



REPUBLIC OF THE GAMBIA

THE COMMISSION OF INQUIRY

**COMMISSION OF INQUIRY INTO THE FINANCIAL ACTIVITIES
OF PUBLIC BODIES, ENTERPRISES AND OFFICES AS
REGARDS THEIR DEALINGS WITH
FORMER PRESIDENT YAHYA A.J.J. JAMMEH
AND CONNECTED MATTERS**

REPORT

VOLUME 5

**GOVERNMENT LOANS, GRANTS
& DONATIONS**

10th AUGUST 2017 - 29th MARCH 2019



The Commission of Inquiry

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CHAPTER 2 – REPUBLIC OF CHINA on TAIWAN GRANTS

Overview

Following the establishment of diplomatic relations in 1995, until 1st November 2013 when ex-President Jammeh terminated the diplomatic relationship, the Republic of China on Taiwan (Taiwan) extended extensive financial assistance to The Gambia in the form of grants and loans. While the Commission could not determine the full extent of assistance provided, records indicate substantial amounts were improperly funneled into accounts or entities that were owned or beneficially controlled by Ex-President Jammeh. Once under the ex-President's control, the funds were used for his personal benefit. Even so, Gambian taxpayers remained responsible as though they had benefitted from the funds. In at least one instance, the Gambia Army—maintained at taxpayer expense—was tasked with completing a construction project despite representations to Taiwan that a private firm had been retained.

Taiwan provided substantial financial assistance to The Gambia between 1995 & 2013

Records obtained from the Ministry of Finance & Economics Affairs show some of the details about some of the aid packages that Taiwan provided, including loans that were granted to The Gambia Government between 1995 and 2013.⁴⁰ & ⁴¹

No.	Year loan agreement was signed	Details	Purpose	Loan amount (USD)
(1)	1995	Project in the agriculture and light industries	Debt Management	35,000,000
(2)	2002	NAWEC Power Supply Contract Project	Loan to purchase 6 Mega Watts Generator	5,000,000
(3)	2002	Taiwan – IMP/EXP Gen. Set 2 & 3 plus UPG NTW	Supply of 3 Generators (6 Mega Watts each) to include transmission & distribution	25,542,000
(4)	2004	Micro Financing and Capacity Building	Implied in name	1,000,000
(5)	2008	Technical and Vocational Education and Training	To build a training centre in Siffoe	3,600,000

⁴⁰ Exhibit MS160.

⁴¹ Transcript of Mr. Abdoulie Jallow dated 1st February 2018



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	(TVET)	
TOTAL		70,142,000

Note:
 The TVET Loan which was "Technical Vocational and Training Project" also had a grant component. The loan amount was USD3,000,000 which was not fully disbursed. USD1.7 million was cancelled when Gambia terminated its relations with Taiwan in 2013. It was meant to finance the construction of 2 workshops, administration building and staff quarters located at Siffoe. However, prior to the implementation of the project, there was a directive to relocate the site. Approval was sought from Taiwan and a no objection given to relocate the site. An Inspection mission from Taiwan assessed whether there was a potential variation in cost. The Financing Agreement was amended and it only affected the project sub component. The Technical Vocational Training Center is at Ndemban but is not operational. The Minister of Higher Education is in a better position to explain why it was not operational. The money was disbursed to the TVET Project which was administered by the National Training Authority. Later instruction was given for the Ministry of Higher Education to house the Project Implementation Unit.

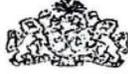
Part of the grant component was disbursed but the balance was not because of the termination of the diplomatic relations.

The Commission has not been able to determine the full scope of assistance that was provided by Taiwan because financial records were not properly kept by personnel at the Office of the President (OP). However, in addition to the loans above, the Commission found evidence of various grants and aid packages provided by Taiwan. The evidence also shows that Secretary Generals would write letters to the Taiwanese embassy acknowledging receipt of payments provided. These letters do not account for all the money received from Taiwan but have given a helpful record of many of the monies received and what they were supposed to be used for.

- In 1996, Taiwan provided an annual medical grant of USD 400,000, which was increased to USD 600,000 in August 2010, (Receipts letters dated 29th December 2010, 21st April 2011 and 2nd December 2011 written by Mr. Alieu Njie to the Taiwanese embassy provide evidence of this) and a grant of USD 7 million for North Bank roads.⁴² (See also report on the outcome of the discussions held during Ex-President Jammeh's state visit to China sent to the Secretary General by Permanent Secretary Alieu Ngum by letter dated 5th December, 1996.⁴³

⁴² Exhibit MS166

⁴³ Exhibit MS166A



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- In 1997, Taiwan paid off the interest on the USD 35 million loan from the Export-Import Bank of Taiwan earlier referred to.⁴⁴

Acknowledgment of aid provided by Taiwan was confirmed by contemporaneous communications between Gambia Government officials. Mr. Mambury Njie (Witness No. 55), then the Chargé d'affaires (and, later Ambassador to Taiwan), by letter dated 8th August 1997 addressed to Permanent Secretary, State Department for Foreign Affairs copied to Secretary General OP, wrote of substantial aid flow to The Gambia. Mr. Njie also complained that "there is no coherency in the way in which we coordinate our aid from the ROC". He observed the possibility of extending bilateral cooperation into other sectors if proper coordination existed. Mr. Njie further proposed that the government should suggest annual joint commission meetings at which existing programs would be reviewed and new (potentially vital) programs would be evaluated. Subsequently, during a state visit to Taiwan in 1998, Secretary of State Sedat Jobe signed a Protocol on the Cooperation between the two countries. While the Commission has not been able to locate the Protocol, according to Mr. Njie, the Protocol identified various projects in a number of sectors that Taiwan would provide grants for:

- Budgetary Support for Employment Creation (Education sector);
- Budgetary Support to Higher Education (Education sector);
- Food self Sufficiency Program (Agriculture sector);
- Special Roads Grant to include maintenance of the Serrekunda / Banjul Highway (Infrastructure sector);
- Medical Grant (Health sector);
- Grant concession component of the Vocational Soft loan Agreement.

The Commission obtained documents that corroborate the disbursement of some funds.

- Between 1st July 1999 and 30th June 2000, USD 9 million was allocated for the Gambia's national development project.⁴⁵ (See also letter from the Presidential file ref. PR/C/822/Vol. 4 from Taiwan dated 9th May 2000 ref. ROC/90509/105Y). Furthermore, Secretary General Tamsir D. M'bye (deceased), in a letter dated 19th July 1999, acknowledged receipt of a cheque of USD 3 million as first disbursement of the year. The letter did not indicate the purpose of the disbursement. Out of USD 9 Million, another USD2 Million was disbursed which on the letter it is indicated is the fourth and last disbursement under that agreement. How the remaining balance was allocated is unknown.

⁴⁴ Exhibit MS166 - see also Letter dated 18th July 1997 ref. ROC/60718/078V from Taiwan and a letter dated 15th September 1997 from MOFEA ref. ADM/387/19/02/ (60) signed by Mr. Dominic Mendy (Witness No. 189) as Secretary to State to Taiwan acknowledging and confirming receipt of funds

⁴⁵ Exhibit MS166C



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- Taiwan also agreed to pay USD 5 Million towards the principal of the USD 35 million loan that was extended by Exim Bank of Taiwan in 1995. Cheques for various sums of money were issued to various Secretary Generals each year or on their behalf of the Gambia Notable SGs are Ousman Jammeh (Witness No. 69), Ebrima O. Camara, Teneng Mba Jaiteh (Witness No. 126), Njogou L. Bah (Witness No. 20) and Momodou Sabally (Witness no. 13).
- By 2013, the USD 9 million grant that was allocated in 1998/1999 was increased to about USD 13 million per year.
- A grant in the amount of USD 1 Million per annum was extended.
- In 2012, Taiwan disbursed USD 247,798 (equivalent of D 6,935,518) for the construction of Farafenni Line Houses based on the design prepared, cost breakdown and sketch plan submitted by Value Engineering.⁴⁶

By 2006, Taiwan had opened an ROC USD account with Trust Bank Ltd. (TBL) account No. 1201076560⁴⁷ into which funds received from Taiwan were paid, and from which payments were subsequently made to the Gambia Government. There is no record of such an account before that. Cheques were written in the name of the Secretary Generals.

Assistance provided by Taiwan misappropriated for Ex-President Jammeh's benefit

The ROC TBL account shows that between November 2007 and March 2011, Ex-President Jammeh received cheques in his personal name from Taiwan. In total, USD 8.3 million was paid into the TBL account. From the TBL account, Ex-President Jammeh withdrew USD 3,300,000. An additional USD 4 million was withdrawn by Chief of Protocol Alhaji Ousman Ceesay (Witness No. 62) on the Ex-President's behalf. The remaining USD 1 million in the TBL account was transferred to Ex-President Jammeh's personal account in Trust Bank Limited (Account No.120-106947). Payments totaling USD 1,999,899.79 were made to the President's HIV & AIDS Treatment Fund, an entity that was entirely controlled by former President Jammeh.

He also received indirectly a total of USD4 Million through Jammeh Foundation for Peace account. An initial cheque of USD2 Million dated 17th January 2012⁴⁸ and another USD2 Million was transferred to JFP's account on the 11th January 2013.⁴⁹

Funds were also given to finance the establishment and running of Green Industries⁵⁰ a company directly owned by ex-President Jammeh. This was done through a cheque for USD859,329.00⁵¹

⁴⁶ Exhibit MS169A

⁴⁷ Exhibit BB79

⁴⁸ Exhibit BB73

⁴⁹ Exhibit BB72F



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As discussed above, Taiwan disbursed GMD 6,935,518 for construction of the Farafenni Line Houses. (See letters sent from OP ref. PR/C/822/VOL.10/ (16-RCC) and PR/C/822/VOL.10/ (115-NT) dated 6th March 2012 and 26th November 2012 to Taiwan requesting for disbursement for the project.) Contrary to their intended purpose, the funds were withdrawn in cash and improperly converted for personal gain. While the documents indicate that the intended project contractor was Value Engineering, the construction was actually done by the Gambian Army.⁵² Mr. Njogou L. Bah (Witness No. 20), then Secretary General, testified that he withdrew and then kept the funds in his safe.⁵³ Moreover, the contract sum was for GMD 3.8 Million,⁵⁴ which is GMD 3 million (almost 50 percent) less than what was represented to Taiwan and disbursed for the project. Witnesses could not account for the difference between what was disbursed and what was supposedly spent.

Mr. Mambury Njie (Witness No. 55) explained that the procedure adopted by Taiwanese government was to communicate through their embassy in Banjul. The Gambian Embassy in Taipei was never aware of the disbursement of funds⁵⁵ which led to difficulties in tracking receipts.

Monies were also used to procure a rice milling machine for Kanilai Family Farms (KFF) in 2009.⁵⁶ As discussed above, KFF is a private entity that is owned ex-President Jammeh.

Some of the Taiwan funds were also used to renovate the political bureau of Alliance for Reorientation and Construction Patriotic (APRC). On the 8th June 2010, a contract of GMD 1,905,835 was awarded to Omar Malack & Sons for renovation of the former Taiwanese Embassy Building at Kanifing,⁵⁷ which APRC occupied. The contract was signed by Messrs. Yankuba Colley (Witness No. 116), KMC Mayor, and Njogou L. Bah.

⁵⁰ Another company associated with Ex – President Jammeh. The company was involved in the manufacturing of uniforms, toilet paper, diaper and clothes based on the evidence of Mrs. Fatou Sinyan Mergan (Witness no. 154). See transcript dated 27th February 2018. Appointments were again done from the Office of the President

⁵¹ Exhibit MS 165 A (Appendix 17) Cheque from ROC.

⁵² Exhibit MS209

⁵³ See transcript of Monday 21st May 2018

⁵⁴ Exhibit MS209

⁵⁵ Exhibit MS247(1) – Witness Statement

⁵⁶ Exhibit MS166

⁵⁷ Exhibit MS174



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PROJECTS UNDERTAKEN USING Taiwan FUNDS

(A) (KANILAI ACADEMY)

Kanilai Academy and Kanilai Institute of Science & Technology are used interchangeably. It is an institute initiated and renamed by the former president. A contract for the construction of the said institute was awarded to Mr. Abdourahman Jaiteh (YEREWA Building Construction Company) and Gambia Technical Training Institute (GTTI) was directed by the former president to oversee the construction.⁵⁸ GTTI was tasked to do the drawings and provide the Bill of Quantities. The purpose of the institute was to enhance the teaching of Science, Mathematics and Technology in the country. The contract value was D47,398,749.75. Cheques totaling D37,139,721.46 were received from the Embassy of the Republic of China/Taiwan in respect of the said contract.⁵⁹ Upon receipt of the cheques, they were paid into the GTTI Bank Account. The project was discontinued because funds were not forthcoming and GTTI prefinanced and paid the salaries of the night watchmen. Eventually, GTTI stopped prefinancing and continued to pay the salaries of the night watchmen.

(B) RECORDING STUDIO

Mr. Ebrima Cham narrated that he was approached by Mr. Njogu Bah and he (Mr. Bah) brought it to his knowledge that the Ex-President wanted a recording studio in Kanilai and his technical assistance would be required. The contract was awarded to Mr. Macoudou Ndour (Ande Ligueye Africa) and Mr. Cham was only involved in providing technical assistance. A cheque drawn from the Central Bank was issued in favor of the said contractor as advance payment. The work was delayed as a result of inadequate materials but eventually, Mr. Ebrima Cham received a cheque for D2.5 Million for the procurement of the materials needed on the site.⁶⁰ & ⁶¹ The Commission ordered the admission of the affidavit and attached documents relating to Kanilai Dormitories and Kanilai Recording Studio funded from Taiwan Grants as part of **MS170**.⁶² & ⁶³

A letter dated 15th April 2008 written by Teneng M. Jaiteh (Mrs.) confirmed the receipt of USD1,000,000 from the Annual Grant for the recording studio and conference centre at Kanilai⁶⁴.

⁵⁸ Exhibit MS171

⁵⁹ Transcript of Mrs. Fatou Mbye dated 27th February 2018

⁶⁰ Transcript of Mr. Ebrima Cham dated 26th February 2018

⁶¹ Exhibit MS170

⁶² Transcript of Mr. Ebrima Cham dated 24th October 2018

⁶³ Exhibit MS170B

⁶⁴ Exhibit MS166



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(C) LINE HOUSES IN FARAFENNI

Paul Authur Gomez stated that the Army Engineering Corps is a construction unit within the army.⁶⁵ The said Mr. Gomez was instructed by the CDS, Ousman Badjie to go with Colonel Bah and meet the Secretary General, Njogou Bah for a project in respect of a construction of "Line Houses" in Farafenni. The contract value was D3,804,582.70 and the Ministry of Works was not involved in this project.⁶⁶ The Bill of Quantities and the Building Contract were produced⁶⁷. Payment was made by installments and the 40% effected by Njogou Bah was the first payment. Upon completion of the building, a letter was written to the Secretary General (Office of the President) requesting a pre-inspection before handing over.⁶⁸ In respect of the first payment, a cash payment voucher was provided.⁶⁹ Taiwan disbursed D 6,935,518 in connection with the Farafenni Line Houses. Dr Njogou L. Bah said the difference between the sum of and D3,804,582.70 was kept in his safe. He has not accounted for it.

(D) DORMITORY IN KANILAI

A dormitory was built in Kanilai by Swami India International Limited in 2009.⁷⁰ The said company was contracted by Kanilai Farms and the contract document and a Bill of Quantities were produced⁷¹. The cost of the project was 9.2 million and it was paid by Kanilai Farms. Cheques were collected from Mr. Amadou Samba but the witness could not ascertain the source of the cheques.

A letter dated 13th January 2009 from then Secretary General Alieu Njie confirmed the receipt of USD192,889 for the Kanilai Festival Dormitory. Another letter dated 30th July 2010 confirmed the receipt of USD357,578.21 for Payment for the completion of Kanilai Festival Dormitories⁷².

IRREGULARITIES

Mr. Njogou Bah testified that the grant existed as a result of a special arrangement between the former president and the Taiwanese Government. The grant was divided into two namely, the annual grant and the small grant which involved the following figures respectively: USD13,000,000 and between USD1 Million or USD2 Million. A

⁶⁵ Transcript of Mr. Paul Arthur Gomez dated 21st May 2017

⁶⁶ Paul Arthur Gomez 21st May 2017

⁶⁷ Exhibit MS209

⁶⁸ Exhibit MS210

⁶⁹ Exhibit MS211

⁷⁰ Transcript of Mr. Khimji Patel/Khimji Veljibhai dated 27th February 2018

⁷¹ Exhibit MS170A

⁷² Exhibit MS166



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request or proposal would be sent the Taiwanese Embassy and the Office of the President would be given feedback as to the outcome of the request. The projects that the ex-president wanted to embark on personally would be funded from the Taiwanese Grants. The grants from Taiwan were not accounted for through the usual Government Account System. It was handled entirely at the level of the OP and the Embassy.⁷³

Findings:

- (a) The cheques from Taiwan were made payable to the Secretary General OP; however, these monies were never paid into the Consolidated Revenue Fund (CRF) at CBG. Instead, the cheques were paid into various accounts and in some cases into accounts of companies directly owned or beneficially controlled by Ex-President Jammeh such as Green Industries. As a foreign democratic government, Taiwan could not have given the ex-President money for his personal use. Thus, the Commission finds that the cheques issued to ex-President Jammeh in the sum of USD 2 Million were misappropriated by him.
- (b) The Ex-President remains accountable for the sum of **USD22,380,107.98 and D1,905,835** received directly from Taiwan. We have found no record of the accounting for this money. For example, even though Taiwan disbursed D 6,935,518 in connection with the Farafenni Line Houses, the project was constructed by the Gambian Army, which is maintained and paid for by Gambian taxpayers. Moreover, once the funds were received, only GMD3.8 Million was slated to be spent. The lack of accounting records for these funds, and spending on projects that benefitted Ex-President Jammeh, including the renovation of APRC's political bureau, indicates that the funds were converted by the ex-President for his personal use.

Summary of funds taken by Ex-President Jammeh including cash withdrawals

No.	Description	USD	GMD
1	The ROC TBL account shows that between November 2007 and March 2011, Ex-President Jammeh received cheques in his personal name from Taiwan. In total, USD 8.3 million was paid into the TBL account. From	3,300,000	

⁷³ Transcript of Mr. Njogou Bah dated 26th February 2018



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	the TBL account, ex-President Jammeh withdrew USD 3,300,000.		
2	Funds withdrawn by Chief of Protocol Alhaji Ousman Ceesay on the ex-President's behalf.	4,000,000	
3	The remaining balance in the TBL account was transferred to ex-President Jammeh's personal account in Trust Bank Limited (Account No.120-106947).	1,000,000	
4	Monies received through Jammeh Foundation for Peace account. Cheque of USD2 Million dated 17 th January 2012 and another USD2 Million transferred to JFP's account on the 11 th January 2013.	4,000,000	
5	Taiwanese funds were used to renovate the political bureau of Armed Provisional Ruling Council (APRC). On the 8 th June 2010, a contract was awarded to Omar Malack & Sons for renovation works.		1,905,835
	TOTAL	12,300,000	1,905,835

Transfer/Payments to Ex-President Yahya AJ. Jammeh's Related Businesses/Institutions

Trx Date	Val date	Amount-USD	Comments	Payee
9/10/2007	2/15/2006	1,000,000.00	TRF to A/C No. 120-106947-01 HE Yahya Jammeh	HE AJ.J. Jammeh a/c 120-106947-01
11/29/2007	2/22/2006	100,000.00	TRF to a/c No 10710054501 - TBL CHQ No. 01486702	JFP
11/30/2007	1/27/2012	1,999,993.00	Transfer to Jammeh Foundation for Peace	JFP
1/31/2008	1/17/2013	1,999,899.79	Funds transferred to OP A/C as per Particulars of the Trust Bank ltd Debit Voucher.	Office of the President a/c
2/29/2008	4/18/2006	200,000.00	Cheque Pyt - 01486714	PEGEP
3/31/2008	4/18/2006	250,000.00	Cheque Pyt - 01486712	PEGEP
2/10/2009	4/18/2006	250,000.00	Cheque pyt - 01486713	PEGEP
2/2/2010	8/1/2006	222,108.82	Cheque pyt - 01486717	PEGEP
2/3/2011	2/2/2010	1,999,993.00	Chq payment - CHQ No. 01486725 to President HIV Aids Treatment fund	President HIV & AIDS Treatment


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1/27/2012	4/12/2012	1,000,000.00	Payment was made in respect of payment request signed by Dr. Njogu L Bah (Ref: PR/C/822/Vol.10/(NLB) dd 04/05/2012) and Total Amount of the Payment was USD 2,084,956.01 and was allocated as follows: (a) USD1,000,000 to Central Bank of the Gambia, (b) USD979,113,37 to TK Motors for purchase of vehicles and (c) USD 85,000 in Cash to Chief of Protocol	Central Bank of the Gambia
	4/12/2012	979,113.37	As per Comment above	TK Motors
	4/12/2012	85,000.00	As per Comment above	Chief of Protocol
Total - Other Jammeh Related WDL from the ROC A/C		10,086,107.98		



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Oversight Responsibility

The NAO has oversight responsibilities to monitor and ensure that public funds are utilized properly and as per the approved budget. However, there was no evidence provided that reviews were carried out or of any issues detected and communicated. No work/ scrutiny was carried out by the Auditor General to ensure that funds were utilized properly.

The assets of the State should be safeguarded by the Auditor General and in this case, he failed in his duties.

Recommendations:

- (a) **USD22,380,107.98 and D1,905,835** should be recovered from the assets of Ex-President Jammeh
- (b) Dr Njogou Bah should be held accountable for the money for the difference between the sum received for the FaraFenni Line house project and actually paid, in the sum of **D3,130,936**.
- (c) **The public officer Mr. Alhagie Ceesay Chief of Protocol** OP facilitated the process for Ex-President Jammeh to withdraw sums of money. He is jointly and severally liable with the Ex-President for the cashing of a USD2 million paid to JFP His services should be terminated and all benefits paid to him.
- (d) A mechanism should be developed by MOFEA whereby all grants received should be captured and monitored to ensure that funds form part of the CRF.
- (e) The Auditor General should be replaced with immediate effect. During the period at no time were any of these anomalies reported to the National Assembly for action.

The new AG to be appointed should have a professional qualification such as ACCA, ICAEW and worked in audit practice to be able to man the office. He/ she should have the capacity to make difficult, independent and courageous audit judgments under pressure.

The appointment should be made together with the Chair of the Public Accounts Committee and then approved by the National Assembly. There should be a



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fixed term for an Auditor General to serve as best practice says 10 year term;
after this a replacement has to be found.