



Life sentence for crimes against humanity in The Gambia

- World's first sentence for human rights violations in Gambia announced -

CELLE. In the state security proceedings against Bai L. (case reference: 5 StS 1/22), the Fifth Criminal Senate of the Higher Regional Court of Celle sentenced the defendant to life imprisonment on today's 62nd day of the trial especially for murder in conjunction with crimes against humanity by killing in three cases, one of which was attempted.

According to the Senate's findings, the today 48-year-old defendant was a member of a former special unit of the Gambian armed forces, the so-called Junglers. This unit carried out illegal killing orders from the then Gambian President Yahya Jammeh, who, according to the findings, wanted to intimidate or eliminate all opposition forces. The accused drove members of his unit to such liquidations and then drove them away again:

At the end of December 2003, a lawyer who had defended a person who had fallen out of favor with the president was to be killed. The defendant drove the unit to the scene of the crime. A member of the unit shot the lawyer several times, who survived seriously injured. He lost a kidney and was permanently disfigured.

A year later, the "Junglers" stopped a leading Gambian journalist who was critical of the government in his vehicle and shot him dead. They used two vehicles disguised as cabs, one of which was driven by the accused. They fired several shots at the journalist from the vehicles as they drove past. One member of the unit then got out and shot the victim several times, who died at the scene. Two female passengers were injured.

Subsequently, in 2006 at the latest, members of the unit shot a former soldier who was allegedly an opponent of the Gambian president. They forced him into a vehicle driven by the accused, took him to a remote location, tied him to a tree, shot him and buried his body in an unknown location.

The Senate's assessment of the evidence is largely based on interviews given by the accused in 2013 and 2014, in which he described his involvement in the crime in detail. In the main hearing, the accused stated through his defense lawyer that he had only given

Nr. 78a/23 – Bai L – Life sentence 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
--	---	--

these interviews to strengthen the opposition movement against the then president. He had described his own involvement in order to appear more credible. In fact, he had not been involved in the crimes. However, due to various circumstances, the Senate considered this statement to be a protective claim. Although requests for legal assistance from the Republic of the Gambia were not answered, the Senate was convinced of the defendant's perpetration on the basis of the statements of a large number of witnesses and from publicly accessible sources - in particular the interviews mentioned and the protocol of the Gambian Truth Commission.

The offenses could be prosecuted in Germany under the so-called principle of universal jurisdiction, even though they were not committed in Germany and the defendant is not a German citizen. The Higher Regional Court of Celle had jurisdiction for these proceedings because the defendant last lived in Hannover and was also arrested there.

The Senate did not find a particular severity of guilt. In doing so, it took into account, among other things, that the accused was integrated into a strict hierarchy and had himself provided a significant impetus for the resistance against Yahya Jammeh with his interviews.

This judgment is the first judgment worldwide for such crimes under international criminal law in The Gambia. Judicial investigations have not yet taken place in Gambia itself.

The judgment is not yet legally binding.

Ansprechpartner:

Andreas Keppler

Richter am Oberlandesgericht
Pressesprecher

Telefon: 05141 / 206 777
01525 6798160