming that the conversation between the victim and the defendant only stemmed from hearsay, the defence might have attempted to question its probative value as evidence.

As for the murder of Dawda Nyassi in 2006, the defence noted that no witness heard by the TRRC about this incident mentioned the presence of Bai Lowe when it took place. The defence also pointed out to Bai Lowe's explanation about his exaggerations during his radio interviews to appear more credible to the Gambian public, and pleaded this was another limit to demonstrating the existence of reliable evidence of any involvement of Bai Lowe in this murder.

At the outset of the hearing of 24 November 2023, Bai Lowe's lawyer requested for additional evidence to be presented to the Court, namely regarding information gathering in cooperation with the Swiss authorities and the witness testimony of Ousman Sillah's son-in-law. After having heard the observations of the Federal Prosecutors and the plaintiffs' lawyers, and following a one-hour deliberation break, the Court rejected the defence request, considering it unjustifiably belated.

2. Inconsistent accounts about the murder of Deyda Hydara

The defence noted contradictions between the different accounts about the murder of Deyda Hydara, *i.e.*, Bai Lowe's statements in his radio interviews, the facts described by the two eyewitnesses wounded during the attack and heard by the Court, publicly available accounts from RSF and other relevant statements and testimonies before the TRRC. For instance, while three vehicles were mentioned by the defendant in his first radio interview, eyewitness Ida Jagne mentioned only one car and neither her, nor eyewitness Nian Sarang Jobe could confirm Bai Lowe's presence in the car. Former Jungler Malick Jatta, who testified in July 2019 before the TRRC as having participated in the murder of Deyda Hydara, mentioned the involvement of several vehicles in the attack, with only one of them from where the fatal shots were fired and driven by Jungler Tumbul Tamba. The account of Deyda Hydara's murder from another former Jungler interviewed by human rights consultant Marion Volkmann-Brandau also mentions three cars during the incident, the second one driven by said Jungler.³⁴

The defence argued that all the contradictions and inconsistencies between the accounts of this murder did not allow the defendant to be found guilty beyond reasonable doubt.

C. Presentation of an alibi on the night of Deyda Hydara's murder

Alieu Jarju, a driver in the Gambian army since 2009, was heard by the Court on 17 and 18 August 2023. Between 2002 and 2003, Bai Lowe taught Jarju how to drive, and the witness had thus a lot of respect for the defendant.

Alieu Jarju claimed that he drove to Kanilai with Bai Lowe on a Thursday evening to transport toilet seats, and that they stayed together at the State House as it was late. The next morning, he helped Bai Lowe to unload the goods in the vehicle, returned to Banjul with him, and he then went to the State House Mosque for the afternoon prayer. Later that evening, Alieu Jarju saw on the news that Deyda Hydara had been killed the night before.

The witness agreed that, while he could neither confirm nor deny whether the defendant was involved in Deyda Hydara's murder, he could not believe that a good man like Bai Lowe could have been involved in a murder. He also informed the Court that he met with the defendant in the State House a few days after Deyda Hydara's murder and that they had some small talks. However, the witness could not remember whether they talked about the murder.

While working at the State House, Alieu Jarju had overheard his colleagues talking about other murders in The Gambia and the rumour that Jammeh was behind those murders. However, he did not feel like he could discuss this with other people. He also claimed that he did not even listen to Bai Lowe's radio interviews, as he was too afraid of potential consequences. He further insisted that there were two patrol teams in The Gambia: one that functioned as a killing squad, and one that merely patrolled the border, which Bai Lowe was a part of.

³⁴ Human rights consultant Marion Volkmann-Brandau was heard by the Court on 24 and 25 November 2022. Between 2017 and 2020, she worked with several human rights organisations, including Human Rights Watch, on the crimes committed during Jammeh's regime, more specifically on sexual violence and the massacre of over 50 West African migrants in July 2005. She was able to interview a former Jungler as part of her work. To know more about interesting procedural issues related to her testimony, see in the annexes, [Monitoring Universal Jurisdiction's Rocky Road. The Trial of Bai L. in Germany](#), by Susann Aboueldahab, Inês Freixo & Rodolfo González Espinosa (2025).

CHAPTER VI

CLOSING THE TRIAL



This trial, especially its last stages, took place while two other proceedings in connection with the crimes of Jammeh's dictatorship were ongoing in the United States and in Switzerland, respectively against Michael Correa, another former Jungler accused of torture, and Ousman Sonko, Jammeh's former Minister of Interior, accused of crimes against humanity. The verdict in Bai Lowe's trial was rendered around seven months after the indictment by the Swiss Federal Prosecutor of Ousman Sonko for crimes against humanity, and only a few weeks after the official announcement of Michael Correa's trial for torture to come in Denver, Colorado. Bai Lowe's trial lasted 19 months from 25 April 2022 to 30 November 2023 with 62 days of hearing. After all the evidence – including the testimonies of 32 witnesses – was presented before the Court, the Federal Prosecutors held their closing statement on 16 November 2023 (A), before the joint-plaintiffs (B) and the defence (C) who made their final arguments respectively on 17 and 24 November 2023. The verdict was rendered on 30 November 2023 (D).

A. Closing argument of the Prosecutor – “[T]he law expects more from someone who wants to be acquitted of homicide”

On 16 November 2023, the two Federal Prosecutors Ms. Schmitt and Ms. Höfer started their closing statement with recounting the defendant's background from the start of his military service in The Gambia through him fleeing the country to Germany, until his arrest in March 2021 and his indictment in March 2022 that led to his trial the following month. Then, they turned to the context of the crimes he was charged with, before establishing his role in their commission, and explaining why his acquittal was not an option.

1. A context of crimes against humanity

Since Bai Lowe was tried for two murders and three attempted murders as crimes against humanity, the prosecution had to prove that these crimes were committed in a specific context, that is as part of a systematic or widespread attack directed against the civilian population. To describe this context and underline the appalling human rights situation of The Gambia during Jammeh's regime from 1994 to late 2016, the prosecution mainly relied on the findings of the TRRC, but also on the testimony of expert witness Dr. Zanker, a German Senior Researcher in political science, with an expertise in migration governance and refugee protection, including regarding The Gambia, who was heard at the outset of the trial on 16 May 2022.

This context involved widespread human rights violations including arbitrary arrest and detention, torture, sexual violence, extra-judicial executions, and enforced disappearances, which created, as

stated by the prosecution an “*atmosphere of fear and loss of trust in state institutions and society*”.³⁵ Any dissenting voice and perceived, or actual, political or security threat to Jammeh’s power was suppressed by the regime. The direct victims of the crimes tried illustrate how the brutality of Jammeh’s rule was specifically targeting journalists, legal professionals and the opposition, as counter-powers. The arson attack against the main office of the newspaper The Independent in October 2003, was mentioned as an illustration of Jammeh’s mechanics of oppression and intimidation.

Recalling the cold-blood massacre in July 2005 of over 50 West African migrants from Ghana, Togo, Nigeria, Ivory Coast, Senegal, Sierra Leone and The Gambia itself, accused of plotting a coup against Jammeh, the conduct of so-called “witch hunts” against people assumed by Jammeh to have magical powers they would use against him, and the murder of some of Jammeh’s own family members considered threats to his power because of their proximity to him, the Federal Prosecutors described the terror of Jammeh’s rule. This was a crucial part of establishing the context for the commission of crimes against humanity as a systematic or widespread attack directed against the civilian population.

In doing so, the prosecution highlighted the role of the police, the military and the Junglers, as the main actors in charge of implementing and maintaining this “*atmosphere of fear*” within the whole population.

2. Establishing the liability of the driver of a killing squad

The role of the defendant as the driver of Jammeh’s killing squad during the three attempted murders and two murders he was charged with, was subject to a precise analysis by the prosecution, including the underlying evidence. Several pieces of evidence presented during the trial, including the findings of the TRRC on the Junglers, the testimony of Mustafa Faal, as well the testimony of Martin Kyere allowed the prosecution to consider Bai Lowe a full member of the Junglers, contrary to his own statements (see Chapter IV).

According to the Federal Prosecutors, Bai Lowe played a role in the attempted murder of lawyer Ousman Sillah on 25 December 2003, as the driver of the Junglers’ killing squad. He drove the Junglers to Ousman Sillah’s home and parked there, waiting for the victim to come back home. Upon Ousman Sillah’s arrival, two other Junglers got out of the car to shoot the lawyer before leaving, thinking he was dead. Bai Lowe was waiting in the car while Ousman Sillah was being shot, ready to leave the crime scene with the shooters. The Prosecutors’ arguments essentially relied on the interviews given by the defendant to Pa Nderry Mbai from Freedom Radio in 2013 and to Fatu Camara from the Fatu Network in 2014, as well as on the testimony of journalist Fatu Camara herself, on 3 November 2022 (see Chapter III).

The prosecution considered the defendant’s statements in these interviews reliable evidence and proof of his participation in the crimes. The prosecution claimed that Bai Lowe’s allegation according to which the first journalist had instructed him to pose as a Jungler for the sake of credibility, was not credible. The prosecution further explained how this allegation was contradicted by the testimony of the only interviewer still alive, Fatu Camara, which they considered credible and reliable.

As for the murder of editor and journalist Deyda Hydara on 16 December 2004, the prosecution relied, in addition to the two above-mentioned radio interviews, on the key testimonies from the two eyewitnesses who were in the car during the attack and were victims of attempted murders themselves (see Chapter II). The testimonies of two of Deyda Hydara’s sons and of his friend and co-founder of The Point, Pap Saine, provided, according to the prosecution, important evidence on the context of the killing, more specifically the regime’s attacks on the press freedom in the early 2000s, the surveillance of Deyda Hydara, and the threats against him, prior to his murder.

The prosecution further alleged that the picture of the journalist’s dead body after the attack, shown in Court during the hearing of 21 June 2022, provided relevant documentary corroborating evidence to establish the facts. The prosecution thus concluded that Bai Lowe was liable for the murder of

³⁵ Quote relayed in Hannah El-Hitami’s article published in Justice Info on 23 November 2023, [Bai Lowe tried to make amends for something beyond repair](#).

Deyda Hydara, as the driver of one of the two cars painted as taxis transporting the Junglers to the crime scene and driving away to ensure they could escape.

The prosecution claimed that the alibi provided by Alieu Jarju, a friend of the defendant and former driver at the State House during his testimony of 17 August 2023 (see Chapter V) was not convincing, as the witness did not seem to be able to remember any detail from the events surrounding his drive with the defendant to bring toilet seats to the State House on the night of Deyda Hydara's murder.

According to the prosecution, the evidence on the murder of former soldier Dawda Nyassi is mainly based on the defendant's two radio interviews and on the testimony of one of the victim's sons heard on 14 December 2022 (see Chapter II). The prosecution described how Dawda Nyassi was summoned at least once by the NIA, before Jammeh ordered his murder. The prosecution further argued that, according to the evidence available, the victim was tied to a tree and shot near the airport, after he was lured into a car driven by Bai Lowe, who also drove back all the Junglers involved in the murder from the crime scene.

The prosecution highlighted how the defendant insisted in his statements, including in his interviews, on the fact that he was only a driver during these attacks, which necessarily distinguished him from the killers of the crime scenes, as he stayed in the car, contrary to them. While acknowledging the defendant's role as a driver during the commission of the crimes, the prosecution argued that he should nevertheless be held accountable as a co-perpetrator. Indeed, as a member of the Junglers carrying out a task crucial to the success of Jammeh's liquidation orders, beyond merely driving the Junglers, his role was critical in carrying out the attacks in the way they had been planned and in ensuring that the victims could not escape or were definitely killed, and that the Junglers could escape the crime scenes safely.

The prosecution acknowledged Bai Lowe's efforts to expose these crimes publicly, even considered the defendant "*a man with values and a sense of justice*", but explained that "*the law expects more from someone who wants to be acquitted of homicide*"³⁶. This led the prosecution to seek the defendant's conviction for the crimes charged and a sentence of life imprisonment against him.

B. Closing argument of the joint-plaintiffs

After the plaintiffs' counsels Dr. Stolle and Dr. Kroker presented their closing statements to the Court, some of their clients were also given the opportunity to express themselves at the end of the trial.

1. Closing argument of the plaintiffs' lawyers³⁷

a. Final statement of Dr. Stolle on behalf of Ida Jagne

The closing statements of the joint-plaintiffs opened with Dr. Stolle taking the floor, in the interest of his client Ida Jagne, who survived an attempted murder during the killing of Deyda Hydara on 16 December 2004, and testified on 6 October 2022 as an eyewitness to the drive-by shooting (see Chapter II). She was one of Deyda Hydara's two colleagues from The Point, whom he was taking home from the office on the evening of his killing, and was thus one of the passengers in his car when they were attacked.

After describing Jammeh's regime as a dictatorship, where journalists were among the most threatened professional groups, and emphasising on the impunity of most crimes committed during these two decades of oppression, Dr. Stolle expressed his hope that this trial in Germany would have a positive effect on the prosecutions to come in The Gambia. Turning specifically to the attempted murder suffered by his client and the related evidence, Dr. Stolle pointed out to contradictions between the defendant's statements in his radio interviews about the murder of Deyda Hydara and the testimonies of the two eyewitnesses to this incident. He argued that the testimonies of both

³⁶ Quote relayed in Hannah El-Hitami's article published in Justice Info on 23 November 2023, [Bai Lowe tried to make amends for something beyond repair](#).

³⁷ TRIAL International has contacted the plaintiffs' lawyers, with offering them to review the parts of the present document including their closing statements, a review that one of them could conduct.

eyewitnesses describing how Deyda Hydara was murdered by shots fired from two cars following each other are consistent and more plausible than the defendant's version in his radio interviews according to which two Junglers got out of the second car he was driving after the drive-by shooting, to fire additional shots. Dr. Stolle also underlined how the crime was planned and deliberate in the way it was executed.

Finally, the lawyer detailed the impact of this night on his client, recalling how Ida Jagne had to flee from her country in fear, leaving her family behind. Her knee injury, from the gunshot, still causes her pain after 20 years. She is still heavily traumatised and afraid of road traffic, and in need of psychological support.

b. Final statement of Dr. Kroker on behalf of Baba Hydara and Omar Nyassi

Dr. Kroker started his closing argument with echoing Dr. Stolle's statement on the importance of this trial in Germany for the Gambian accountability processes. He further explained how the principle of universal jurisdiction made it possible for Jammeh's international crimes committed in The Gambia against mainly Gambian victims to be prosecuted and tried in Germany. The Gambia's accountability efforts through the work of the TRRC were precisely intended to be completed and pushed forward by such criminal prosecutions. He also mentioned the trial of Ousman Sonko for crimes against humanity to open in January 2024 in Switzerland as another example of prosecution.

“There shall be no truth at the expense of justice.”³⁸

Dr. Patrick Kroker, Closing Argument of 17 November 2023

Dr. Kroker also described the context of the crimes tried with detailing how Jammeh took power with a coup in July 1994 and how his regime was characterised by widespread human rights violations reported by the numerous testimonies heard by the TRRC.

He then turned to the experiences of his clients, the sons of Deyda Hydara and Dawda Nyassi who lost their fathers to the dictatorship, respectively in 2004 and 2006.

Dr. Kroker explained how Deyda Hydara tried to introduce his children to his job as a journalist committed to the freedom of speech, the distress caused to his family before and following his murder, and his son's long battle for the truth to be uncovered around his death. The pain caused to him by the violent loss of his father led to the violent interruption of his life and studies in Paris. He would later eventually continue his father's work and follow his footsteps, becoming Co-Publisher at The Point newspaper, which aligned with his will of honouring his father's path. Since the death of his father, often presented as a culminating point of the violence under Jammeh's rule, Baba Hydara has been committed to the fight for justice for all victims of the crimes committed during that dark era.

Turning to pleading on behalf of his client Omar Nyassi, Dr. Kroker explained how he learned about the death of his father. When Dawda Nyassi disappeared in 2006, his family first thought he had had to leave the country again as a soldier, before they suspected his death. Dawda Nyassi's body was never found until this day, which has been a huge weight for his family. Given Dawda Nyassi's background as a soldier and his deployments abroad, his son Omar Nyassi spent little time with him as a child. However, he provided financial support to Omar and his two younger brothers, including school fees and his disappearance put the family in a very difficult financial situation. Dr. Kroker also shared how Omar Nyassi had been feeling deprived of experiencing his father's love as a result of his violent disappearance.

³⁸ Quote relayed in Hannah El-Hitami's article published in Justice Info on 23 November 2023, [Bai Lowe tried to make amends for something beyond repair](#).

2. Messages from Omar Nyassi and Baba Hydera

a. Closing declaration Dawda Nyassi's son

Omar Nyassi used his last opportunity to be heard by the Court to express his gratitude towards the tribunal for trying the murder of his father. He also explained how, knowing the exact time and place of Dawda Nyassi's murder would be an important part, for him and his family, of finally getting peace of mind. Although these elements remain unclear, Omar Nyassi said this trial is a big step towards justice. He called for further accountability efforts, so all the perpetrators of the crimes committed during Jammeh's dictatorship can be brought to justice and punished. To him, this would be the only way for his family to finally be able to get a form of closure regarding their loss.

“This trial is a big step towards justice for me.”³⁹

Omar Nyassi, Closing declaration of 17 November 2023

b. Closing declaration of Deyda Hydera's son

Speaking on behalf of his family, Baba Hydera started by thanking God for this trial, the first one to address the crimes committed during Jammeh's dictatorship. He looked at the defendant in the eyes when he talked about the “cold-blood” murder of his father by a group of Junglers in December 2004.

“I know Bai Lowe was not the one who planned to kill my father, that he was only a little man. I know it was Jammeh who wanted my father killed and gave the order to murder him and rewarded the Junglers for completing the murder.”⁴⁰

Baba Hydera, Closing declaration of 17 November 2023

When Baba Hydera mentioned in his statement the “Jammeh2Justice” campaign launched in October 2017, after Jammeh left power, the resilience of the Gambian people could transpire in his words: the vivid mobilisation of the Gambian civil society has indeed laid the foundation of the country's first accountability efforts. Baba Hydera stated that these efforts were further developed with the subsequent creation of the TRRC by a December 2017 parliamentary act. Referring to the current trial in Germany, the trial of Ousman Sonko for crimes against humanity due to start in January 2024 in Switzerland, and the trial of Michael Correa for torture due to start in the United States later in 2024, Baba Hydera explained how important it was for all crimes committed during Jammeh's dictatorship to also be prosecuted outside of The Gambia. To him, the verdict that would be delivered in this trial in Germany will have a strong signal effect for both the perpetrators and The Gambia as a whole: it would alert perpetrators that they can never hide from their deeds, while giving hope for justice to the Gambian victims and their families. The plaintiff expressed his determination to have Jammeh punished for his crimes and the necessity for justice to be made, considering that this trial is only the start of the process.

“It may have taken my own family 20 years to do this, but if all victims raise their voices, justice can win at some time.”⁴¹

Baba Hydera, Closing declaration of 17 November 2023

39 Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

40 Quote relayed in Hannah El-Hitami's article published in Justice Info on 23 November 2023, [Bai Lowe tried to make amends for something beyond repair](#).

41 Phrased as a quote on the basis of the notes from the students of the University of Göttingen taken during the hearing where the testimony was made.

C. Closing argument of the defence counsel and closing declaration of the defendant⁴²

1. Closing argument of the defence counsel

Defence Counsel, Dr. Krake, opened his closing argument with questioning the sufficiency and the quality of the evidence that supported the prosecution and the trial. He first highlighted that criminal proceedings conducted on the basis of the universal jurisdiction principle, such as the present case, require the cooperation of the authorities of the countries where the crimes were committed to ensure access to relevant evidence. However, the numerous requests from the German authorities to the Gambian authorities to this end have remained unanswered.

When he turned to each of the crimes charged, Dr. Krake pointed out to existing contradictions between the evidence available regarding the murder of journalist Deyda Hydera, namely between his client's statements in the radio interviews, the testimonies of the two eyewitnesses heard in Court, publicly available accounts from RSF and relevant testimonies before the TRRC. He pointed out that these contradictions related, in particular, to the number of cars involved in the attack and the Junglers involved in the killing. He claimed these inconsistencies and the lack of evidence made it impossible to consider Bai Lowe guilty of this murder beyond reasonable doubt.

“All accounts describe a different course of events.”⁴³

Dr. Krake, Closing argument of 24 November 2023

According to Bai Lowe's lawyer, evidence was also lacking regarding the murder of Dawda Nyassi, even more since none of the witnesses heard by the TRRC about this incident had mentioned the presence of Bai Lowe at the crime scene. He argued that this was in line with the arrangement Bai Lowe described having made with journalist Pa Nderry Mbai, based on which the defendant had pretended, during the radio interview, to be present at the crime scenes while he was not.

Dr. Krake further alleged that, as a result, Bai Lowe's statements during these radio interviews were unreliable, and that since they were the main piece of evidence regarding the attempted murder of lawyer Ousman Sillah, the defendant could not be found guilty, beyond reasonable doubt, for this crime either.

Regarding Bai Lowe's alleged presence at the crime scenes, Dr. Krake further argued that even if the defendant had actually been present during these attacks as a driver, mere proximity to the perpetrators does not establish, in itself, that he was a co-perpetrator of the crimes.

Requesting his client's acquittal for all the crimes he was charged with, Dr. Krake highlighted, at the end of his closing statement, that the establishment of the TRRC was made possible thanks to Bai Lowe's radio interviews and that the defendant only gave these interviews to shed light on Jammeh's crimes and hold him and the other perpetrators accountable.

2. Bai Lowe's closing declaration to the Court

The defendant exercised his right to the last word and took the floor. Bai Lowe opened his statement with recounting his career in the Gambian military, including when he was working at the State House, and the series of events that led him to his interview with Pa Nderry Mbai in 2013.

⁴² As mentioned above, TRIAL International has contacted the defence lawyers to offer them to review the parts of the current document accounting for their client's statements and theirs, but did not receive an answer in this regard. These parts thus only rely on the notes from the students of the University of Göttingen taken during the relevant hearings.

⁴³ Quote relayed in Hannah El-Hitami's article published in Justice Info on 28 November 2023, [Someone had to sacrifice themselves](#).

Despite a rather confusing account, Bai Lowe clearly made a distinction between the members of the Patrol Team at the border, he said he was part of, and the members of the Hit Squad, or Junglers, completing Jammeh's killing orders to which he claimed he did not belong to. He stated that despite wearing the same uniform, they were not all committing crimes.

“What I described in the interviews is what happened. But for the people to believe the story, someone had to sacrifice himself. I knew this would get me into trouble, but I was wearing the uniform and was willing to die for my country.”⁴⁴

Bai Lowe's closing declaration at his trial, 24 November 2023

Bai Lowe also explained how he suffered under Jammeh's rule. He became emotional when he mentioned the death of his half-brother, killed by the Junglers following the attempted coup of 2006, after they brutally broke his legs. The defendant further explained how he tried to gather information among the Junglers about their crimes, with bringing them food and alcohol to make them talk. According to him, although the Junglers made him work hard without proper rest, and sometimes threatened him physically, he managed to get first-hand information much needed to alert the Gambian people. This is why he got in touch with journalist Pa Nderry Mbai. He said that, following the journalist's instructions, he was ready to sacrifice himself for the Gambians to know about Jammeh's crimes.

“You have done a good job, but you have charged an innocent.”⁴⁵

Bai Lowe's closing declaration at his trial, 24 November 2023

Bai Lowe described himself as the first one to “hate” Jammeh and, directly speaking to the judges, expressed his willingness to testify as a witness for a trial in which Jammeh would be the defendant. He added that he still had a lot to say that had not been said yet about Jammeh's crimes. Bai Lowe closed this 45-minute statement with thanking everyone and telling the Court that they did not charge the right person.

D. The first verdict recognising crimes against humanity in The Gambia

On 30 November 2023, the Higher Regional Court of Celle pronounced its verdict. The judges sentenced the defendant to life imprisonment for the murders of Deyda Hydara in 2004 and Dawda Nyassi in 2006, as well as the attempted murders of Ousman Sillah in 2003, and Ida Jagne and Nian Sarang Jobe in 2004, as crimes against humanity.

The Court established that Ousman Sillah's attempted murder took place on the night of 25 to 26 December 2003. Along with the other Junglers participating in the mission, the defendant had been instructed by President Jammeh that one of his opponents had to be shot that night. Bai Lowe, who had been aware for months of the existence of President Jammeh's list of people to be killed and of the presence of Ousman Sillah thereon, drove the other Junglers in a pickup to the lawyer's residence. He parked the vehicle at a junction near the street of the victim's residence, so that the Junglers could wait for Ousman Sillah to get home. Upon his arrival, Junglers Sanna Manjang and Bora Colley got out of the car to shoot at Sillah while Bai Lowe kept their vehicle ready to drive away. After Manjang fired his shot and Colley thought the lawyer was dead, they got into the pickup and were driven to Kanilai base by the defendant.

⁴⁴ Quote relayed in Hannah El-Hitami's article published in Justice Info on 28 November 2023, [Someone had to sacrifice themselves](#).

⁴⁵ Quote relayed in Hannah El-Hitami's article published in Justice Info on 28 November 2023, [Someone had to sacrifice themselves](#).

As for the killing of Deyda Hydara and the attempted murders of Nian Sarang Jobe and Ida Jagne, the Court found that the attack took place on 16 December 2004, at the occasion of the 13th anniversary of the newspaper he had founded. The Court could establish that the victim was subject to surveillance by the NIA prior to being murdered, which allowed President Jammeh to order the attack to take place on 16 December at the latest, the day before he was supposed to travel to Great Britain to visit his wife and daughter. At that time, Bai Lowe had also been aware for months of the presence of Deyda Hydara's name on President Jammeh's list of people to kill. The Junglers were informed by their commander Tumbul Tamba, that the target of their mission was "the magic pen". The Junglers used two cars which they had had resprayed at a garage to look like taxis, and drove them near the barracks of the Police Intervention Unit (PIU), where they waited for further instructions on the localisation of their target. Deyda Hydara left the office with Ida Jagne and Nian Sarang Jobe to drop them to their respective homes. Ida Jagne was in the passenger seat next to Deyda Hydara, while Nian Sarang Jobe was on the backseat, behind Ida Jagne. The Junglers followed Deyda Hydara's car when it engaged in the Sankung Sillah Road. The first car used by the Junglers drove next to Deyda Hydara's vehicle and fired shots at the victim before driving away. Bai Lowe drove the second car and stopped it next to the victim's vehicle so that Junglers could make sure Deyda Hydara was really dead. To avoid what was considered a failure in 2003, during the attempted murder of Ousman Sillah, Malick Jatta fired additional shots at the victim targeted. Jatta then hurriedly got back into the car and was driven off at a high speed by the defendant so that they could escape unrecognised.

“These proceedings have no connection to Germany, but to German law”⁴⁶

Higher Regional Court of Celle, Verdict on 30 November 2023

The Court found how President Jammeh had ordered Dawda Nyassi's killing as a former fighter returning to The Gambia from abroad, who could potentially participate in a rebellion against him. On the day of the crime, along with other Junglers selected for the mission, Bai Lowe was informed that it was "combat day". The exact date of Dawda Nyassi's murder could not be established, but the Court found how in 2006, in execution of a plan responding to President Jammeh's liquidation order, Junglers instructed a friend of the victim to bring him under false pretence to their vehicle driven by the defendant. Bai Lowe drove off once the victim and his friend were in the vehicle. At some point, the defendant slowed down the vehicle to allow Dawda Nyassi's friend to get out of it. Then, he quickly accelerated the vehicle to deprive the victim from an opportunity to escape. Bai Lowe drove the pickup truck further, to a remote location near the airport, where Dawda Nyassi was tied to a tree before being shot by two Junglers and buried on the spot. Following this murder too, the defendant drove the Junglers back to their base. Dawda Nyassi's body was never found, and for a very long time, his family thought he had left The Gambia again, as he had already done as a soldier. The Court declared the defendant guilty as a co-perpetrator in all the above murders and attempted murders, thus rejecting the defence argument which minimised his role as a driver. The Court found that, as the driver of the Junglers and a member of this group, Bai Lowe was part of a concerted plan intended to execute Jammeh's killing orders, and knowingly drove the different vehicles to, on and from the crime scenes, with the intent of completing these orders.

The Court explained having reached its verdict mainly on the basis of the defendant's radio interviews, but also on the evidence provided by the many testimonies heard during the trial, as well as based on open-source evidence, more specifically the TRRC records. Regarding the reliability of Bai Lowe's radio interviews as the main pieces of evidence, the Court rejected the defence argument about the alleged instructions Bai Lowe had pretended to have received from journalist Pa Nderry Mbai to pose as a Jungler in view of making his statements more credible. According to the Court, not only said journalist who died in 2020 could not be heard to verify this information, but nothing prevented the

⁴⁶ Phrased as a quote on the basis of the notes taken during that hearing by TRIAL International who could attend it and the students of the University of Göttingen.

defendant to distance himself from his first radio interview, with mentioning such alleged instructions when he was interviewed by journalist Fatu Camara a year later. The Court added that no one could reveal publicly such facts without expecting that, on the long-run, heavy consequences would follow. The Court also ruled out the alibi provided by the defendant with the testimony of Alieu Jarju. Among other reasons for questioning the reliability of this claimed alibi, the Court noted that, if the defendant had indeed been with Alieu Jarju on the night of Deyda Hydara's murder, the significance of that fact for Bai Lowe's defence makes it highly implausible that he would not have recalled it earlier, in particular when preparing his written submission to the Court. Although the July 2005 massacre of over 50 West African migrants was not among the facts tried, the Court expressed its conviction that Bai Lowe played a role therein, as well as in other crimes committed in The Gambia during the Jammeh regime.

The Court deplored the lack of cooperation and responsiveness of the Gambian authorities during the proceedings, as most mutual legal assistance requests from the German authorities have remained unanswered, which slowed down the proceedings. The procedure could however come to an end and is the first to allow that a member of the Junglers, used by former Gambian President Jammeh as a violent tool of oppression, stand trial. It is also the first trial held on the basis of universal jurisdiction about the serious crimes committed under Jammeh's authoritarian rule. As stated by the Court at the outset of the verdict: "These proceedings have no connection to Germany, but to German law". This led to a historic verdict, the first legal recognition of the commission of crimes against humanity in The Gambia during the Jammeh's regime.

Bai Lowe was informed of his right to challenge the verdict before the German Federal Court of Justice, within a week from the day it was announced, with a 30-day deadline to file the legal argument supporting his challenge. Bai Lowe used his right to challenge his conviction. Because the trial at first instance was conducted before a Higher Regional Court, which can serve as an appeals jurisdiction, any challenge to the verdict before the Federal Court of Justice takes the form of a revision procedure, which is confined to questions of law and does not permit a review of the facts.

This revision procedure before the Federal Court of Justice took place mainly through the exchange of written briefs between the parties. On 12 November 2024, the Federal Court of Justice upheld Bai Lowe's conviction for crimes against humanity and his sentence to life imprisonment, making them final.



Two of the plaintiffs with representatives of NGOs and one of the lawyers, in front of the Higher Regional Court in Celle, Germany, after the announcement of the verdict. © 2023 TRIAL International

AFTERWORD

**BY LAWYERS AND PHD CANDIDATES SUSANN ABOUELDAHAB, INÈS FREIXO
& RODOLFO GONZÁLEZ ESPINOSA**

The trial of Bai Lowe is historic; it was the first to address crimes against humanity committed in The Gambia during Yahya Jammeh's rule. It demonstrated that, even when criminal accountability is pursued across borders, proceedings can adjudicate the most serious crimes, establish individual criminal responsibility, and recognise the experiences of victims and survivors within a judicial process.

This publication builds on the systematic trial monitoring of the proceedings against Bai Lowe before the Higher Regional Court of Celle in Germany for over a year and a half. The monitoring operated as a form of translation of the trial dynamics into written outputs that can circulate outside the proceedings themselves. In doing so, the monitoring inevitably transformed the observed: it produced an account shaped by the constraints and choices of those documenting it.

In its judgment, the Court provides a structured legal account of the facts. It established the contextual elements of crimes against humanity by characterising the violence under Yahya Jammeh as both widespread and systematic, grounded in the organisation and reach of the State security apparatus. It further found that the attack was directed against the civilian population, in particular perceived opponents of the regime. The Court found former Jungler Bai Lowe to be responsible as a co-perpetrator, emphasising the essential nature of his contribution to the commission of the crimes. This way, the judgment situates his individual conduct within a broader system of organised State violence.

Importantly, the trial was shaped by the participation of victims and survivors. At the same time, their presence did not erase the distance between Germany and The Gambia, nor bridged the contrast between the legal framing of the crimes and the lived consequences of those affected.

This publication reflects a sustained effort to follow the proceedings closely and to make them accessible, while remaining aware of the limits of such an exercise. Monitoring introduces its own form of selectivity. It depends on what can be observed, recorded, and responsibly shared, and on how competing considerations, such as transparency and the protection of those involved, are balanced in practice. The Bai Lowe case closes an important chapter, but it does not conclude the broader process of accountability. The judgment establishes individual criminal responsibility for the violence that had long been documented elsewhere. The monitoring project, and the present publication, focus on how such proceedings are followed, understood, and discussed beyond the courtroom. If this trial is to have an impact beyond its immediate legal outcome, it will depend not only on the authority of the judgment, but also on the ways in which it is documented, interpreted, and communicated⁴⁷. This publication is one contribution to that process.

⁴⁷ At the time of the drafting of the present document, the written judgement is regrettably unavailable to the public.

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- Der Generalbundesanwalt beim Bundesgerichtshof, *Haftbefehl gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen des Verdachts der Begehung von Verbrechen gegen die Menschlichkeit in Vollzug gesetzt* (17 March 2021)

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International Commission of Jurists & TRIAL International, *GAMBIA: ALLEGED "DEATH SQUAD" MEMBER INDICTED IN GERMANY. Major Advance for Victims of Abuses During Yahya Jammeh Rule* (3 March 2022)

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Barron's (Agence France Presse), *Germany Seeks Life For Alleged Gambia Death Squad Member* (16 November 2023) p. 75

Justice Info, *"Bai Lowe tried to make amends for something beyond repair"* (Article by Hannah El-Hitami, 23 November 2023) p. 76

Press release of the Higher Regional Court of Celle on the closing statement of the prosecutor and the verdict to come: *Oberlandesgericht Celle, Staatsschutzverfahren wegen des Verdachts von Verbrechen gegen die Menschlichkeit in Gambia. In dem Staatsschutzverfahren gegen Bai L. soll das Urteil am Donnerstag, dem 30. November 2023 um 9.00 Uhr verkündet werden* (27 November 2023) p. 82

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African Network against Extra-judicial Killings and Enforced Disappearances, European Center for Constitutional and Human Rights, Gambian Center for Victims of Human Rights Violations, Human Rights Watch, International Commission of Jurists, RSF, Rose Lokissim Foundation, Solo Sandeng Foundation & TRIAL International, *Questions and Answers on first German trial for serious crimes committed in The Gambia* (28 November 2023)

Press release of the Higher Regional Court of Celle on the verdict rendered in the trial: *Oberlandesgericht Celle, Lebenslange Freiheitsstrafe wegen Verbrechen gegen die Menschlichkeit in Gambia* (30 November 2023)

RSF, *Historic verdict in quest for justice for murder of RSF's Gambia correspondent in 2004* (30 November 2023)

TRIAL International, *Historic Conviction in Germany of a former member of Gambian death squad for crimes against humanity* (30 November 2023)

Malagen, *A "remorseful" driver gets life. The trigger man who "killed for interest of country" still walks* (Article by Mustapha K. Darboe, 4 December 2023)

Press release of the German Federal Court of Justice on the confirmation of the defendant's sentence: *Bundesgerichtshof, Lebenslange Haftstrafe für Mitglied einer früheren Sondereinheit der Streitkräfte von Gambia bestätigt* (29 November 2024)

TRIAL International, *German court upholds conviction of Gambian national for crimes against humanity* (Article of 29 November 2024)

A FEW RELEVANT ANALYSES

Süddeutsche Zeitung, *Zum Schweigen Verdammt. Dank des Weltrechtsprinzips verhandeln deutsche Gerichte Fälle von Völkermord und Kriegsverbrechen – auch wenn sie weit weg begangen wurden. Eine Reform bedroht nun ausgerechnet die Rechte der Opfer* (Guest Article by Patrick Kroker, December 2023)

Oxford Journal of International Criminal Justice, *Monitoring Universal Jurisdiction's Rocky Road. The Trial of Bai L. in Germany* (Susann Aboueldahab, Inês Freixo & Rodolfo González Espinosa, 2025)

OTHER RELEVANT SOURCES (ONLINE ACCESS ONLY)

African Network against Extra-judicial Killings and Enforced Disappearances, Summary of the hearings before the Gambian Truth Reconciliation and Reparations Commission: *TRRC Digest Publications*

Gambian Truth Reconciliation and Reparations Commission, *Final Report, Volume 8, "The Junglers. Unlawful killings, tortures and other human rights violations"* (25 November 2021)

TRIAL International & Open Society Justice Initiative, *Briefing Paper. Universal jurisdiction law and practice in Germany* (April 2019)

The Victim's Podcast, by Ayeshah Haruna Jammeh – *Ep. 25: The Voice of Gambian Survivors finding Echo Abroad*, Babaka Tracy MPUTU (TRIAL International)

ARREST



Suchbegriff

75 Jahre Bundesanwaltschaft

Der Generalbundesanwalt

Unsere Aufgaben

Service

NAVIGATION

Rechtliche Stellung

Zuständigkeit

Festnahme eines ehemaligen Mitglieds der gambischen Streitkräfte wegen des Verdachts der Begehung von Verbrechen gegen die Menschlichkeit

Ausgabejahr 2021
Datum 16.03.2021

Festnahme eines ehemaligen Mitglieds der gambischen Streitkräfte wegen des Verdachts der Begehung von Verbrechen gegen die Menschlichkeit

Die Bundesanwaltschaft hat in den frühen Morgenstunden des heutigen Tages (16. März 2021) aufgrund eines Haftbefehls des Ermittlungsrichters des Bundesgerichtshofs vom 3. März 2021

den gambischen Staatsangehörigen Bai L.

durch Beamte des mit den Ermittlungen beauftragten Bundeskriminalamtes und der niedersächsischen Polizei in Hannover festnehmen lassen. Zudem wurde dort die Wohnung des Beschuldigten durchsucht.

Gegen den Beschuldigten besteht der dringende Tatverdacht der Verbrechen gegen die Menschlichkeit, des Mordes sowie des versuchten Mordes (§ 7 Abs. 1 Nr. 1 VStGB, 211 Abs. 1 und 2, 25 Abs. 2, 22, 52, 53 StGB).

In dem Haftbefehl wird dem Beschuldigten im Wesentlichen folgender Sachverhalt zur Last gelegt:

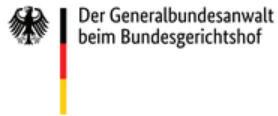
Bai L. gehörte zwischen Dezember 2003 und Dezember 2006 als Fahrer einem sogenannten „Patrol Team“ der gambischen Streitkräfte (auch bekannt als „Junglers“) an. Diese Einheit wurde von dem damaligen gambischen Staatspräsidenten unter anderem für die Ausführung illegaler Tötungsbefehle eingesetzt. Ziel war es, die gambische Bevölkerung einzuschüchtern und die Opposition zu unterdrücken. Vor diesem Hintergrund war der Beschuldigte an insgesamt drei solcher Liquidierungsaufträge beteiligt.

Ende Dezember 2003 erhielt die Einheit des Beschuldigten den Auftrag, in Banjul, der Hauptstadt von Gambia, einen Rechtsanwalt zu töten. In seiner Funktion als Fahrer beförderte der Beschuldigte die übrigen Mitglieder zum Anschlagort. Dort feuerte ein Mitglied der Einheit mehrere Schüsse auf den Rechtsanwalt ab, der die Tat verletzt überlebte.

Ein Jahr später tötete das „Patrol Team“ einen regierungskritischen gambischen Journalisten. Zu diesem Zweck stoppte die Einheit unter Mitwirkung von Bai L. den Pkw des Journalisten auf einer Straße in der Stadt Kanifing. Im Anschluss töteten ihn zwei Mitglieder der Einheit durch mehrere Schüsse, wobei Bai L. einen der Schützen in seinem Fahrzeug transportierte.

In der Folgezeit, wahrscheinlich im Jahr 2006, erschossen Mitglieder der Einheit nahe dem Flughafen von Banjul einen mutmaßlichen Gegner des gambischen Präsidenten. Wie zuvor transportierte der Beschuldigte die übrigen Mittäter zum Ort des Geschehens.

Der Beschuldigte wird voraussichtlich im Laufe des heutigen Tages (16. März 2021) dem Ermittlungsrichter des Bundesgerichtshofs vorgeführt, der ihm den Haftbefehl eröffnen und über den Vollzug der Untersuchungshaft entscheiden wird.



75 Jahre Bundesanwaltschaft Der Generalbundesanwalt Ur

Service

Haftbefehl gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen des Verdachts der Begehung von Verbrechen gegen die Menschlichkeit in Vollzug gesetzt

Ausgabejahr 2021
Datum 17.03.2021

Haftbefehl gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen des Verdachts der Begehung von Verbrechen gegen die Menschlichkeit in Vollzug gesetzt

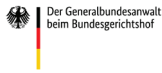
Der Ermittlungsrichter des Bundesgerichtshofs hat gestern (16. März 2021) den Haftbefehl gegen

den gambischen Staatsangehörigen Bai L.

in Vollzug gesetzt.

Der Beschuldigte war gestern (16. März 2021) festgenommen und anschließend dem Ermittlungsrichter des Bundesgerichtshofs vorgeführt worden (vgl. Pressemitteilung Nr. 14 vom 16. März 2021).

INDICTMENT



(<http://www.generalbundesanwalt.de/DE/Home/home>)

Anklage gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen Verbrechen gegen die Menschlichkeit erhoben

Ausgabejahr

2022

Datum

03.03.2022

Anklage gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen Verbrechen gegen die Menschlichkeit erhoben

Die Bundesanwaltschaft hat am 22. Februar 2022 vor dem Staatsschutzsenat des Oberlandesgerichts Celle Anklage gegen

den gambischen Staatsangehörigen Bai L.

erhoben.

Gegen den Angeschuldigten besteht der hinreichende Tatverdacht der Verbrechen gegen die Menschlichkeit, des Mordes sowie des versuchten Mordes (§ 7 Abs. 1 Nr. 1 VStGB, 211 Abs. 1 und 2, 25 Abs. 2, 22, 52, 53 StGB).

In der nunmehr zugestellten Anklageschrift ist im Wesentlichen folgender Sachverhalt dargelegt:

Bai L. gehörte zwischen Dezember 2003 und Dezember 2006 als Fahrer einem sogenannten „Patrol Team“ der gambischen Streitkräfte (auch bekannt als „Junglers“)

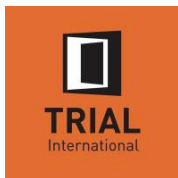
an. Diese Einheit wurde von dem damaligen gambischen Staatspräsidenten unter anderem für die Ausführung illegaler Tötungsbefehle eingesetzt. Ziel war es, die gambische Bevölkerung einzuschüchtern und die Opposition zu unterdrücken. Vor diesem Hintergrund war der Angeschuldigte an insgesamt drei solcher Liquidierungsaufträge beteiligt.

Ende Dezember 2003 erhielt die Einheit des Angeschuldigten den Auftrag, in Banjul, der Hauptstadt von Gambia, einen Rechtsanwalt zu töten. In seiner Funktion als Fahrer beförderte der Angeschuldigte die übrigen Mitglieder zum Anschlagort. Dort feuerte ein Mitglied der Einheit mehrere Schüsse auf den Rechtsanwalt ab. Dieser überlebte die Tat schwer verletzt.

Ein Jahr später tötete das „Patrol Team“ einen regierungskritischen gambischen Journalisten. Zu diesem Zweck stoppte die Einheit unter Mitwirkung von Bai L. den Pkw des Journalisten auf einer Straße in dem Ort Kanifing. Im Anschluss töteten ihn zwei Mitglieder der Einheit durch mehrere Schüsse, wobei Bai L. einen der Schützen in seinem Fahrzeug transportierte.

In der Folgezeit, wahrscheinlich im Jahr 2006, erschossen Mitglieder der Einheit nahe dem Flughafen von Banjul einen mutmaßlichen Gegner des gambischen Präsidenten. Der Angeschuldigte transportierte die übrigen Mittäter sowie das spätere Opfer zum Ort des Geschehens.

Der Angeschuldigte wurde am 16. März 2021 auf Grund eines Haftbefehls des Ermittlungsrichters beim Bundesgerichtshof festgenommen und befindet sich seither in Untersuchungshaft (vgl. Pressemitteilungen Nr. 14 und 15 vom 16. und 17. März 2021).



PRESS RELEASE

Geneva, 3 March 2022

For immediate release



GAMBIA: ALLEGED “DEATH SQUAD” MEMBER INDICTED IN GERMANY **Major Advance for Victims of Abuses During Yahya Jammeh Rule**

(Berlin and Geneva, 03.03.2022) – The indictment in Germany announced on 03.03.2022, of an alleged former Gambian “death squad” member suspected of crimes against humanity is an important step for Gambian victims and international justice, TRIAL International and the International Commission of Jurists said today.

“Bai L.” was an alleged member of the notorious “Junglers” death squad, set up by then-president Yahya Jammeh, whose 22-year rule was marked by [widespread human rights violations](#). Jammeh is now in Equatorial Guinea, to which he fled after losing the 2016 Gambian presidential election to Adama Barrow, who was elected in December 2021 to a second term. The Gambian Truth Reconciliation and Reparations Commission (TRRC) [recently called](#) for the prosecution of Jammeh and scores of others, including Bai L., for their alleged crimes.

Bai L., who was arrested by the German authorities in March 2021, is the third alleged accomplice of Jammeh to be detained abroad. The other suspects are Gambia’s former interior minister, [Ousman Sonko](#), under investigation in Switzerland since 2017, and another former Jungler, [Michael Sang Correa](#), indicted in June 2020 in the United States.

“The long arm of the law is catching up to Yahya Jammeh and his accomplices around the world,” said [Reed Brody](#), a Commissioner with the International Commission of Jurists who [works](#) with Jammeh’s victims. “Jammeh’s henchmen have been arrested in Germany, Switzerland and the United States, and the Gambian truth commission has called for the prosecution of his accomplices in The Gambia, and of Jammeh himself, now in Equatorial Guinea.”

The indictment of Bai L., as well as the arrests in Switzerland and the United States, have been carried out under the legal principle of universal jurisdiction which allows for, and in some cases requires, investigating and prosecuting the most serious crimes under international law regardless of where they were committed, and of the nationality of the suspects or victims. [German authorities](#) are also investigating individuals alleged to have committed grave crimes in a number of other countries. On January 13, a German court [sentenced](#) a Syrian colonel linked to the torture of thousands of people to life in prison for crimes against humanity.

German prosecutors [accuse](#) Bai L., who was living in the city of Hannover, as a Jungler, of having notably driven his accomplices to various crime scenes between December 2003 and December 2006. He is thus alleged to have been involved in three “liquidation orders,” driving other Junglers to attack sites. Among those targeted were the prominent newspaper editor, [Deyda Hydara](#), a critic of the Jammeh government who was murdered in 2004, an alleged opponent, [Dawda Nyassi](#), who

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice.

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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[@trial](#)

TRIAL OPENING

Oberlandesgericht
Celle



Niedersachsen

STARTSEITE AKTUELLES PRESSEINFORMATIONEN

State security proceedings on the suspicion of crimes against humanity in Gambia

Artikel-Informationen

erstellt am:
30.03.2022

E-Mail an Ansprechpartner/
in

- THE FIRST CRIMINAL PROCEEDINGS IN THE WORLD AGAINST AN ALLEGED MEMBER OF GAMBIAN SPECIAL FORCES ABROAD OPENS - ACCREDITATION OF MEDIA REPRESENTATIVES -

CELLE. The Fifth Criminal Division with the Higher Regional Court (OLG), with the decision of 24 March 2022, allowed the main hearing regarding the indictment of the Federal Public Prosecutor's Office against a 46-year-old Gambian citizen and opened the main proceedings (5 StS 1/22). The Accused has been in pre-trial detention since 16 March 2021.

The Accused is charged in three cases with a crime against humanity (Section 7 Para. 1 No. 1 of the International Criminal Code (ICC)) in conjunction with murder, whereby one case remained at attempted murder [[Der Generalbundesanwalt - Aktuelle Pressemitteilungen - Anklage gegen ein ehemaliges Mitglied der gambischen Streitkräfte wegen Verbrechen gegen die Menschlichkeit erhoben](#)].

The Accused is alleged to have been a member of a former special unit of the Gambian armed forces, the so-called *Patrol Team*. This unit, also called the "*Junglers*", allegedly carried out illegal orders to kill from the then Gambian state president, Yahya Jammeh. The aim of these operations was to intimidate the Gambian people and suppress the opposition. Specifically, in three cases, the Accused allegedly drove members of his unit to such liquidations and then drove them away again afterwards:

At the end of December 2003, a lawyer who defended a person who had fallen into disfavour with the president was allegedly to be killed. A member of the unit allegedly fired multiple shots at him. The lawyer survived with serious injuries.

One year later, the "*Patrol Team*" allegedly stopped a Gambian journalist critical of the government in his car and shot him. Together with another vehicle belonging to the "*Patrol Team*", the Accused allegedly "*encircled*" the journalist's car.

In the period that followed, probably in 2006, members of the unit allegedly shot a suspected opponent of the Gambian president. The Accused allegedly drove the other perpetrators and the subsequent victim to the scene of the crime.

The charges brought against the Accused potentially carry a sentence of life imprisonment.

The main hearing shall serve to clarify whether the charges brought are accurate; the Accused is presumed innocent until a final sentence has been passed.

The main hearing begins on

Wednesday, 25 April 2022 at 09:00

At the Higher Regional Court Celle, Courtroom H 94

Schloßplatz 2 - Kanzleistraße entrance.

Continuation dates are currently scheduled for 26 April 2022, 9, 16, 17, 23, 24, 30 and 31 May 2022, 13, 14, 20, 21 and 30 June 2022, 1, 7 and 8 July 2022, 18, 19 and 26 August 2022, 1, 2 and 26 September 2022, 6, 7, 13, 14 and 21 October 2022, 3, 4, 10, 11, 17, 24 and 25 November 2022, 1, 2, 9, 14 and 15 December 2022 and then ongoing from January 2023 every Thursday and Friday from 09:00 respectively.

Measures to protect against infection with the COVID 19 virus:

FFP2 masks are to be worn at all times in the security area, the courtroom and the media relations room.

Admission to the courtroom or media relations room shall only be granted **with a negative Covid test or alternatively upon presentation of proof of a third Covid vaccine, namely the booster vaccine. A rapid test by a certified test centre valid on the day or a PCR test is required as proof of a Covid test.**

Accreditation of media representatives:

The Chairperson of the Fifth Criminal Division has issued a [security order](#) and ordered under IV. that an accreditation procedure be carried out for press and media representatives.

Particular reference is made to the set **accreditation deadline**. This

begins on 6 April 2022 at 10:00 and

ends on 8 April 2022 at 12:00.

Applications received before the deadline period begins or after the deadline has expired shall not be considered. Notification of premature receipt shall not be given.

Please note that registration is exclusively by e-mail and is only possible via the accreditation mailbox set up for

this purpose. The relevant e-mail address is:

OLGCE-Pressestelle@justiz.niedersachsen.de

In order to simplify the procedure, the attached [form](#) is to be used. Registrations that are not sent by e-mail or to other e-mail addresses of the judiciary are not permitted and shall not be considered.

A total of nine seats are available for accredited press representatives in the courtroom. Further places are available in a media relations room, to which audio of the hearing will be transmitted if required.

The places in the courtroom shall first be assigned separately in the order of receipt of the registration applications for each contingent or sub-contingent. Applications received simultaneously shall be decided by lottery. Every press and media company shall initially receive only one place; if further places remain free, a media company may also be assigned two places.

These places shall be allocated to the following contingents:

- a) Print and online media 4 places
- b) German television and broadcasting 3 places

of which: Public television 1 place

Private television 1 place

Radio 1 place

- c) German news and press agencies 1 place

- d) Gambian media representatives 1 place

(Priority shall be given to a Gambian broadcasting company; if no Gambian media representative is accredited, this place shall first be made available to the representative of an international news or press agency.)

The assigned seats must be taken on the respective day of the hearing 15 minutes before the session begins. Unoccupied places for that day shall be taken by the available contingent.

Two television crews (one each from a public institution and a private broadcaster) and one photographer shall be admitted to photograph and film in the courtroom. In the event that more than two television crews and one photographer apply for admission, a pool shall be formed. Willingness to assume the task of pool management should be declared upon applying for accreditation. Further details are available in the security order.

In the **film recordings and photographs**, it is to be ensured that the faces of the Accused and of the assigned judicial and police personnel are anonymised before publication using a technical process (“**pixelated**”) and that they can only be used in anonymised form.

FAQs on the accreditation procedure have been compiled [here](#) for the purpose of simplification.

Contact:

Andreas Keppler

Higher Regional Court Judge

Press spokesperson

Telephone: 05141 / 206 777

01525 6798160



First German Trial for Crimes in Gambia : Universal Jurisdiction Case Opens April 25

Questions and Answers

1. Who is Bai L. and what are the charges against him?

Bai L. is a 46-year-old [Gambian](#) citizen who is alleged to have been a member of the “Junglers” [death squad](#), a paramilitary unit also known as the “Patrol Team” created by the former Gambian President [Yahya Jammeh](#).

Bai L. is [charged](#) with three counts of crimes against humanity. [German](#) prosecutors [accuse](#) Bai L. of being a former driver for the Junglers, who was involved in the attempted murder of [Ousman Sillah](#), a lawyer, in 2003, as well as in the murders of Deyda Hydara, a journalist, in 2004, and of Dawda Nyassi, a perceived political opponent of Jammeh's, in 2006.

This trial in the German city of [Celle](#) will be the first to prosecute human rights violations committed in Gambia during the Jammeh era on the basis of [universal jurisdiction](#). Bai L. has been in pretrial detention since his [arrest](#) in Germany in March 2021.

2. Why is Bai L.'s trial taking place in Germany?

His trial in Germany is possible because [the country's laws recognize universal jurisdiction](#) over certain serious crimes under international law, allowing for the investigation and prosecution of these crimes no matter where they were committed, and regardless of the nationality of the suspects or victims.

Universal jurisdiction cases are increasingly important in international efforts to hold those responsible for atrocities accountable, to provide justice to victims who have nowhere else to turn, to help deter future crimes, and to help ensure that countries do not become safe havens for human rights abusers.

A number of European countries have ongoing investigations and prosecutions related to grave abuses committed abroad in places such as the [Democratic Republic of Congo](#), [Iraq](#), [Liberia](#), and [Syria](#).

[German authorities have been leaders](#) in conducting prosecutions on the basis of universal jurisdiction. In January, a German court [convicted a former Syrian intelligence officer](#) for crimes against humanity and sentenced him to life in prison [in a first case of this kind](#) in Germany.



3. What was the situation in The Gambia during the time the alleged crimes were committed?

Under Yahya Jammeh's 22-year rule, there was a [policy of systematic oppression](#) of any of his real or perceived opponents in an effort to maintain his political power. The government targeted journalists; human rights defenders; student leaders; religious leaders; political opposition members; judiciary officials; lesbian, gay, bisexual, and transgender (LGBT) people; and security force personnel, among others. This resulted in [serious human rights violations](#), including torture, extrajudicial killings, enforced disappearance, and sexual violence.

Many of these human rights violations were brought to light during the hearings of Gambia's Truth, Reconciliation and Reparations Commission (TRRC), which was set up in 2018. A [total of 393 witnesses, including victims and former government insiders](#), testified during over two years of public hearings.

Witnesses linked Jammeh to the killing and torture of political opponents, the murder of West African migrants, and "witch hunts" in which hundreds of people were arbitrarily detained, among other crimes. They also alleged that Jammeh raped and sexually assaulted women and ran a sham HIV-treatment program.

4. Who were the victims of Bai L.'s alleged crimes?

Deyda Hydara was a renowned Gambian journalist, co-founder, and primary editor of The Point Newspaper, AFP and a Reporters Without Borders (RSF) correspondent in the country. Hydara was [killed on December 16, 2004](#).

Ousman Sillah was one of the lawyers for Baba Jobe, former leader of the parliament majority who had been close to Jammeh but was later jailed for alleged tax evasion. Jobe died under controversial circumstances while in prison. Sillah [survived an attack](#) on his life.

Dawda Nyassi was a Gambian citizen who had gone to fight in Liberia's civil war. When he returned to Gambia, Jammeh allegedly [ordered his murder](#) as he suspected Nyassi of having plans to overthrow him.

Gambia's [TRRC also called for Bai L.'s prosecution](#) in the murder of [59 West African migrants](#) in 2005 and groups have called for German authorities [to investigate this massacre](#).

5. How are survivors involved in the proceedings?

Deyda Hydara's son, [Baba Hydara](#), who is also a journalist, is a joint plaintiff in the trial against Bai L.

Under German law, a victim of the crimes charged in the trial or a family member of a victim who was killed can join a criminal proceeding as a joint plaintiff, thereby becoming a formal party to the proceeding.



Joint plaintiffs play a critical role in proceedings. Joint plaintiffs and their lawyers can be present at the trial and have the right to: (i) request information on the status of the proceedings; (ii) make statements in court; (iii) access files; (iv) request that further evidence be taken; and (v) ask questions of witnesses and experts.

6. Could Yahya Jammeh or other high-level officials be prosecuted for serious crimes committed in Gambia?

Gambia's TRRC concluded that Jammeh and his associates [committed crimes against humanity and called for their prosecution](#).

The trial of Bai L. will further shed light on the political context in which massive human rights violations committed in Gambia during the Jammeh era took place, and more specifically on the Junglers, who were allegedly ordered to commit them by the former president.

This trial may be a step on the way to ensure that Jammeh and others implicated in the crimes will face fair, credible trials in Gambia or outside the country, as needed.

Jammeh has been in exile in Equatorial Guinea since 2017, following the election of Gambia's current president, Adama Barrow.

The TRRC briefly considered how any prosecutions should be carried out in Gambia. It rejected the idea of a purely domestic tribunal because of deficiencies in Gambia's legal system, capacity, and infrastructure, and recommended creating an "internationalized" tribunal.

Since 2019, the Gambia Bar Association has independently [led a series of multi-stakeholder](#) consultations on how any trials should be conducted. These discussions have resulted in a consensus in favor of [a "hybrid" court](#), anchored on a treaty with Economic Community of West African States (ECOWAS), and with Gambian and international staff, to create a framework tailored to the prosecution of Jammeh-era crimes and build the capacity of the national justice system.

Gambia's government is now reviewing the TRRC's recommendations and must publish a white paper by May 25, 2022, detailing steps it will take to carry out the TRRC Report.

7. Is anyone else being prosecuted under universal jurisdiction for crimes committed in Gambia during the Jammeh era?

Bai L. is not the first person to have been indicted for crimes committed in Gambia under Jammeh. Another alleged Jungler, [Michael Correa](#), 43, was indicted in the United States in June 2020. Correa faces charges of torturing detainees following a failed coup attempt in Gambia in 2006.

In Switzerland, an investigation has been ongoing against former Interior Minister [Ousman Sonko](#) since 2017, when he was arrested after the nongovernmental organization TRIAL International filed a criminal complaint against him for alleged crimes of torture.



8. How many cases related to serious crimes have been opened in Germany?

TRIAL International's [Universal Jurisdiction Annual Review](#) (UJAR) highlights the main developments of international crimes cases brought before domestic jurisdictions on the basis of universal jurisdiction.

The 2022 edition of the UJAR reports on more than 60 cases of international crimes, including 15 brought before German jurisdictions. Among these cases, 11 relate to crimes committed in [Syria](#), two to crimes committed in [Iraq](#), one in [Argentina](#), and one in [Gambia](#).

9. How long is the trial expected to last and what are the possible outcomes?

The trial in the [Higher Regional Court of Celle](#) is expected to last at least until the beginning of 2023. If convicted, Bai L. could face up to life in prison. Judgments by Higher Regional Courts in Germany can be appealed at the German Federal Supreme Court.

10. How accessible is the trial to the public and journalists for affected communities in Gambia?

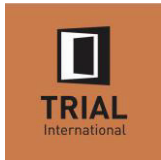
Due to Covid-19 restrictions, there will be a limited number of seats available for the public. According to the March 30, 2022 [news release](#) of the Higher Regional Court of Celle, 15 seats will be available for accredited journalists, but only one of them for Gambian journalists.

The trial will be conducted in German without public interpretation, which will make it less accessible to non-German speaking members of the Gambian community interested in the trial. The verdict will only be available in German, and no official transcript in any language will be provided once the trial concludes.

The Higher Regional Court in Celle did, however, publish a [news release](#) about the opening of the trial in English.

To be meaningful, justice should not only be done, but be seen to be done. German universal jurisdiction trials have [lacked accessibility](#) for victims of the crimes being prosecuted, and other third parties. The lack of interpretation was also [criticized](#) in a trial against two former Syrian intelligence officials that took place in the city of Koblenz.

People who want to follow the trial are dependent on the reporting by journalists and nongovernmental groups. German courts conducting universal jurisdiction trials should provide interpretation for affected communities whose members want to follow the proceedings.



11. What is the role of nongovernmental groups in these proceedings?

Victims' groups and nongovernmental organizations have been in the forefront of the effort to hold Jammeh-era officials to account and have formed the [Jammeh2Justice](#) campaign. International nongovernmental organizations such as TRIAL International, Human Rights Watch, and the International Commission of Jurists continue to investigate serious human rights violations committed during the Jammeh presidency and provide support to victims and the joint plaintiff in the German proceedings.

Together with the [European Center for Constitutional and Human Rights](#), TRIAL International contacted the German prosecution authorities in August 2019 to report Bai L.'s presence in Germany along with making an inquiry as to whether an investigation against Bai L. was already underway.

Following the arrest of Bai L. in Germany in 2021, TRIAL International provided additional information to the German prosecution authorities in May 2021 regarding Bai L.'s alleged involvement in the offenses, namely [radio interviews](#) given by Bai L. and translated by Human Rights Watch, as well as relevant testimony heard by the TRRC.

This question-and-answer document has been prepared by [Human Rights Watch](#), the [International Commission of Jurists](#), [TRIAL International](#), and [Reporters Without Borders](#).

GAMBIA UNIVERSAL JURISDICTION

GAMBIAN DICTATORSHIP'S CRIMES GO ON TRIAL IN GERMANY

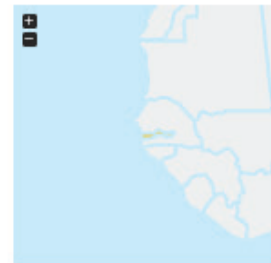
On April 25, the trial of a former member of a hit squad – known as the “Junglers” – under Yahya Jammeh’s rule in The Gambia opens before a German court. Baboucar “Bai” Lowe is a self-confessed former driver of this paramilitary group that he publicly denounced several years before the fall of Jammeh. His trial is the first of a Gambian under the principles of universal jurisdiction.

25 April 2022

4 min 24



Ayesha Jammeh on April 19, 2022. Her father, Haruna Jammeh, and her aunt Masie, cousins of former Gambian president Yahya Jammeh, were allegedly murdered by Jammeh’s henchmen, known as “Junglers.” © Muhamadou Blittaye / AFP



REPUBLIC

SHARE

By Mustapha Darboe our correspondent in Banjul

As described in great details by the Truth, Reconciliation and Reparations Commission (TRRC) in its [recent final report](#), Gambia’s former autocratic ruler Yahya Jammeh presided over a regime that committed many human rights violations from 1994 to 2017, though under a veil of secrecy. In the dictator’s toolbox to muzzle the press and rights activists and target political opponents was a security outfit of ruthless enforcers: the Junglers. Little was known about the inner workings of the feared paramilitary group — their structure, missions and members — until the country’s TRRC investigated it and had several former Junglers coming forward and testifying about their deeds.

On April 25, the trial of an alleged member of the hit squad opens before a court in the city of Celle, near Hanover, in Northern Germany. It is the first trial of a Gambian under the principles of [universal jurisdiction](#), that allows countries to try individuals for serious crimes committed abroad.

FIRST SELF-CONFESSED “JUNGLER”

Baboucar “Bai” Lowe, a class 2 warrant officer now 46-years old, was actually the first person to take Gambians beneath that veil of secrecy when he revealed his role a few years before Jammeh’s fall after going into exile to Germany.

Lowe joined the army in 1997, three years after Jammeh’s military coup, according to a [2013 interview](#) he gave to an opposition US-based Gambian media, Freedom radio. He was posted at the State House and later became a driver in the military. In 2002 he left for commando training in Gaddafi’s Libya with 31 others. Upon his return, he was deployed to Kanilai, Jammeh’s stronghold. That’s when he said he became a driver of the Junglers. However, a few years later he joined the opposition to campaign against the dictator, left the country and started to disclose many state secrets to Gambian online media sites. He accused Jammeh to be behind a number of crimes and named several officials at the time, including Ousman Sonko, a former Minister of Internal Affairs who is now prosecuted in Switzerland.

JUSTICE CATCHING UP

With revelations flowing before the TRRC after public hearings started in January 2019 German justice decided Lowe should be held to account. He was [arrested](#) in March 2021 and has been in pre-trial detention since then. He is [charged](#) with three counts of crimes against humanity for being allegedly involved in the attempted murder of lawyer [Ousman Sillah](#) in 2003, as well as in the murders of renowned journalist Deyda Hydara in 2004, and of Jammeh’s perceived political opponent Dawda Nyassi in 2006.

Ousman Sillah was one of the lawyers of Baba Jobe, a former close associate of Jammeh who was jailed for tax evasion. Jobe died while in prison. Before the Truth commission, former Jungler Omar Jallow confessed to participating in his execution. Sillah survived an attack on his life in 2005. In the TRRC report, the commissioners wrote that "Bai Lowe who was a member of the Jungler squad sent to assassinate Lawyer Ousman Sillah would later reveal to Freedom on line newspaper how they were ordered by Yahya Jammeh to assassinate Lawyer Ousman Sillah. The Junglers attempted to carry out the plan, but they failed by divine intervention."

Dawda Nyassi was a Gambian citizen who had gone to Liberia to fight in that country's civil war. When he came back to Gambia, Jammeh allegedly ordered his murder as he suspected Nyassi of having plans to overthrow him.

Lowe was also reportedly involved in the murder of Haruna Jammeh, a cousin of Yahya Jammeh although this killing is not included in the trial in Germany.

Gambia's [TRRC has also called for Bai Lowe's prosecution](#) in the [murder of 59 West African migrants in 2005](#) – a mass crime on which Lowe gave much details in earlier interviews – and groups have called for German authorities to investigate this massacre.'

DOUBTS ON GAMBIAN GOVERNMENT'S COMMITMENT TO JUSTICE

The trial of Bai Lowe opens while more questions hover over Gambia's president Adama Barrow's commitment to ensure justice for Jammeh-era crimes. Last week, Barrow appointed as speaker of the National Assembly — the country's third most powerful person — the leader of the Alliance for Patriotic Reorientation and Construction party (APRC), Fabakary Tombong Jatta. The new vice-president of the parliament, Seedy Njie, is a former Information Minister under Jammeh who declared Barrow's election in December 2016 was stolen, left with the dictator to Equatorial Guinea before coming back, joining Barrow and helping him form the National People's Party which he now serves as the deputy spokesperson.

While Jammeh still lives in exile in Equatorial Guinea, the APRC leadership has, for the last 5 years, run a relentless campaign against the TRRC. Gambia's Justice Minister Dawda Jallow told Justice Info the government is still committed to justice. "We are working with the German authorities on this issue. Because of the critical nature of mutual legal assistance, we will not be able to spell out details," he also said. But critics and victims have expressed their doubts.

"The long arm of the law is catching up to Yahya Jammeh and his accomplices around the world," said Reed Brody of the International Commission of Jurists who works with Jammeh's victims. "Jammeh's henchmen have been arrested in Germany, Switzerland and the United States, and the Gambian truth commission has called for the prosecution of his accomplices in The Gambia, and of Jammeh himself." In his view, the trial in Germany "takes on even greater importance now as potential roadblocks to accountability have suddenly appeared in The Gambia, with the appointment of legislative leaders who have spoken out against the transitional justice process."

Baba Hydera is a son of murdered journalist Deyda Hydera and a plaintiff in the Bai Lowe case. "It has been a relief. We have been waiting for 18 years for someone to be held accountable. We consider this a start for justice to be finally delivered for the victims. This is not the end. There are others involved," he told Justice Info. "The trial of Bai Lowe is a wake-up call for the Gambia. If we can't find justice in our own country, we will go elsewhere. That is why this Bai Lowe trial symbolizes a lot. The main culprit is Yahya Jammeh. When Jammeh has a day in court, that day we will say we have done it. It will be a long journey but we are relentless," he said.

GAMBIAN TRIAL IN GERMANY: THE THIN LINE BETWEEN WITNESS AND SUSPECT

In Celle, Germany, a former member of Gambia's notorious "Junglers" is accused of crimes against humanity. One of his former comrades, with a very similar background, was expected to come as a witness to shed light on the death squad's killing missions. Until he decided to make full use of his right not to self-incriminate.



Defendant Bai Lowe shields himself from the cameras before a court in Celle, Germany, at the opening of his trial. © Ronny Hartmann / Pool / AFP

By Hannah El-Hitami our special envoy in Celle, Germany

2 June 2022

🕒 4 min ↵

The defendant and the witness have many things in common. Both are former military officers, both were part of Gambia's ex-dictator's notorious death squad known as the "Junglers", both have claimed that they were present and sitting in the same car during the deadly attacks on a journalist and a lawyer almost twenty years ago. The two men left the Junglers and their country behind at some point, and made their way to Germany. And both of them talked about their past to an oppositional Gambian radio station, revealing the details of the deadly attacks and their role in it. But on this day, in a German courtroom, there is one big difference between Bai Lowe and Sheriff Gisseh: Lowe is accused of crimes against humanity, while his former colleague is a free man, who has been summoned as a witness. The Gambia trial in Celle, Germany, has illustrated once again how fine the line between witness and suspect can be in universal jurisdiction cases.

The first trial against a member of ex-dictator Yahya Jammeh's death squad started in the north-western German city of Celle on the 25th of April. Bai Lowe is accused of crimes against humanity in conjunction with two murders and one attempted murder. Germany is conducting the trial under the principle of universal jurisdiction, that allows states to prosecute the gravest crimes against international law, even when there is no direct link to the prosecuting country. Lowe is alleged to have been a member of the Junglers and to have carried out several of Jammeh's illegal orders to kill. According to the indictment, "the aim of these operations was to intimidate the Gambian people and suppress the opposition." One of the victims was journalist Deyda Hydara, whose son Baba Hydara has joined the proceedings as a joint plaintiff. Bai Lowe is not accused of having killed anyone by his own hand, but of being the group's driver. He allegedly drove the killers to their missions and in one case used the car to block a victim's vehicle. Among the main evidence against Lowe is an interview he gave in 2013 to the oppositional US-based Freedom Radio, where he describes being present during the assassinations.

EX-JUNGLER REMAINS SILENT

On Monday, Sheriff Gisseh was summoned by the court to testify. He, too, gave a lengthy radio interview to journalist Pa N'derry Mbai in 2014. There, he mentioned sitting in the car with Lowe, while his colleagues were shooting lawyer Ousman Sillah in December 2003 and journalist Deyda Hydara in 2004. However, when Gisseh

appeared in court, he was not willing to repeat that statement. The 50-year-old was accompanied by a lawyer, who apparently had advised him to remain silent in order not to incriminate himself. With Gisseh being an ex-Jungler, the judges in Celle had been ready to inform the witness of his right to remain silent regarding certain information: “He is entitled to an extensive instruction in accordance with paragraph 55 [*the paragraph in German law that defines the right to remain silent in order not to self-incriminate*]”, said Judge Günther before inviting the witness into the courtroom. But it seemed they had not expected him to refuse to testify altogether – a quite short-notice decision, perhaps taken by Gisseh after consulting with his attorney that morning.

As Gisseh left the courtroom after just a few minutes, he passed by Lowe. The two former colleagues, both in casual sportswear, murmured some unintelligible words to each other. Then, an officer from the German federal police (BKA) was called in to summarize what Gisseh had told him in an interrogation in May 2021: that he and Lowe received military training from Libyan trainers at the end of the 90s; that they were subsequently recruited into the “Patrol Team”, which is known colloquially as the Junglers; that Lowe was the only driver of the team; that he, Gisseh, never killed anyone and always questioned the legality of these missions, which is why he lost his superiors’ trust and left the army in 2005; that Lowe asked him why he left, claiming that “it’s all right and the money is good”; and that Lowe was a “decent, respectful person, a good Muslim, who did not do drugs, drink or smoke”.

DIFFERENT STATEMENTS ON THE RADIO, TO THE POLICE AND IN COURT

According to the German police officer, however, the witness retracted what he had said on the radio about witnessing the killings of journalist Hydara and lawyer Sillah. With Lowe having been arrested two months prior to his police interrogation, Gisseh might have gotten worried. “He claimed that he had lied in the radio interview to make his statements more credible to the audience”, said the BKA officer in court. Gisseh’s statement on the radio does sound like a first-hand account. He lists the people who were in the car with him – among them Bai Lowe -, what type of car it was, who shot at Hydara and Sillah, and how he heard the victims screaming. But according to the BKA witness, “he said he only heard about the incidents from colleagues and in the media, and that he repeated what Bai Lowe had said in his radio interview.”

He told the German police that he could not have participated in Hydara’s assassination, because he was not asked to join such operations anymore at the time.

He said that having lost the trust of his superiors he was only employed in office jobs. And during the attempt on Sillah's life, he claimed, he had been at his best friend's wedding. To the defence's question, whether the federal police had verified this information, the BKA officer responded that they had not conducted any further research into the matter.

HE "JUST SAT IN THE CAR"

After all, Gisseh was not questioned as a suspect but as a witness. Federal prosecutor Schmidt confirmed in court that to their understanding of his radio interview, Gisseh had "just sat in the car" and therefore they had had no initial suspicion against him when they summoned him for questioning. However, she added, they had been prepared to change his status from witness to suspect during the interrogation, if relevant information had been provided.

She referred to the case of Eyad Al-Ghareib, the Syrian officer who was sentenced to four and a half years in prison by a German court for aiding and abetting crimes against humanity in Syria. He had started out as a witness to the BKA and became a suspect during his testimony. The prosecution, however, had not noticed until after his interrogation, and so had failed to inform him of his rights as a suspect. This mistake had proven a controversial issue throughout the whole trial and had been one of the crucial lines of Al-Ghareib's defence. The tightrope walk between witness and suspect might come up more often during universal jurisdiction cases in the future, especially when they rely so heavily on insider witnesses due to the distance in location and often time to the crime scene.

The Standard

GAMBIA NEWS

Baba Hydara testifies at jungler's crime against humanity trial in Germany

JUNE 23, 2022



By Baba Sheriff Bojang in Celle, Germany

The trial of former Gambian hit squad driver, Bai Lowe, resumed on Monday at a court in German city of Celle, 42km north of Hanover with the eldest son of murdered journalist Deyda Hydara taking the stand.

Lowe, 46, is on trial facing three charges of crimes against humanity as a member of the Junglers hit squad that carried out systematic killings and tortures allegedly on the orders of former president Yahya Jammeh.

- Advertisement -

German authorities arrested Lowe in Hanover where he was resident last year and citing universal jurisdiction, slammed the charges of participating in the 2004 murder of Deyda Hydara; driving Junglers to kill opposition politician Dawda Nyassi in 2006; and the attempted assassination of lawyer Ousman Sillah.

In a daylong testimony on Tuesday, Baba Hydera, 45, a joint plaintiff in the case, recounted the harrowing details of the killing of his father and the traumatic impact it had on the family.

He stated: "It was on 16 December 2004. I was in Paris studying at the time. That evening I received a call from my sister Marie Pierre crying inconsolably and said 'They have killed dad'. I was distraught and confused because I never thought such a thing could happen in The Gambia. It took me hours before I could come back to my senses...

"Our father was the sole breadwinner. My sister and I were abroad studying. Even before his death, the newspaper business was in financial straitjacket. It was his income from AfP, RSF and others that was helping. So the family was in financial dire straits after his death. I had to drop out of school and take up lodging with Maison des Journalistes in Paris. Luckily for my sister she got British citizenship.

"Our mother was in The Gambia and she would openly castigate the president and fearing for her safety, we took her to England. My younger brother Ismaila had to relocate to the US. The family scattered. Once I travelled to Dakar but I was detained at the airport because the Senegalese secret service told me they were apprehensive about my activities in the country and I had to return to Paris."

He said the pain and anger resulting from his father's killing is still fresh and that it was not until this year that his two brothers Ismaila and Deyda Jnr visited the country while his mother and sister are yet to do so.

Junglers

Baba Hydera said together with Léonard Vincent of Reporters Without Borders (RSF), campaigns and investigations into the murder of his father were waged. "There were rumours and one name kept being mentioned: Sanna Manjang (a member of the Junglers hit squad. It was later on we started hearing other names like Malick Jatta. I later heard that a person [Bai Lowe] had an interview with Pa Nderry M'Bai [of Freedom Radio] but I did not and never wanted to listen to it... It was after the TRRC (Truth Commission) that we really knew what happened. It was more than one person; there was Oya [Omar A Jallow] and Malick Jatta confessing about participating in the crime, and from their accounts, we had a fuller picture of what happened that night."

Quest for justice

Baba Hydera said finding justice for his father and the other victims of former president Yahya Jammeh's brutality has become his life's goal.

"I have dedicated my life to the quest for justice. I am compelled to do it. When I returned to The Gambia, I realised my family was not the only one victimised. So I joined others to set up the Victims' Centre. This trial is a first step in that quest for justice. What is happening here will

resonate in The Gambia and throughout the world and will demonstrate that impunity will not stand. Eighteen years after my father's murder, this is the first time I am in a courtroom to have justice. This is the start but we will make sure it will not be the end of our quest for justice."

Political will

Asked by the judges his views about the willingness of the government of The Gambia to prosecute perpetrators as recommended by the TRRC and endorsed in the government white paper, Baba Hydera, said: "Accepting does not mean you are going to implement. That is why we the victims are doing everything in our power to ensure that the government does as it promises."

During the hearings, Bai Lowe who remains under custody was present with his lawyers. On Monday a Mr D'Angelo from the German Federal Office for Migration and Refugees who interviewed Lowe during his asylum case hearing testified.

He recounted what Lowe told him about how he was recruited as a member of the Junglers; the operations he participated in; how he left the army; ended up in Germany; and his exposés on Gambian online radios.

A Gambian resident in Hanover, Bakary Sanyang a native of Faraba, Kombo East, who assisted Lowe settle in Germany, also testified and told the court what the former Jungler driver told him about his involvement in the operations of the hit squad.

A family member and a friend of Sanyang's were killed by Jammeh's men and he subsequently became a vocal opponent of the president. He said he befriended Lowe to understand how the Junglers were thinking and said Lowe showed remorse for his involvement in the atrocities.

Active

Of recent, prosecutors have become proactive in prosecuting under Germany's universal jurisdiction law, persons resident in Germany accused of having committing heinous crimes in their countries of origin.

Recently, a former Islamic State member, a Syrian doctor and member of the Middle Eastern country's secret police were convicted for such crimes.



#Headlines

'Deyda sacrificed his life to defend voiceless' as Pap Saine testifies in Germany

Aug 25, 2022, 12:49 PM

In his evidence, Mr. Saine told the court in Celle that Deyda was like an elder brother to him.

“He was a journalist who put all his love and compassion into his work, trying to be a voice for the voiceless,” he adduced.

“Deyda sacrificed his life to defend the voiceless and fought with the truth.”

“After his murder, my family and friends asked me to leave *The Point*. However, a colleague of mine Demba Jawo said to me that ‘either you continue or not, you will die one day.’ But for us, who knew him, keeping the newspaper and his column alive at the same time meant honouring his legacy.”

“Deyda and I were brothers. We started our career with the Radio in 1970; then from 1983 to 1989, we worked part time for Senegambia Sun – a weekly paper financed by the Senegalese Daily Le Soleil to promote the Senegambia Confederation till its dissolution.”

“Deyda had participated immensely in the development of the press. He was an RSF correspondent for 20 years and AFP 30 years.”

“That was the time there was a vacuum in the Gambian press to have tabloid newspapers; on 16 December 1991, *The Point* was established by Pap Saine, Deyda Hydera and late Baboucarr Gaye, who later resigned in April 1992.”

“Deyda used to receive threats especially with regard to his famous column: ‘Good Morning Mr. President’ in which he dealt with weekly issues and tried to find solutions.

I first heard about Bai Lowe on 24 February 2013 when he was interviewed on Freedom Radio explaining how Deyda was killed and ‘junglers’ involvement through the direction of Ousman Sonko, the ex-minister of Interior in the Jammeh regime.”

‘He was the one giving directions to the junglers who killed Deyda’ Mr. Saine quoted Bai Lowe as saying.

He talked about Lawyer Ousman Sillah's attempted murder 2003.

"In my opinion, there was self censorship and people were afraid to listen to Freedom Radio in The Gambia. No media outlet did carry the interview because of massive reprisals against journalists."

"During ex-president Jammeh's regime, journalists were arrested, killed, got their houses or media houses burnt."

"Malik Jatta, an alleged jungler, who first shot Deyda told TRRC on 22 July 2019 that Bai Lowe was the driver of the junglers who killed Deyda on 16 December 2004."

"Bai Lowe's confession exposed Yahya Jammeh for his abuse of human rights and killing his opponents."

"With the Barrow Government, there is significant improvement on press freedom; independence of judiciary; democracy and rule of law. Since President Barrow assumed office in 2017, The Gambia made good progress with RSF World Ranking."

"The Gambia is now 50 from 180 countries in the world and 8 in Africa from the 55 countries in press freedom."

"The government should abolish the draconian media laws and pay on time bills of adverts owed to media houses."

Since the beginning of the Bai Lowe trial, RSF has sponsored three Gambian journalists to cover the proceedings.

"The TRRC did a marvelous job by exposing the killings of ex-president Jammeh totalling 250.

There are 90 perpetrators including Jammeh who should be prosecuted," Mr. Saine said.

"The government is looking for funds to implement recommendations of TRRC."

He urged young journalists to follow the footsteps of Deyda Hydara, his sacrifice for press freedom as he was a real role model.

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Survivor to testify at German Trial of Alleged Gambian 'Death Squad' Driver

SURVIVOR TO TESTIFY AT GERMAN TRIAL OF ALLEGED GAMBIAN 'DEATH SQUAD' DRIVER

06.10.2022

Survivor to testify at German Trial of Alleged Gambian 'Death Squad' Driver

Trial of Jammeh-Era Abuses moves forward in Germany while Gambia waits for accountability



(Berlin, 4 October 2022) A woman who survived the murder of a renowned Gambian journalist will testify on 6 and 7 October in the German city of Celle at the trial of a man allegedly involved in the killing, human rights groups said today.

Ida Jagne, who was in the car with newspaper editor Deyda Hydara when he was killed in Gambia in 2004, will tell her story in public for the first time at the trial of Bai L., an alleged member of the "Junglers," a paramilitary "death squad" set up by then-president Yahya Jammeh in the mid-1990s. Jagne is a joint plaintiff in the case.

The trial of Bai L., who had been living in Hannover, began on April 25, 2022 and is expected to last at least until early 2023. Bai L., who has so far remained silent, has indicated, through his lawyers, that he will make a statement in the coming weeks.

Jammeh's 22-year rule was marked by systematic oppression and widespread human rights violations, including torture, extrajudicial killings, enforced disappearances, and sexual violence against actual and perceived opponents to his rule. German prosecutors accuse Bai L. of being a former Jungler driver involved in the Hydara murder, the attempted murder of the lawyer Ousman Sillah, and the murder of Dawda Nyassi, a perceived opponent of the former president. In its final report released on December 24, 2021, Gambia's Truth, Reconciliation and Reparations Commission (TRRC) called for Bai L.'s prosecution in connection with the Hydara and Sillah cases, as well as in the murder of 59 West African migrants in 2005.

Witnesses to testify thus far have included German investigators, former Gambian soldiers, and the German asylum judge who interviewed Bai L. Njan Sgsarang Jobe, the other passenger in the car, Pap Saine, the co-founder with Deyda Hydara of the Point newspaper, also testified, as did Fatou Sillah, daughter of Ousman Sillah, and Hydara's son, the journalist Baba Hydara, who is also a joint plaintiff in the case. Fatu Camara, a leading Gambian journalist and host of the Fatu Network, who interviewed Bai L. in 2014, is expected to testify on 3 and 4 November. The court has also used as evidence the report of TRRC, and a 2013 interview Bai L. gave to the Gambian Freedom radio station in which he described his participation in the alleged crimes as well as in several others.

The Celle trial is the first to prosecute on the basis of universal jurisdiction crimes committed in Gambia during the Jammeh era. Another alleged Jungler, Michael Correa, 43, was indicted in the United States in June 2020. Correa faces charges of torturing detainees following a failed coup attempt in Gambia in 2006. In Switzerland, an investigation against former Interior Minister Ousman Sonko for crimes against humanity has been ongoing since his 2017 arrest.

In Gambia, the TRRC called for the prosecution of Jammeh and scores of others. A government White Paper, issued in May 2022, accepted this recommendation. Gambia's Minister of Justice Dawda Jallow has said that the prosecution of Jammeh, who is in exile in Equatorial Guinea, and his leading accomplices, will "probably" entail the creation of a hybrid court in partnership with the Economic Community of West African States (ECOWAS), in keeping with the consensus reached in a series of meetings convened by the Gambia Bar Association. No moves have been taken, however, to create such a court. The "Jammeh2Justice" campaign, made up of victims of the former regime and Gambian and international activists, has called on the government to take concrete steps to bring Jammeh and his accomplices to justice.

"The cases against Jammeh's alleged accomplices in Germany, Switzerland and United States have shown us that justice is possible," said Fatoumatta Sandeng, spokesperson of the "Jammeh2Justice" campaign. "Now it's time for The Gambian government to act on its commitment to bring to justice Jammeh himself and those perpetrators in The Gambia."

The human rights groups involved in the Bai L. case include the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED), the European Center for Constitutional and Human Rights (ECCHR), the Gambia Center for Victims of Human Rights Violations, the International Commission of Jurists (ICJ), Reporters Without Borders, the Rose Lokissim Association, the Solo Sandeng Foundation, and TRIAL International.

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Presse



Niedersachsen

Oberlandesgericht Celle
- Die Präsidentin -

Pressesprecher: Andreas Keppler

Celle, 13. Oktober 2022

Staatschutzverfahren wegen des Verdachts von Verbrechen gegen die Menschlichkeit in Gambia

- Angekündigte Einlassung des Angeklagten -

CELLE. In dem Staatschutzverfahren gegen Bai L. (Az.: 5 StS 1/22) haben die Verteidiger angekündigt, dass sich der Angeklagte in der Sitzung am 20. Oktober 2022 zur Sache einlassen wird. Am 21. Oktober 2022 findet keine Verhandlung statt.

In the state protection proceedings against Bai L. (Ref.: 5 StS 1/22), the defense attorneys have announced that the defendant will address the court on the merits of the case at the hearing on 20 October 2022. There will be no hearing on 21 October 2022.

Ansprechpartner:

Andreas Keppler

Richter am Oberlandesgericht
Pressesprecher

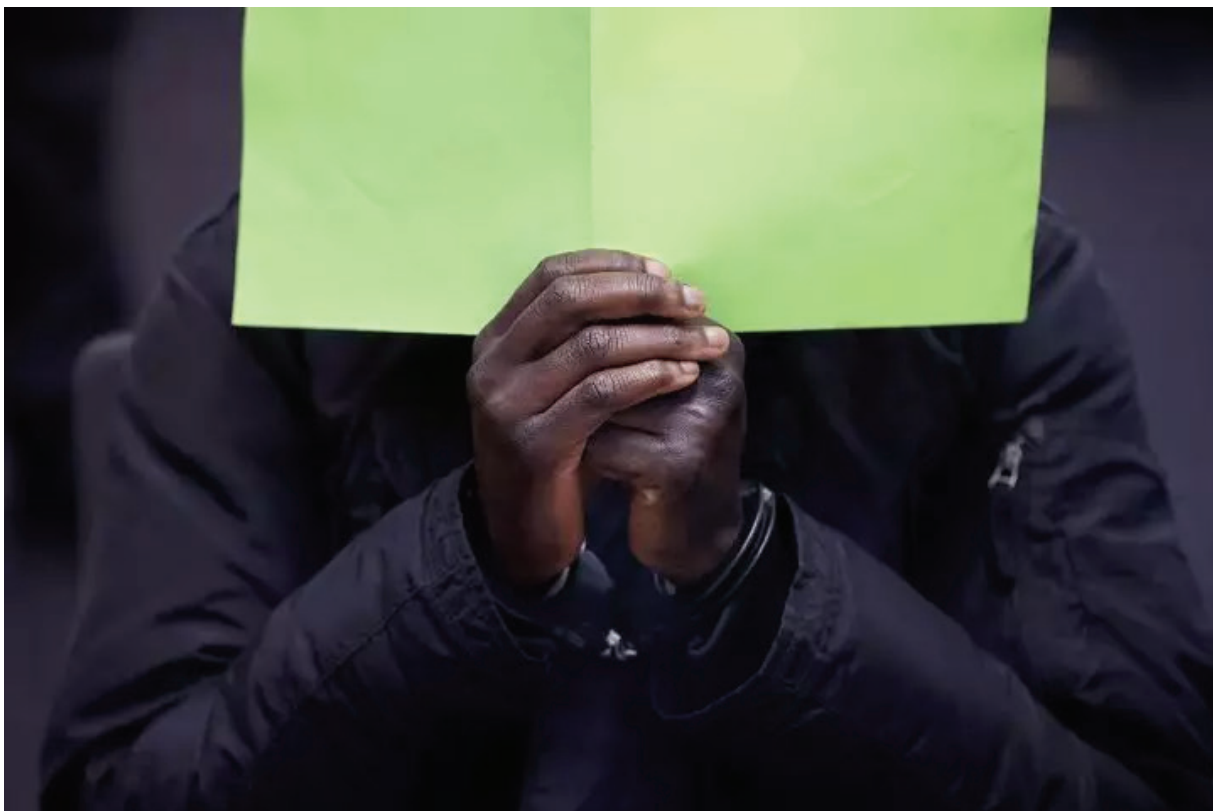
Telefon: 05141 / 206 777
01525 6798160

Nr. 57/22 – Bai L - Einlassung Oberlandesgericht Celle - Pressestelle - Schloßplatz 2, 29221 Celle	Tel.: (05141) 206-777/ (05141) 206-306 Fax: (05141) 206-507	www.oberlandesgericht-celle.niedersachsen.de E-Mail: olgce-pressestelle@justiz.niedersachsen.de Twitter: @olgcelle Instagram: olg.celle.karriere
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GAMBIA UNIVERSAL JURISDICTION

GAMBIAN TRIAL IN GERMANY: I POSED AS A “JUNGLER”, DEFENDANT SAYS

On Thursday 20 October, Baboucar “Bai” Lowe has given his first statement in six month of trial in Germany. The Gambian national, an alleged member of a notorious killing squad called the “Junglers” accused of crimes against humanity, claims that he was never part of it and that the self-incriminating statements he gave were based on narrations of others.



The Gambian accused of being part of a death squad in his country hides his face behind a folder at his trial, which opened on 25 April in Celle, northern Germany. © Ronny Hartmann / Pool / AFP

By Hannah El-Hitami our special envoy in Celle, Germany

21 October 2022

🕒 5 min 29

All cards are now on the table in the trial against Baboucar “Bai” Lowe in the German city of Celle. Yesterday, on Thursday 20 October, the Gambian defendant, a 47-year-old alleged ex-militiaman in his country, broke the silence and had his lawyer read out a statement that completely twisted the narrative that the prosecution had been trying to establish since the beginning of the trial in April.

Lowe, who appeared in court wearing a black hoody, grey jeans and black sneakers, is accused of crimes against humanity in conjunction with two murders and one attempted murder. He is alleged to have been a member of Gambian ex-dictator Yahya Jammeh's notorious death squad known as the “Junglers”. According to the indictment, “the aim of [the Junglers’] operations was to intimidate the Gambian people and suppress the opposition.” One of the victims was journalist Deyda Hydara, whose son Baba Hydara has joined the proceedings as a plaintiff. Lowe is accused of being the death squad's driver. He allegedly drove the killers to their missions and in one case used the car to block a victim's vehicle. Among the evidence against Lowe is an interview he gave in 2013 to the oppositional US-based Freedom Radio, where he describes being present during the assassinations.

But yesterday, in his statement, Lowe claimed that he lied about his involvement with the Junglers.

“NOBODY TALKED ABOUT WHAT THE JUNGLEERS DID”

It had been known beforehand that the statement would not contain a confession. But he “did not expect it to be that constructed”, said plaintiff lawyer Peer Stolle after the court session, which lasted 45 minutes. The statement had been translated to German and was read out by defence lawyer Matthias Kracke. In it, the defendant starts by talking about his personal background. He was born on the 14th of June 1975 as the oldest of seven children. His father died 19 years later, which is why Lowe was not able to go to university after graduating from high school. Instead, he worked in a gas station, until he decided to sign up with the military. After completing basic training, he worked in the State House, the residence of then President Jammeh. In 2001, he was trained as a driver and practiced this profession for almost ten years. Even though, he said, “he tried to advance” in his career by participating in a training with Libyan soldiers, he kept working as a driver for the State House or for the border patrol.

Lowe claims that yes, there was a special patrol team of eight to thirteen men, who carried out the deadly attacks, but that he was not part of it. "I was aware that this team had been established", he said through his lawyer in the court room. "They were executing the president's orders. But nobody talked about what exactly it was that they did." In 2005, he said, that unit was expanded and provided with black uniforms and black cars. They became known as the "Junglers", "Black Black" or "Scorpions". Later, he said, all of the other units received black uniforms, as well, and were called the same names. "Today I understand that they were trying to hide the Junglers in this way", Lowe said in his statement.

He added that he did not find out what the Junglers did until 2006, when some of them told him about the killings.

"I DID NOT PARTICIPATE IN ANY CRIMES"

At that point, according to Lowe, a member of the Junglers called Malick Jatta told him that they had killed his half-brother. Despite his anger, Lowe claimed, he kept in touch with them, "hoping for more information from the perpetrators". He went on describing situations in which Junglers told him about the murders of journalist Hydera, of oppositional Dawda Nyassi and about the assassination attempt against lawyer Ousman Sillah – for which Lowe himself is accused in Celle court. One Jungler allegedly told him about the killing of Hydera, while they sat in a bar drinking. "I did not drink any alcohol", Lowe stressed. "I just paid and drank non-alcoholic beverages." Another time, he said, drunk Malick Jatta told him how they shot Nyassi. And during a car ride, a third Jungler told him about the attempted murder of Sillah, and that they had received lists from the president of those he wanted dead. At the end of his statement, Lowe claimed that his 2013 interview "was based on other people's narrations. I did not participate in any of these crimes."

But why then did he tell this incriminating story to journalist Pa Nderry M'Bai, editor of Freedom Radio? Lowe explained that he grew more and more anxious about the information that he had been hearing, but did not know what to do with it. "I was afraid for myself and my family." During a trip to Senegal to visit his mother, he got hold of an issue of the Freedom Newspaper, which was not available in Gambia. He called editor M'Bai and told him what he knew. They kept in touch regularly so that, according to Lowe, the journalist could get information and pass it on to the radio and newspaper.

POSING AS A JUNGLER?

This phase ended in 2012, Lowe said in his statement, when soldiers came to his house to arrest him, but he was not home. They came again a week later and broke the doors. "They threatened my wife that they would arrest me and that nobody would ever see me again", he said. At this point, he decided to leave the country. A month later, on the 15th of July 2012, he received a phone call from M'Bai. "I know the date, because I marked it red in my calendar", read Lowe's statement. "It was the day that I decided I would do everything I could to bring down Jammeh." That day, he claimed, M'Bai called him three times – desperate, because he had been publishing so much about the Junglers' crimes, but it had made no difference. Lowe said M'Bai urged him to pose as a Jungler and make all his knowledge public. "He said I was the only person who could make the people in Gambia believe the truth."

Lowe declined at first, but M'Bai persisted. In his third call, he allegedly told Lowe that after the next elections, Jammeh would appoint himself king for life. At this point, Lowe decided to help. A while later, he got a visa, travelled to Germany, and gave the incriminatory interview to M'Bai over the phone – based on, as he claimed, narrations of others as well as directions from the journalist himself. He considers the scheme a success: "It did, finally, lead to the people in Gambia knowing the truth about Jammeh", he said in his statement.

NO MORE SUPPORT FROM GAMBIAN AUTHORITIES

M'Bai, the only person who could confirm or rebut this version of the events, passed away a year ago. But Peer Stolle, who represents the joint plaintiffs Baba Hydera and Ida Jagne in court, considers Lowe's statement implausible. "The information he gave in the radio interview was very detailed" said Stolle outside the courtroom. "It is not plausible at all that he made all of it up." The details also conformed with those mentioned in the testimony of his client Jagne, who had been a witness of Hydera's killing. "He could only have known those details if he was at the crime scene himself." In addition, Stolle said, there had been testimonies at the Truth, Reconciliation and Reparations Commission that mentioned Lowe, as well as accounts he gave to people in his personal circle and to the journalist Fatou Camara.

Camara is scheduled to testify in Celle in November, despite some difficulties in bringing her to court. "It appears that the Gambian authorities no longer support the German judiciary in this case", said judge Ralf Günther at the beginning of yesterday's session. They had not forwarded summoning letters to Gambian witnesses.

In this universal jurisdiction's trial, scheduled until January 2023, both plaintiffs have testified in the past weeks, as well as two former members of the Junglers. It remains to be seen how the trial will continue and "what evidence is needed to complete the picture, that the defendant has now contradicted," according to victim's lawyer Stolle.

PRESS RELEASE

For Immediate Release



Germany/Gambia: Migrant Massacre Survivor to Testify

Alleged Gambian 'Death Squad' Driver's Trial Progresses

(Berlin, January 19, 2023) A Ghanaian citizen who survived the massacre of approximately [59 West African migrants](#) in July 2005 by a paramilitary 'death squad' in Gambia will testify before a court on 19 January 2023 in the German city of Celle, ANEKED, Human Rights Watch, the International Commission of Jurists, the Solo Sandeng Foundation and TRIAL International said today. The death squad was allegedly set up by the then-Gambian President Yahya Jammeh. The trial is of Bai L. who was allegedly involved in the killings.

Along with a group of other West African citizens, including from Ghana, Nigeria, Senegal, Ivory Coast and Togo, [Martin Kyere](#), the Ghanaian who will testify, was [arrested](#) by the Gambian security forces in the city of Barra in July 2005. [Jammeh](#) apparently suspected that the migrants were mercenaries plotting a coup against him and is alleged to have ordered the "[Junglers](#)" death squad to kill the migrants. Only Kyere managed to escape and he has since been rallying the victims' families and demanding justice.

"Myself and all the families of the victims are praying every day for the perpetrators of the 2005 massacre to be brought to justice" said Oduro Mensah, brother of a Ghanaian victim of the massacre. "Martin's testimony is very important because it will contribute to shedding light on the events that took my brother away from me".

In March 2021, German authorities arrested Bai L., an alleged member of the Junglers who was living in Hannover. His [trial](#) began on April 25, 2022 and is expected to come to a close soon. This is the first trial based on [universal jurisdiction](#) judging atrocities committed during Jammeh's rule. Another alleged Jungler, [Michael Correa](#), was indicted in the United States in June 2020. Correa faces charges of torturing detainees following an attempted coup in Gambia in 2006. In Switzerland, an investigation against former Interior Minister [Ousman Sonko](#) for crimes against humanity has been ongoing since his 2017 arrest.

This trial of Bai L. is possible because Germany recognizes universal jurisdiction over certain serious crimes under international law, allowing for the investigation and prosecution of these crimes no matter where they were committed, and regardless of the nationality of the suspects or victims. [German authorities have been leaders](#) in prosecuting universal jurisdiction cases, the human rights groups said.

Closing statements

Germany Seeks Life For Alleged Gambia Death Squad Member

By AFP - Agence France Presse

Nov 16, 2023, 9:33 am EST

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 Reprints

German prosecutors on Thursday demanded life in prison for a Gambian man accused of belonging to a death squad that murdered opponents of former dictator Yahya Jammeh, including an AFP journalist.

A spokesman for the court holding the trial in the northern German town of Celle said federal prosecutors called for the maximum sentence for Bai Lowe.

But they stopped short of asking the tribunal to determine a "particular severity of guilt", which would mean he could be held beyond the usual 15 years in prison followed by release on parole that generally accompanies a life sentence.

Lowe, who went on trial in April 2022, is accused of involvement in two murders and one attempted murder while working as a driver for the hit squad known as the Junglers between December 2003 and December 2006.

He is charged with crimes against humanity, murder and attempted murder, including the 2004 killing of AFP correspondent Deyda Hydera.

It is one of the first cases worldwide hearing accusations of serious human rights violations during the Jammeh era in Gambia, a former British colony.

Lowe has denied the charges in court, telling the judges in October 2022: "I did not participate in these acts," in a statement read out by his lawyer.

The proceedings are being held in Germany on the basis of universal jurisdiction, which allows a foreign country to prosecute crimes against humanity, war crimes and genocide, regardless of where they were committed.

Hydera was an editor and co-founder of the independent daily The Point and an AFP correspondent for more than 30 years.

The father-of-four also worked as a Gambia correspondent for the Reporters Without Borders (RSF) campaign group.

He was gunned down in his car on the outskirts of Banjul on December 16, 2004.

bur-dlc/hmn/bp

GAMBIA UNIVERSAL JURISDICTION

“BAI LOWE TRIED TO MAKE AMENDS FOR SOMETHING BEYOND REPAIR”


The trial for crimes against humanity of Gambian Bai Lowe in Celle, Germany, is about to end. On the 16th and 17th of November, the prosecution and joint plaintiffs gave their closing statements. As a driver for former President Yahya Jammeh’s death squad, the accused allegedly participated in the murder of enemies of the regime. The prosecution called for a life sentence, even though they acknowledged that Lowe played a minor role in the crimes and later helped reveal them.



In the trial of Bai Lowe, former driver of a death squad in Gambia, prosecutors acknowledged that the defendant had played a secondary role in the crimes of former dictator Yahya Jammeh and then helped to expose them. "But the law expects more from someone who wants to be acquitted of homicide," they pleaded. © Ronny Hartmann / Pool / AFP

By Hannah El-Hitami (our correspondent in Germany)

23 November 2023

 7 min 58

Over the past three years, Germany has presented itself as a leading country for implementing international criminal law, conducting several trials dealing with crimes committed in Syria and Iraq. Now, another universal jurisdiction trial is nearing its end, one that has taken Germany's justice efforts to the African continent. In the picturesque town of Celle in Northern Germany, Gambian national Bai Lowe is accused of crimes against humanity and murder allegedly committed in his home country twenty years ago. On November 16, the prosecution gave their closing statements, urging the court to sentence Lowe to life imprisonment. The following day, the joint plaintiffs and their lawyers gave their final pleas. They, too, believe in Lowe's guilt – but emphasized that judging him would only be one step on a long road to justice for post-dictatorship Gambia.

Lowe is alleged to have been a member of Gambian ex-dictator Yahya Jammeh's notorious death squad known as the "patrol team" or "Junglers". According to the indictment, "the aim of [the Junglers'] operations was to intimidate the Gambian people and suppress the opposition." One of the victims was the prominent journalist Deyda Hydara, whose son Baba Hydara has joined the proceedings as a plaintiff. Lowe is accused of being the death squad's driver. He allegedly drove the killers to their missions. And in the killing of Hydara he is said to have steered the car next to his victim's vehicle while the others were shooting. The most important evidence against Lowe is an interview he gave in 2013 to the oppositional US-based Freedom Radio, where he described being present during the assassinations. In their final statement, the prosecution acknowledged that he had accidentally incriminated himself while trying to expose Jammeh's crimes – but concluded that this could not change the answer to the question if he was guilty in a court of law. "He tried to make amends for something that was beyond repair."



Plaintiffs Omar Nyassi and Baba Hydara have both called for more trials to be held in Gambia, while Bai Lowe's trial is drawing to a close in Germany. © Hannah el-Hitami

JAMMEH'S RULE OF TERROR

It was no surprise that the prosecution saw Lowe's guilt as proven after 58 days of trial, during which his defense struggled to bring forward credible alibi witnesses or exculpatory evidence. What was less expected was that they gave him significant credit for playing just a minor role in Jammeh's crimes and for later making an effort to stop them. Over the course of the trial, several witnesses confirmed the major impact Lowe's interviews had on "waking Gambians up" and "demystifying Jammeh", which ultimately helped end his rule. In the very first minutes of her speech, federal prosecutor Xenia Schmitt insinuated that she did not see Lowe as a ruthless bad guy or evil mastermind. After mentioning the terror of Yahya Jammeh's regime, she acknowledged "how difficult it is to stay out of such a system that eventually compromises, destroys, taints everything." The defendant had arranged himself with the idea that "a driver is not a killer", she added. "But the law expects more from someone who wants to be acquitted of homicide."

Lowe appeared in court in a dark red sweater that matched the robes of the prosecution. As always, he exchanged buoyant handshakes with his defense lawyer and his translator. He seemed relaxed, as he listened to Schmitt and her colleague Ms.

Höfer described the indicted crimes and the context in which they took place, basing many of the established facts on the findings of the Gambian Truth, Reconciliation and Reparations Commission (TRRC). "Jammeh's reign was marked by a devastating human rights situation from the very beginning," they explained. Anyone who was an actual or perceived threat to the president's power could become a target of his security forces: the National Intelligence Agency, the police and the Junglers. The result was an "atmosphere of fear and a loss of trust in state institutions and society" that made impossible any kind of organised or substantial opposition against the regime.

In the eyes of the prosecution, Jammeh's regime waged a widespread and systematic attack against a civilian population: the prerequisite for crimes to be considered crimes against humanity. It was widespread because it took place throughout the country and "hurt or killed a multitude of Gambian citizens." Its systematic nature lay in the death lists and killing squads, the president's hateful speeches against the opposition as well as the prevalence of torture and total impunity for any state actors' crimes.

TWO MURDERS AND THREE ATTEMPTED

It is against this backdrop that they placed the alleged crimes of Bai Lowe: the attempted murder of lawyer Ousman Sillah, the murder of journalist Deyda Hydara and injury of his passengers in 2004, and the murder of Dawda Nyassi in 2006. Regarding Sillah, Schmitt described how Lowe drove the Junglers to his mansion on the 25th of December 2003. There, Sanna Manjang and Bora Colley got out of the car and shot the lawyer until they believed him dead. "The defendant was waiting in the car and had already gotten ready to drive. He drove the perpetrators away from the scene." Sillah survived the attack, but had to give up his work and leave the country. Until today, he suffered from the physical and mental consequences of the attack.

Other victims were not as lucky. According to the prosecution, Jammeh had developed a personal hatred towards Hydara, who did not tire of criticizing him in his weekly column "Good morning Mr President". "A lot of courage and faith is necessary to pursue proper journalistic work under such circumstances," said Schmitt. People like Jammeh "who surround themselves with an aura of grandeur do not like taking advice from others." She described how Jammeh ordered the Junglers through their leader at the time, Tumbul Tamba, to kill Hydara. On the 16th of December 2004, the journalist was on his way home from the 30-year anniversary party of his newspaper The Point. He was driving home his colleagues Ida Jagne – who has joined the Celle trial as a plaintiff – and Niansarang Jobe, when a car approached from behind and

flashed its lights. Hy dara slowed down to let it pass, but the passengers started firing shots at him, killing him on the spot and injuring the two women in the car. The prosecution considers them victims of attempted murder.

Finally, the prosecutors summarized the murder of Dawda Nyassi, a former Gambian soldier who Jammeh saw as a potential threat, after he had gone to Liberia to support warlord Charles Taylor. In 2006, the Junglers were instructed to kill him. They arrested him and tied him to a tree near the airport, then shot him and buried him in an unknown location. Nyassi's eldest son Omar is one of the plaintiffs in the case. "We cannot bring him back, but we want his soul to rest in peace, and for that we need to know where he is buried and when he was killed", he said the next day in his closing statement.

"JUST" A DRIVER

What all these crimes have in common, the prosecution believes, is that Bai Lowe was the one driving the Junglers – and in Nyassi's case their victim, too – to the crime scenes and back. He did not kill anyone with his own hands. In fact, he may never have even left the car, said Schmitt, quoting Lowe as saying: "I was always in the car. I never got off. My feet did not even touch the ground and I never turned off the engine." But still they consider him a co-perpetrator, because he was a member of the team and carried out "a task that was indispensable for the success of the crime." Schmitt observed how often Lowe mentioned that he was "just" a driver in the interviews he gave to Freedom Radio journalist Pa Nderry Mbai and later to journalist Fatou Kamara. She believes that he was "a man with values and a sense of justice" who convinced himself that driving was not killing. The prosecution, however, could not agree with that conviction.

The self-incriminating interviews were "the central pieces of evidence" for the prosecution, said Schmitt. She went on to explain why the prosecution did not believe Lowe's statement in court that he had lied about being present during the crimes to make his account more credible, that he had merely heard all those stories from his colleagues. The interviews were authentic, the prosecution believes, because of the amount of "marginal details and subjective feelings" Lowe described in them. He quoted direct speech and "jumped back and forth in the story without losing the overview of the temporal classification." And he always "differentiated precisely between hearsay and what he witnessed himself." The interviews, the prosecutors acknowledged, "exposed a multitude of atrocities to the public for the first time." And they also ended up putting Lowe in the dock. In 2017, the Swiss police became aware of the interviews and contacted the German authorities to arrange an interrogation

with Lowe, who was living in Germany. They were interested in him as a witness against Gambia's former interior minister Ousman Sonko, who was in pre-trial detention in Switzerland and whose trial is expected in 2024. Lowe did not agree to testify at the time, but the German police became aware of his interviews and started investigating against him.

“CRIMINAL INVESTIGATIONS NEED TO BEGIN IN THE GAMBIA”

Lowe listened to the prosecution's closing statement without any visible reaction, sometimes exchanging muffled conversations with his personal translator. After the prosecutors requested a life sentence for crimes against humanity, Lowe left the court room, slightly grinning as he often does, but seemingly in a rush. The next day he appeared in a bright blue track suit to hear the final pleas of the joint plaintiffs Omar Nyassi and Baba Hydera. Their lawyers Patrick Kroker and Peer Stolle addressed the question why this trial should take place in Germany, when there is a transitional justice process happening in Gambia itself. “Gambian civil society and some of the state institutions have been dealing intensely with the crimes of the Jammeh era, but there is still a lack of criminal prosecution”, said Stolle, adding that he hoped the Celle trial would have a positive effect on trials in the country itself. Kroker added that justice played a crucial role on Gambia's path to democracy. Unlike in South Africa, the Gambian truth commission was not meant as an alternative to criminal prosecution, he said. “There shall be no truth at the expense of justice.”

Kroker's client Omar Nyassi agreed that the trial was an important step to justice. But he urged the international community and the Gambian government “to bring all criminals to justice. Only then we can live in peace.” Finally, it was Deyda Hydera's oldest son's turn to speak. He honored his father saying that as a journalist, he refused to be silenced. “Each week in his column ‘Good morning Mr President’ he spoke critically about what was wrong in the country. He knew that was dangerous, he told us so, and he was right.” Hydera looked Lowe straight in the eye when he said that a team of Junglers including the accused killed his father “in cold blood”. Lowe, who looked back at him, slightly shook his head to that and mumbled something incomprehensible.

“I know Bai Lowe was not the one who planned to kill my father, that he was only a little man,” Hydera added. “I know it was Jammeh who wanted my father killed and gave the order to murder him and rewarded the Junglers for completing the murder.” Therefore, he would not rest until Jammeh himself – who lives in exile in Equatorial Guinea since he was forced out the country in January 2017 – was brought to justice, he said. For him, the trial in Celle could “send a strong message to the Gambian government that it is time for justice. Criminal investigations need to begin in the Gambia. Victims should not have to go abroad to seek redress.”



Staatsschutzverfahren wegen des Verdachts von Verbrechen gegen die Menschlichkeit in Gambia

Artikel-Informationen

erstellt am:
27.11.2023

E-Mail an Ansprechpart
in

CELLE. In dem Staatsschutzverfahren gegen Bai L. (Az.: 5 StS 1/22) soll das Urteil am Donnerstag, dem 30. November 2023 um 9.00 Uhr verkündet werden.

Die Verteidigung hatte am letzten Freitag beantragt, den Angeklagten freizusprechen.

Zum Hintergrund:

Dem Angeklagten werden Verbrechen gegen die Menschlichkeit, Mord und versuchter Mord zur Last gelegt. Er soll Mitglied einer ehemaligen Sondereinheit des gambischen Militärs gewesen sein. Im Auftrag des damaligen gambischen Staatspräsidenten Yahya Jammeh soll er als Fahrer an der Ermordung bzw. versuchten Ermordung eines Journalisten, eines Rechtsanwalts und eines vermeintlichen weiteren Regimegegners beteiligt gewesen sein.

Die Generalbundesanwaltschaft hat die Verhängung einer lebenslangen Freiheitsstrafe gegen den Angeklagten beantragt, der eine eigene Tatbeteiligung bestritten hat.

Das vorliegende Verfahren ist weltweit das erste Strafverfahren gegen ein mutmaßliches Mitglied dieser Sondereinheit, das kurz vor dem Abschluss steht.

Wegen weiterer Einzelheiten wird auf die ursprüngliche Pressemitteilung vom 30. März 2022 verwiesen: [Staatsschutzverfahren wegen des Verdachts von Verbrechen gegen die Menschlichkeit in Gambia | Oberlandesgericht Celle \(niedersachsen.de\)](#)

The verdict in the state security proceedings against Bai L. (case no. 5 StS 1/22) is to be announced on Thursday, 30 November 2023 at 9.00 am.

Last Friday, the defence had requested that the accused be acquitted.

Background:

The accused is charged with crimes against humanity, murder and attempted murder. He is said to have been a member of a former special unit of the Gambian military. He is alleged to have been involved as a driver in the murder or attempted murder of a journalist, a lawyer and another alleged opponent of the regime on behalf of the then Gambian President Yahya Jammeh

The Federal Public Prosecutor's Office has applied for a life sentence to be imposed on the accused, who has denied an involvement in the crime.

The present proceedings are the first criminal proceedings worldwide against an alleged member of this special unit that are about to be concluded.

For further details, please refer to the original press release dated 30 March 2022: [State security proceedings on the suspicion of crimes against humanity in Gambia | Oberlandesgericht Celle \(niedersachsen.de\)](#)

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“SOMEONE HAD TO SACRIFICE THEMSELVES”

Last Friday, a week before the verdict, the court in Celle heard the closing arguments of the defense and a final statement by Gambian defendant Bai Lowe. Both insisted on Lowe's innocence and reiterated his claim that the self-incriminating interviews he gave to the oppositional Freedom Radio were not actually based on his own experience, but part of a scheme to expose the crimes of Gambia's former dictator Yahya Jammeh.



Gambian Bai Lowe, shown here on the left at the opening of his trial in Germany on April 25, 2022, pleaded his innocence at a final hearing on November 24. "Someone had to make the sacrifice. I knew it would get me into trouble", he said. © Ronny Hartmann / Pool / AFP

By Hannah El-Hitami (our correspondent in Germany)

28 November 2023

🕒 6 min 40

“Would anyone in their right mind appear on the radio and confess to having committed murder?,” asked Bai Lowe in his final statement in court, insinuating that the answer could only be no. And yet, that is exactly what the prosecution in Celle, Germany, believes he did. In an emotional final statement on November 24, the defendant from Gambia urged everyone to believe that he had never been part of ex-President [Yahya Jammeh’s](#) killing squad, that he had only shared what he knew from hearsay – and that his sole motivation had been to liberate his home country from dictatorship.

Next Thursday, November 30th, the verdict is expected in Germany’s case against Bai Lowe for crimes against humanity committed in Gambia between 2003 and 2006. According to the indictment, the former dictator ordered his killing squad, the “[Junglers](#)” to assassinate investigative journalist Deyda Hydar and two of his employees, as well as a lawyer and a former soldier who Jammeh perceived as threats to his regime. Lowe is accused of being the death squad’s driver. He allegedly drove the killers to their missions and in Hydar’s case used the car to block the victim’s vehicle. The most important evidence against Lowe is [an interview he gave in 2013](#) to the oppositional US-based Freedom Radio, where he describes being present during the attacks. But in their closing arguments, he and his lawyer reiterated Lowe’s claim that he had lied about being there, to make his testimony more credible and expose Jammeh’s crimes to Gambia and the world.

CONTRADICTORY ACCOUNTS ON HYDARA’S KILLING

The 61st day of the proceedings against Lowe started on a stormy morning in the Northern German city of Celle. Lowe appeared in court with a black hooded jacket and his usual black sneakers. In his hands, he held some rolled up pieces of paper, an indication that he would make use of his right to address the court in a “last word”. But first, it was his lawyer Matthias Kracke’s turn to speak. He started his statement with a quote from German poet Friedrich Schiller: “I am ready to die and beg not for my life,” adding that these might as well be the words of his client, who had put himself at risk by exposing the crimes of Jammeh and the Junglers to the public.

According to the lawyer, the findings of the court were not sufficient to prove Lowe’s involvement in those crimes beyond reasonable doubt. To underline this, Kracke first took some time to question the proceedings as a whole. The trial is possible due to

the principle of universal jurisdiction that allows Germany to prosecute the gravest crimes against international law, such as crimes against humanity, genocide or war crimes. According to Kracke, "such a trial is marked by problems, especially for the defense." For example, some of the most important witnesses and pieces of evidence were in Gambia, not Germany. This would not have been an issue, said Kracke, if the Gambian government had cooperated. Instead, it had ignored the rogatory letters from Germany throughout most of the trial.

As a result, "what we have is mostly indirect evidence such as hearsay, open source, and testimonies." Kracke also mentioned that the findings of the Gambian Truth, Reconciliation and Reparations Commission (TRRC) had played a big role in court, but criticized that translating the TRRC statements was not as good as interrogating witnesses directly. "It is difficult to evaluate the evidentiary value" of these statements, he said and, as an example, reexamined the different accounts of Hy dara's killing, which he deemed contradictory.

In his interview with Freedom Radio, Lowe had mentioned three vehicles involved in the attack on Hy dara, two of which had heckled the journalist's car forcing him to stop. However, other reports and statements, including the testimony of Ida Jagne, who had been in the car with Hy dara, only mentioned one car. Jungler Malick Jattah on the other hand, who had been part of the hit squad that day, told the TRRC of several cars. But he claimed that only one of them was involved in the killing. In that car, Tumbul Tamba was driving, and Jattah was firing the shots together with Alieu Jeng and Sana Manjang. "All accounts describe a different course of events", concluded Kracke in an attempt to contradict the prosecution's evaluation of Lowe's interview as credible.

Also, this could mean, that even if Lowe was present at the crime scene, he might have been in a vehicle that was not directly involved in Hy dara's killing. Kracke quoted Jattah as saying that the other cars "were far behind the victim's vehicle." The role of those cars is unclear, according to the lawyer. "Whether or not Lowe was sitting in one of the cars, remains open. But the question whether driving another car would qualify him as a co-perpetrator must be answered with No."

LYING TO MAKE STATEMENTS MORE CREDIBLE

With regards to the killing of Dawda Nyassi, Kracke argued that the TRRC had found Jammeh and several Junglers responsible. If Lowe had been present at the crime scene, Kracke argued, surely the other perpetrators would have mentioned him in their statements at the TRRC. After all, it was his interview that had exposed the

crimes of Alieu Jeng and Malick Jattah. "They had no reason at all to protect him", said Kracke. And yet, "the defendant is not mentioned in the report." (Indeed, the TRRC's final report only recommends Lowe for investigation in connection with the 2005 massacre of West-African migrants.)

At this point, Kracke dove back into his client's defense, that he had lied about being involved in order to make his statement more credible. Kracke explained why this would make a lot of sense: in 2012, journalist Pa Nderry Mbai had published a book on Jammeh's crimes, but had failed to "trigger the outcry he had hoped for in Gambia." This is why Mbai wanted Lowe to reveal his knowledge but present it as a first-hand account, said Kracke. "If he had merely talked about it as someone who heard the information from others, Mbai's plans would not have succeeded."

Finally, Kracke disagreed with the prosecution who had claimed that Lowe's interviews were full of details and met most of the criteria that indicate he was recounting his own experience. "There were not that many details," said Kracke, adding that Lowe's statements did not concur with those of other witnesses and that they varied over time. If, then, the interviews were not credible, they could also not be used to prove the defendant's involvement in the attempted murder of Ousman Sillah, "for which there was hardly any evidence besides the interviews."

Kracke asked the judges to acquit Lowe, although he did not believe that "they shared his doubts" and that "his speech would be able to change that." In case of a conviction, he urged the court to consider Lowe a principal witness and lower his penalty accordingly.

"THAT REALLY HURT ME"

The defendant himself had been listening quietly to his lawyer's final plea, his leg occasionally breaking into a nervous jiggle. When chief judge Günther asked him whether he wanted to make a final statement, he answered "Yes. Ja", and hectically proceeded to the stand, where he greeted the trial participants as well as the journalists and the public with a smile and a "Salam alaikum". What followed was a 45-minute long, mostly improvised, at times messy, and in part highly emotional speech by Lowe on the whole of his military career and a number of people, places and events that led up to the fateful interview.

It was hard to follow the defendant, who jumped back and forth between different years and events, between commenting on the crimes and pleading his innocence to the court. One of the points he made was that he was not, in fact, part of the Junglers, and that it were Tumbul Tamba, Malik Jattah, Alieu Jeng and Sana Manjang

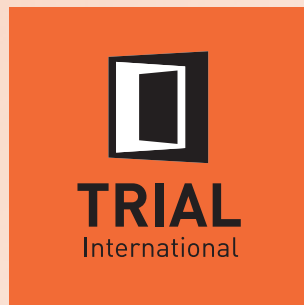
who killed Hy dara. "Nobody other than these four was involved. All of the murders were committed by these four."

At the time, he himself had not known that Jammeh was behind the killings. This changed after a conversation he had with Jattah after a failed coup attempt in 2006. One of the many people arrested and killed in its aftermath, was apparently Lowe's half-brother. He thought he had survived and escaped, until Jattah told him that the Junglers had broken his legs and then killed him. At this point of his speech, Lowe fell silent for a moment, visibly struggling to keep his composure. "That really hurt me", he said, in tears. "I was shocked."

THE PLOT

He went on to explain how the killing of his brother and another close friend had made him want to investigate. Sniffing, he described how he bought rice and alcohol and even stole some of Jammeh's sheep to bring to the Junglers, get them drunk and get all the information he needed from them. "When I had the information, how could I not have shared it with Gambians? That would have made me an accomplice of Jammeh," said Lowe. "He had the whole country in his hand and nobody dared say anything." Through a friend, he found out about journalist Pa Nderry Mbai and the Freedom Radio, but noticed that some of his reporting was not accurate. "I had to contact him and tell him the truth. I had first-hand information."

The prosecution was right in how they described the crimes, said Lowe, gesturing intensely. "What I described in the interviews is what happened. But for the people to believe the story, someone had to sacrifice themselves. I knew this would get me into trouble, but I was wearing the uniform and was willing to die for my country." He swore that he was not a criminal and that he would gladly testify in any court that put Jammeh on trial. Addressing the judges directly, he said: "You have done a good job, but you have charged an innocent person."



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