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31st December 2024

Hon. Fabakary Tombong Jatta
Speaker of the National Assembly
Independence Drive
Banjul

Honourable Speaker,

SUBMISSION OF 2024 ANNUAL REPORT

I have the esteemed honour and privilege to submit the 21st Annual Report of the Office of the Ombudsman covering the period 1st January to 31st December 2024 with pleasure.

The Report is submitted pursuant to Section 163 (2) (f) of the Constitution of the Republic of the Gambia 1997 and Section 15(1) of the Ombudsman Act 1997.

I remain

Yours sincerely,

.....
Mr. Bakary K. Sanyang
Ombudsman

CC: File

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CHAPTER 1

1.1 VISION

Excellence in administrative justice and respect for human rights in the public sector

1.2 MISSION STATEMENT

To ensure fairness and respect for the rights of individuals in the administrative process of The Gambia. The Office of the Ombudsman will remain firm to its task of promoting fairness and the rights of ordinary individuals in the administrative process of The Gambia. This task will be diligently carried through without partiality to any Government institution and investigations will continue to be conducted with the vigour and fearlessness with which this Office was charged since its inception.

1.3 CORE VALUES

1.3.1 CONFIDENTIALITY

We safeguard all information gathered and carry out all investigations with strict confidentiality

1.3.2 EXCELLENCE

- ❖ We strive and pursue excellence in all our activities
- ❖ We continue to train and retrain our staff for quality delivery
- ❖ All investigations and reports go through vigorous supervision and monitoring processes
- ❖ All decisions are evidence based.

1.3.3 IMPARTIALITY

- ❖ We operate a fair, reliably and fast system to redress complaints,
- ❖ All complaints are handled without prejudice in a timely and qualitative manner regardless of the persons status
- ❖ We ensure that we find solutions to all justified complaints.
- ❖ We are independent and impartial

1.3.4 INDEPENDENCE

- ❖ We execute our role without deference, fear or favor to individual or authority
- ❖ We uphold the rule of law and fair treatment

1.3.5 RESPECT

- ❖ We recognized diversity and treat all with dignity and respect

1.3.6 INTEGRITY

- ❖ We strive to be an honest, trusted, reliable and competent institution
- ❖ Commitment to human rights
- ❖ We uphold human rights principles.
- ❖ We ensure that public officers respect human rights in carrying out their duties

1.4 THE REPORT

This is the 21 annual report of the Ombudsman and it covers the period 1st January to 31st December 2024. During the year under review, the Office registered cases from all regions of the country and continued to successfully settle cases registered. `

DATA ANALYSIS

At headquarters 64 complaints were registered, out of these 23 complaints were satisfactorily resolved in favour of the complainants, 15 complaints were upheld in favour of institutions complained against after full investigation, 13 complaints were discontinued due to the fact that they were frivolous and not made in good faith and 13 pending.

At the Brikama Regional Office 10 complaints were registered. Out of these 5 complaints were settled in favour of the complainants, 3 discontinued and 2 pending.

At the Kerewan Regional Office 19 complaints were registered and investigations conducted on all the complaints. Out of these 14 complaints were settled in favour of the complainants, 2 discontinued and 3 pending.

At the Mansakonko Regional Office 11 complaints were registered. Out of these 2 complaints were settled in favour of the complainants, 4 discontinued and 5 pending.

At the Janjanbureh Regional Office 18 complaints were registered. Out of these 11 complaints were settled in favour of the complainants, 1 discontinued, 1 withdrawn and 6 pending.

At the Basse Regional Office 10 complaints were registered. Out of these 6 complaints were settled in favour of the complainants and 4 pending.

The institutions with the highest number of complaints during the period under review including the regional offices are:

- Gambia Police Force 22
- Ministry of Basic and Secondary Education 7
- Gambia Prisons Service 6

The report contains samples of cases investigated with summary of the cases. However, the statistics depicts a true representation of the cases in 2024.

1.4.2 ACTIVITIES OF THE OFFICE

During the year under review, apart from the routine investigation activities and clinics conducted in the regions and headquarters office, the office accomplished series of activities as per the offices work plan.

SENSITISATION

Sensitisation constitutes one of the important activities of the Office of the Ombudsman. As a service provider, it is absolutely necessary for people to be aware of the services of the office, where to access the services, when and how to access the services. We therefore create awareness to enhance optimal use of the services of the Office by all victims of administrative injustice.

Also, through sensitization we promote good administrative practice with the ultimate goal of reducing incidents of maladministration and enhancing effective, efficient public service delivery.

During the period under review we participated in the GCCI international trade fair to create awareness and visibility.

At the trade fair we acquired a stall from where we conducted our sensitisation activities. The sensitisation activities entailed having discussions with those who visited our stall and also going round to other stalls to sensitize stall owners and their visitors. We gave out brochures and t-shirts to our visitors and to other stall owners.

During the period of our participation at the trade fair we received visitors of different nationalities and from different backgrounds; such as, students, journalists, lawyers, public officers and private sector employees. We had interactive discussions with our visitors on the role and functions of the Ombudsman.

Staff members of Jungle Entertainment were among those who visited our stalls. They felt the discussions we had were very interesting, and so they offered us free airtime on their online TV which we accepted with gratitude and subsequently utilised by having a 30min TV programme few days later.

Thanks to our participation in the trade fair, many people who interacted with our sensitisation team gained a better understanding of the role and functions of the Ombudsman

Also during the period under review we launched our fifth and final regional office located in Brikama, West Coast Region. It was launched by Governor Ousman Bojang at a sensitization workshop, which was organized to mark the launching of the office.

The workshop was attended by Chiefs, village heads (alkalolus) and TAC members. The workshop marked the beginning of a series of sensitization activities in the region aimed at creating awareness of the existence of the Office of the Ombudsman in the region, and to encourage people to utilize its services.

We also continue to utilize our website and social media handles to create awareness and keep people informed of what the office is doing.

INVESTIGATIONS

On investigation and complaints handling, the office continued to receive increase number of cases. The highest number of complaints received were unfair treatment, followed by wrongful termination and unfair dismissal.

1.4.3 CONSTRAINTS

- I. The regional offices Brikama, Kerewan, Mansakonko, Janjanbureh and Basse are operating from the Governor's Office. The Basse Office is currently renting. There is the

urgent need for the office to have its own structures. The management has been submitting budget proposals to finance to the effect.

- II. Another constrains the office is facing is lack of vehicles.
- III. Inadequate funds for training and capacity building

1.4.4 WAYFORWARD

- Continuous capacity building for both long term and short term and to conduct study tours to other Ombudsman Offices based on our new mandates
- Conducting more proactive investigations.
- Visiting prisons and police cells and all detention centres in the whole country
- Visiting mental health homes and hospitals
- To execute Section 223 of the 1997 Constitution of Republic of The Gambia, Declaration of Assets by Public Officials
- Strengthening the website.
- Strengthening the Nation-wide sensitization to create more awareness on the role and functions of the Ombudsman using TV adverts, radio programs, clinics and “bantabas”.

CHAPTER 2

2.1 AIMS AND OBJECTIVES

The Institution's main objectives are:

- To subject Government's use of power to close scrutiny and so help create an environment within the civil sector in which public officers, irrespective of their hierarchy, would refrain from unjust procedures.
- To play the balancing act not only to enable public servants to understand how they can do their job better and thereby improve the standard of services to the public, but also to enhance the public understanding why Government takes certain decisions.
- To dispense administrative justice through protocols that evolve to ensure fair, reasonable, expeditious administration of the Public Sector by using **the reactive model**, that is, wait for complaints and act on them, and **the proactive model**, that is, seek out matters of concern and initiate investigations.
- To put civility, reasonableness and procedural fairness at the centre stage of public officers' dealings with the citizen.
- To be accessible and responsive to the interests and complaints of all persons particularly those who are vulnerable to unfairness such as the poor, the physically handicapped, the incarcerated, the young, the old and women.
- Seen to be transparent and, where necessary make public the findings and recommendation of its investigation.

2.2 STRATEGY

Objectives will be achieved by but not limited to the following means:

- Ensuring a culture of respect for the rights and obligations of all people in The Gambia.
- Dispensing and promoting justice in a free, informal and relatively expeditious manner.
- Ensuring fairness, efficiency, transparency, accountability and application of best practices.
- Using a well-trained motivated workforce and the most modern technology.

- Ensuring that the Ombudsman services are easily and freely accessible to all people in The Gambia.
- Creating awareness for the public to understand the role and function of the Ombudsman.

In carrying out all these activities the Office of the Ombudsman will be guided by the need for impartiality and independence and the importance of collaborating with other Government institutions as well as civil society.

2.3 TRAINING

Staff training continues to be priority areas in the activities of the office as management is cognizant of the importance of training and capacity building in the effective implementation of an institutional mandate. During the year under review the Director of Investigation was sponsored by the office to pursue Bar programme at The Gambia Law School. The services of Professor Victor Ayeni a renowned scholar was hired to train all the investigators on Executive Development Programme Boosting Ombudsman Effectiveness Complaint Handling, Investigation, Performance Impact held at the Baobab Hotel Resort from 9th to 13th December 2024.

LOCAL TRAINING

<u>NAME</u>	<u>DESIGNATION</u>	<u>TRAINING COURSE</u>	<u>INSTITUTION</u>	<u>DURATION</u>	<u>SALARY STATUS</u>	<u>SOURCE OF SPONSORSHIP</u>
Pierre Simon Secka	Director of Investigations	Bar Programme	Gambia Law School	2024-2025	With salary	Ombudsman
	Investigators	Executive Development Programme Boosting Ombudsman Effectiveness Complaint Handling, Investigation, Performance Impact	With Professor Victor O. Ayeni Held at the Baobab Hotel Resort	9 th to 13 th December 2024		Ombudsman

CHAPTER 3

3.1 MONITORING VISITS TO PLACES OF DETENTION

In pursuance of Section 11(2) of the Ombudsman Act 1997, the Office of the Ombudsman in 2024 visited prisons, police cells and immigration detention facilities in different regions of the country.

The objectives of the visits were to follow up on the recommendations made in the previous years as well as to assess the treatment and conditions of persons deprived of their liberty at the time of the visits and make recommendations for improvement and compliance with national, regional and international human rights standards.

Areas that were looked into during the visits included cells, food, water, health care, sanitation, treatment, activities, contact with the outside world and staff matters.

PRISONS

All the three prisons in the country were visited. Jeshwang Prison was visited on 17 January 2024, Janjanbureh Prison was visited on 26 May 2024 and Mile II Prison on 3 and 19 December 2024.

ACCOMMODATION

In the Female Wing of Mile 2 Prison, there were 30 inmates, 12 of whom were convicts and 18 were remand prisoners.

The remand prisoners in the first cell and the convicts had a television set, two fans and artificial light. However, there was no TV set for the remand prisoners housed in the convicts' cell. They said that they occasionally joined the convicts to watch television, but access was not always possible, especially when the convicts, who stayed in the other part of the cell, went to bed early.

Natural light was not adequate. The first cell had seven mattresses. It had an air conditioner, which was not functioning because of the nature of windows. The floors were plastered and clean at the time of the visit.

At the male remand wing, the cells visited had a fan, television set, and artificial light. However, the inmates said that when light went off, they stayed in the dark.

Six cells had 16 inmates each, two cells had 17 inmates each and three cells had 23 inmates each. The cells were not spacious enough to accommodate such a number of inmates. In fact, according to the inmates, there were times that the number went beyond the one stated.

Mattresses were given to the inmates for use but some of the mattresses were not in good condition as they were old and thin.

They also said that when light went off, the place was dark. There was no alternative. They remained in the dark till light came back.

The cell for convicts at Jeshwang Prison had been renovated. It was found clean. It had 7 big windows with burglar proof but no cover. It had sufficient artificial light, natural light and ventilation. It had two big fans at the extreme ends but one of them was faulty and needed to be fixed. The cell had 17 bunk beds each having a mattress, a sheet and a mosquito net. It had a Tv set that was found functioning.

The cells at Janjanbureh Prison were also found clean. They had many big windows but some did not have any cover. They also had fans. They had sufficient ventilation, natural light and artificial light. They also had beds with mattresses, sheets and mosquito nets. However, the mattresses were worn out. The inmates said they joined the mattresses to make them thick.

None of the cells in the two prisons had wardrobes for the inmates to put their clothes in. inmates hung their clothes on bed nets and ropes. There were also no chairs and tables in any of the cells.

OVERCROWDING

Mile 2 Prison was found overcrowded. The prison had the capacity to hold 450 inmates, but during the visit on 19 December 2024 a total of 670 prisoners were at the prison. This means an occupancy rate of 148%. In other words, the prison was 48% overcrowded.

Although the general overcrowding of Mile 2 Prison was below 50%, there was severe overcrowding in the male remand wing, which had 11 cells. Cells 1 to 6 had the same capacity of 15.3 square metres, as measured by the Office of the Ombudsman's visiting team in 2018. Each of these cells were supposed to hold 5 inmates going by 3 square metres for each inmate in a multi-occupancy cell. However, 16 inmates were found in each of these cells. These means they were 220% overcrowded. In other words, the number of prisoners held was three times the capacity of each cell.

Similarly, cells 9 to 11 had the same capacity of 21 square metres and each of them was supposed to hold 7 inmates but 23 were found there. Each cell was 228% overcrowded. Like cells 1 to 6, the number of inmates in cells 9 to 11 was three times the capacity. The female wing of Mile 2 was also overcrowded as the remand cell could not accommodate all the 18 inmates. Some were taken to the cell for female convicts.

Janjanbureh Prison was also overcrowded. Its official capacity was 50 inmates but 92 inmates were found there. This means it was 84 per cent overcrowded. Three of the inmates in cell number 2 of the prison said they slept on the floor between beds due to overcrowding. They added that when going to toilet at night they stepped on other inmates.

Overcrowding is usually associated with non-hygienic and restricted living conditions, poor quality of services, loss of privacy, few out-of-cell activities, depression, violence,

poor sanitation and spread of infectious diseases such as tuberculosis. There is consensus that overcrowding worsens the overall well-being of the inmates.

As a result of overcrowding, some inmates in the male remand wing of Mile 2 slept underneath the beds of other inmates. The inmates told the visiting team that the way they slept was not good. They stated that they slept on their sides under the beds of the other inmates.

Due to overcrowding, sanitation was also inadequate as two toilets and two bathrooms were not enough for the number of inmates held at that time at Mile 2 male remand wing. Although caused mainly by inadequate budgetary allocation, the quality of the food and the shortage of medications that the inmates complained of can partly be attributed to overcrowding.

NON-SEPARATION OF REMAND PRISONERS FROM CONVICTED PRISONERS

In the female wing of Mile 2 Prison, remand prisoners were found living in the same cell with convicted prisoners. The visiting team was informed that the cell for remand prisoners could not hold all the 22 remand inmates. It could only hold 8 prisoners. Therefore 10 of the remand prisoners were transferred to the cell for convicted prisoners.

In cell number 5 of Janjanbureh Prison convicts and remand inmates were put together. Twenty-four convicts and 10 remand inmates were found in the cell. Remand prisoners are not supposed to be in the same cell as convicted prisoners.

Mandela Rules 112 states that 'Untried prisoners shall be kept separate from convicted prisoners. In the same vein, the African Commission Guidelines on the Conditions of Arrest, Police Custody and Pretrial Detention in Africa (the Luanda Guidelines) states 'The state shall ensure that detaining authorities hold pretrial detainees separately from the convicted prison population'.

SANITATION AND HYGIENE

The female wing of Mile 2 Prison had one toilet located in close proximity to the bathroom. The inmates said that they found it hard to use the toilet when someone was taking shower at the bathroom as both facilities were located at the same place.

The male remand wing of Mile 2 had two toilets and two bathrooms. However they used chamber pots for urination and passing stool, which gave the cells an unpleasant smell, especially when the doors of the cells were closed. They ate their food almost around the chamber pots. The inmates said they used chamber pots even day time.

The convict cell at Jeshwang Prison had two squat toilets, two bathrooms and one room for washing dishes. The toilets and the bathrooms had light. They also had taps but they were broken and kept on dripping water. They were tiled, clean and up to standard. The remand cell at Janjanbureh Prison also had two toilets and two bathrooms. They were all tiled and clean, like the ones at Jeshwang cell for convicts. They also had light, a tap and shower. They had no unpleasant odour.

The inmates in male remand wing of Mile 2 said they were given only two small bars of soap every Thursday, which they finished using when they washed their clothes on Friday and Saturday. The inmates in cell number 5 of Janjanbureh Prison said they were given two bars of soap every two weeks and sometimes more than two weeks. Those in Jeshwang convict cell said they were given only one bar of soap every Friday. They added this was not enough as they needed to use it for bath and for washing bed nets and sheets of their beds. The inmates in Janjanbureh cell number 2 said for more than one month they had not been given omo and Dettol to wash their toilet as it used to be done before. They added that when the toilet was blocked, they were disturbed by the odour. They further stated that the blockage was due to full soakaway or something thrown inside.

The inmates in the three prisons also said they were not given toothpaste, toothbrush, towel and slippers.

FOOD AND WATER

Many of the inmates in the Female Wing and Male Remand Wing of Mile 2 Prison complained of the poor quality of food provided. According to them, they mostly had pap with little to no sugar or 'Cherreh' with no good taste.

The inmates in all the three cells at Janjanbureh Prison and the inmates in convict cell of Jeshwang Prison also complained of the poor quality of the food given to them. They said that the food given to them was tasteless as it did not have jumbo and pepper. Those in Janjanbureh added that they had not eaten for a long time and that they were given meat only during feasts such as Eid al-Adha.

The inmates at Mile 2 also stated that the food bowls, when left closed for a while, emitted a foul odour. They also claimed that the bread provided was of poor quality, stating that it contained grains of sand. Some of them believed that the food taken sometimes led to food poisoning or made them suffer from beriberi. Some of the inmates at the Female Wing of Mile 2 said that they mostly returned the dinner given to them because of its low quality.

The visiting team found out that plastic basins were still being used in the Male Remand Wing of Mile 2. However, at the Female Remand Wing, steel basins were being used.

At the Mile II Central Prison kitchen, wet wood was used as fuel, which made cooking extremely difficult for them, resulting in excessive smoke. The inmates complained about the lack of electric cookers. The inmates complained that the kitchen, located outside, was often flooded during rainy season. They complained that they were occasionally disturbed by dust, which increased the risk of food contamination. They pleaded for the provision of a better kitchen, as the one they had did not meet the required standards.

The inmates in the Female Wing of Mile 2 had access to clean drinking water. However, those in the Male Remand Wing complained about lack of access to water, as the tap was often dry. They added that when they finished the water in their bottles, they called officers to fetch for them but they refused to help. The inmates at Janjanbureh Prison also complained about water shortage. They said that sometimes the whole day they could

not get any water. They added that this was due to inconsistent water supply. Similarly, the inmates at Jeshwang also said they encountered water problems as the taps did not have water for a long time.

HEALTHCARE

Mile 2 inmates that got ill received treatment at the clinic in the prison and in some instances, some with more severe medical issues were referred to the Edward Francis Small Teaching Hospital for treatment.

The inmates at the Female Wing of Mile 2 complained that they usually did not get medications from the said clinic. They added that they were sometimes told that even paracetamol was not available. Foreign inmates in both female and male remand wings of Mile 2 said drugs were prescribed for their families to buy them for them but their people could not buy them for them because they were not living in the Gambia. The prison's authorities stated that sometimes they received donations from Victory Pharmacy. Some of the inmates at Mile 2 said that some female prison officers accused them of faking illness.

The inmates at both Jeshwang and Janjanbureh prisons also complained about lack of medicines in the health facilities. One of the inmates at Jeshwang said when he had pimples on his leg he went to the infirmary in the prison but was not given drugs. The nurses at Jeshwang infirmary also mentioned lack of medicines as one of their challenges. An inmate from India in cell number 5 of Janjanbureh Prison said when he went to the health centre opposite the prison, they just prescribed drugs for him, which he bought. He added that he had spent D3000 on urethra (a urine health condition). There were no ambulances at both Jeshwang and Janjanbureh prisons.

COMMUNICATION WITH OUTSIDE WORLD

The inmates at Mile 2 were allowed to have visitors every day even though some inmates in the female wing believed that their relatives were sometimes denied entry by some of the prison officers. In fact, one of them believed that she was on several occasions denied access to see her relatives.

The Sierra Leonean nationals in Cell 4 of the male remand wing of Mile 2 said that they found it hard to communicate with their people. The Nigerian nationals in the female wing also expressed that they hardly communicated with their people. There was no special line allocated for use by the inmates when they wanted to talk to their relatives.

The inmates at Jeshwang convict cell said they were allowed to visitors only once a month and that preferred it to be at least once a week. They added that when they wanted to call their relatives, they asked the prison officers to help them but were sometimes told that they did not have credit. An inmate from Sierra Leone said he had not been visited by the officers at Sierra Leonean embassy in the Gambia and that he could not call his people.

The inmates at Janjanbureh said they found it difficult to call their people as Justice Defenders gave them only two minutes to speak to their people and they did not get this opportunity every week. They added that some inmates were unable to call their families

for one month and that there was an inmate who spoke to his family only twice in eight months.

The inmates at Mile 2 said none of them knew the Director General. They added that he should go to the cells to see them from time to time. One of them said he had been in prison for two months but never saw the Director General.

ACCESS TO JUSTICE

There were remand inmates who had spent many years in prison awaiting trial. For example, two inmates in Cell 1 of the male remand wing of Mile 2 said that they had been in Mile II for more than four years. Some spent almost seven months in prison before appearing in court.

Three of the inmates in Janjabureh remand cell said they had been in prison for three years awaiting trial. An inmate from Senegal said he had not been to court for eight months.

Some of the inmates at Mile 2 said that they could not afford the services of private lawyers and they could not access the services of the state counsels for their cases. According to them, the National Agency for Legal Aid (NALA) used to provide significant support. However, their presence has diminished in recent times, leading some to feel deprived of adequate legal assistance.

The visiting team was informed by the prison authorities at Mile 2 that a panel was set up by the Judiciary to have discussions with some of the remand inmates regarding their court cases.

Two of the inmates in the male remand wing Mile 2 said when they were released from prison following court order, they were arrested at the gate by the police. The authorities also mentioned that they faced challenges in transporting inmates to Mansakonko for trial.

OUT-OF-CELL TIME

Inmates in male remand wing of Mile 2 said cells were opened from 8am to 12 noon and then closed up to 2pm. They were again opened from 2pm to 3pm. This makes it a total of 5 hours, compared to the 9 hours of out-of-cell time given in the past. Cells used to be opened from 8am to 5pm. On the contrary, the inmates at Janjanbureh Prison said they were taken out of their cells to the veranda from 8am to 6pm, which is 10 hours. The inmates in the convict cell of Jeshwang Prison said they were not allowed to go out of the cell. They added that they were not allowed to be even at the veranda and that only inmates working in the kitchen or garden were allowed to go out.

CLOTHING

The inmates at Jeshwang Prison said they were given only one pair of uniform, one shirt and one pair of trousers. They added that they had not been supplied with jumpers even though they requested it. The Director General of the Prisons Service stated that the

proposal for new uniforms for prisoners was initially included in their budget but later removed by the Ministry of Finance.

TREATMENT

The inmates at the female wing of Mile 2 said that they were not happy with the way they were treated by the female prison officers. This they said sometimes barred them from requesting some of their needs. They said that when they called the officers in emergency situations, they ignored them. They also complained of being insulted by some of the officers in the morning shift. They commended the afternoon shift for their kindness and responsiveness to their needs but criticized the morning shift for their harsh treatment. They also said that they had witnessed the beating of a fellow inmate by an officer.

At the male remand wing of Mile 2, two of the inmates complained of being seriously beaten by the prison officers. One of them stated that he sustained wounds as a result of the beating meted out to him. Inmates in the male remand wing said when they caused problems, such as fighting, they were handcuffed and kept outside near the officers' room for one and half hours. They added that they were asked to raise their hands while in handcuffs.

The inmates at Jeshwang Prison said they were not beaten by the officers. However, they stated that the officers told them 'fuck you' whenever they had any problem with them. They added that they were also taken to the condemned cell, where they were asked to do monkey dance many times. The inmates at Janjanbureh Prison also said that they were not beaten but the officers like telling them that they would take them to the condemned cell. They added that the officers took them to the condemned cell with force, pushing them with force. They also said some were handcuffed and kept there. They further stated that the condemned cell had no mattress and no mosquito net, only the bare floor. One of the inmates in the remand cell of Janjanbureh said he had been kept in the confined cell for three months and was not given any mattress, sheets and mosquito net for two weeks.

EDUCATION AND VOCATIONAL TRAINING

The Director General informed the visiting team that Insight Training Centre provided training for the inmates at Mile 2 in electrical installation, solar installation and plumbing, and taught them Basic English Language and Entrepreneurship.

He also informed the team about their signing of Memorandum of Understanding (MoU) with Kaboum Academy to provide inmates with training in welding and other valuable skills.

The Director of Operations said that they welcomed an initiative by Jollof Care to train inmates in different skills, such as soap making, corseting, stitching, etc. According to him, once the inmates produced these items, they were transported to trade fairs and sold, generating some income for the inmates.

Mile 2 Prison had a tailoring shop where inmates were trained in sewing. The officer in charge of the tailoring shop complained of lack of fan, proper iron and cutting table.

There were neither education classes nor vocational training for adult inmates at Jeshwang Prison.

SPORTS AND LEISURE

The inmates in the male remand wing of Mile 2 said they were not allowed to play football or other sports because the place was small. They added that when they were seen playing football, the officers punished them. There was also no enough space in female wing for inmates to play sports. The Director General said the lawn was not good and that sports was available only at the main yard, where football and volleyball were played. There were no sports facilities at Jeshwang and Janjanbureh prisons except for the basket lawn at the Juvenile Wing at Jeshwang used only by the juveniles. The inmates in these two prisons were denied their right to at least one-hour exercise.

STAFF MATTERS

The officers on duty complained of delay in promotion, low house rent and lack of motivation for the prison officers. They also complained of the lack of enough space for the officers. The issue of non-classification of inmates was also raised.

RECOMMENDATIONS

- Inmates should be provided with adequate quality food. There should be thorough monitoring on the type of food given to them.
- There should be more engagement with the Judiciary and other relevant stakeholders to ensure speedy trials of remand inmates. This will address the problem of overcrowding.
- The problem of holding inmates in remand for a very long time should be strictly looked into by the Judiciary.
- The National Agency for Legal Aid (NALA) should provide more legal services to the inmates.
- The Ministry of Justice in collaboration with the Ministry of Interior should address delays in taking inmates to court. This should be treated with urgency.
- There should be more functional taps in all the prisons to promote good hygiene.
- The use of chamber pots at Mile 2 should be discouraged. Inmates should have access to the toilets at all times, including at night.
- Inmates should be given adequate soap and other detergents.
- The Director General should set up a special committee to investigate any complaint of torture or other forms of ill-treatment and take appropriate action against those found guilty.

- The issue of putting inmates in the condemned cell should be addressed by the Director General. The decision to put inmates in the condemned cell should be decided by the Director General or the commissioner in charge of a prison, not any junior officer. The duration of stay in the cell should be short to avoid prolonged solitary confinement. The cell should have the facilities that the other cells have, such as light, mattresses, sheets for beds and mosquito nets.
- More mattresses should be provided to the inmates to make them sleep comfortably and prevent any form of degrading treatment.
- Electric cookers should be provided to make cooking easier for the inmates.
- Inmates should be allowed to do sports. They should be allowed to do at least one-hour exercise daily.
- The remand inmates should be separated from convicts, as stipulated in article 10(2) of the International Covenant on Civil and Political Rights, in Mandela Rules and in other human rights instruments.
- The Ministry of Finance should increase the amount allocated to the prisons to make work easier for the authorities.
- The tailoring shop at Mile 2 Prison should be well-equipped in order to train more inmates.
- At two pairs of uniform should be given to each inmate.
- The time spent outside by inmates at Mile 2 should be looked into. The inmates at Jeshwang Prison should also be allowed to go out of the cell for many hours. They need at least 8 hours outside the cells.
- Communication should be made easier for the inmates, especially the foreign nationals as most of them do not have their families in The Gambia.
- Education classes and vocational training should also be provided to the inmates at Jeshwang Prison.
- An ambulance should be provided to both Jeshwang and Janjanbureh prisons.
- Adequate office space and furniture should be provided to improve effectiveness and efficiency in the prisons.
- A new prison should be built to replace Mile II Central Prison, which had a problem of overcrowding and classification of inmates.

POLICE DETENTION FACILITIES

A total of 37 police stations and 6 police posts were visited in 2022. This makes it a total of 43 police detention facilities visited.

The police stations visited in West Coast Region were: Kalagi Police Station, Bondali Police Station, Bwiam Police Station, Sibanor Police Station, Somita Police Post and Brusubi Police Station.

The police stations visited in Kanifing Municipality (KM) were: Bakau Police Station, Bundung Police Station, Bundung Borehole Police Station, Senegambia Police Station, Manjai Police Station and Bundung Central Police Post,

The police stations visited in North Bank Region (NBR) were: Juffureh Police Station, Barra Police Station, Amdallai Police Station, Ndungukebbbeh Police Station, Kerewan Police Station, Njain Sanjal Police Station, Farafenni Police Station, Kuntaya Police Station and Njabakunda Police Station.

The police stations and posts visited in Central River Region (CRR) were: Kaur Police Station, Njau Police Station, Firdawsey Police Station, Kuntaur Police Station, Jareng Police Station, Brikama Ba Police Station, Janjanbureh Police Station, Bansang Police Station and Karantaba Police Post.

The police stations visited in Upper River Region (URR) were: Sare Ngai Police Station, Diabugu Police Station, Bakadagi Police Station, Basse Police Station, Fatoto Police Station, Sabi Police Post and Nyamanar Police Post.

The police stations and posts visited in Lower River Region (LRR) were: Bureng Police Station, Kwinella Police Station, Soma Police Station, Mansakonko Police Station, Keneba Police Station, Koliyorr Police Station and Sankandi Police Post.

The conditions and treatment of detainees at police detention facilities were still well below international and regional standards.

CELLS

The cells at many police stations and posts were found clean. However, there were also cells that were unhygienic and had traces of urine or smelled of urine whilst others had cobwebs, such as cells at Barra, Farafenni and Soma. Except for cells at Bundung, Bondali and Koliyorr stations, there was no artificial light in police cells. Most police cells had no windows. They had only holes or openings. While Kuntaur Police Station had 12 openings, most police cells had only one small opening. Brikamaba Police Station had neither a window nor an opening. It had neither natural light nor ventilation. It was completely dark and we had to put our mobile light on to be able to see what was in the cell. A detainee was found sitting in that darkness. The cells at Kerewan and Ndungukebbbeh also had neither natural light nor ventilation, although Ndungukebbbeh had a detention room which had natural light and ventilation. The cells at Soma and Firdawsey stations had poor ventilation and no natural light. Most police cells did not have adequate

ventilation and natural light. None of the cells had fans, except for cells at Bundung Police Station.

It was only police cells with big windows that had adequate natural light and ventilation. The stations whose cells had adequate natural light and ventilation were Farafenni, Barra, Bondali, Bakadagi, Kaur and Senegambia.

Many police cells had thick doors with only one small opening at the top which prevented adequate air from entering the cells.

Police cells did not have mattresses for detainees to sleep on. In most places it was the mats provided by the police officers at the stations and posts that detainees slept on. In some places, such as Kerewan Police Station and Karantaba Police Post detainees slept on cartons whilst in others such as Farafenni, Mansakonko and Njau detainees slept on slabs. In Kaur it was on a wooden palette that detainees slept. Detainees were not provided with blankets.

Except for Bundung Police Station, police detention facilities did not have separate cells or detention rooms for female detainees and juveniles. Women and juveniles were usually kept at the counter. Where a station had a child welfare officer, juveniles were put under his or her care. At Basse Police Station two detainees said they were 15 years old and the third one said he was 14 years old. They were kept in the same detention facility as adults.

SANITATION AND HYGIENE

Most police stations and posts had squat toilets for detainees. Some stations such as Kuntaya and Bakadagi had toilets beside the cells or in the detention rooms whilst others such as Farafenni and Soma had them outside the detention facilities. Some police stations and posts such as Karantaba, Njau and Njain Sanjal still had pit latrines that were not up to standards. The toilets at some stations, such as Sibanor, Ndungukebbah and Nyabakunda were not clean and had unpleasant smell.

Most police stations and posts were not provided detergents to clean cells and detention rooms. It was the officers who bought detergents when they had the money. The ones that were given detergents said they were not enough as they could not last for a month.

LAWFULNESS OF DETENTION

The visiting team was informed at many police stations and posts that detainees were kept for 72 hours, as stipulated in section 19 of the constitution. However, the officers at Farafenni Police Station said they sometimes detained for more than 72 hours when they opened bail and the person could not fulfil the conditions. Two of the detainees were held at the station for more than 72 hours. The officers at Farafenni added that this usually happened when the magistrate was not sitting and they could not release the detainee. They further stated that the magistrate had a sitting in Farafenni once a week and then had another one in Barra the following week. They added that if they had a sitting

magistrate in Farafenni that would help them a lot. The officers at Bara Police Station said the same thing. The officers at Basse Police Station also said they had detained people beyond 72 hours as there was no sitting at the court. The prosecution unit at the station said there was a detainee for whom bail was opened but there was no one to bail him and he had to wait for one week for the travelling magistrate to come. The officers said the magistrate had sittings in Basse only on Tuesdays and Wednesdays. They added that he also had sittings in Basang on Mondays and Thursdays. They said that they needed a sitting magistrate who would sit continuously from Monday to Friday.

TREATMENT

Detainees in most police detention facilities said they were not beaten, insulted or ill-treated in any other way. However, a detainee at Basse Police Station said he was slapped twice by a CID officer when he refused to be shaved. Another detainee said he was also slapped by an officer. The third detainee said he was beaten on the side of his head whilst the fourth one said he was insulted by an officer and when he told him not to insult him again, he did it again. A senior officer said he was the one who instructed one of his officers to shave the detainee and that he did in a fatherly role. The visiting team warned the officer to desist from that as it could be considered to be a degrading treatment. The visiting team told the station officer to investigate the issue of slapping and beating and take appropriate disciplinary action to ensure that it is not repeated.

COMMUNICATION WITH FAMILY AND OTHERS

The detainees' right to communicate with families was respected. However, there were no communication facilities provided at police detention facilities. Detainees used their own phones or the officers' phones to communicate with families and others. Detainees were also allowed to have visitors.

FOOD

Government did not provide food for detainees in most police detention facilities. It was the officers or relatives of the detainees who provided food. Some of the police stations and posts that did not receive food from government were Bakau, Bundung Central, Manjai, Farafenni, Kaur, Firdawsey, Janjanbureh, Mansakonko, Kerewan, Barra, Amdallai, Bureng, Brikamaba, Bondali and Sibanor. The stations that received food from government were Bundung, Brusubi, Bundung Borehole, Senegambia, Soma, Fatoto, Sare Ngai, Diabugu and Bakadagi. Bundung, Brusubi, Senegambia and bundung Borehole received food from Police Intervention Unit PIU. Basse, Fatoto, Bakadagi, Sare Ngai and Diabugu, which were the five police stations in URR, received one and a half bags of rice each, every two months but were not given oil, onions and other items. In most places it was only lunch that was provided. Detainees had access to drinking water, which was fetched for them from the station taps by the officers.

HEALTH CARE

Sick detainees in most police detention facilities were taken to nearby health facilities. In many places officers were not asked to pay for anything for the treatment of the detainee. However, in some places officers paid D25 for the ticket. Officers at different detention facilities said that when drugs were not available, it was the officers or families who bought them for detainees.

STAFF MATTERS

Most police stations and posts did not have a car to facilitate their operations. A few that had cars complained of them not being in good conditions. The officers also said they did not have any computer, photocopier, printer, internet and TV. Others problems were lack of furniture, no telephone, irregular supply of uniforms, delay in promotions and no staff quarters. Some stations were dilapidated whilst others had no electricity and taps.

RECOMMENDATIONS

- All police cells should have large windows, adequate ventilation, natural light, artificial light, toilets, mattresses and bedding. The floors of the cells should be tiled, as done for cells in Bakadagi, Kaur and Kuntaya. Ministry of Interior should ensure that all police cells are up to standards.
- Detainees should have access to the toilets at all times, including at night. The Inspector General Police (IGP) should ensure that detainees do not urinate in cells at night, to avoid cells smelling of urine.
- Ministry of Interior should ensure that enough money is allocated every year for adequate feeding of detainees. Breakfast, lunch and dinner should be provided every day.
- Separate cells and detention rooms should be created for juveniles, female detainees and male detainees. Juveniles are not to be detained in the same cell or detention room as adult detainees, as stipulated in section 29(3) of the 1997 Constitution, sections 210(6) and 212(8) of the Children's Act 2005 and article 10(2)(b) of International Covenant on Civil and Political Rights.
- The IGP should ensure that all police stations and posts are provided with adequate supply of detergents such as soap, omo, dettol and vim.
- Ministry of Interior should ensure that police stations and posts that do not have taps or have difficulties in getting water are provided with taps.
- Ministry of Interior should communicate with Ministry of Health to ensure that police officers do not pay D25 for a ticket at health facilities for the treatment of detainees. Enough funds should be allocated for purchase of drugs for sick inmates.
- The Ministry should ensure that communication facilities are provided in police stations and posts for detainees to speak to their families.
- Ministry of Interior should communicate with Judiciary to ensure frequent court sittings in all the regions in the country to avoid detainees being kept beyond 72 hours.
- The IGP should ensure that any complaint of torture or ill-treatment is effectively investigated and appropriate disciplinary action taken against any officer involved. A memo should be sent to all police stations warning officers to desist from torture or other forms of ill-treatment. Torture and other forms of ill-treatment are contrary to section 21 of the 1997 constitution, section 7 of the International Covenant on Civil and Political Rights and section 2(2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The IGP should ensure that station officers always inform detainees of their human rights.

- Ministry of Interior should ensure that each police station is provided with a pick-up or other suitable car for effective service delivery.
- The ministry should also ensure that all police stations and posts are provided with computers, printers, photocopiers, scanners, internet, TV sets, CCTV cameras.
- Other issues mentioned in the report should also be addressed to motivate the staff, especially those in the provinces.

IMMIGRATION DETENTION FACILITIES

Two immigration stations and two immigration posts were visited in 2024. The immigration facilities visited were: Basse Immigration Station, Soma Immigration Station, Nyamanar Immigration Border Post and Sabi Immigration Border Post.

Only Soma and Sabi had detention rooms. The officers at Sabi said it was only once that they detained somebody in the detention room and that now they used the detention room as a store. They added that they had not received many criminal cases in the place.

The detention room at Soma Immigration Station was tiled and clean and had big windows, adequate natural light, ventilation, artificial light and a toilet.

Basse Immigration Station used its charge office to detain non-Gambians who did not regularize their stay in the country. It had two big windows. It had adequate ventilation, natural light and artificial light. It had a carpet and was found clean. Fifteen male detainees were found in the charge office. Fifteen male detainees were found in the charge office. They were nationals of Guinea, Guinea Bissau and Sierra Leone.

No food items were provided to immigration detention facilities for feeding of detainees. The officers at Basse Immigration Station said they were not given any budget to feed detainees. They added that they gave some food to detainees from what they cooked for themselves through their own contributions. The Soma and Basse immigration facilities had taps from which detainees could get water to drink.

Some of the challenges faced by immigration officers were inadequate vehicles, computers, communication facilities, furniture, no internet, no TV, no A/C, meagre house allowance and irregular supply of uniforms.

RECOMMENDATIONS

- Ministry of Interior should ensure that funds are provided to immigration detention facilities for food to be prepared for detainees.
- Communication facilities should be provided at immigration detention facilities for detainees to easily communicate with their families and others.
- Ministry of Interior should ensure that enough vehicles are given to immigration stations and posts for effective service delivery.
- All immigration stations and posts should be provided with enough computers, printers, photocopiers, scanners, furniture, internet access, TV and uniforms.
- The issue of meagre house allowance should also be addressed to motivate the officers, especially those in the provinces.

MILITARY DETENTION FACILITIES

The detention facilities at Farafenni and Basse barracks were visited in 2024. Each of these barracks had two cells. The cells were clean and had mattresses and sheets. One of the cells at Farafenni Barracks did not have adequate natural light and ventilation. There was no artificial light in the cells at Farafenni Barracks. There were no detainees in any of the barracks at the time of the visit.

The officers at both barracks said detainees were not kept beyond the 72 hours stipulated in the constitution.

The visiting team was informed that detainees were provided breakfast, lunch and dinner through central cook house at Farafenni Barracks. The same thing applied at Basse Barracks, where the officers said detainees ate the same food as their fellow soldiers. Detainees had access to water.

The two barracks had toilets which detainees could use. The toilets were found clean. The toilet at Farafenni Barracks was in the same place as the cells and had a tap. The visiting team was informed that detainees were allowed to have a bath.

Each of the barracks had a clinic. The visiting team was informed that sick detainees were taken to the clinics and were given free treatment. The nurses at the clinic said that some of their problems were delay in supply of drugs, inadequate drugs, insufficient BP machine, lack of ambulance and a lab for testing malaria, hepatitis and syphilis. The officers at the two barracks said that they had not received any complaint of torture or ill-treatment from detainees.

The visiting team was informed at both barracks that detainees were allowed to communicate with their families using their own phones. Some of the problems faced by the barracks were inadequate vehicles, inadequate office space, inadequate computers, inadequate furniture, inadequate communication facilities, inadequate supply of uniforms, no access to the internet and no risk allowance compared to the other security agencies.

RECOMMENDATIONS

- All the cells should have big windows, adequate ventilation, natural light and artificial light.
- Ministry of Defence should ensure that all the clinics have adequate drugs.
- Adequate vehicles, computers, furniture, office space, communication facilities and internet facility should be provided to the barracks for effective and efficient operations.
- Ministry of Defence should ensure that all military officers are paid risk allowances, as done for the other security agencies.

CHAPTER 4

4.1 UNLAWFUL TERMINATION / UNFAIR DISMISSAL

COMPLAINT NO:

38/2024

NATURE OF COMPLAINT:

Unlawful Termination

COMPLAINT

The complainant stated that his service was terminated as director of finance on 9 May 2023. He stated that according to his appointment letter, he was to serve a probationary period of six months, after which an evaluation exercise would determine his suitability to continue in the role as director of finance.

He added that as director of finance he was responsible of overseeing all staff within the Finance Department. He further added that the staff under his department were tasked to follow his instructions according to their terms of reference, which must be executed in accordance with the bureau's policies, accounting manual, service rules and best practices.

The complainant further added that upon his resumption, there was no formal handing over or induction process. He said that the finance manager, who was next to him, was not taking instructions from him but rather directly from the director general (DG).

He alluded that the finance manager took control of all departmental documents, including staff payroll and procurement activities. He said that he was asked on several occasions to sign off on procurement transactions that occurred before his arrival at the office, but refused to adhere. This resulted in a heated argument with the DG. Due to this disagreement, he faced resistance from the human resource officer and other staff members who were instructed by the DG to counter his efforts.

The complainant added that he was never given the opportunity to fully utilize his skills and knowledge as the director of finance, as deliberate efforts were made to ensure his failure in the said position. He alleged that the DG along with the human resource officer and several other staff members (most of whom were DG's close relatives) actively sabotaged his efforts. He added that he had communicated the matter to the chairman of the board via email informing him that the DG and the human resource officer were undermining his authority

FINDINGS

The complainant was appointed as director of finance on 12 September 2022 subject to a probationary period of six months as required by the institution's service rules.

All the necessary documents were handed over to him by the assistant accountant after which he went through a comprehensive induction process.

He was also trained on the newly Integrated Financial Management System (IFMS) at the Accountant General's Office which was also installed on his official laptop.

At the end of the probation, he was evaluated on performance against his job description and was found to be unsatisfactory. According to the General Orders and the service rules of the institution, all appointments shall be subject to probation. However, confirmation of appointments after probation shall be subject to satisfactory performance. In the instant case, it was the discretion of his supervisor to recommend for the extension of his probation or to terminate his service owing to unsatisfactory performance.

CONCLUSION

The complainant was assessed by his immediate supervisor and his performance was found to be unsatisfactory leading to the termination of his service.

The Ombudsman upheld the decision to terminate his service.

COMPLAINT NO:

40/2024

NATURE OF COMPLAINT:

Wrongful Dismissal

COMPLAINT

The complainant was appointed on 1 June 2019 as night watchman by an agency. He stated that on 19 June 2024 he was issued with a dismissal letter stating that he was dismissed from service with immediate effect.

He further stated that for clarity, he went to the director general's office who informed him that he was dismissed due to negligence of his duties and misconduct, causing the thieves to cut and steal the fence wires at the agency.

Furthermore, he stated that in that night he was not the only security officer on the ground. The police and the ram sellers were also present but none of them could tell whether thieves intruded the office premises as insinuated by management. He further alleged that the office had failed to investigate the issue thoroughly before taking such a harsh decision against him.

FINDINGS

The complainant was employed as night watchman responsible for the livestock ground and the main office. On 12 August 2024, the management had a consultative board meeting regarding the dismissal of the complainant. After a thorough discussion they came up with a unanimous decision and changed the complainant's dismissal to retirement since he was already due for statutory retirement.

On 13 August 2024, the managing director informed the Ombudsman of their decision to retire the complainant instead of dismissing him from the service.

CONCLUSION

The decision of the board of directors and management to retire the complainant was upheld and the matter was resolved.

4.2 UNFAIR TREATMENT

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was appointed as trainee quarter master at in May 2018. In September 2022, he was sponsored by the institution to pursue a Tug mate Training Course at the Regional Maritime University in Ghana. He completed the course in the same year and returned to serve a one-year bond. Upon completion of the bond, he was promoted to assistant quarter master in July 2023.

According to him, throughout his service he was never granted annual leave despite submitting several applications. He was informed that this was due to exigencies of the service.

On 5 December 2023, he tendered both his resignation and a request for leave. His request was subsequently approved on 12 March 2024, with effect from 11 December 2023 to 31 May 2024. He indicated that his accumulated leave would serve as his notice of resignation. However, despite this approval, his accumulated five months of leave arrears was not paid.

FINDINGS

The complainant's resignation and request for leave were granted. The institution paid him D92,096 representing five months' leave arrears.

CONCLUSION

The complainant confirmed that he was paid D92,096 as settlement for his leave arrears.

COMPLAINT NO: 15/2024
NATURE OF COMPLAINT: Unfair treatment

COMPLAINT

The complainant alleged that he was enlisted into a security institution on 2 June, 2021. On 18 June 2022 he had a physical fight with a colleague who bit and cut off his left ear. He was rushed to Farafenni Hospital and later referred to Ndeban hospital due to the serious bleeding of his ear.

The complainant alleged that the case was reported to the head of institution and the case file was tendered including all the medical documents for further investigations. On 22 May 2023 he was invited to his institution's headquarters.

Upon arrival at the headquarters, he was informed that the officer in question had brought in D20,000 as a compensation on his assault case which he vehemently refused to receive because the amount he had already spend for his medical treatment was far more

than D20,000. Moreover, the doctor's recommendation stipulated that he was supposed to go for overseas treatment which would incur him more money and he had nowhere to get that money from.

The complainant further alleged that after several follow-up with the command for his file to be pushed for action, the case was still pending.

FINDINGS

The same case was also reported to the National Human Rights Commission and both institutions cannot investigate the same complaint.

CONCLUSION

Since the Ombudsman had signed a memorandum of understanding with the National Human Rights Commission, both institutions could not investigate the same case at the same time. The case was therefore discontinued to allow the National Human Right Commission continue with the case.

COMPLAINT NO:

24 /2024

NATURE OF COMPLAINT:

Suspension Without Salary

COMPLAINT

The complainant said that he was employed as a news reporter in July 2020 and posted to the institution's headquarters.

He added that in February 2024, he was issued with a letter conveying management's decision to redeploy him to Central River Region (CRR) as the regional correspondent for a period of two years. He explained that he had written to the director general pleading that he was pursuing an undergraduate degree at University of SUP de CO and also had an underlying health condition that would not permit him to stay in CRR. To his surprise, he was suspended indefinitely without salary.

FINDINGS

The complainant started as an intern before being integrated into the permanent appointment of the public broadcaster.

The complainant's institution had regional correspondents in all the regions who were on rotational postings. When it was time for the CRR correspondent to return to headquarters, the complainant was nominated to replace him but he refused with reasons of being on study and having health complications. He was then suspended indefinitely for not adhering to posting orders and had his salary stopped.

A review of the medical report provided by the complainant showed no indication that he could not be exposed to or live in the weather condition of the region he was posted to. Secondly, his study programme was not officially sanctioned.

CONCLUSION

The complainant had no grounds to refuse the postings order and was advised to honour it. He accepted the postings order and his salary was reinstated.

COMPLAINT NO:

25/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant was enlisted into a security institution. He stated that on 10 March 2023 he was sick and diagnosed with suspicious disc and refract c/o itching. He was referred to Sheikh Zayed Regional Eye Care Centre for review and was granted 48 hours excused duty (ED).

He alleged that he suffered dizziness and could not report to duty at the expiry of his ED. He was given multiple ED whenever he reported for appointment. He resumed duty on 13 March 2023 and found out that his shift was changed from one day standby to two days. He was marched before the orderly room and charged with disobedience to orders and awarded 7 days confinement to barracks (CB).

He further alleged that he was published AWOL and confined to barracks again from 2 to 15 June 2023. Subsequently his salary was stopped. His efforts to restore his salary proved futile. He was claiming salary arrears from June 2023 to date.

FINDINGS

The complainant reported sick on 10 March 2023 and granted 48 hours excused duty (ED). However, he failed to report to duty after the expiry of his ED and absented himself from work without permission. He was charged with disobedience to orders and awarded 7 days confinement to barracks (CB) as punishment.

The complainant was published absent without leave (AWOL) and eventually his salary was stopped.

CONCLUSION

He was found wanting and discharged under his institution's disciplinary code. The Ombudsman concurred with the decision of the head of institution to discharge the complainant from the service.

COMPLAINT NO: 32/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant alleged that he applied for water-service connection at a public company since November 2023.

In December 2023, a survey was conducted, and he was issued with an invoice amounting to D11,250 which he paid on 29 December 2023.

He further alleged that since then he made several follow-ups for the installation of his water-service connection to no avail.

FINDINGS

The complainant applied for water-service connection at a public company. He was issued with an invoice of D11, 250 which he paid on 29 September 2023.

The company ran out of essential water service connection materials since October 2023 and as such could not proceed with water service installation.

The company informed the public through press release their non-acceptance of water service connections payment until they have the materials in stock in March 2024.

There was no commitment to any specific date for the service connections to be available based on the necessities surrounding water service connection materials.

Moreover, the company stated on 7 March 2024 that considerable time had been spent on identifying competent manufacturers of those meters, adhering to strict standards and regulations, and ensuring full compliance with procurement requirements. They further stated that all these measures involved stakeholders both locally and internationally and as such the process would demand reasonable time for the meters to be processed.

Also, the company apologised to all their customers, especially their prospects, for any inconvenience caused while assuring them that their project (transition Static Ultrasoft Meters) is aimed at increasing efficiency, accuracy and reliability in their water billing and overall management systems.

The complainant was advised to be patient or request refund of his payment.

CONCLUSION

The evidence presented by the company proved the unavailability of water service connection. The complainant was advised to exercise patience until the issue is settled or request full refund.

COMPLAINT NO: 33 /2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was among the successful applicants who had undergone the 12 days' training for the national population and housing census 2024 in one of the regions , and was subsequently posted to another administrative area.

The complainant explained that he guided a cousin of his, during the application process whom he shared his confirmation code with. He said that after his cousin was shortlisted under the region where he (the complainant) was posted, he forgot to delete his (the complainant) details which were stored in his phone gallery. He stated that on the final day of training his cousin mistakenly submitted his code as consequence his details were recorded under Janjanbureh. After numerous efforts by his RCO in Basse his issue was not resolved. He was later posted under Janjanbureh at Sare Ngai Ward.

He added that after the training, he was contacted by his supervisor informing him that he was posted and should report immediately for enumeration. Upon arrival, he was provided with all logistics and immediately started work.

He further said that after working for three days, he was contacted and asked to stop work, return the materials to the supervisor and report to the regional headquarters. He complied. On arrival, he was informed that he had been withdrawn from the census and replaced with another participant.

FINDINGS

The complainant was among participants shortlisted to take part in 12 days' training for the 2024 census enumeration exercise.

After the training, the coordinator was unable to deploy him because his name could not be traced in the registered participants in that region. The RCO, who was contacted confirmed that he was in the original register of shortlisted participants in that region. The RCO tried to deploy him but could not trace his name in any of the classes within the administrative area where the training was conducted.

The complainant was contacted by a supervisor in a different region informing him that he had to report there as one of her enumerators. All logistics required for the exercise were provided to him. He had worked for three days when the RCO of that region recalled him for a discussion.

The RCO informed him that he had realized his inclusion in the training and deployment register when he was neither shortlisted nor trained in that region hence his withdrawal. This was confirmed from a register.

The complainant's cousin, whom the complainant had guided during the application process, was shortlisted and trained in the said region; however, he did not take the test

that was required for deployment on the census proper, contrary to the complainant's assertion that his cousin had mistaken his confirmation code which resulted his details being recorded in that administrative area.

The complainant's cousin and two others were unable to take the required test because they could not log in the software system developed for the census. When the relevant department was consulted on this, they noted that the confirmation codes of the affected individuals must have been used to log in by others. Thus, the complainant's cousin and the two others were dropped.

The complainant was paid the three days that he had worked for.

CONCLUSION

The complainant should have lodged his complaint against the office in the region where he attended the training and not against the region where he was called to serve.

As per the register printout obtained, the administrative area shortlisted 503 participants for training and deployed 447 for the census. It was therefore logical to withdraw the complainant for another participant who was shortlisted and trained in that region.

The Ombudsman concurred with the decision to withdraw the complainant.

COMPLAINT NO:

34/2024

NATURE OF COMPLAINT:

Claim for Retirement Benefits

COMPLAINT

The complainant stated that he was employed by a public company as a security officer until his retirement on 13 November 2023. Upon receiving his retirement notice, he proceeded to the Social Security and Housing Finance Corporation (SSHFC) to process his pension. However, he was informed that his company had not fulfilled the required payments on his behalf. He further alleged that his company admitted that it was not financially strong to meet all its obligations.

FINDINGS

The complainant was retired from service by effective 11 November 2023. His employers had social security contribution gap and as a consequence caused the delay in the payment of his retirement benefits.

CONCLUSION

The complainant was eventually paid his retirement benefits and pension entitlements. He thanked the Ombudsman for its intervention.

COMPLAINT NO: 39/2024
NATURE OF COMPLAINT: Claiming Retirement Benefits

COMPLAINT

The complainant voluntarily submitted her resignation letter from the services of a public company in her capacity as senior billing manager, dated 27 November 2022. The company acknowledged and accepted the resignation, effective 6 December 2022.

Since her resignation, the complainant had not received her social security retirement benefits despite having served 32 years with the company.

Upon contacting SSHFC regarding her pension entitlements, the complainant was informed that her company needed to settle outstanding financial obligations on her behalf before any entitlement payments could be released. It was revealed that her company had failed to remit the monthly SSHFC contributions from April to December 2022, while she was still in their employment.

The complainant stated that she had contacted the company on several occasions requesting them to settle her social security contributions to no avail. She expressed deep disappointment and frustration, believing that she had been treated unfairly, as her colleagues who retired after her had already received their benefits.

FINDINGS

The complainant's company had outstanding balances to pay on behalf of nearly all its staff members.

SSHFC and the company had an agreement, allowing it to pay off the outstanding balances by installments. Under this arrangement, the company would submit a list of employees to be settled based on a queue system to determine payment order.

The company made payments and the complainant was included in the list of those to be paid. She was paid all her dues as follows:

- Total benefits payable: D659,980.84
- Liability: D65,286.10
- Pension arrears: D227,804.73 (covering the period from June 2022 to October 2024).

CONCLUSION

The complainant confirmed that she was receiving her monthly pension payments regularly.

COMPLAINT NO:

55 /2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant stated that he started working as unqualified teacher in 1990. He added that while teaching, he got enrolled in the Gambia College and obtained a Primary Teachers' Certificate (PTC) in September 1996. He was then offered another appointment as qualified teacher and also confirmed in appointment in the permanent and pensionable establishment in June 2000.

He further stated that he had worked for more than 20 years but had never been promoted.

FINDINGS

The complainant was appointed as an unqualified teacher in 1990. He obtained a PTC and became a qualified teacher in 1996. He was also confirmed in appointment in the permanent and pensionable establishment.

He never enjoyed any form of promotion in his entire teaching career.

In September 2024, the ministry did a mass promotion of teachers. However, the promotion was to be effective in January 2025 while the complainant was already notified that he was due to retire by end of October 2025.

CONCLUSION

The complainant was due to retire by end of October 2025; the case was discontinued due to lack of merit.

COMPLAINT NO:

57/2024

NATURE OF COMPLAINT : Unlawful Suspension

COMPLAINT

The complainant stated that on 23 October 2024 she received a letter informing her of being suspended from duties from 1 October to 31 December 2024. This was fueled by an incident that had happened. According to her, she took permission from her matron for an engagement in Basse and had made an arrangement with another member of staff to cover her shift on Sunday 6 October 2024. The matron gave her approval.

She also explained that prior to her suspension, she approached her in-charge informing her that she would not be at work on Monday because of some family situation that needed her presence and that she should consider her when making the roster. To her surprise, when the roster was out, she was still assigned on that Monday. She tried to reach out to her but could not. She texted her that she would be coming late. She said she contacted her colleague who intervened and also informed her in-charge about her call and text. The in-charge replied that she saw the text message late.

She stated that she received a letter alleging that she reported to work at 6pm that day which she refuted. She claimed that she reported to work at 4:45pm. She added that she was served with only one warning letter since she was employed in 2021.

She said after the incident she did not respond to the letter to explain the correct scenario since she did not know about any hospital policies regarding such correspondence.

She believed she consistently demonstrated her commitment to patient care in the facility going above and beyond her duties. She thought that the disciplinary action taken against her was based on inaccurate information.

FINDINGS

There was no written documentation to confirm that the complainant was granted permission to proceed on her trip. A duty room officer from whom the complainant obtained permission, confirmed that he gave her a day's permission, but he did so under the assumption that she had already received approval from her department. However, the departmental matron confirmed that no such permission was granted, nor did she have any communication with the duty room officer on the matter.

The duty room officer failed to verify the complainant's permission status with the appropriate departmental authority before granting her leave. Despite this lapse, he was neither cautioned nor invited to explain his actions. The complainant claimed she never received any warning letters. However, the secretary in the matron's office stated that the complainant was contacted to collect the letters but failed to do so. Only one warning letter was found in her personal file.

The complainant arranged for a nurse from the Internal Medicine Department to cover her duties in the Pediatrics Department without the required approval. The duty room had no record of this arrangement.

The chief matron and departmental matron confirmed that it is against hospital policy for staff from different departments to provide coverage for one another without formal approval. The human resource director also corroborated this, citing it was a breach of standard practice.

Upon discovering the nurse covering for the complainant at the children's ward, the matron immediately sent him away and considered disciplinary action, only to learn that he was off duty. The complainant was reprimanded and reminded of the proper procedures.

In a subsequent incident, the complainant sought permission to attend an upcountry activity. Although the request was denied by the matron (on the instruction of the chief matron), the complainant proceeded regardless. This unauthorized absence formed the basis for her suspension without salary.

The complainant failed to follow proper procedures, such as submitting a formal written request and checking her duty schedule ahead of time. She also provided an incomplete and at times misleading narrative during the investigation. Evidence showed deductions for unauthorized absences, contrary to her claims.

The complainant's actions demonstrated poor judgment and disregard for institutional protocols. Her attempt to arrange departmental coverage informally and travel without official approval amounted to insubordination.

RECOMMENDATIONS

The hospital management should revise its protocol to ensure that all duty room supervisors must verify with the appropriate departmental authorities before granting permission for staff to be absent.

A formal inquiry should be conducted into the duty room officer's actions, and necessary guidance or disciplinary action should be taken to prevent future procedural breaches.

The hospital should urgently improve its documentation and record-keeping systems, particularly the staff attendance register. All registers should be properly bound, dated, and regularly reviewed.

A digitalized leave request system should be developed and implemented to track staff leave requests and approvals more efficiently and transparently.

Orientation and regular refresher training should be provided to all staff on hospital policies.

The HR department should ensure strict compliance with salary deductions in cases of unauthorized absence, in line with the General Orders and internal regulations.

CONCLUSION

The investigation into the conduct of the complainant had uncovered a range of procedural and administrative lapses, both on the part of the individual and the hospital management. While the complainant clearly breached established protocols by failing to seek and obtain proper approval for her absence and arranging unauthorized coverage, the investigation also exposed systemic weaknesses in records-keeping, communication, and supervisory accountability.

To uphold discipline and institutional integrity, the hospital must implement stronger administrative systems and ensure that all staff understand and adhere to established rules and procedures. By addressing these findings and implementing the above recommendations, the hospital could significantly reduce the likelihood of such incidents recurring.

COMPLAINT NO: 61/2024.
NATURE OF COMPLAINT: Claiming Terminal Benefits

COMPLAINT

The complainant stated that he was working with a public authority under. In 2022, they were transferred to a newly created private company. The complainant's service with the public authority was paid but the new company could not incorporate him because of his age.

However, the complainant wanted to have his social security benefit processed. He was 57 years of age which was three years short of the statutory retirement age.

FINDINGS

The complainant worked for a public authority. In 2022 they were transferred to a newly established private company. The new company did not take the service of the complainant because of his age but he was paid all his services with the public authority amounting to D380,000.

The complainant was informed that he can only receive his social security benefits upon attaining the age of 60. However, he could receive 50% of his benefits if he so desires.

CONCLUSION

The case was discontinued for lack of merit.

COMPLAINT NO: 64/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked at a council for ten years as night watchman. He said he entered into a land transaction with their credit union. He deposited D40, 000 to the credit union and was issued a receipt. According to him after he heard rumours about the union he decided to retract his money. He got his money finally.

He further stated that the issue arose when he realised that D2000 was being deducted from his salary for three months. This accumulated to D6000 which he demanded to be refunded and the deductions to stop since the deal was no longer valid.

CONCLUSION

The complainant was contacted and he confirmed that he was refunded the D6000 and the deductions were stopped.

CHAPTER 5

5.1 CASES REGISTERED AT BRIKAMA REGIONAL OFFICE

COMPLAINT NO: 1/2024

NATURE OF COMPLAINT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he worked for a company from 2007 to 2013. However, he was not into any appointment in 2014. Effective 1 February 2015, he worked as the manager of a radio station until in 2022 when he resigned. Following his resignation, he was appointed by a public broadcaster as a regional correspondent. He added that when he submitted his social security number to his new employer for the continuation of his contribution, he was told that they were not registered with any of the Social Security and Housing Finance Corporation (SSHFC) schemes.

He further alleged that in 2022, he went to the pension authority to claim his benefits but he was told that he was not qualified until he attained 50 years. When he reached 50 years in January 2023, he went there on the 6 of March to claim his benefit to no avail.

FINDINGS

The complainant worked for a company from 2007 to 2013. With effect from 1 February 2015, he was employed as manager of a radio station until in 2022 when he resigned. In 2022, he was appointed by a national broadcaster as a regional correspondent. The complainant's allegation that his new employer was not registered with any of the SSHFC scheme was false. The broadcaster was registered with SSHFC Federated Pension Scheme (FPS). His claim was rejected on the grounds that he was in active employment and as a result he could not be paid his benefits until he attains the statutory retirement age.

CONCLUSION

The investigation was discontinued on the grounds that the complaint was not made in good faith.

COMPLAINT NO: 2/2024
NATURE OF COMPLAINANT: Claiming Savings

COMPLAINT

The complainant stated that she opened a savings account with a microfinance institution on 5 August 2002 with a starting capital of D600. As of 26 April 2012, she had a savings balance of D102, 000.

She added that in 2022, she went to the institution's office where she had been depositing her money and was informed that the association had wound up. The following day, she went to the institution's main office and was again informed that it had wound up.

She lamented that she had pursued the matter with various institutions to no avail.

She stated that institution was a registered NGO in The Gambia and functioning as a micro finance institution. She was of the belief that the Central Bank was the oversight institution assigned the responsibility to monitor and regulate financial institutions; as a result, she was of the conviction that the Central Bank could be in a position to offer redress.

FINDINGS

The complainant had opened a savings account with the said institution in August 2002 with a starting capital of D600. As of 26 April 2012, she had a savings balance of D102,000.

In 2022, she went to the institution's office in to deposit money into her account but was told that the institution had wound up. She further went to the institution's main office and was again informed that it had wound up. She followed up the matter with the relevant authorities to solicit their intervention so that she could be paid her savings to no avail.

It was established by the oversight authority that the clients who were saving with the institution were paid their money. Notwithstanding, it promised to pay the complaint her claimed savings upon the provision of reliable evidence.

CONCLUSION

Having provided proof of liability and proper identification, the complainant was paid her claimed savings of D102,000 on 25 March.

COMPLAINT NO: 3/2024
NATURE OF COMPLAINANT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he was employed by a company in October 1997. However, in 2020, the company closed as a result of an executive directive. He added that while

working with the company, he was informed that the company had been paying his social security contribution on his behalf. He added that he was never given his social security number to ascertain his social security contributions.

Since he was unemployed, he claimed his social security benefits for the period he had worked with the company.

FINDINGS

The complainant was employed in October 1997. He was provided with a social security number which was given to his employer and was quoted when remittances were made on his behalf. In 2020, the company was closed due to an executive directive.

CONCLUSION

The complainant was paid his social security benefits amounting to D22, 691. The case was closed accordingly.

COMPLAINT NO: 4/2024
NATURE OF COMPLAINT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he was appointed by a company in September 2015 and worked there until June 2020 when the company was closed due to an executive directive. Following the closure of the company, the complainant alleged that he went to the pension authority to claim his benefits but was told that he was not qualified. He remarked that he had been relentlessly pursuing his social security benefits to no avail.

FINDINGS

The complainant was appointed by a company in September 2015. He worked with the company until 2020 when it was closed as a result of an executive directive.

The complainant could not be paid his social security benefits because he has not attained the statutory retirement age. The defunct company he had worked for had contributed to SSHFC on his behalf for only 57 months which was less than five years.

According to the policy of the pension authority the complainant was short of three months to be eligible for social security benefits. Since the company that employed him had registered with the National Provident Fund (NPF), the failure to pay his benefits was in line with social security regulation which stipulated that for an employee to benefit from the NPF, his or her employer must contribute for at least five years.

CONCLUSION

The complainant was advised to either take up a new appointment or pay three months contribution to NPF to enable him to be qualified to be paid his benefits.

COMPLAINT NO: 5/2024
NATURE OF COMPLAINT: Claiming Benefits

COMPLAINT

The complainant said he had worked for a company as a volunteer linesman since 1999. When he was appointed in January 2003, he was issued with a social security number. In 2007 he resigned from the company and was enlisted into a security institution. He added that in 2022, he resigned from the said institution and had since been unemployed.

FINDINGS

The complainant worked at the said company as a volunteer linesman since 1999. In January 2003 he was appointed as linesman. In 2007 he resigned from the company and was enlisted into the said security institution where he also resigned in 2022. Following his resignation from, he pursued his social security benefits. However, he could not be paid his benefits because he had worked for less than 5 years with the company which disqualified him to benefit from the National Provident Fund.

CONCLUSION

In view of the above, the investigation was discontinued.

COMPLAINT NO: 6/2024
NATURE OF COMPLAINT: Abuse of Power

COMPLAINT

The complainant alleged that he was lent a plot of land in Jambur since 2021. While he was planting cassava on the land on 19 August 2024, three people approached him claiming that the said land was sold to them. He then informed them that the plot of land was lent to him.

On 21 August 2024, the same people went back to the land with a trip of sand, gravel and some bricks. Upon their arrival, he denied them entry. Eventually, they called the man who they said had sold them the land. Upon his arrival, the complainant told him that the land was lent to him. This annoyed him, and so he forcefully opened the main gate and enabled them to deposit the sand, gravel and bricks.

On the same day, the complainant was called to report to a police station. Upon arrival at 9 pm, he was detained on the order of the station officer, without any charge preferred on him. On 22 August 2024, when he asked for the charges levelled on him, he was told by a CID officer, that his detention was in connection with a disputed land which he had purchased from someone and sold to another person which was in the courts. At 3 pm, he was bailed by his son upon tendering his passport in addition to paying D1500 to a police officer. He was also obliged to be reporting daily to the station. However, he unavoidably failed to report to the station on 28 August 2024. When he reported on 29 August, he was again detained for some hours for failure to report the previous day.

On 28 August, the complainant reported the matter to a senior officer. The senior officer informed him of his findings from CID officer that the land he sold was undergoing trial at the High Court. He later told him that he was informed by CID officer, that his detention was ordered by the station officer who was on leave and could only give the reasons for his arrest and detention. Few days later, he made findings and was informed that the said station officer was transferred.

He stated that he was detained and charged and was later granted bail on condition of paying D1500 despite his son submitting his passport.

FINDINGS

The complainant was lent a plot of land since 2021. On 21 August 2024, three people went to the said plot of land with a trip of sand, gravel and some bricks claiming the land was sold to them. Upon arrival, they were denied access to the land. When the man who sold them the land came to the site, he forcefully opened the gate and enabled them to offload the trip of sand, gravel and bricks.

On the same day at 8 pm, the complainant was called to report to a police station. Upon arrival at the station at 9 pm, he was detained. His detention was on two counts as follows:

- Count 1 threatening violence contrary to section 84 of the criminal code 2009 Law of The Gambia.
- Count 2, Disobedience of lawful orders contrary to section 116 of the criminal code 2009 Law of The Gambia.

The following day, he was granted bail on the condition of his son's submission of his passport and the payment of D1500 to a CID officer. He was also obliged to be reporting to the station on a daily basis.

However, the complainant's possession of a cutlass and an axe during his resistance to allow them access to the land and refusal to report to the police were chargeable offences. His bail condition of paying D1500 besides his son's submission of a passport was improper and an act of extortion.

RECOMMENDATION

The officer was instructed without delay to return the D1500 taken from the complainant. He was strictly caution and obliged to apologize to him which was adhered to.

CONCLUSION

The CID officer refunded the complainant D1500. The complainant was advised to be law abiding.

COMPLAINT NO: 8/2024
NATURE OF COMPLAINT: Abuse of Power

COMPLAINT

The complainant stated that he was a second-hand clothes seller at a market. He alleged that in the evening of 7 November 2024, while he was selling his goods in front of a mosque at a police station, a police officer told him to pack his goods and relocate because people were not allowed to sell in that area. He added that while he was parking his goods, the police officer became impatient and began throwing his goods. When he decried to the officer that throwing his goods was improper, the officer gave a blow on his nose causing severe bleeding. He then arrested him and took him to the police station. Upon arrival at the station, his cautionary statement could not be taken because he was severely bleeding from the nose. Hence, he was escorted to a health centre and further referred to Ndemban Clinic where he was admitted for a night and discharged the following morning. When he resumed selling on 9 November, he was re-arrested and detained.

FINDINGS

The complainant was a second-hand clothes seller at a market. While he was among other sellers selling goods in front of the police station, the said instructed those close to the road to relocate. During this time, the complainant was attending to some customers. This resulted in the officer's attempt to move his goods away which led to their confrontation. In the process, the complainant sustained an injury on his nose.

The complainant was arrested and taken to the police station. Upon arrival, his statement could not be recorded because his nose was severely bleeding. He was escorted to a health centre and further referred to Ndemban Clinic where he was admitted for a night. He was advised to report back to Ndemban Clinic on 11 November for medical check-up.

Following his discharge on 8 November, he resumed business the next day and he was re-arrested by the same officer and two other officers on the order of the station officer on the grounds that he failed to report to the station after his discharge from hospital. Thereafter, he was charged for obstructing an officer while performing official duties.

However, several vendors stated that the complainant was a long-time deportee who had been arrogant towards people in the market. Regardless of his psychosocial condition, the officer could have avoided confrontation with the complainant.

RECOMMENDATION

The station officer was urged to take appropriate action to deter such recurrence. The complainant was also strictly cautioned to comport himself and be respectful to authority.

CONCLUSION

On 5 November 2024, we were informed that the officer was transferred to a police station in the Central River Region.

COMPLAINT NO:

9/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant alleged that she had been operating a shop. On 5 July, 2023, she was issued with an invoice by an area council amounting to D2500 which she paid accordingly. However, on 17 December 2024, she was issued with an invoice by the council amounting to D15000 which she contested. She stated that she complained to the officers concerned that the D15000 invoice was on the high side considering the size of her business and the amount paid the previous year. She expressed that to her dismay even though she tried to explain to the officers that business was not going as they thought, they resorted to closing her business without due process.

FINDINGS

The complainant had been operating a mini market. In 2023 she was charged by the council to pay an annual tax of D2500 which she effected. However, in December 2024 she was issued with an invoice amounting to D15000 by the council. The complainant contested that the amount on the invoice was on the high side considering the amount which was paid the previous year.

Following her complaint, she was advised by the council to comply otherwise her business would be closed down. Eventually, on 16 December 2024, officers from the council closed the shop while her lunch and dinner were kept inside. However, the shop was locked down without the council following due process.

RECOMMENDATION

The council was advised to look into the huge difference between the invoices that were issued in 2023 and 2024 with a view to come up with a reasonable amount to be paid by the complainant without further hitches or delays. They were further advised to reframe from locking shops or businesses without court's order as per the law.

CONCLUSION

With the Ombudsman's intervention on 17 December 2024, the invoice of D15000 was reduced to D5000 which she complied with.

CHAPTER 6

6.1 CASES BROUGHT FORWARD

COMPLAINT NO: 7/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant alleged that the committee of a certain cluster had applied for a groundnut secco since 2022 from the relevant public authority but they were not allocated any. The complainant also stated that they were informed that the authority's position was to only maintain the available seccos for the mean time. He further stated that a nearby community was given a secco while their request was still pending.

FINDINGS

The complainant had applied for a secco for their cluster and obtained registration from the department of agriculture. The public authority they applied to grant them the secco was maintaining the available seccos for the time being and will consider providing new seccos in the near future.

The complainant was promised a secco for the 2023 trade season but was not given any due to the fact that the authority was still not ready to establish a secco for them.

CONCLUSION

The investigation was discontinued under section 9(3)(b) of the Ombudsman Act 1997.

COMPLAINT NO: 18/2023
NATURE OF COMPLAINT: Stoppage of Salary

COMPLAINT

The complainants stated that they had been working for a security institution since 2009. They also alleged that their salaries were stopped as a result of a false statement issued by the regional officer in command. The regional officer in command reported that the complainants were nowhere to be found during the systemic nationwide headcount conducted in December 2022.

They further alleged that they were granted pass during the headcount but they reported to work at the expiry of the pass. They added that even with the stoppage of their salaries; they were still reporting to work but the authorities were silent on the matter.

FINDINGS

The complainants were reporting to work regularly but had few misunderstandings with the officer commanding.

The issues mentioned emanated from a nationwide staff audit with a memorandum which was circulated in 2022.

The staff audit and report which were submitted on 12 July 2022, revealed that the complainants were not reporting to work since 26 April 2022. A charge sheet was drafted on 16 September 2022 by the regimental sergeant major (RSM). Based on the recommendation of the head of institution on the charge sheet, the complainants were dismissed on 31 October 2022.

Furthermore, the complainants lodged their complaints for not receiving their salaries from the finance unit but they were informed that the matter was discussed at Core Command Meeting (CCM).

An internal investigation was launched by the head of institution and it was established that the officer commanding had many administrative lapses which resulted to his redeployment. Based on the findings, the complainants' salaries were restored. A letter dated 12 August 2024 requested for the payment of arrears in respect of the two officers.

CONCLUSION

The salaries of the complainants were restored but there were some arrears that needed to be paid. In a meeting held 24 October 2024 between the relevant authority and the Ombudsman, it was recommended that the payments be expedited. In December 2024, the complainants were each paid their arrears amounting to D65,754 and D64,104 respectively.

COMPLAINT NO: 19/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked with a public company since 2007 as a volunteer security guard. He also stated that he volunteered for the company with the hope that he would be employed but this never happened. He further stated that he had written an application to the company as a plumber but this was never considered.

FINDINGS

The complainant lacked formal qualification and skills to be employed as plumber. The complainant was paid honorarium.

CONCLUSION

The complainant was advised to continue working on voluntary basis since he was paid honorarium.

6.2 CASES REGISTERED AT KEREWAN REGIONAL OFFICE IN 2024

COMPLAINT NO : 18/2024

NATURE OF COMPLAINT: Termination of Service

COMPLAINT

The complainants stated that they were employed by a school as security guards on 26 October 2020 and 26 February 2021. They explained that when a new person assumed a leadership position in their school in 2023, he brought changes which contradicted their job descriptions as security guards. The complainants further stated that they had a duty roster which they were satisfied with but the said leader designed a new roster that was not favorable to them but they had no choice.

The problems began when their roles were changed from security guards to care takers. Since this was not in their terms of reference, they refused to comply. They further alleged that they were also denied their annual leave and their salaries were deducted every month without clear reasons. Furthermore, they stated that their September 2024 salaries were not paid.

FINDINGS

The allegations made by the complainants were proven to be false. The complainants were rebellious and refused to execute their duties as expected. On 2 October 2024 their services were terminated.

The complainants were negligent of their duties with a lot of excuses. Subsequently, in a letter dated 25 June 2024, they were warned about their bad behaviour. In another letter dated 24 September 2024 titled "Negligence of Duty-Final Warning", the complainants were reminded about the staffing arrangements which were scheduled to take effect on 1 November 2024. The series of deductions on the complainants' salaries were as a result of unauthorized absence from work without explanation.

The school authorities had a series of meetings and gave verbal warnings concerning the complainants' behaviour but the situation persisted. In a letter dated 29 July 2024 the school authorities recommended for the redeployment of the complainants whose attitudes did not meet the schools' required standards. The complainants were to be redeployed as caretakers but this would not affect their salaries. They further informed the complainants that those who were not willing to comply with the school authorities were free to leave. On 2 October 2024 the complainants were served with termination letters effective 1 October 2024 for not complying with the school management's instruction.

RECOMMENDATION

The decision of the school to terminate the complainants' contract was upheld since they failed to cooperate with the school authorities. It was recommended that the complainants be paid their terminal benefits.

CONCLUSION

The complainants were paid their September 2024 salaries and other benefits. Further engagements with the school authorities led to the reinstatement of one of the complainants.

COMPLAINT NO: 1/2024
NATURE OF COMPLAINT: Corrupt Practice

COMPLAINT

The complainant stated that in 2020 she applied for an electricity meter at a public company. She alleged that the branch manager told her that he would assist in the process when given the cash. The complainant further alleged that she gave the manager an amount of D7000 but was not issued with a receipt. She added that it was in the presence of witnesses and since she knew the manager personally it was not a big issue. The complainant further stated that she had made several efforts to get her meter from the manager to no avail.

The complainant added that due to continuous follow up, the branch manager refunded her D1300 in 2021. Since then neither the meter nor the remaining balance was accessible from the branch manager.

FINDINGS

The branch manager actually collected D7000 from the complainant in 2020 but never provided the said meter to the complainant.

The branch manager refunded an amount of D1300 to the complainant in 2021. The outstanding balance of D5700 should be refunded to the complainant by the branch manager.

A meeting held on 7 February 2024 between the branch manager and the Ombudsman, uncovered that the branch manager actually used the cash for personal purposes. He admitted that what he did was a corrupt practice and pleaded with the Ombudsman to be allowed to refund the money.

In another meeting held on 3 April 2024, the branch manager pleaded with Ombudsman for a payment plan to refund the cash and this was accepted.

CONCLUSION

On the same day, the branch manager made an instalment payment of D3300 and promised to complete the balance by the end of month. On 30 April 2024 the balance of D2400 was paid.

COMPLAINT NO :

11/2024

NATURE OF COMPLAINT:

Abuse of Power

COMPLAINT

The complainant stated that on 25 March 2024 she went to obtain a national identity card but was unsuccessful due to incomplete documents. She stated that she was informed by the officers that her documents were not correct. She added that she was advised to go back to her place of birth and seek for an alkalo's attestation. She further stated that the alkalo refused to issue her with the said attestation because her father was rude to the alkalo.

FINDINGS

On 26 March 2024 the complainant sought for a birth attestation from the the said alkalo but was denied. The alkalo maintained that the complainant must bring her father's identity card which was not available at the time.

The complainant was a native of the village but married in a nearby village and as such the attestation can only be provided by the alkalo of her village of birth.

It was a requirement to provide one of the parents' documents before obtaining a birth attestation from alkalo.

CONCLUSION

The complainant was issued with the said birth attestation by the alkalo on 27 March 2024 and the alkalo was informed that it is the right of every native of the village to seek for any documentation from their village head.

COMPLAINT NO:

15/2024

NATURE OF COMPLAINT: Abdication of Responsibilities

COMPLAINT

The community lamented that there were burst underground water pipes belonging to a public company. They added that the situation had existed for months without any intervention from the company. They further stated that the situation was making passage very difficult. Besides, they were also worried about the potential health hazards since their water could be contaminated. They further alleged that there were many damaged street taps and water was being wasted during high pressure at night.

FINDINGS

The underground water pipes were exposed due to erosion and as such motorists and pedestrians trampled upon them leading to their damage. Similarly, the street taps were in bad condition and water kept leaking at night when pressure is high.

CONCLUSION

The burst water pipes were repaired by NAWEC on 15 June 2024. The community members later informed the Ombudsman that the street taps had been disconnected by area council in collaboration with the company on 5 August 2024.

COMPLAINT NO : 2/2024

NATURE OF COMPLAINT: Claiming Daily Subsistence Allowance

COMPLAINT

The complainant stated that he was appointed as a scribe by a ministry and posted to a region. He alleged that during the opening of the legal year 24 January 2024 he was in attendance but since then, he had followed up for his daily sustenance allowance (DSA) but was not paid.

FINDINGS

The complainant was not in attendance but was coming from unofficial mission and passed by the event's venue. Based on this he was not considered as an attendee because the event was almost over and the attendance list dated 24 January 2024 was closed without his name.

CONCLUSION

The complainant informed the Ombudsman that he had resigned from his position as court scribe on 28 March 2024. Since the complainant's name was not on the attendance list, the complaint was discontinued under section 9(3)(a) of the Ombudsman act 1997.

COMPLAINT NO : 5/2024

NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he went to apply for a biometric identity card. Upon arrival he submitted an alkalo's attestation, his parents' identity cards and his antenatal card. His documents were processed and he was issued with a receipt. He was later asked to collect his ID card few weeks later. Since then, he made several follow ups but to no avail.

FINDINGS

The complainant had applied for a national identity card since November 2023 but had not been issued with an ID card as at February 2024. The reason for the delay was as a

result of a technical failure which affected the production of ID cards. He was asked to exercise patience until the system was restored.

CONCLUSION

The complainant was advised to exercise patience since there was a technical failure and maintenance was under way. The complainant was later issued with an ID card.

COMPLAINT NO 6/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that they applied for biometric identity cards. They stated that they submitted their documents to a justice of peace who also stamped them. However, the complainants were later informed by an immigration officer that they were not qualified to be issued with national identity cards.

FINDINGS

The complainants applied for biometric identity cards in April 2023. It was discovered that their supporting documents did not tally with their birth attestations. As such, the officer in charge informed them that their documents were not in order.

CONCLUSION

The complainants were asked to go back to their village alkalo for the correct attestation that match with their supporting documents. On 6 March 2024 the complainants informed the Ombudsman that they have received their national identity cards.

COMPLAINT NO : 8/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that in 2023, he applied for a national identity card. He further stated that he went through the required procedures and was asked to collect the ID card after four weeks. He added that he was a teacher and posted to Central River Region, and had given her sister the receipt of his application to collect it on his behalf. He stated that his sister was informed that the identity card had been collected by someone else.

The complainant added that he informed the officers that he wanted to reapply for the ID card but they insisted that he could not. He further alleged to have made several follow ups but to no avail.

FINDINGS

The complainant had applied for ID card. It was established that the officers had produced the ID card but it was missing.

RECOMMENDATION

Since the complainant was in possession of his receipt, the Ombudsman recommended that his ID card be reprocessed.

CONCLUSION

The complainant's ID card was reprocessed. He later informed the Ombudsman that he had obtained his national identity card on 12 February 2024.

COMPLAINT NO: 9/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that on 1 January 2024, they applied for their national identity cards. They further stated that they were asked to come back in a month's time to collect their ID cards. The complainants had made several follow ups but to no avail.

FINDINGS

The complainants had passed through the necessary process but the authorities failed to process their ID cards. It was also revealed that the printing machine had a technical failure and as such many ID cards were not processed on time.

Further findings showed the reason for the delay was because the government contract with SEMLEX ended in 2024 and as such, national identity cards were not being printed until further notice. The applicants were advised to keep their receipts for reference.

CONCLUSION

The complainants' national identity cards were processed upon the resumption of printing. They were issued with their ID cards on 31 March 2025.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he went to a public office on 21 December 2023 to apply for national identity card. He stated that his ID card was processed and he was asked to come back in a month's time. He further alleged that when he went back for the identity card, he realized that he was issued with a wrong card. Since then, he made several follow ups for replacement but to no avail.

FINDINGS

The complainant was issued with an ID card bearing his name but the picture and the date of birth were not his. A meeting was held on 7 March 2024 and it was observed that the details on the complainant's identity card were not correct. An officer further stated that the delay in the processing of identity card was as a result of a technical breakdown.

CONCLUSION

The complainant's details were corrected, reprocessed on 7 March 2024 and he was later issued with an ID card.

COMPLAINT NO: 12/2024

NATURE OF COMPLAINT: Abdication of Responsibility

COMPLAINT

The complainant stated that she applied for a scholarship in May 2023 at Yogyakarta University, Indonesia to pursue an undergraduate degree in public administration. She further stated that she was awarded the scholarship in July 2023 and it covered full tuition fees, stipend and accommodation.

The complainant added that she was given three-month's visa in November 2023 by the government of Indonesia. Furthermore, she stated that she applied for the provision of an air ticket to Indonesia from the ministry but that was delayed until her visa expired.

FINDINGS

The complainant was awarded the scholarship through the ministry to pursue an undergraduate degree in public administration.

The scholarship package did not include an air ticket to Indonesia. The complainant was issued with a visa but she could not purchase an air ticket for herself.

On 2 November 2024 the complainant applied for the provision of an air ticket at the ministry and was informed in January 2024 that approval was granted. She was advised to see the procurement office for the process. After several follow ups, she was later informed that the file was not forwarded to the procurement office.

On 3 April 2024 an officer at the ministry admitted that the complainant had requested financial assistance from ministry. The application was minuted to the training committee but was not handled appropriately. On 3 March 2024, the complainant was informed through the Ombudsman to send in another request indicating the urgency in her case.

CONCLUSION

The complainant was advised to reapply and indicate the urgency of the matter which she did and an air ticket was provided by the ministry in June 2024.

COMPLAINT NO : 14/2024

NATURE OF COMPLAINT: Abuse of Power and Corrupt Practice

COMPLAINT

The complainants stated that two officers from a security institution had been threatening their lives and abusing community members while on patrol. They further alleged that the officers had been disturbing people on horse carts and also passersby, by mounting unauthorized checkpoints at the outskirts of villages. They also stated that the two officers had been accused of being brutal, corrupt, unscrupulous and unethical to the core. The complainants added that the officers were in the habit of extorting money from people. Furthermore, several border villagers within the border post also lamented over unethical behaviour of the two officers. They had stopped motor cyclists for no reason and also insulted people who tried to correct them.

FINDINGS

It was established that the two officers had embarked upon a self-imposed patrol on 3 June 2024 around 3pm.

On the same day the two officers stopped a Gambian vehicle which had Senegalese businessmen onboard. They extorted money from one of the passengers for being in possession of an expired identity card.

The officers had been threatening the Fulani nomads (Ndureh Nabeh) with their small ruminants along the border of Jokadou with Senegal. The two officers were fond of mounting illegal checkpoints anywhere just for corrupt practices and abuse of power. Most recently, they had stopped a motor cyclist and verbally abused him and wasted his time for no reason.

Further findings established that police officers on border patrol have the right to ask for identity cards for security reasons but not to extort money from them. The ECOWAS protocol guarantees free movement of people and goods across the ECOWAS region. The two officers had denied some of the allegations but accepted the mounting of illegal checkpoints and vehicle interception.

RECOMMENDATION

In a meeting held on 3 July 2024, the second in command (2IC) and discipline officer (DO) of the camp together with the two alleged officers, were invited by the Ombudsman. The 2IC suggested that the two officers would be stationed at the PIU camp for three months as punishment for their actions.

It was recommended that the two officers desist from such behaviours and be more careful as the villagers were vigilant about their activities. Their duties amongst others includes the protection of life and properties as well as maintenance of peace.

CONCLUSION

The 2IC of the camp apologized on behalf of the two officers and assured the Ombudsman that such unethical approach would not be encouraged. The said officers shall therefore face the consequences of their actions. The villagers were also advised to report any act of corruption or abuse of power by any officer on duty to the Ombudsman.

COMPLAINT NO: 17/2024

NATURE OF COMPLAINT: Stoppage and Deduction of Salary

COMPLAINT

The complainant stated that she was appointed as a cleaner at a school on October 2021. She further stated that the principal of the school verbally threatened to stop her salary because she came late. She alleged that the principal made several advances towards her but she always refused. She further stated that she had not received her salary for the month of August 2024. She added that she was informed that her salary was stopped.

FINDINGS

The principal ordered four days deduction from the complainant's salary on 16 April 2024. The complainant's salary for the month of August 2024 was paid.

A meeting held on 30 October 2024 revealed that the principal of the school had been at fault and the issue was resolved.

The complainant's salary was not blocked rather there was a posting error. Her salary was paid to a different school with the same name in Upper River Region (URR) instead of their school in the North Bank Region.

The deduction on the complainant's salary was as a result of a loan she took at GTUCCU including a one by six deduction.

CONCLUSION

The relevant authorities were informed to transfer the complainant's name and pay roll number from region six to region three as soon as possible. Consequently, the complainant was paid her August and September 2024 salaries as instructed.

COMPLAINT NO :

19/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant stated that she went to a health center on 25 March 2024 to process a birth certificate. The complainant alleged that she was told by the public health officer to bring an alkalo's attestation for her birth registration process. On 5 April 2024 the complainant returned with an attestation from the alkalo together with her mother's identity card but was still denied a birth certificate by the public health officer.

FINDINGS

The scribe to the alkalo committed errors while filling the birth attestation form. The processing of birth certificate requires error free attestation and stamped by both the alkalo and the district chief.

CONCLUSION

The errors were rectified and the complainant was provided with a birth certificate on the 8 May 2024.

COMPLAINT NO : 8 /2024

NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked with an academy since 2010 and was paid a monthly salary of D1800. He further stated that the school had not been paying his social security contributions regularly for the years he had served them. He also stated that in 2021 he made a follow up with Social Security and Housing Finance Corporation (SSHFC) but to no avail.

FINDINGS

The complainant worked as a teacher at an academy since September 2010. The school management had not been paying his social security contributions for the period 2010 – 2021. The complainant is currently in active service and is also working with other schools. His salary was paid over the counter or via GAMPOST services.

In a meeting held on 10 June 2024, the proprietor admitted failure in paying the complainant's contributions. He attributed the failure to financial challenges over the years.

In a letter dated 23 June 2025 the Ombudsman notified the pension authority about the noncompliance of the academy pertaining to the complainant's National Provident Fund contribution. The Ombudsman urged pension authority to compel the academy to pay the arrears owed to the complainant.

A meeting held on 17 October 2025 between the Ombudsman and the pension authority, disclosed that the school proprietor was complying. The school proprietor had been paying contributions since 22 January 2025.

The pension authority showed payment of D10,000 in the account of the academy. The school proprietor started payments of the arrears on installment. A number of receipts showed evidence of payment. As at 11 July 2025, a total of D33,684 was due to the complainant. The complainant's arrears were being paid gradually.

CONCLUSION

The school proprietor was obliged to pay the arrears through a payment plan to clear up the arrears. The complainant informed the Ombudsman that the pension authority had told him that by November 2025, he could have access to 75% of his benefits and would receive the rest upon retirement.

CHAPTER 7

7.1 CASES REGISTERED IN 2024 AT THE MANSAKONO REGIONAL OFFICE

COMPLAINT NO: 4/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complaint stated that his vehicle with registration was impounded by a Senegalese custom officer in October 2023. His brother made follow-up for the release of the vehicle but to no avail. He stated that he approached a commissioner from one of the security institutions in the region, to intervene on their behalf for the release of the said vehicle. The sum of D10,000 was given to facilitate this process, but nothing positive was forthcoming.

Whenever he was asked, he kept on referring them to another day. Since the commissioner could not facilitate the release of the vehicle, they personally went to the Senegalese custom and paid D50,000 and the vehicle was finally released.

The complainant stated that when he approached the said senior security officer commissioner for the refund of the D10,000, he was reluctant.

FINDINGS

The commissioner expressed disappointment with this allegation after all the efforts he made for the release of the said vehicle.

He further stated that the complainant was asked to pay more than the said D50, 000, but because of the mutual relationship between the two security services, they settle matters amicably amongst themselves. He said he engaged the Senegalese security and handed over the D10,000 to the officer commanding for the release of the vehicle .

He stated that all the negotiation were done in the presence of his personal assistant and the driver. He further stated that he used his own resources to secure the release of the vehicle.

CONCLUSION

The case was discontinued for lack of merit.

COMPLAINT NO: 5/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that they have a baobab tree in their compound. The said baobab was trimmed by a public company because the main high-tension cables passed through

it. He stated that the baobab had grown branches which touches the cables of the high tension which causes electrical sparks. He stated that they feared that if the issue was not remedied, it can cause damages. He further stated that a delegation was sent to the company to bring this to their attention but since then no action was taken.

FINDINGS

There was a baobab tree through which the high-tension cables belonging to a public company passed. It was confirmed by shop keepers and residents that occasionally electrical sparks occurred when the branches touched the cables.

On 24 April 2024, the regional officer of the company was contacted to shed light on the matter. He acknowledged receiving complaints from the residents around the said location.

The company annually conducts trimming exercises of branches that pose danger to the communities and the regional officer promised to pursue the matter with the regional director of the company.

CONCLUSION

With the intervention of the Ombudsman the said baobab tree was trimmed.

COMPLAINT NO: 6/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that a month after he was posted to Mansakonko, Lower River Region, his monthly fuel allowance was stopped without any formal notice. He added that his colleagues of the same category at the headquarters who were with private vehicles and also allocated official vehicles, were benefiting from the fuel allowance.

He alleged that he applied for secondment and provided all the required documents for approval but his application was denied while he believed that he had met the criteria for secondment.

FINDINGS

At the time he was stationed at the authority's central office he owned and maintained a private vehicle for official use. He was paid basic car allowance as per section 0701 (1) of the authority's service rules.

However, in October 2023, he was deployed to Mansakonko as the principal regional food inspector and allocated an official vehicle with monthly fuel coupons for official operations. As such, his basic car allowance ceased in conformity with section 0701 (2) of the authority's service rules.

On the secondment issue, a secondment in the authority's service rules, is an arrangement between the authority and an organization approved by the board of directors whereby the employee applying to be seconded is regarded as being on loan. It further highlighted that an employee of the authority shall not be seconded unless he/she fulfills the requirements in section 0214 (b) in which (b) (IV) states that ***"his/her secondment is the subject of a request made to the Authority by an organization or by the employee himself/herself and is supported in writing by the Director General or his/her designate"***.

In this case, he had written through the director general (DG) requesting approval for secondment and by the quoted sub-section, if the DG was to support the approval, he would be required to write in support of the application to the board of directors for approval.

However, the DG had not written any supportive letter to the board for the secondment on the premise that he would not want to lose him to any organization or create a capacity gap if he were to support the secondment application.

CONCLUSION

Having considered all the requirement processes for secondment, the complainant had met all except for the section which needed the DG's support.

In as much as the Ombudsman wants to see that administrative justice is accorded to every public officer in the public sector, the DG could not be forced to support the approval for the secondment for which he alluded that it can create administrative and operational gap.

Therefore, the Ombudsman concurred with the position of the board not to grant him approval for the secondment.

COMPLAINT NO: 7/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he received a letter dated 20 July 2024 from his authorities, captioned "Judicious Utilization of Electricity". He further stated that he was accused of improper usage of electricity at the principal education officer's, (PEO) residence, which resulted to the early exhaustion of electricity units at his residence, regional office and hostel.

He alleged that the early exhaustion of electricity units at the PEO's residence, regional office and hostel was as a result of insufficient electricity units. He stated that he was with the belief that the actual amount of electricity units allocated for these three places was not loaded to the electricity meter which eventually resulted to the early exhaustion of the electricity units.

FINDINGS

The complainant was the second most senior officer next to the director in charge of his ministry's programmes in the region. At the directorate, there was a residence house for PEOs, thus qualifying him to occupy one of the apartments with his family. Also, on humanitarian grounds, the director allowed one of the staff members to occupy the other apartment despite not being a PEO. The two of them were the only occupants at the PEO's residence and of course benefitting from the electricity supply of the complex.

During the duration of his stay, the complainant was never queried about his usage of electricity until in July 2024 when he was written to in a letter dated 20 July 2024 with the caption "Judicious Utilization of Electricity". In the letter, the director was reminding him of the proper utilization of electricity in his accommodation. He also went further to ask him to avoid using official cash power to sell ice block, frequent use of electric iron, iron heaters and making any alteration in any part of the staff quarters. This letter according to our findings was not only issued to him but also to the other officer who was also an occupant at the PEO's residence.

The regional office used cash power to run its affairs with two different cash power meter numbers. Meter No. 0321397182 served the complex of the directorate (i.e.) the offices, PEO's residence and hostel) while meter No. 01312491820 served the director's residence.

The ministry allocated D80,000 worth of cash power to Meter No. (01321397182) and D20,000 worth of cash power to Meter No. (01312491820) on a quarterly basis.

However, in the May 2024 quarterly allocation of cash power, the regional office faced exhaustion of electricity units before the end of the allocated period posing challenges to the daily business of the office but the root cause was yet to be established apart from the problem posed by the old wiring as confirmed by a NAWEC expert. This was what warranted the director to write to both of them.

Our findings also revealed that the complainant ventured into an unprofessional act of using the office electricity for personal business (sales of ice block) for more than a month which was before and during the holy month of Ramadan contrary to his claim that he only did the act during Ramadan.

He installed an iron bar with a bulb visible at his gate using the said electricity without notifying the CEO/director. This act of alteration in a government quarter is contrary to code (11110) of the General Orders of the Gambia, Revised Edition, September 2013 which states that "**No construction or structural alteration to a government quarter may be carried out unless specific approval has been obtained from the CORA. Disregarding this order will be the cost of restoring the building to its original condition**".

His claim that the cause of early exhaustion of cash power at the complex was that they were under supplied, could not be justified. Evidence of vouchers, slips and request letters were made available to the investigation team to confirm. The directorate normally makes a request through the permanent secretary for the ministry to give D80,000 worth of cash power units for office use on meter No. 01321397182 (which is the meter for the complex) and D20,000 worth of cash power units for meter No. 01312491820 (meter for the director's residence). So, the ministry loads this amount to their respective meters and send it to the directorate to enter. This being the case, there is no way the director could have interchanged the amount because he was not dealing with the cash directly.

Finally, his claim that the director accused him in the letter served to him captioned "Judicious Utilization of Electricity" was unfounded. The letter only stressed that he should minimize or avoid the four items stated in the letter since the root cause was yet to be established apart from the one identified by the NAWEC expert.

CONCLUSION

The complainant was advised to reconcile with his director for a more peaceful and friendly working environment for the common good of the institution and the people they were serving. The director too was advised to find the actual cause of the early exhaustion of electricity at the complex and do the needful to avoid future occurrences of such misunderstanding.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Claiming Gratuity

COMPLAINT

The complainant said that he was enlisted into the security institution in August 2006. He served for 18 years. He said that he first served for 12 years and upon completion, he signed for another 6 years which ended in August 2024. Since he had no interest of renewing his contract, he was cleared and discharged on 5 August 2024. He further said that since then, he had been following up on his gratuity but to no avail.

FINDINGS

The complainant was enlisted into the said institution in August 2006. He served for a total number of 18 years. He first served for 12 years and upon completion he signed for another 6 years which ended in August 2024. After his contract ended in August 2024, he had no interest in renewing his service. As a result, he applied for voluntary discharge on 5 August 2024 which was approved after being cleared for any outstanding documentation and liabilities.

After his clearance, he applied for his gratuity and Widows and Orphans Pension Scheme (WOPs) but due to bureaucratic procedures his payment was delayed and as a result he felt aggrieved. The institution has a tripartite process which involved the ex-officer, their finance and Personnel Management Office (PMO) when it comes to the payment of their personnel after discharge. After clearance, the ex-officers should approach the Finance

Department in order to fill all the necessary documents for their financial entitlements including WOPs. This sometimes could cause delay in early payment of soldier's benefits after service.

At the time of lodging this complaint (21 October 2024), the process of paying the complainant's gratuity was already ongoing. His file was sent to Treasury for payment and approval was granted since 3 October 2024 for him to be paid his gratuity which amounted to D36, 999.53.

The institution on 23 December 2024 informed the Ombudsman that for the complainant to be paid his WOPs, he had to appear in person to their headquarters and apply for the payment of his WOPs which was in fulfillment of his benefits.

CONCLUSION

When the complainant reported to his institution's headquarters, he was paid his gratuity amounting to D36, 999.53. On 15 April 2025 he was paid D10,264.63 as WOPs benefit.

CHAPTER 8

8.1 CASES REGISTERED IN 2024 THE JANJANBUREH REGIONAL OFFICE

CASE NO: 1/2024
NATURE OF COMPLAINT: Unpaid Gratuity

COMPLAINT

The complainant stated that he worked as chairperson of an area council from 2018 to 2023. He said he made a claim for his gratuity after his term ended in 2023. He further stated that he had written and made several telephone calls to the chief executive officer (CEO) about his gratuity but to no avail.

FINDINGS

The complainant was appointed in April 2018 as chairperson of the area council and was retired in 2021. He served the council for four years. His letter claiming gratuity was copied to the current chairperson.

The complainant was informed to rewrite and sign the letter, which he did, and the letter was sent to the ministry for approval. After verification by his ministry, approval for the payment of his gratuity amounting to D270,000 was sent to the area council.

CONCLUSIONS

The complainant's gratuity amounting to D270,000, was paid to him in five instalments.

CASE NO: 6/2024
NATURE OF COMPLAINT: Non- Payment of Retirement Benefits

COMPLAINT

The complainant stated that he had been working for an area council as power tiller operator since 1 November 1996. He further stated that he retired eight years ago but could not get his retirement benefits.

FINDINGS

The complainant was appointed as power tiller operator at the said council on 1 November 1996 and retired in 2020. The council's failure to pay his retirement benefits on time was due to lack of proper documentation and computation. The file was rectified with proper documents and forwarded to the audit office for verification.

CONCLUSION

The chief executive officer of the area council paid his retirement benefits in three instalments amounting to D79,575.

COMPLAINT NO: 3/ 2024

NATURE OF COMPLAINT: Non- Payment of Land Compensation

COMPLAINT

The complainants said that their farmlands were used by the government for road construction in the Central River Region. The relevant public authority promised them that they would be compensated by the government. They added that it had been two years and only three had been compensated.

FINDINGS

The authority agreed that they were aware of the road construction in that area, and confirmed that a few individuals were compensated. They further stated that the reason for non-compensation was lack of proper documentations to prove ownership of the farmlands.

CONCLUSION

After submitting all the relevant documentations relating to the farmlands, the complainants were each paid D103, 000 in November 2024 as compensation.

COMPLAINT NO: 4/2024

NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his salary was stopped for starting his study program at the University of The Gambia (UTG). He further stated that he was given permission by the principal of the school to pursue his studies.

FINDINGS

The complainant was a teacher at a senior secondary school. He was admitted to the University of The Gambia in 2024 to pursue a BSc degree in Information System. He applied for study leave with salary, however before the Board of Governors of the school looked into his request, he started his program without approval from the authorities.

CONCLUSION

The complainant was advised to follow due procedure.

COMPLAINT NO: 9/2024

NATURE OF COMPLAINT: Low Voltage

COMPLAINT

The complainants stated that they had not had electricity supply due to low voltage coming from their supply pole. They said that they made several complaints to the company but to no avail.

FINDINGS

There was always low voltage in that residential area between the hours of 9pm to 5am. An officer of the company was consulted, he stated that, they were aware of the situation and were working on it. The regional manager of the company further stated that it was not only that village which was affected. Other places were also affected by the same low voltage issue.

CONCLUSION

The company promised to solve the problem when they have new electricity meters.

CONCLUSION

The Governor's office promised to process her late husband's death gratuity.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that they were appointed as market cleaners at an area council with effect from 15 January 2011. They retired on 31 December 2022 and had since been following their retirement benefits with the chief executive officer but to no avail.

FINDINGS

The complainants were appointed as cleaners at the area council on 15 January 2011. They retired on 31 December 2022 but were not eligible for monthly pension as they both served less than ten years to be eligible for pension.

CONCLUSION

The complainants were each paid gratuity amounting to D18,933 and D15,490 on 27 May 2025 accordingly.

COMPLAINT NO: 13/2024
NATURE OF COMPLAINT: Injustice and Unfair Treatment

COMPLAINT

The complainant stated that he was an employee of an area council. As a result of his sickness, he requested voluntary retirement on 30 November 2017. He further stated that he received his retirement approval in 2020 which was dated 23 April 2019.

FINDINGS

The matter was taken to court in March 2023. The matter was sub judice.

CONCLUSION

The Ombudsman discontinued the case under section 9 (2) (c) of the Ombudsman Act 1997.

COMPLAINT NO: 18 /2024

NATURE OF COMPLAINT: Claiming Professional Allowance

COMPLAINT

The complainant stated that he was an employee of an area council. He further stated that he was a graduate with special skills which qualified him to be paid a professional allowance. He added that he was never paid any professional allowance by the council since he obtained his degree.

FINDINGS

The complainant was not entitled to the IFMIS allowance which was paid to him. The IFMIS allowance was replaced with the professional allowance.

The complainant's pay slips for March and April 2025 were provided as proof that was paid professional allowance.

CONCLUSION

The complainant was being paid professional allowance of D2,125 effective October 2024 as an administrator while IFMIS was paid to those within the accounting cadre.

COMPLAINT NO: 31/2024

NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked under the ministry as a nursery attendant. In January 2022, he got provisional admission in higher diploma in agriculture from the Gambia College, School of Agriculture. On 22 January 2022, he applied for study leave with salary but approval was not granted.

FINDINGS

The complainant was appointed as nursery attendant by a ministry of on 19 January 2020. He got admission to pursue a higher diploma in agriculture at Gambia College, School of Agriculture. He applied for study leave with salary but approval was not granted. However, he left his post and started his program without approval.

CONCLUSION

The complainant failed to follow due process.

CHAPTER 9

9.1 CASES BROUGHT FORWARD

COMPLAINT NO: 6/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was appointed on 2 April 2013 as field and marketing agent and was posted to the North Bank Region.

Upon completion of his BSc degree in General Agriculture from the University of The Gambia in May 2019, he was promoted as the Regional Coordinator and transferred to Basse, Upper River Region (URR).

He stated that management created a vacant position of monitoring & evaluation (M&E) officer and he decided to apply as the post was within his department/unit as he met the requirements.

He further stated that six months later, he noticed that there was a handpicked recruitment of his colleague without following due administrative protocols.

FINDINGS

The institution had advertised all the vacant positions available at the institution namely director of finance & administration and monitoring & evaluation Officer. The above-mentioned positions were advertised twice in two different newspapers namely Standard and Foroyaa. Thus, the action taken by the institution to advertise the vacant position of M & E officer in these two newspapers disproved the statement made by the complainant that the positions were not advertised.

The statement highlighted in paragraph two of the response letter from the institution that the complainant's application was submitted electronically without the required documents attached was not substantiated.

The complainant's application letter was signed by himself as opposed to the assertion made by the director general during a one-on-one interrogation.

CONCLUSION

The institution had followed due process in the appointment of an M & E Officer. This is justified as minutes of the board meeting convened together with all the payment vouchers and receipts made to both Standard Newspaper and Foroyaa Newspaper were attached in their response letter dated 8 April 2024.

COMPLAINT NO: 11/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was employed in 2017 by an area council as cleaner and posted to the cleansing service. The complainant further stated that sometime in 2022, he had a serious stomachache and was admitted at Bansang hospital. He added that he underwent a surgical operation and upon being discharged from hospital, he was given excuse duty (ED) for three months to regain his health.

The complainant further stated that when he resumed work, the director of planning verbally redeployed him to the security unit as night watchman. He added that his redeployment was done unlawfully because his initial appointment was not considered and he never opted to become a watchman.

FINDINGS

The complainant was employed in 2017 by the area council as cleaner and posted to the cleansing service.

The complainant's redeployment to the security unit as night watchman was as a result of his health condition and to assign him on light duties as recommended by a medical doctor.

The complainant was unsatisfied and disgruntled as a result of his redeployment to the security unit. Subsequently, he was redeployed to his initial position as cleaner.

CONCLUSION

Since the complainant was redeployed to his initial position as cleaner, the matter was amicably settled.

9.2 CASES REGISTERED AT THE BASSE REGIONAL OFFICE

COMPLAINT NO: 2/2024
NATURE OF COMPLAINT: Corrupt Practices
and Gross Misconduct

COMPLAINT

The Ombudsman received a complaint through a whistleblower that at the health center, nurses and senior health officers were allegedly selling drugs and conducting private consultations to patients in their rooms for personal gains.

FINDINGS

There were staff (midwives) in the facility who were selling drugs and conducting private consultations in their rooms and receiving money from the patients within the health facility.

They had been doing this malpractice in the health center for more than five years. Statements were obtained from them and they all confessed committing the offence. A thorough search was conducted in their rooms and cartons of medical drugs were found in their possession ranging from Paracetamol, Omeprazole, infertility drugs, Cold and Flu, Aspirin 75mg, Diclofenac, anti-biotic tablets, Coartem, Mega-joy condoms, Analgesic spray, pain plaster etc.

The midwives had been warned by the hospital management on several occasions through written memos and verbal engagements. In addition, all nurses and doctors within the region were warned to desist from such malpractices and misconducts.

RECOMMENDATION

The Ombudsman recommended that appropriate disciplinary measures be taken by the administration against the officers concerned.

CONCLUSION

The officers admitted committing the offence. The health sector is a disciplined profession and such undesirable officers should not be entertained within the health sector. The officers were all transferred to different health posts within and outside Upper River Region for effective monitoring/supervision. The officers were given final warning to desist from such malpractices.

COMPLAINT NO: 5/2024
NATURE OF COMPLAINT: Abuse of Power and Discrimination

COMPLAINT

The complainant alleged that he and his family had been unfairly treated and discriminated against by their village alkalo. The complainant further stated that since

their father's death in 2017, they faced all forms of discrimination from the alkalo. He said the alkalo excluded his family from any aid or project either from government or non-governmental organisation (NGO) that is meant for all the villagers. A typical example of those projects of which they were denied as beneficiaries are: the RICAR project, the poultry project which was meant for the villagers but was personalized by the alkalo and the Small Ruminant Production Enhancement Project (SRPEP).

Finally, he said that all members of his family who wanted national identity cards after the demise of his father, were denied attestations by the alkalo who would always claim that the stamp was lost but surprisingly, anyone who went to him after the complainant's family, would have his or her attestation stamped and asked to keep the document confidential so that the complainant's family would not know about it.

FINDINGS

The Alkalo stated that the Small Ruminant Production Enhancement Project, Ministry of Agriculture which aimed at providing pasture for the whole community during the dry season, came at a time when the complainant was not in the village. When he came back to the village, he did not consult the alkalo to know what the whole project was about. Instead, he confronted the project coordinator, who told him to join the villagers on work anytime he saw them working there because it was a community project. The Alkalo stressed the fact that the complainant did not deem it necessary to enquire from him about the project thereby belittled him. subsequently, the complainant went about complaining and seeking for support from the community.

The alkalo further stated that the project was for all the villagers including the complainant but since the complainant had no domestic animals, he did not have a share of the feed. Also, on the issue of denial of attestation to the complainant and his family in order to secure national identity cards and birth certificates, the alkalo refuted the allegations asserting that the complainant and his family are Gambians.

CONCLUSION

The alkalo did not deny the complainant pasture. The complainant had no domestic animal; therefore, he could not be a beneficiary to the project.

On the issue of national identification cards, the complainant had no identity card, and his siblings did not have birth certificates because the alkalo denied them attestations. The complainant and his family had been discriminated against or treated unfairly.

RECOMMENDATIONS

The Alkalo was advised to issue the complainant and his family attestations since it is their constitutional right by virtue of being indigenes of the village.

The complainant and his family must benefit from the current projects especially the Small Ruminant Production Enhancement Project should they have any domestic animals. They should as well benefit from subsequent projects meant for the community.

COMPLAINT NO: 7/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was a student in Grade 11 (Commerce) at a school. He asserted that the whole issue began when he was in Grade 10. It was when his brother jokingly told his teacher that he would harm him when the teacher instructed him to tuck in his shirt.

He added that the teacher, during his science period warned his brother never to repeat such statement. However, three weeks later during an assembly session, majority of the teachers were talking about the rude behaviour of the students in his class. Then the teacher also stepped-up and mentioned the incident between him and his brother but he misquoted the boy's original statement when he told the staff and the general student body that the boy said that he would "stab" him instead of "harm" him.

Consequently, the principal was annoyed and instructed all the boys in grade 11 (Commerce) and grade 11 (Arts) to stay after assembly. The principal then asked them to call their parents. When their parents came, the principal and the SMC briefed the parents about the students' misdemeanour. The parents pleaded on behalf of the students however, the principal decided to give them each one-week suspension.

Further, the complainant's shoes were seized by the principal. When he reminded the principal about his shoes, he turned a deaf ear. The complainant then collected the shoes without the principal's notice. The principal later confronted the complainant about what he did but the complainant insisted that he wasn't the one who took them. As a result, the principal said that the complainant should swear by the Holy Quran to prove his innocence .

Furthermore, at the end of one of their physical education (PE) sessions a day before schools closed for second term, the complainant and his friend were sleeping in class when the principal walked in. The principal woke them up and asked if they needed to relax more. The complainant answered in the affirmative thinking that he was asked if he was tired. As a result, the principal sent them home. When schools re-opened for third term, the principal sent him home again. He went to the school with his mother but kept complaining of what the principal was telling his mother. The principal then asked him out of his office. He went to his class but later went home. Consequently, he was suspended indefinitely.

FINDINGS

The complainant used unpleasant words and threatened to harm the science teacher who asked him to tuck in his shirt.

The level of indiscipline of grade 11 (Commerce) and grade11 (Arts) students was quite alarming and they were warned on several occasions. This had compelled the principal

to give the complainant an indefinite suspension at the end of second term of 2024 academic year.

The complainant and his parents pleaded with the school principal and his cluster monitor to rescind his suspension as he was supposed to write his grade 11 third term examinations but to no avail.

The principal violated the complainant's right to education as enshrined in section 30 of the constitution of the Gambia 1997 that **“All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right”**.

The regional education director was never informed about the matter until he was notified by Ombudsman. On 14 August 2024 during a telephone conversation between the principal and the regional director, the principal confirmed that he suspended the complainant indefinitely.

The regional director emphasized that the punishment was too harsh and was against the education policy. The education policy 2016-2030 has stipulated in section 3 (1.3) that **“A provision of Responsive, Relevant and Quality Education for All Gambians for Poverty Reduction”**. He further stated that the principal should have given the student an open transfer if he thought that he could not manage the student.

The principal went further to issue a transfer certificate to the complainant, which was back dated to 19 July 2024 and was confirmed by the regional director. The regional director vowed not to take it lightly as the issue of indiscipline must be frowned upon in schools. He stressed the fact that teachers can only teach effectively in a safe and conducive environment.

A meeting was convened on 9 October 2024 at the Regional Education Directorate. During the deliberation, the principal education officer (1) indicated that the school authorities would not condone indiscipline and warned that if any student is found wanting, he or she would be punished accordingly. He confirmed that it was because of this complaint coupled with the unhealthy working relationship between the principal and the community that led to the principal's transfer.

The principal education officer (1) further advised the parents and the community to collaborate with the school administrators to ease the work of teachers. He advised the complainant to be respectful towards his teachers and take his course work seriously.

CONCLUSION

The complainant and his brother apologised to the principal education officer and promised to avoid a recurrence of such behaviour. The apology was accepted and it was agreed that he would be allowed to go back to school.

COMPLAINT NO: 8/2024
NATURE OF COMPLAINT: Unfair Treatment & Corruption

COMPLAINT

The complainant stated that he is a Gambian and a renowned businessman who specialized in the importation of new motorbikes from the Republic of Guinea Conakry. He further stated that he escorted his nephew to Basse District Hospital on 10 August 2024 and parked his motorbike at the allocated parking space for motorcycles. Upon his return he did not find his helmet, consequently he returned home without it.

In the evening, when he was riding his motorbike without wearing a helmet, he was arrested by two police officers who demanded him to pay a fine of D5,000. When he refused, his motorbike was impounded.

FINDINGS

The complainant was not wearing a helmet at the time he was arrested. A police officer spot fined the complainant D4,000 and was waiting for the complainant to pay the fine in order to be issued with a receipt. However, the complainant refused to pay the fine. Section 26C(2) of the Motor Traffic (Amended) Act, 2013 :

(1)“ a person shall not ride a motor cycle or allow himself/herself to be carried on a motor cycle without wearing a crash helmet;

(2) a person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not more than five thousand dalasis and in default, to imprisonment for not less than one month and not more than three months”

CONCLUSION

The officer acted within the framework of the Law when he stopped the complainant for not wearing a helmet while riding a motorbike and as a result, he impounded the motorbike.

Nonetheless, the officer had already prepared a receipt of D4,000, did not fully comply with the Motor Traffic (Amendment) Act, 2013 because it is only the Magistrate who should determine the amount that the complainant should pay, depending on the circumstance surrounding the matter.

The Commissioner of Traffic instructed both officers to cancel the receipt and release his motorbike.

COMPLAINT NO: 9/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his wife and her sister were travelling to Brikama, Kombo to attend a christening ceremony on 18 August 2024. However, they were made to pay visiting permit or laissez passer of D400 each by an immigration officer.

FINDINGS

A meeting with the commissioner of immigration and his senior management team was held at the Immigration headquarters in Basse on 10 October 2024.

During the course of the meeting, the commissioner was shocked upon hearing the allegation made against one of his men because they were often advised to desist from such practices.

The Ombudsman requested for the duty roster to verify the signature of the officer that was appended on the visiting permit or laissez passer on 18 August 2024 at that post. However, the commissioner and his team pleaded with the Ombudsman to be given the opportunity to handle the matter at their level and furnish the office with the outcome of their findings and disciplinary measure taken.

The female officer who was on duty denied taking any money from the complainant's wife and her sister.

CONCLUSION

The commissioner transferred the female officer to another region with immediate effect citing the fact that, this was not the first time such complaints involving the said female officer reached his office .

The Ombudsman admonished the female officer concerned to refrain from such corrupt practices as this could ruin her career.

RECOMMENDATION

The ombudsman recommended to the commissioner and his team to desist from such corrupt practices.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his TVS tricycle (Keke) was impounded by one police officer for not having displayed a number plate. He said that he had applied for a number plate, paid all the necessary documents and was provided with receipts and number 2379 C to be fixed on his "Keke" temporarily. He then tendered his receipts to the officer for clearance as his number plate was yet to be delivered. He stated that he had made several follow ups to no avail.

He further explained that a police officer confirmed his documents were intact and asked him to go to the station to check for his number plate. He said in a bid to negotiate, he offered D500 to one officer, but his offer was declined by his boss who insisted on him paying D10,000 for mandatory fine in respect of motor traffic violation (riding tricycle without a number plate). When he arrived at the police station, he found out that his number plate was ready for delivery.

FINDINGS

The police usually embark on raiding of faulty motor vehicles that ply the roads as required by the motor traffic laws of The Gambia. It was true that the complainant had applied and paid for a number plate.

The number was issued and he was asked to wait for two weeks for the number plate to be printed and delivered to the police station. As the motor traffic act does not permit any person to ply the highway without a number plate affixed, the police allowed him to use a metal plate, print his number and displayed it on his Keke so as to be able to ply while checking on the number plate at the police station from time to time.

The complainant was plying the highway without a number plate displayed on his Keke which contravened the Motor Traffic Act section 25A (2) that **"a person who violated this section commits an offence and is liable on conviction to a fine of not less than ten thousand dalasis and not more than twenty thousand dalasis and in default, to imprisonment for two years with hard labour"**.

In addition, he was not frequently checking on the number plate at the police station which was printed and delivered to the station almost three weeks ago. The complainant was issued with a mandatory fine of D10,000 in respect of the motor traffic violation. The money was to be paid to the bank and should be recorded in a cash book which is subject to audit by the National Audit Office (NAO).

The form bore The Gambia Police Force logo and signed by the officer in charge with a stipulated time frame of two weeks. In default, the complainant shall be summoned to the courts where once convicted, might be fined more than D10,000 and not exceeding D20,000.

CONCLUSION

The complainant was at fault since he was found wanting for violating the Motor Traffic (Amendment) Act 2013. Therefore, the officers acted lawfully in refusing to take bribe and insisted on him paying the mandatory fine of D10,000 within the stipulated time mentioned above.

STATISTICAL APPENDICE

TABLE 1: NUMBER OF CASES REGISTERED AT HEAD OFFICE AND REGIONS IN 2024

CASES REGISTERED BY LOCATION		
LOCATION	NO. OF CASES	PERCENTAGE
HEAD OFFICE	64	48
BRIKAMA	10	8
KEREWAN	19	14
MANSAKONKO	11	8
JANJANGBUREH	18	14
BASSE	11	8
TOTAL	133	100

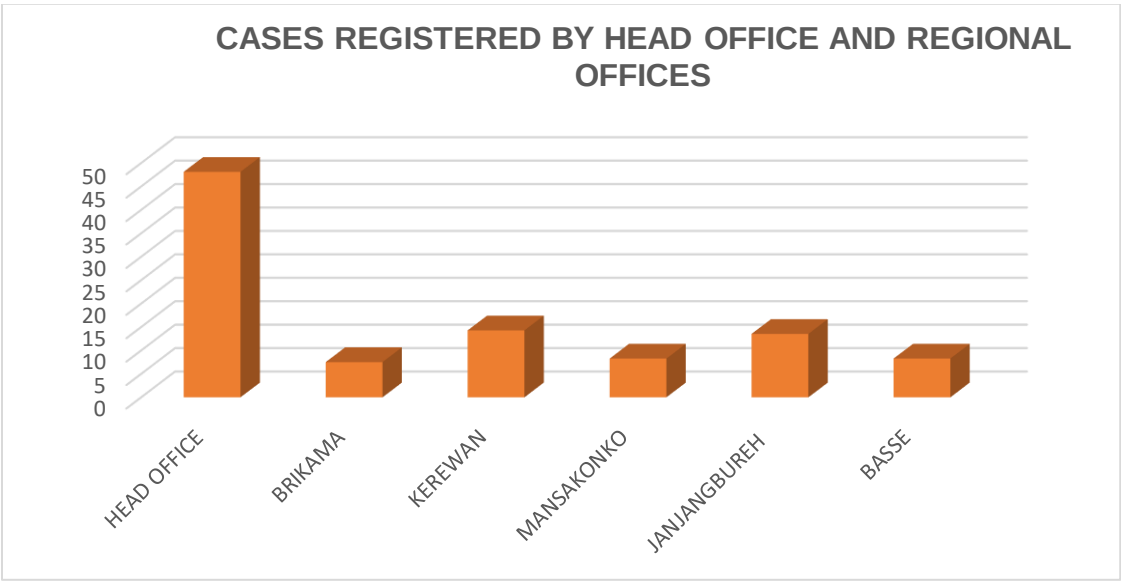


TABLE 2 : PUBLIC SECTOR CASES REGISTERED AT THE HEAD OFFICE IN 2024

AUTHORITY COMPLAINED AGAINST	ABBREVIATION	NUMBER OF COMPLAINT	PERCENTAGE
Gambia Police Force	GPF	8	13
Gambia Prisons Services	GPS	6	9
Gambia Ports Authority	GPA	4	6
Senior Secondary Schools	SSS	3	5
Edward Francis Small Teaching Hospital	EFSTH	3	5
Kanifing Municipal Council	KMC	3	5
President International Aware	PIA	3	5
NAWEC	NAWEC	2	3
Banjul City Council	BCC	2	3
Bundung Maternal Hospital	BMH	2	3
Curator of Intestate Estate	CIE	2	3
Gambia Armed Forces	GAF	2	3
Gamcel	Gamcel	2	3
Gambia Bureau of Statistic	GBos	2	3
Ministry of Basic & Secondary Education	MoBSE	2	3
Personnel Management Office	PMO	2	3
Department of Agriculture	DoA	1	2
Department of Physical Planning	DPP	1	2
Department of Treasury	DoP	1	2
Gambia Standard Bureau	GSB	1	2
Gambia Cooperative Union	GCU	1	2

GIEPA	GIEPA	1	2
Gambia Livestock & Marketing Board	GLMA	1	2
Gambia Immigration Department	GID	1	2
Gambia Radio & Television Service	GRTS	1	2
Ministry of Higher Education Research Science Technology	MoHRST	1	2
National Audit Office	NOA	1	2
NARI	NARI	1	2
State Intelligence Service	SIS	1	2
Social Security and Housing Finance Corporation	SSHFC	1	2
Shiekh Zayed Regional Eye Care Clinic	SZRECC	1	2
USET	USET	1	2
Total		64	100

PUBLIC SECTOR CASES REGISTERED AT THE HEAD OFFICE IN 2024

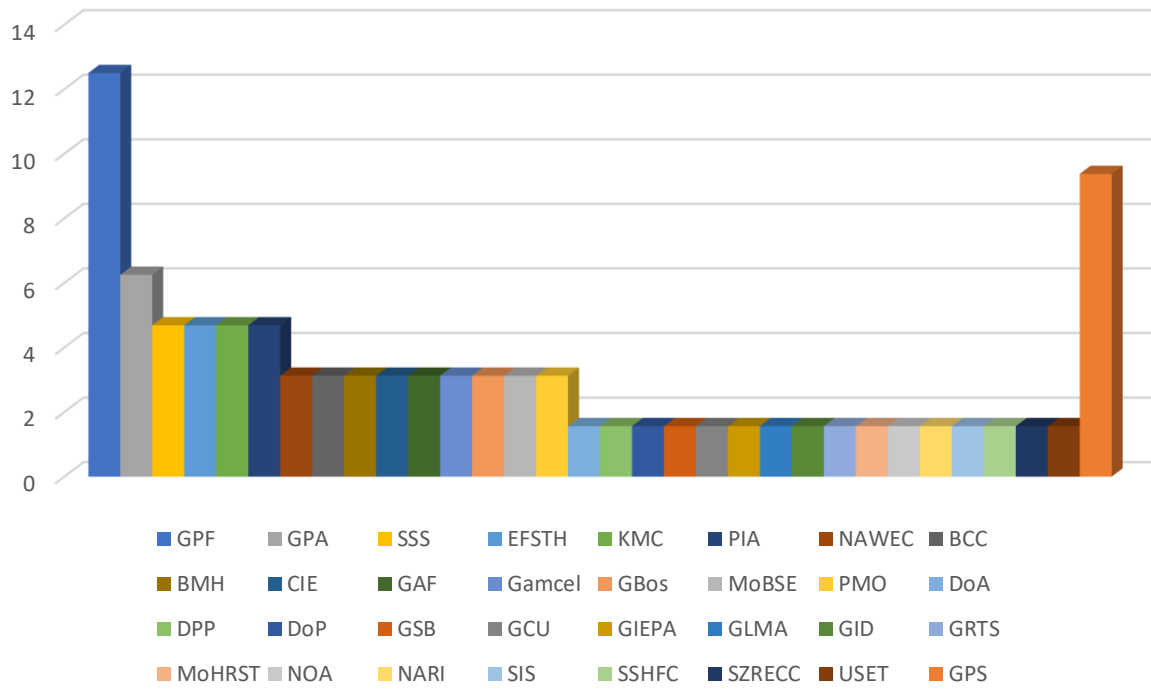


TABLE 3: NATURE COMPLAINTS REGISTERED IN 2024

NATURE OF COMPLAINT	NUMBER OF CASES	PERCENTAGE
Unfair Treatment	26	41
Unfair Dismissal	6	9
Wrongful Termination	6	9
Claiming Salary	4	6
Injustice	2	3
Retirement Benefits	5	8
Redundancy Notice	3	5
Claiming Allowance	2	3
Injury Compensation	2	3
Suspension	2	3
Gratuity	1	2
Leave arrears	1	2
Pensions	1	2
Premature Retirement	1	2
Terminal Benefits	1	2
Unlawful Detention	1	2
TOTAL	64	100

NATURE OF COMPLAINTS REGISTERES IN 2024

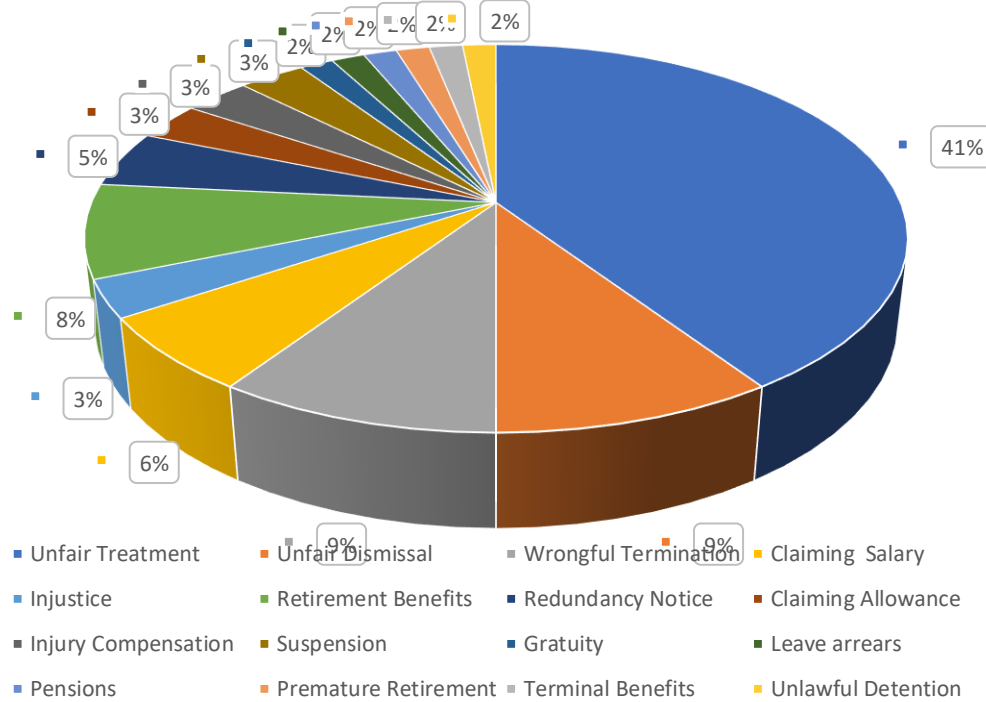


TABLE 4: NATURE OF CLOSURE OF CASES REGISTERED AT HEAD OFFICE IN 2024

NATURE OF CLOSURE	NUMBER OF CASES	PERCENTAGE
Settled	23	36
Decision upheld	15	23
Discontinued for lack of merit	13	20
Pending	13	20
Total	64	100

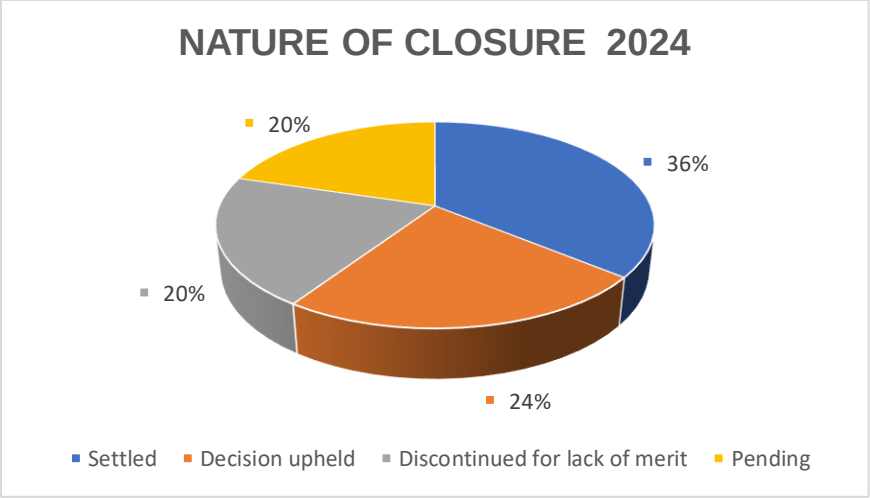


TABLE 5 : SUMMARY OF CASES INVESTIGATED IN 2024

CASE SUMMARY	NUMBER
Brought forward cases in 2023	43
Cases Registered in 2024 at Headquarters & the Regions	133
Total cases investigated in 2024	176
Total cases completed	135
Total cases pending	41

CHAPTER TEN OF THE CONSTITUTION OF THE REPUBLIC OF THE GAMBIA 1997

CHAPTER X THE OMBUDSMAN

- 163. National - Assembly to establish Office of Ombudsman**
- (1) Subject to the provisions of this Constitution, an Act of the National Assembly shall within six months of the coming into force of this Constitution establish the Office of the Ombudsman and provision for his or her functions and duties-
- (a) in the investigation of any action taken by a government department or other authority, or public body, to which the Act applies, being action taken in the exercise of the administrative functions of that department or authority, on a complaint by a member of the public who claims he or she has suffered injustice in consequence of maladministration or mismanagement, or discrimination on any ground set out in Chapter IV, in connection with such action;
 - (b) in the investigation, on his or her own initiative, of allegations of maladministration, mismanagement or discriminatory practices in any government department, authority, or other public body, to which the Act applies; and
 - (c) in the investigation of complaints of any failure to observe the code prescribed in Chapter (XXI) for the conduct of public officers.
- (2) Without prejudice to the generality of subsection (1), an Act of the National Assembly may;
- (a) determine the departments, authorities and other public bodies to which the Act shall apply;
 - (b) determine the actions or classes of action which may be subject to such investigations;
 - (c) determine the departments, authorities, public bodies and actions which shall be excluded from such investigations;
 - (d) determine the procedure to be adopted in any investigation and the powers which may be exercised in the course of such investigation, including the power of the Ombudsman to require persons to furnish documents and other information and to provide evidence, and provide for the right of any department, authority, other public body or person to be heard when its, or his or her, actions are the subject of an investigation;
 - (e) provide for sanctions for the obstruction of the Ombudsman in the exercise of his or her functions or a failure to comply with his or her lawful requirements;

- (f) provide for the making of reports by the Ombudsman, including an annual report to the National Assembly, and reports to the Inspector General of Police in the event of his or her investigations disclosing the commission of a criminal offence or to the Attorney-General in the event of their disclosing any other failure to comply with a provision of law;
- (g) provide for the appointment of one or more Deputy Ombudsman to exercise, under the directions of the Ombudsman, the functions of that office.
- (h) Make such administrative and financial provisions as may be necessary or desirable for the efficient functioning of the Office of Ombudsman.

**164.
Appointment and
tenure of
office of**

Ombudsman

- (1) The President shall appoint an Ombudsman and his or her Deputies in consultation with the Public Service Commission, subject to confirmation of the National assembly within seven days of the presentation of the request.
- (2) In making an appointment under this section, the President shall have regard to the need for persons exercising the functions of Ombudsman to have substantial administrative or professional experience.
- (3) The Office of the Ombudsman and Deputy Ombudsman shall be offices in the public service.
- (4) A person shall not be qualified to hold office as Ombudsman or Deputy Ombudsman if he or she is a Member of the National Assembly, a Secretary of State or State or holds any other public office.
- (5) Subject to this Constitution, an Act of the National Assembly shall prescribe the tenure and terms of service of the Ombudsman and any Deputy Ombudsman.
- (6) An Ombudsman or Deputy Ombudsman may only be removed from office by the President for inability to discharge the functions of his or her office (whether arising from infirmity of mind or body or from any other cause) or for misconduct, and shall not be removed unless the National Assembly has appointed a tribunal to investigate the case and his or her removal has been approved by resolution of the National Assembly supported by the votes of not less than two-thirds

of all the members of the National Assembly. The Ombudsman or a Deputy Ombudsman shall have the right to be heard and to be legally represented before the tribunal.

165.Independence of Ombudsman

- (1) Subject to the provisions of this chapter, in the exercise of his or her functions, the Ombudsman and a Deputy Ombudsman shall not be subject to the direction or control of any person or authority but subject only to the Constitution and the law.
- (2) All departments, authorities and other public bodies which are subject to investigation by the Ombudsman shall accord such assistance as he or she may require for the protection of the independence, dignity and effectiveness of the Ombudsman in the performance of his or her functions.

THE OMBUDSMAN ACT 1997

AN ACT to establish the Office of the Ombudsman and to define and prescribe the powers, duties and functions of the Ombudsman was assented to by the President on 29th September 1997.

ENACTED by the President and the National Assembly of The Gambia.

Short Title

1. This Act may be cited as the Ombudsman Act 1997 and shall come into force on such date as the Secretary of State may by order published in the Gazette appoint.

Establishment

2. (1) There is hereby established the Office of the Ombudsman which shall consist of the Ombudsman and two Deputy Ombudsmen.

(2) The Ombudsman and Deputy Ombudsmen shall be appointed by the President in consultation with the Public Service Commission and subject to confirmation by the National Assembly.

(3) The Ombudsman and Deputy Ombudsmen shall be appointed for a period of five years and shall be eligible for re-appointment.

(4) The Ombudsman and Deputy Ombudsmen shall, before entering upon the duties of office, take an oath of office.

(5) The Ombudsman and Deputy Ombudsmen shall not hold any other public office.

(6) The Ombudsman and any Deputy Ombudsman shall constitute a quorum for the purpose of arriving at any decision.

Functions of the Ombudsman

3. (1) In addition to the functions of the Ombudsman under the Constitution, the Ombudsman shall have the following functions -
 - a. to investigate complaints of injustice, corruption, abuse of power, maladministration and unfair treatment of any person by a public officer in the exercise of official duties;
 - b. to investigate complaints concerning the functioning of the Public Service Commission, the administrative and security organs of the State, the Police Service and Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment to those services or fair administration in relation to those services.

Action or steps to be taken in connection with outcome of inquiry or investigation

(2) The Ombudsman may, where it is considered desirable, investigate into any matter referred to in paragraphs (a) and (b) of subsection (1)

4. (1) The Ombudsman shall after holding any enquiry or investigation
- a) recommend appropriate action or steps to call for or require the remedying correction and reversal of matters or instances specified in section 3 through such means as are fair, proper and effective;
 - b) notify the person who laid the matter before the Ombudsman of the outcome of such inquiry or investigation in such manner and form as the Ombudsman may determine and to such extent as the Ombudsman may deem necessary in the public interest or that the matter shall not be further enquired into or investigated in terms of section 8.

General powers of the Ombudsman

5. (1) For the purposes of performing his or her functions, the Ombudsman shall have the following powers –

- (a) to determine the nature and extent of any inquiry or investigation referred to him or her;
- (b) upon the issue of a warrant under the hand of the Ombudsman to enter at any time any building or premises or any part of any building or premises to make enquiries and put such questions to any person in connection with the matter in question;
- (c) access to all books, vouchers, stamps, securities, equipment, stores and other movable goods in the possession or under the control of any person;
- (d) to request particulars and information from any person;
- (e) to make enquiries into, extracts from or copies of any book, voucher or other document which he or she deem necessary in connection with any inquiry or investigation;
- (f) to seize anything which they deem necessary in connection with an inquiry or investigation.

Power to summon witnesses

6. (1) The Ombudsman shall have the power to summon witnesses and

to examine witnesses under oath.

(2) A summons for the attendance of a witness or the production of documents shall be served in the same manner as if it were a subpoena for the attendance of a witness in court.

(3) The ombudsman may by warrant order the arrest of any person, who after being served with a summons fails to appear before it.

**Orders
Ombudsman**

by 7. Orders, writs and directions issued by the Ombudsman shall have the same force as an order, writ or direction of the High Court.

**Certificate of the
President**

8. (1) Notwithstanding section 5, where the President has certified that the giving of any information, or the production of any document: –

- a) might prejudice the security, defence or international relations of the State or the investigation or determination of offences; or
- b) might involve the disclosure of the deliberation of the Cabinet or any sub-committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest;

The Ombudsman shall not require the information to be given or the document to be produced.

**Jurisdiction
Ombudsman**

of 9. (1) The Ombudsman shall have jurisdiction to inquire into the conduct of any person to whom this Act applies.

(2) Notwithstanding subsection (1), the Ombudsman shall not have power to question or review –

- a) the decision of any court of law or of any judicial officer in the exercise of judicial functions;
- b) decisions of any tribunal established by law;
- c) any matter which is sub-judice;
- d) any matter relating to the exercise of the prerogative of mercy, and
- e) any matter relating to the affairs of the President.

(3) (1) The Ombudsman may decide to discontinue an investigation where he or she is satisfied that –

		a) the complaint is trivial, frivolous, vexatious, or not made in good faith; or b) the inquiry would be unnecessary, improper or fruitless. (4) The Ombudsman shall, in any case in which he or she decides to discontinue an investigation, inform the complainant in writing accordingly but shall not be bound to give any reasons.
Investigations to be in camera		10. (1) Every investigation under this Act shall be in camera. (4) Notwithstanding subsection (1), the Ombudsman may in the public interest publish his or her findings at the end of an investigation.
Provisions relating to complaints and allegations		11.(1) A complaint under this Act can be made by anybody in any form; provided that where a complaint is made orally it shall be reduced into writing by a member of staff of the Ombudsman. (2) Notwithstanding the provisions of any written law, where a prisoner or any other person held in any institution makes an allegation or complaint to the Ombudsman, such allegation or complaint shall not be made through, or subject to the scrutiny of any other person.
Evidence procedure and		12. (1) The procedure for conducting an investigation shall be such as the Ombudsman consider appropriate in the circumstances. (2) The Ombudsman may authorise any of his or her staff to exercise any of the powers under section 5. (3) Where the Ombudsman proposes to conduct an investigation, it shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action complained of, an opportunity to comment on any allegation made to him or her.
Reports		13.(1) The Ombudsman shall submit to the President a report of every investigation it has conducted which shall contain - (a) a summary of the evidence taken together with the conclusions and recommendations; (b) a statement of any action that has been taken by any person whose conduct is under investigation or by the department or authority of which such person is a member, to correct or

ameliorate any conduct, procedure, act or omission that is adversely commented upon in the report;

- (c) where any person has suffered loss or injury as a result of any alleged misconduct, maladministration or abuse of office or authority by any person whose conduct is under investigation, the Ombudsman may in his or her recommendations state that compensation should be paid to the person who has suffered such loss or injury or to any dependent of such person, and shall determine the sum which it recommends as compensation.

Enforcement and notification

14. (1) The President may, on receipt of the report of the Ombudsman on any investigation conducted by him or her, or during the continuance of any such investigation, take such decision in respect of the matter investigated or being investigated into by the Ombudsman as the President deems fit.

(2) When the Ombudsman receives such decision he or she shall notify the complainant and the person complaint against whom the complaint or allegation was made.

Report to National Assembly

15. (1) The Ombudsman shall submit to the National Assembly an annual report of his or her operations.

(2) The annual report shall be submitted within six months of the following year.

(3) A report under this section shall not disclose the identity or contain any statement which may point to the identity of any person into whose conduct an investigation is made.

Staff of Ombudsman

16. The Ombudsman shall employ such staff as he or she shall determine, who shall become public officers.

Finality of Ombudsman's acts

17. (1) No investigation, proceedings, process or report of the Ombudsman shall be held bad for any error or irregularity of form or be challenged, reviewed, quashed or called into question in any court save on the ground of lack of jurisdiction.

(2) The High Court shall be the final court of appeal in all matters in which the Ombudsman is a party.

**immunity of
Ombudsman and
members of staff
of office of
Ombudsman**

18. (1) No proceedings, civil or criminal, shall lie against any Ombudsman or member of staff of the Ombudsman for anything done in good faith in the course of the exercise of his or her official functions.

(2) Subject to the provisions of this Act, the Ombudsman or member of staff of the office of the Ombudsman shall not be called to give evidence before any court or tribunal in respect of any information received in the exercise of official functions.

Expenditure

19. (1) All expenditure in connection with the office of the Ombudsman shall be charged on the Consolidated Revenue Fund and shall be paid at the beginning of each financial year.

(2) A person summoned as a witness under this Act may on the order of the Ombudsman be paid such allowance as the Ombudsman may prescribe.

Offences

20. (1) If any person who: -

(a) being a witness before the Ombudsman without lawful excuse refuses to be sworn or affirmed, or having been sworn or affirmed refuses to answer fully and satisfactorily any question lawfully put;

(b) having been sworn or affirmed knowingly gives false testimony touching any matter which is material to any question under investigation;

(c) intentionally insults, interrupts or otherwise obstructs the Ombudsman or member of staff of the Ombudsman in the performance of functions under this Act;

(d) intentionally disobeys any order made under section 6 commits an offence and shall be liable to the same penalty as any person who commits a like offence in relation to a court.

**Power to make
rules**

21. (1) The Ombudsman may make rules for the better carrying into effect of this Act and, without prejudice to the generality of the foregoing, for any of the following matters:

(a) prescribing terms in respect of proceedings before the Ombudsman;

(b) prescribing the duties of officers and other persons appointed under this Act; and

(c) prescribing the procedure for conducting investigations.

Passed in the National Assembly this Fourth day of July, in the year of our Lord one thousand Nine hundred and Ninety-Seven.

D S Njie

Clerk of the National Assembly



REF: BCA102/109/01(81)

31st December 2024

Hon. Fabakary Tombong Jatta
Speaker of the National Assembly
Independence Drive
Banjul

Honourable Speaker,

SUBMISSION OF 2024 ANNUAL REPORT

I have the esteemed honour and privilege to submit the 21st Annual Report of the Office of the Ombudsman covering the period 1st January to 31st December 2024 with pleasure.

The Report is submitted pursuant to Section 163 (2) (f) of the Constitution of the Republic of the Gambia 1997 and Section 15(1) of the Ombudsman Act 1997.

I remain

Yours sincerely,

.....
Mr. Bakary K. Sanyang
Ombudsman

CC: File

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CHAPTER 1

1.1 VISION

Excellence in administrative justice and respect for human rights in the public sector

1.2 MISSION STATEMENT

To ensure fairness and respect for the rights of individuals in the administrative process of The Gambia. The Office of the Ombudsman will remain firm to its task of promoting fairness and the rights of ordinary individuals in the administrative process of The Gambia. This task will be diligently carried through without partiality to any Government institution and investigations will continue to be conducted with the vigour and fearlessness with which this Office was charged since its inception.

1.3 CORE VALUES

1.3.1 CONFIDENTIALITY

We safeguard all information gathered and carry out all investigations with strict confidentiality

1.3.2 EXCELLENCE

- ❖ We strive and pursue excellence in all our activities
- ❖ We continue to train and retrain our staff for quality delivery
- ❖ All investigations and reports go through vigorous supervision and monitoring processes
- ❖ All decisions are evidence based.

1.3.3 IMPARTIALITY

- ❖ We operate a fair, reliably and fast system to redress complaints,
- ❖ All complaints are handled without prejudice in a timely and qualitative manner regardless of the persons status
- ❖ We ensure that we find solutions to all justified complaints.
- ❖ We are independent and impartial

1.3.4 INDEPENDENCE

- ❖ We execute our role without deference, fear or favor to individual or authority
- ❖ We uphold the rule of law and fair treatment

1.3.5 RESPECT

- ❖ We recognized diversity and treat all with dignity and respect

1.3.6 INTEGRITY

- ❖ We strive to be an honest, trusted, reliable and competent institution
- ❖ Commitment to human rights
- ❖ We uphold human rights principles.
- ❖ We ensure that public officers respect human rights in carrying out their duties

1.4 THE REPORT

This is the 21 annual report of the Ombudsman and it covers the period 1st January to 31st December 2024. During the year under review, the Office registered cases from all regions of the country and continued to successfully settle cases registered.

DATA ANALYSIS

At headquarters 64 complaints were registered, out of these 23 complaints were satisfactorily resolved in favour of the complainants, 15 complaints were upheld in favour of institutions complained against after full investigation, 13 complaints were discontinued due to the fact that they were frivolous and not made in good faith and 13 pending.

At the Brikama Regional Office 10 complaints were registered. Out of these 5 complaints were settled in favour of the complainants, 3 discontinued and 2 pending.

At the Kerewan Regional Office 19 complaints were registered and investigations conducted on all the complaints. Out of these 14 complaints were settled in favour of the complainants, 2 discontinued and 3 pending.

At the Mansakonko Regional Office 11 complaints were registered. Out of these 2 complaints were settled in favour of the complainants, 4 discontinued and 5 pending.

At the Janjanbureh Regional Office 18 complaints were registered. Out of these 11 complaints were settled in favour of the complainants, 1 discontinued, 1 withdrawn and 6 pending.

At the Basse Regional Office 10 complaints were registered. Out of these 6 complaints were settled in favour of the complainants and 4 pending.

The institutions with the highest number of complaints during the period under review including the regional offices are:

- Gambia Police Force 22
- Ministry of Basic and Secondary Education 7
- Gambia Prisons Service 6

The report contains samples of cases investigated with summary of the cases. However, the statistics depicts a true representation of the cases in 2024.

1.4.2 ACTIVITIES OF THE OFFICE

During the year under review, apart from the routine investigation activities and clinics conducted in the regions and headquarters office, the office accomplished series of activities as per the offices work plan.

SENSITISATION

Sensitisation constitutes one of the important activities of the Office of the Ombudsman. As a service provider, it is absolutely necessary for people to be aware of the services of the office, where to access the services, when and how to access the services.

We therefore create awareness to enhance optimal use of the services of the Office by all victims of administrative injustice.

Also, through sensitization we promote good administrative practice with the ultimate goal of reducing incidents of maladministration and enhancing effective, efficient public service delivery.

During the period under review we participated in the GCCI international trade fair to create awareness and visibility.

At the trade fair we acquired a stall from where we conducted our sensitisation activities. The sensitisation activities entailed having discussions with those who visited our stall and also going round to other stalls to sensitize stall owners and their visitors. We gave out brochures and t-shirts to our visitors and to other stall owners.

During the period of our participation at the trade fair we received visitors of different nationalities and from different backgrounds; such as, students, journalists, lawyers, public officers and private sector employees. We had interactive discussions with our visitors on the role and functions of the Ombudsman.

Staff members of Jungle Entertainment were among those who visited our stalls. They felt the discussions we had were very interesting, and so they offered us free airtime on their online TV which we accepted with gratitude and subsequently utilised by having a 30mis TV programme few days later.

Thanks to our participation in the trade fair, many people who interacted with our sensitisation team gained a better understanding of the role and functions of the Ombudsman

Also during the period under review we launched our fifth and final regional office located in Brikama, West Coast Region. It was launched by Governor Ousman Bojang at a sensitization workshop, which was organized to mark the launching of the office.

The workshop was attended by Chiefs, village heads (alkalolus) and TAC members. The workshop marked the beginning of a series of sensitization activities in the region aimed at creating awareness of the existence of the Office of the Ombudsman in the region, and to encourage people to utilize its services.

We also continue to utilize our website and social media handles to create awareness and keep people informed of what the office is doing.

INVESTIGATIONS

On investigation and complaints handling, the office continued to receive increase number of cases. The highest number of complaints received were unfair treatment, followed by wrongful termination and unfair dismissal.

1.4.3 CONSTRAINTS

- IV. The regional offices Brikama, Kerewan, Mansakonko, Janjanbureh and Basse are operating from the Governor's Office. The Basse Office is currently renting. There is the urgent need for the office to have its own structures. The management has been submitting budget proposals to finance to the effect.
- V. Another constrains the office is facing is lack of vehicles.
- VI. Inadequate funds for training and capacity building

1.4.4 WAYFORWARD

- Continuous capacity building for both long term and short term and to conduct study tours to other Ombudsman Offices based on our new mandates
- Conducting more proactive investigations.
- Visiting prisons and police cells and all detention centres in the whole country
- Visiting mental health homes and hospitals
- To execute Section 223 of the 1997 Constitution of Republic of The Gambia, Declaration of Assets by Public Officials
- Strengthening the website.
- Strengthening the Nation-wide sensitization to create more awareness on the role and functions of the Ombudsman using TV adverts, radio programs, clinics and "bantabas".

CHAPTER 2

2.1 AIMS AND OBJECTIVES

The Institution's main objectives are:

- To subject Government's use of power to close scrutiny and so help create an environment within the civil sector in which public officers, irrespective of their hierarchy, would refrain from unjust procedures.
- To play the balancing act not only to enable public servants to understand how they can do their job better and thereby improve the standard of services to the public, but also to enhance the public understanding why Government takes certain decisions.
- To dispense administrative justice through protocols that evolve to ensure fair, reasonable, expeditious administration of the Public Sector by using **the reactive model**, that is, wait for complaints and act on them, and **the proactive model**, that is, seek out matters of concern and initiate investigations.

- To put civility, reasonableness and procedural fairness at the centre stage of public officers' dealings with the citizen.
- To be accessible and responsive to the interests and complaints of all persons particularly those who are vulnerable to unfairness such as the poor, the physically handicapped, the incarcerated, the young, the old and women.
- Seen to be transparent and, where necessary make public the findings and recommendation of its investigation.

2.2 STRATEGY

Objectives will be achieved by but not limited to the following means:

- Ensuring a culture of respect for the rights and obligations of all people in The Gambia.
- Dispensing and promoting justice in a free, informal and relatively expeditious manner.
- Ensuring fairness, efficiency, transparency, accountability and application of best practices.
- Using a well-trained motivated workforce and the most modern technology.
- Ensuring that the Ombudsman services are easily and freely accessible to all people in The Gambia.
- Creating awareness for the public to understand the role and function of the Ombudsman.

In carrying out all these activities the Office of the Ombudsman will be guided by the need for impartiality and independence and the importance of collaborating with other Government institutions as well as civil society.

2.3 TRAINING

Staff training continues to be priority areas in the activities of the office as management is cognizant of the importance of training and capacity building in the effective implementation of an institutional mandate. During the year under review the Director of Investigation was sponsored by the office to pursue Bar programme at The Gambia Law School. The services of Professor Victor Ayeni a renowned scholar was hired to train all the investigators on Executive Development Programme Boosting Ombudsman Effectiveness Complaint Handling, Investigation, Performance Impact held at the Baobab Hotel Resort from 9th to 13th December 2024.

LOCAL TRAINING

<u>NAME</u>	<u>DESIGNATION</u>	<u>TRAINING COURSE</u>	<u>INSTITUTION</u>	<u>DURATION</u>	<u>SALARY STATUS</u>	<u>SOURCE OF SPONSORSHIP</u>
Pierre Simon Secka	Director of Investigations	Bar Programme	Gambia Law School	2024-2025	With salary	Ombudsman
	Investigators	Executive Development Programme Boosting Ombudsman Effectiveness Complaint Handling, Investigation, Performance Impact	With Professor Victor O. Ayeni Held at the Baobab Hotel Resort	9 th to 13 th December 2024		Ombudsman

CHAPTER 3

3.1: FINANCIAL ALLOCATIONS

During the year ended 2024, the Ombudsman financial management plan was:

- To review and build on achievements gained over the years in relation to priorities identified.
- To foster good public administration that is accountable, lawful, fair, transparent and systematic.
- To improve on subsequent financial performances and to build on expertise and capacity of staff to meet current and future challenges.
- To ensure compliance and consistency in our procurement procedures according to the norms of the Gambia Public Procurement Act, 2003.

The approved financial allocation for the office in 2024 is; D 41,903,892

The breakdowns of the allocations from January-December 2024 are as follows:

- Salaries etc. D 31,410,892
- Other charges D 10,493,000

c. Total budget for 2024

D 41,903,892

Table showing the trend of allocations from 2022 to 2024

YEAR	ALLOCATIONS	DISBURSEMENT	SHORTFALL	INCREMENT	VARIANCE
2024	D41,903,892	D41,216,496	D687,396	D6,136,712	1.64%
2023	D35,767,180	D34,788,283	D978,897	D1,365,661	2.74%
2022	D34,401,519	D31,870,541.44	D2,530,977.56	D8,380,630	7.36%

Notes

Allocations: these are the amounts approved in the budgets for the office for the respective years.

Disbursement: these are the actual cash amounts disbursed by the Directorate of National Treasury to the Office of the Ombudsman during the years.

Shortfall: these comprised the difference of the approved budget and the actual amount disbursed to the office.

Increment: these are the additional funding in the approved budget for the current year over the previous year.

Variance: these are the percentage representation of the shortfall over the approved budget for the year.

3.2: STAFFING 2024

PROPOSED NO OF POST FOR 2024	PARTICULARS OF POSITION	GRADE	ANNUAL SALARY
1	OMBUDSMAN	FIXED	483,000
2	DEPUTY OMBUDSMAN	FIXED	869,400
1	DIRECTOR OF INVESTIGATION	12.8+L	431,640
1	DIRECTOR OF HUMAN RIGHTS	12.8	392,400
1	DIRECTOR OF COMMUNICATION	12.8	392,400
1	DIRECTOR OF PROVINCIAL OPERATIONS	12.1	358,800
1	PRINCIPAL INVESTIGATOR / ANTI CORRUPTION	11.8 + L	351,120

1	PRINCIPAL INVESTIGATOR/LEGAL ADVISER	11.8	319,200
1	PRINCIPAL INVESTIGATOR - HUMAN RIGHTS	11.7	315,000
1	SENIOR INVESTIGATOR - HUMAN RIGHTS	10.8+ L	318,450
1	SENIOR INVESTIGATOR - ANTI CORRUPTION	10.8+L	289,500
1	COMPLAINT OFFICER	10.7	285,600
1	SENIOR INVESTIGATOR	10.3	270,000
1	INVESTIGATOR	8.2	196,500
1	INVESTIGATOR	8.2	196,500
1	INVESTIGATOR	8.2	196,500
	-		
1	ADMIN MANAGER	11.8+L	351,120
1	PRINCIPAL ACCOUNTANT	11.3	298,200
1	SENIOR ACCOUNTANT	10.3	270,000
1	PRINCIPAL PRIVATE SECRETARY	9.1	234,600
1	PROCUREMENT OFFICER	8.3	199,800
1	PLANNER	8.1	193,200
1	SECRETARY	7.8	172,800
1	RECORDS SUPERVISOR	6.8+L	154,176
1	RECORDS CLERK	5.8	111,300
4	DRIVER	3.5,3.6,3.8+L.3.8+L	337,320
1	GARDENER/CARE TAKER	3.8 + L	89,760
1	MESSENGER	3.8+L	89,760
3	CLEANER	3.3,3.3,3.6	225,000
2	WATCHMEN	3.8+L,3.5	150,600

1	SENIOR PROCUREMENT CLERK	5.1	96,600
1	IT SUPPORT TECHNICIAN	5.3	100,800
1	ACCOUNTS CLERK	5.1	96,600
1	SENIOR INVESTIGATOR	10.4	273,900
1	INVESTIGATOR	8.2	196,500
1	SENIOR COMPLAINTS CLERK	5.8 + L	122,430
1	DRIVER	3.8	81,600
1	NIGHT WATCHMAN	3.3	72,600
<u>1</u>	CLEANER / MESSENGER	3.6	<u>78,000</u>
6			825,030
1	SENIOR INVESTIGATOR	10.8+L	318,450
1	INVESTIGATOR	8.1	193,200
1	SENIOR COMPLAINTS CLERK	5.8+L	122,430
1	DRIVER	3.8 + L	89,760
<u>1</u>	CLEANER / MESSENGER	3.8 + L	<u>89,760</u>
1	SENIOR INVESTIGATOR	10.8+L	318,450
1	INVESTIGATOR	8.8	216,300
1	SENIOR COMPLAINTS CLERK	5.8+ L	122,430
1	DRIVER	3.8 + L	89,760
<u>1</u>	CLEANER / MESSENGER	3.8 + L	<u>89,760</u>
5			836,700
1	SENIOR INVESTIGATOR	10.3	270,000

1	INVESTIGATOR	8.2	196,500
1	SENIOR COMPLAINTS CLERK	5.3	100,800
1	DRIVER	3.3	72,600
<u>1</u>	CLEANER/MESSENGER	3.2	<u>70,800</u>
1	SENIOR INVESTIGATOR	10.1	262,200
1	INVESTIGATOR	8.1	193,200
1	SENIOR COMPLAINTS CLERK	5.1	96,600
1	DRIVER	3.1	69,000
1	CLEANER/MESSENGER	3.1	69,000

CHAPTER 4

4.1 MONITORING VISITS TO PLACES OF DETENTION

In pursuance of Section 11(2) of the Ombudsman Act 1997, the Office of the Ombudsman in 2024 visited prisons, police cells and immigration detention facilities in different regions of the country.

The objectives of the visits were to follow up on the recommendations made in the previous years as well as to assess the treatment and conditions of persons deprived of their liberty at the time of the visits and make recommendations for improvement and compliance with national, regional and international human rights standards.

Areas that were looked into during the visits included cells, food, water, health care, sanitation, treatment, activities, contact with the outside world and staff matters.

PRISONS

All the three prisons in the country were visited. Jeshwang Prison was visited on 17 January 2024, Janjanbureh Prison was visited on 26 May 2024 and Mile II Prison on 3 and 19 December 2024.

ACCOMMODATION

In the Female Wing of Mile 2 Prison, there were 30 inmates, 12 of whom were convicts and 18 were remand prisoners.

The remand prisoners in the first cell and the convicts had a television set, two fans and artificial light. However, there was no TV set for the remand prisoners housed in the convicts' cell. They said that they occasionally joined the convicts to watch television, but access was not always possible, especially when the convicts, who stayed in the other part of the cell, went to bed early.

Natural light was not adequate. The first cell had seven mattresses. It had an air conditioner, which was not functioning because of the nature of windows. The floors were plastered and clean at the time of the visit.

At the male remand wing, the cells visited had a fan, television set, and artificial light. However, the inmates said that when light went off, they stayed in the dark.

Six cells had 16 inmates each, two cells had 17 inmates each and three cells had 23 inmates each. The cells were not spacious enough to accommodate such a number of inmates. In fact, according to the inmates, there were times that the number went beyond the one stated.

Mattresses were given to the inmates for use but some of the mattresses were not in good condition as they were old and thin.

They also said that when light went off, the place was dark. There was no alternative. They remained in the dark till light came back.

The cell for convicts at Jeshwang Prison had been renovated. It was found clean. It had 7 big windows with burglar proof but no cover. It had sufficient artificial light, natural light and ventilation. It had two big fans at the extreme ends but one of them was faulty and needed to be fixed. The cell had 17 bunk beds each having a mattress, a sheet and a mosquito net. It had a Tv set that was found functioning.

The cells at Janjanbureh Prison were also found clean. They had many big windows but some did not have any cover. They also had fans. They had sufficient ventilation, natural light and artificial light. They also had beds with mattresses, sheets and mosquito nets. However, the mattresses were worn out. The inmates said they joined the mattresses to make them thick.

None of the cells in the two prisons had wardrobes for the inmates to put their clothes in. inmates hung their clothes on bed nets and ropes. There were also no chairs and tables in any of the cells.

OVERCROWDING

Mile 2 Prison was found overcrowded. The prison had the capacity to hold 450 inmates, but during the visit on 19 December 2024 a total of 670 prisoners were at the prison. This means an occupancy rate of 148%. In other words, the prison was 48% overcrowded.

Although the general overcrowding of Mile 2 Prison was below 50%, there was severe overcrowding in the male remand wing, which had 11 cells. Cells 1 to 6 had the same capacity of 15.3 square metres, as measured by the Office of the Ombudsman's visiting team in 2018. Each of these cells were supposed to hold 5 inmates going by 3 square metres for each inmate in a multi-occupancy cell. However, 16 inmates were found in each of these cells. These means they were 220% overcrowded. In other words, the number of prisoners held was three times the capacity of each cell.

Similarly, cells 9 to 11 had the same capacity of 21 square metres and each of them was supposed to hold 7 inmates but 23 were found there. Each cell was 228% overcrowded. Like cells 1 to 6, the number of inmates in cells 9 to 11 was three times the capacity. The female wing of Mile 2 was also overcrowded as the remand cell could not accommodate all the 18 inmates. Some were taken to the cell for female convicts.

Janjanbureh Prison was also overcrowded. Its official capacity was 50 inmates but 92 inmates were found there. This means it was 84 per cent overcrowded. Three of the inmates in cell number 2 of the prison said they slept on the floor between beds due to overcrowding. They added that when going to toilet at night they stepped on other inmates.

Overcrowding is usually associated with non-hygienic and restricted living conditions, poor quality of services, loss of privacy, few out-of-cell activities, depression, violence, poor sanitation and spread of infectious diseases such as tuberculosis. There is consensus that overcrowding worsens the overall well-being of the inmates.

As a result of overcrowding, some inmates in the male remand wing of Mile 2 slept underneath the beds of other inmates. The inmates told the visiting team that the way they slept was not good. They stated that they slept on their sides under the beds of the other inmates.

Due to overcrowding, sanitation was also inadequate as two toilets and two bathrooms were not enough for the number of inmates held at that time at Mile 2 male remand wing. Although caused mainly by inadequate budgetary allocation, the quality of the food and the shortage of medications that the inmates complained of can partly be attributed to overcrowding.

NON-SEPARATION OF REMAND PRISONERS FROM CONVICTED PRISONERS

In the female wing of Mile 2 Prison, remand prisoners were found living in the same cell with convicted prisoners. The visiting team was informed that the cell for remand prisoners could not hold all the 22 remand inmates. It could only hold 8 prisoners. Therefore 10 of the remand prisoners were transferred to the cell for convicted prisoners.

In cell number 5 of Janjanbureh Prison convicts and remand inmates were put together. Twenty-four convicts and 10 remand inmates were found in the cell. Remand prisoners are not supposed to be in the same cell as convicted prisoners.

Mandela Rules 112 states that 'Untried prisoners shall be kept separate from convicted prisoners. In the same vein, the African Commission Guidelines on the Conditions of Arrest, Police Custody and Pretrial Detention in Africa (the Luanda Guidelines) states 'The state shall ensure that detaining authorities hold pretrial detainees separately from the convicted prison population'.

SANITATION AND HYGIENE

The female wing of Mile 2 Prison had one toilet located in close proximity to the bathroom. The inmates said that they found it hard to use the toilet when someone was taking shower at the bathroom as both facilities were located at the same place.

The male remand wing of Mile 2 had two toilets and two bathrooms. However they used chamber pots for urination and passing stool, which gave the cells an unpleasant smell, especially when the doors of the cells were closed. They ate their food almost around the chamber pots. The inmates said they used chamber pots even day time.

The convict cell at Jeshwang Prison had two squat toilets, two bathrooms and one room for washing dishes. The toilets and the bathrooms had light. They also had taps but they were broken and kept on dripping water. They were tiled, clean and up to standard. The remand cell at Janjanbureh Prison also had two toilets and two bathrooms. They were all tiled and clean, like the ones at Jeshwang cell for convicts. They also had light, a tap and shower. They had no unpleasant odour.

The inmates in male remand wing of Mile 2 said they were given only two small bars of soap every Thursday, which they finished using when they washed their clothes on Friday and Saturday. The inmates in cell number 5 of Janjanbureh Prison said they were given two bars of soap every two weeks and sometimes more than two weeks. Those in Jeshwang convict cell said they were given only one bar of soap every Friday. They added this was not enough as they needed to use it for bath and for washing bed nets and sheets of their beds. The inmates in Janjanbureh cell number 2 said for more than one month they had not been given omo and Dettol to wash their toilet as it used to be done before. They added that when the toilet was blocked, they were disturbed by the odour. They further stated that the blockage was due to full soakaway or something thrown inside.

The inmates in the three prisons also said they were not given toothpaste, toothbrush, towel and slippers.

FOOD AND WATER

Many of the inmates in the Female Wing and Male Remand Wing of Mile 2 Prison complained of the poor quality of food provided. According to them, they mostly had pap with little to no sugar or 'Cherreh' with no good taste.

The inmates in all the three cells at Janjanbureh Prison and the inmates in convict cell of Jeshwang Prison also complained of the poor quality of the food given to them. They said that the food given to them was tasteless as it did not have jumbo and pepper. Those in Janjanbureh added that they had not eaten for a long time and that they were given meat only during feasts such as Eid al-Adha.

The inmates at Mile 2 also stated that the food bowls, when left closed for a while, emitted a foul odour. They also claimed that the bread provided was of poor quality, stating that it contained grains of sand. Some of them believed that the food taken sometimes led to food poisoning or made them suffer from beriberi. Some of the inmates at the Female Wing of Mile 2 said that they mostly returned the dinner given to them because of its low quality.

The visiting team found out that plastic basins were still being used in the Male Remand Wing of Mile 2. However, at the Female Remand Wing, steel basins were being used.

At the Mile II Central Prison kitchen, wet wood was used as fuel, which made cooking extremely difficult for them, resulting in excessive smoke. The inmates complained about the lack of electric cookers. The inmates complained that the kitchen, located outside, was often flooded during rainy season. They complained that they were occasionally disturbed by dust, which increased the risk of food contamination. They pleaded for the provision of a better kitchen, as the one they had did not meet the required standards.

The inmates in the Female Wing of Mile 2 had access to clean drinking water. However, those in the Male Remand Wing complained about lack of access to water, as the tap was often dry. They added that when they finished the water in their bottles, they called officers to fetch for them but they refused to help. The inmates at Janjanbureh Prison also complained about water shortage. They said that sometimes the whole day they could not get any water. They added that this was due to inconsistent water supply. Similarly, the inmates at Jeshwang also said they encountered water problems as the taps did not have water for a long time.

HEALTHCARE

Mile 2 inmates that got ill received treatment at the clinic in the prison and in some instances, some with more severe medical issues were referred to the Edward Francis Small Teaching Hospital for treatment.

The inmates at the Female Wing of Mile 2 complained that they usually did not get medications from the said clinic. They added that they were sometimes told that even paracetamol was not available. Foreign inmates in both female and male remand wings of Mile 2 said drugs were prescribed for their families to buy them for them but their people could not buy them for them because they were not living in the Gambia. The prison's authorities stated that sometimes they received donations from Victory Pharmacy. Some of the inmates at Mile 2 said that some female prison officers accused them of faking illness.

The inmates at both Jeshwang and Janjanbureh prisons also complained about lack of medicines in the health facilities. One of the inmates at Jeshwang said when he had

pimples on his leg he went to the infirmary in the prison but was not given drugs. The nurses at Jeswang infirmary also mentioned lack of medicines as one of their challenges. An inmate from India in cell number 5 of Janjanbureh Prison said when he went to the health centre opposite the prison, they just prescribed drugs for him, which he bought. He added that he had spent D3000 on urethra (a urine health condition). There were no ambulances at both Jeshwang and Janjanbureh prisons.

COMMUNICATION WITH OUTSIDE WORLD

The inmates at Mile 2 were allowed to have visitors every day even though some inmates in the female wing believed that their relatives were sometimes denied entry by some of the prison officers. In fact, one of them believed that she was on several occasions denied access to see her relatives.

The Sierra Leonean nationals in Cell 4 of the male remand wing of Mile 2 said that they found it hard to communicate with their people. The Nigerian nationals in the female wing also expressed that they hardly communicated with their people. There was no special line allocated for use by the inmates when they wanted to talk to their relatives.

The inmates at Jeshwang convict cell said they were allowed to visitors only once a month and that preferred it to be at least once a week. They added that when they wanted to call their relatives, they asked the prison officers to help them but were sometimes told that they did not have credit. An inmate from Sierra Leone said he had not been visited by the officers at Sierra Leonean embassy in the Gambia and that he could not call his people.

The inmates at Janjanbureh said they found it difficult to call their people as Justice Defenders gave them only two minutes to speak to their people and they did not get this opportunity every week. They added that some inmates were unable to call their families for one month and that there was an inmate who spoke to his family only twice in eight months.

The inmates at Mile 2 said none of them knew the Director General. They added that he should go to the cells to see them from time to time. One of them said he had been in prison for two months but never saw the Director General.

ACCESS TO JUSTICE

There were remand inmates who had spent many years in prison awaiting trial. For example, two inmates in Cell 1 of the male remand wing of Mile 2 said that they had been in Mile II for more than four years. Some spent almost seven months in prison before appearing in court.

Three of the inmates in Janjabureh remand cell said they had been in prison for three years awaiting trial. An inmate from Senegal said he had not been to court for eight months.

Some of the inmates at Mile 2 said that they could not afford the services of private lawyers and they could not access the services of the state counsels for their cases.

According to them, the National Agency for Legal Aid (NALA) used to provide significant support. However, their presence has diminished in recent times, leading some to feel deprived of adequate legal assistance.

The visiting team was informed by the prison authorities at Mile 2 that a panel was set up by the Judiciary to have discussions with some of the remand inmates regarding their court cases.

Two of the inmates in the male remand wing Mile 2 said when they were released from prison following court order, they were arrested at the gate by the police.

The authorities also mentioned that they faced challenges in transporting inmates to Mansakonko for trial.

OUT-OF-CELL TIME

Inmates in male remand wing of Mile 2 said cells were opened from 8am to 12 noon and then closed up to 2pm. They were again opened from 2pm to 3pm. This makes it a total of 5 hours, compared to the 9 hours of out-of-cell time given in the past. Cells used to be opened from 8am to 5pm. On the contrary, the inmates at Janjanbureh Prison said they were taken out of their cells to the veranda from 8am to 6pm, which is 10 hours. The inmates in the convict cell of Jeshwang Prison said they were not allowed to go out of the cell. They added that they were not allowed to be even at the veranda and that only inmates working in the kitchen or garden were allowed to go out.

CLOTHING

The inmates at Jeshwang Prison said they were given only one pair of uniform, one shirt and one pair of trousers. They added that they had not been supplied with jumpers even though they requested it. The Director General of the Prisons Service stated that the proposal for new uniforms for prisoners was initially included in their budget but later removed by the Ministry of Finance.

TREATMENT

The inmates at the female wing of Mile 2 said that they were not happy with the way they were treated by the female prison officers. This they said sometimes barred them from requesting some of their needs. They said that when they called the officers in emergency situations, they ignored them. They also complained of being insulted by some of the officers in the morning shift. They commended the afternoon shift for their kindness and responsiveness to their needs but criticized the morning shift for their harsh treatment. They also said that they had witnessed the beating of a fellow inmate by an officer.

At the male remand wing of Mile 2, two of the inmates complained of being seriously beaten by the prison officers. One of them stated that he sustained wounds as a result of the beating meted out to him. Inmates in the male remand wing said when they caused problems, such as fighting, they were handcuffed and kept outside near the officers' room for one and half hours. They added that they were asked to raise their hands while in handcuffs.

The inmates at Jeshwang Prison said they were not beaten by the officers. However, they stated that the officers told them 'fuck you' whenever they had any problem with them. They added that they were also taken to the condemned cell, where they were asked to do monkey dance many times. The inmates at Janjanbureh Prison also said that they were not beaten but the officers like telling them that they would take them to the condemned cell. They added that the officers took them to the condemned cell with force, pushing them with force. They also said some were handcuffed and kept there. They further stated that the condemned cell had no mattress and no mosquito net, only the bare floor. One of the inmates in the remand cell of Janjanbureh said he had been kept in the confined cell for three months and was not given any mattress, sheets and mosquito net for two weeks.

Education and vocational training

The Director General informed the visiting team that Insight Training Centre provided training for the inmates at Mile 2 in electrical installation, solar installation and plumbing, and taught them Basic English Language and Entrepreneurship.

He also informed the team about their signing of Memorandum of Understanding (MoU) with Kaboum Academy to provide inmates with training in welding and other valuable skills.

The Director of Operations said that they welcomed an initiative by Jollof Care to train inmates in different skills, such as soap making, corseting, stitching, etc. According to him, once the inmates produced these items, they were transported to trade fairs and sold, generating some income for the inmates.

Mile 2 Prison had a tailoring shop where inmates were trained in sewing. The officer in charge of the tailoring shop complained of lack of fan, proper iron and cutting table. There were neither education classes nor vocational training for adult inmates at Jeshwang Prison.

SPORTS AND LEISURE

The inmates in the male remand wing of Mile 2 said they were not allowed to play football or other sports because the place was small. They added that when they were seen playing football, the officers punished them. There was also no enough space in female wing for inmates to play sports. The Director General said the lawn was not good and that sports was available only at the main yard, where football and volleyball were played. There were no sports facilities at Jeshwang and Janjanbureh prisons except for the basket lawn at the Juvenile Wing at Jeshwang used only by the juveniles. The inmates in these two prisons were denied their right to at least one-hour exercise.

STAFF MATTERS

The officers on duty complained of delay in promotion, low house rent and lack of motivation for the prison officers. They also complained of the lack of enough space for the officers. The issue of non-classification of inmates was also raised.

RECOMMENDATIONS

- Inmates should be provided with adequate quality food. There should be thorough monitoring on the type of food given to them.
- There should be more engagement with the Judiciary and other relevant stakeholders to ensure speedy trials of remand inmates. This will address the problem of overcrowding.
- The problem of holding inmates in remand for a very long time should be strictly looked into by the Judiciary.
- The National Agency for Legal Aid (NALA) should provide more legal services to the inmates.
- The Ministry of Justice in collaboration with the Ministry of Interior should address delays in taking inmates to court. This should be treated with urgency.
- There should be more functional taps in all the prisons to promote good hygiene.
- The use of chamber pots at Mile 2 should be discouraged. Inmates should have access to the toilets at all times, including at night.
- Inmates should be given adequate soap and other detergents.
- The Director General should set up a special committee to investigate any complaint of torture or other forms of ill-treatment and take appropriate action against those found guilty.
- The issue of putting inmates in the condemned cell should be addressed by the Director General. The decision to put inmates in the condemned cell should be decided by the Director General or the commissioner in charge of a prison, not any junior officer. The duration of stay in the cell should be short to avoid prolonged solitary confinement. The cell should have the facilities that the other cells have, such as light, mattresses, sheets for beds and mosquito nets.
- More mattresses should be provided to the inmates to make them sleep comfortably and prevent any form of degrading treatment.
- Electric cookers should be provided to make cooking easier for the inmates.
- Inmates should be allowed to do sports. They should be allowed to do at least one-hour exercise daily.

- The remand inmates should be separated from convicts, as stipulated in article 10(2) of the International Covenant on Civil and Political Rights, in Mandela Rules and in other human rights instruments.
- The Ministry of Finance should increase the amount allocated to the prisons to make work easier for the authorities.
- The tailoring shop at Mile 2 Prison should be well-equipped in order to train more inmates.
- At two pairs of uniform should be given to each inmate.
- The time spent outside by inmates at Mile 2 should be looked into. The inmates at Jeshwang Prison should also be allowed to go out of the cell for many hours. They need at least 8 hours outside the cells.
- Communication should be made easier for the inmates, especially the foreign nationals as most of them do not have their families in The Gambia.
- Education classes and vocational training should also be provided to the inmates at Jeshwang Prison.
- An ambulance should be provided to both Jeshwang and Janjanbureh prisons.
- Adequate office space and furniture should be provided to improve effectiveness and efficiency in the prisons.
- A new prison should be built to replace Mile II Central Prison, which had a problem of overcrowding and classification of inmates.

POLICE DETENTION FACILITIES

A total of 37 police stations and 6 police posts were visited in 2022. This makes it a total of 43 police detention facilities visited.

The police stations visited in West Coast Region were: Kalagi Police Station, Bondali Police Station, Bwiam Police Station, Sibanor Police Station, Somita Police Post and Brusubi Police Station.

The police stations visited in Kanifing Municipality (KM) were: Bakau Police Station, Bundung Police Station, Bundung Borehole Police Station, Senegambia Police Station, Manjai Police Station and Bundung Central Police Post,

The police stations visited in North Bank Region (NBR) were: Juffureh Police Station, Barra Police Station, Amdallai Police Station, Ndungukebbbeh Police Station, Kerewan Police Station, Njain Sanjal Police Station, Farafenni Police Station, Kuntaya Police Station and Njabakunda Police Station.

The police stations and posts visited in Central River Region (CRR) were: Kaur Police Station, Njau Police Station, Firdawsey Police Station, Kuntaur Police Station, Jareng Police Station, Brikama Ba Police Station, Janjanbureh Police Station, Bansang Police Station and Karantaba Police Post.

The police stations visited in Upper River Region (URR) were: Sare Ngai Police Station, Diabugu Police Station, Bakadagi Police Station, Basse Police Station, Fatoto Police Station, Sabi Police Post and Nyamanar Police Post.

The police stations and posts visited in Lower River Region (LRR) were: Bureng Police Station, Kwinella Police Station, Soma Police Station, Mansakonko Police Station, Keneba Police Station, Koliyorr Police Station and Sankandi Police Post.

The conditions and treatment of detainees at police detention facilities were still well below international and regional standards.

CELLS

The cells at many police stations and posts were found clean. However, there were also cells that were unhygienic and had traces of urine or smelled of urine whilst others had cobwebs, such as cells at Barra, Farafenni and Soma. Except for cells at Bundung, Bondali and Koliyorr stations, there was no artificial light in police cells. Most police cells had no windows. They had only holes or openings. While Kuntaur Police Station had 12 openings, most police cells had only one small opening. Brikamaba Police Station had neither a window nor an opening. It had neither natural light nor ventilation. It was completely dark and we had to put our mobile light on to be able to see what was in the cell. A detainee was found sitting in that darkness. The cells at Kerewan and Ndungukebbeh also had neither natural light nor ventilation, although Ndungukebbeh had a detention room which had natural light and ventilation. The cells at Soma and Firdawsey stations had poor ventilation and no natural light. Most police cells did not have adequate ventilation and natural light. None of the cells had fans, except for cells at Bundung Police Station.

It was only police cells with big windows that had adequate natural light and ventilation. The stations whose cells had adequate natural light and ventilation were Farafenni, Barra, Bondali, Bakadagi, Kaur and Senegambia.

Many police cells had thick doors with only one small opening at the top which prevented adequate air from entering the cells.

Police cells did not have mattresses for detainees to sleep on. In most places it was the mats provided by the police officers at the stations and posts that detainees slept on. In some places, such as Kerewan Police Station and Karantaba Police Post detainees slept on cartons whilst in others such as Farafenni, Mansakonko and Njau detainees slept on slabs. In Kaur it was on a wooden palette that detainees slept. Detainees were not provided with blankets.

Except for Bundung Police Station, police detention facilities did not have separate cells or detention rooms for female detainees and juveniles. Women and juveniles were usually kept at the counter. Where a station had a child welfare officer, juveniles were put under his or her care. At Basse Police Station two detainees said they were 15 years old and the third one said he was 14 years old. They were kept in the same detention facility as adults.

SANITATION AND HYGIENE

Most police stations and posts had squat toilets for detainees. Some stations such as Kuntaya and Bakadagi had toilets beside the cells or in the detention rooms whilst others such as Farafenni and Soma had them outside the detention facilities. Some police stations and posts such as Karantaba, Njau and Njain Sanjal still had pit latrines that were not up to standards. The toilets at some stations, such as Sibanor, Ndungukebbah and Nyabakunda were not clean and had unpleasant smell.

Most police stations and posts were not provided detergents to clean cells and detention rooms. It was the officers who bought detergents when they had the money. The ones that were given detergents said they were not enough as they could not last for a month.

LAWFULNESS OF DETENTION

The visiting team was informed at many police stations and posts that detainees were kept for 72 hours, as stipulated in section 19 of the constitution. However, the officers at Farafenni Police Station said they sometimes detained for more than 72 hours when they opened bail and the person could not fulfil the conditions. Two of the detainees were held at the station for more than 72 hours. The officers at Farafenni added that this usually happened when the magistrate was not sitting and they could not release the detainee. They further stated that the magistrate had a sitting in Farafenni once a week and then had another one in Barra the following week. They added that if they had a sitting magistrate in Farafenni that would help them a lot. The officers at Bara Police Station said the same thing. The officers at Basse Police Station also said they had detained people beyond 72 hours as there was no sitting at the court. The prosecution unit at the station said there was a detainee for whom bail was opened but there was no one to bail him and he had to wait for one week for the travelling magistrate to come. The officers said the magistrate had sittings in Basse only on Tuesdays and Wednesdays. They added that he also had sittings in Basang on Mondays and Thursdays. They said that they needed a sitting magistrate who would sit continuously from Monday to Friday.

TREATMENT

Detainees in most police detention facilities said they were not beaten, insulted or ill-treated in any other way. However, a detainee at Basse Police Station said he was slapped twice by a CID officer when he refused to be shaved. Another detainee said he was also slapped by an officer. The third detainee said he was beaten on the side of his head whilst the fourth one said he was insulted by an officer and when he told him not to insult him again, he did it again. A senior officer said he was the one who instructed one of his officers to shave the detainee and that he did in a fatherly role. The visiting team

warned the officer to desist from that as it could be considered to be a degrading treatment. The visiting team told the station officer to investigate the issue of slapping and beating and take appropriate disciplinary action to ensure that it is not repeated.

COMMUNICATION WITH FAMILY AND OTHERS

The detainees' right to communicate with families was respected. However, there were no communication facilities provided at police detention facilities. Detainees used their own phones or the officers' phones to communicate with families and others. Detainees were also allowed to have visitors.

FOOD

Government did not provide food for detainees in most police detention facilities. It was the officers or relatives of the detainees who provided food. Some of the police stations and posts that did not receive food from government were Bakau, Bundung Central, Manjai, Farafenni, Kaur, Firdawsey, Janjanbureh, Mansakonko, Kerewan, Barra, Amdallai, Bureng, Brikamaba, Bondali and Sibanor. The stations that received food from government were Bundung, Brusubi, Bundung Borehole, Senegambia, Soma, Fatoto, Sare Ngai, Diabugu and Bakadagi. Bundung, Brusubi, Senegambia and bundung Borehole received food from Police Intervention Unit PIU. Basse, Fatoto, Bakadagi, Sare Ngai and Diabugu, which were the five police stations in URR, received one and a half bags of rice each, every two months but were not given oil, onions and other items. In most places it was only lunch that was provided. Detainees had access to drinking water, which was fetched for them from the station taps by the officers.

HEALTH CARE

Sick detainees in most police detention facilities were taken to nearby health facilities. In many places officers were not asked to pay for anything for the treatment of the detainee. However, in some places officers paid D25 for the ticket. Officers at different detention facilities said that when drugs were not available, it was the officers or families who bought them for detainees.

STAFF MATTERS

Most police stations and posts did not have a car to facilitate their operations. A few that had cars complained of them not being in good conditions. The officers also said they did not have any computer, photocopier, printer, internet and TV. Others problems were lack of furniture, no telephone, irregular supply of uniforms, delay in promotions and no staff quarters. Some stations were dilapidated whilst others had no electricity and taps.

RECOMMENDATIONS

- All police cells should have large windows, adequate ventilation, natural light, artificial light, toilets, mattresses and bedding. The floors of the cells should be tiled, as done for cells in Bakadagi, Kaur and Kuntaya. Ministry of Interior should ensure that all police cells are up to standards.
- Detainees should have access to the toilets at all times, including at night. The Inspector General Police (IGP) should ensure that detainees do not urinate in cells at night, to avoid cells smelling of urine.

- Ministry of Interior should ensure that enough money is allocated every year for adequate feeding of detainees. Breakfast, lunch and dinner should be provided every day.
- Separate cells and detention rooms should be created for juveniles, female detainees and male detainees. Juveniles are not to be detained in the same cell or detention room as adult detainees, as stipulated in section 29(3) of the 1997 Constitution, sections 210(6) and 212(8) of the Children's Act 2005 and article 10(2)(b) of International Covenant on Civil and Political Rights.
- The IGP should ensure that all police stations and posts are provided with adequate supply of detergents such as soap, omo, dettol and vim.
- Ministry of Interior should ensure that police stations and posts that do not have taps or have difficulties in getting water are provided with taps.
- Ministry of Interior should communicate with Ministry of Health to ensure that police officers do not pay D25 for a ticket at health facilities for the treatment of detainees. Enough funds should be allocated for purchase of drugs for sick inmates.
- The Ministry should ensure that communication facilities are provided in police stations and posts for detainees to speak to their families.
- Ministry of Interior should communicate with Judiciary to ensure frequent court sittings in all the regions in the country to avoid detainees being kept beyond 72 hours.
- The IGP should ensure that any complaint of torture or ill-treatment is effectively investigated and appropriate disciplinary action taken against any officer involved. A memo should be sent to all police stations warning officers to desist from torture or other forms of ill-treatment. Torture and other forms of ill-treatment are contrary to section 21 of the 1997 constitution, section 7 of the International Covenant on Civil and Political Rights and section 2(2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The IGP should ensure that station officers always inform detainees of their human rights.
- Ministry of Interior should ensure that each police station is provided with a pick-up or other suitable car for effective service delivery.
- The ministry should also ensure that all police stations and posts are provided with computers, printers, photocopiers, scanners, internet, TV sets, CCTV cameras.
- Other issues mentioned in the report should also be addressed to motivate the staff, especially those in the provinces.

IMMIGRATION DETENTION FACILITIES

Two immigration stations and two immigration posts were visited in 2024. The immigration facilities visited were: Basse Immigration Station, Soma Immigration Station, Nyamanar Immigration Border Post and Sabi Immigration Border Post.

Only Soma and Sabi had detention rooms. The officers at Sabi said it was only once that they detained somebody in the detention room and that now they used the detention room as a store. They added that they had not received many criminal cases in the place. The detention room at Soma Immigration Station was tiled and clean and had big windows, adequate natural light, ventilation, artificial light and a toilet.

Basse Immigration Station used its charge office to detain non-Gambians who did not regularize their stay in the country. It had two big windows. It had adequate ventilation, natural light and artificial light. It had a carpet and was found clean. Fifteen male detainees were found in the charge office. Fifteen male detainees were found in the charge office. They were nationals of Guinea, Guinea Bissau and Sierra Leone.

No food items were provided to immigration detention facilities for feeding of detainees. The officers at Basse Immigration Station said they were not given any budget to feed detainees. They added that they gave some food to detainees from what they cooked for themselves through their own contributions. The Soma and Basse immigration facilities had taps from which detainees could get water to drink.

Some of the challenges faced by immigration officers were inadequate vehicles, computers, communication facilities, furniture, no internet, no TV, no A/C, meagre house allowance and irregular supply of uniforms.

RECOMMENDATIONS

- Ministry of Interior should ensure that funds are provided to immigration detention facilities for food to be prepared for detainees.
- Communication facilities should be provided at immigration detention facilities for detainees to easily communicate with their families and others.
- Ministry of Interior should ensure that enough vehicles are given to immigration stations and posts for effective service delivery.
- All immigration stations and posts should be provided with enough computers, printers, photocopiers, scanners, furniture, internet access, TV and uniforms.
- The issue of meagre house allowance should also be addressed to motivate the officers, especially those in the provinces.

MILITARY DETENTION FACILITIES

The detention facilities at Farafenni and Basse barracks were visited in 2024. Each of these barracks had two cells. The cells were clean and had mattresses and sheets. One of the cells at Farafenni Barracks did not have adequate natural light and ventilation. There was no artificial light in the cells at Farafenni Barracks. There were no detainees in any of the barracks at the time of the visit.

The officers at both barracks said detainees were not kept beyond the 72 hours stipulated in the constitution.

The visiting team was informed that detainees were provided breakfast, lunch and dinner through central cook house at Farafenni Barracks. The same thing applied at Basse Barracks, where the officers said detainees ate the same food as their fellow soldiers. Detainees had access to water.

The two barracks had toilets which detainees could use. The toilets were found clean. The toilet at Farafenni Barracks was in the same place as the cells and had a tap. The visiting team was informed that detainees were allowed to have a bath.

Each of the barracks had a clinic. The visiting team was informed that sick detainees were taken to the clinics and were given free treatment. The nurses at the clinic said that some of their problems were delay in supply of drugs, inadequate drugs, insufficient BP machine, lack of ambulance and a lab for testing malaria, hepatitis and syphilis. The officers at the two barracks said that they had not received any complaint of torture or ill-treatment from detainees.

The visiting team was informed at both barracks that detainees were allowed to communicate with their families using their own phones. Some of the problems faced by the barracks were inadequate vehicles, inadequate office space, inadequate computers, inadequate furniture, inadequate communication facilities, inadequate supply of uniforms, no access to the internet and no risk allowance compared to the other security agencies.

RECOMMENDATIONS

- All the cells should have big windows, adequate ventilation, natural light and artificial light.
- Ministry of Defence should ensure that all the clinics have adequate drugs.
- Adequate vehicles, computers, furniture, office space, communication facilities and internet facility should be provided to the barracks for effective and efficient operations.
- Ministry of Defence should ensure that all military officers are paid risk allowances, as done for the other security agencies.

CHAPTER 5

5.1 UNLAWFUL TERMINATION / UNFAIR DISMISSAL

COMPLAINT NO: 38/2024
NATURE OF COMPLAINT: Unlawful Termination

COMPLAINT

The complainant stated that his service was terminated as director of finance on 9 May 2023. He stated that according to his appointment letter, he was to serve a probationary period of six months, after which an evaluation exercise would determine his suitability to continue in the role as director of finance.

He added that as director of finance he was responsible of overseeing all staff within the Finance Department. He further added that the staff under his department were tasked to follow his instructions according to their terms of reference, which must be executed in accordance with the bureau's policies, accounting manual, service rules and best practices.

The complainant further added that upon his resumption, there was no formal handing over or induction process. He said that the finance manager, who was next to him, was not taking instructions from him but rather directly from the director general (DG).

He alluded that the finance manager took control of all departmental documents, including staff payroll and procurement activities. He said that he was asked on several occasions to sign off on procurement transactions that occurred before his arrival at the office, but refused to adhere. This resulted in a heated argument with the DG. Due to this disagreement, he faced resistance from the human resource officer and other staff members who were instructed by the DG to counter his efforts.

The complainant added that he was never given the opportunity to fully utilize his skills and knowledge as the director of finance, as deliberate efforts were made to ensure his failure in the said position. He alleged that the DG along with the human resource officer and several other staff members (most of whom were DG's close relatives) actively sabotaged his efforts. He added that he had communicated the matter to the chairman of the board via email informing him that the DG and the human resource officer were undermining his authority

FINDINGS

The complainant was appointed as director of finance on 12 September 2022 subject to a probationary period of six months as required by the institution's service rules.

All the necessary documents were handed over to him by the assistant accountant after which he went through a comprehensive induction process.

He was also trained on the newly Integrated Financial Management System (IFMS) at the Accountant General's Office which was also installed on his official laptop.

At the end of the probation, he was evaluated on performance against his job description and was found to be unsatisfactory. According to the General Orders and the service rules of the institution, all appointments shall be subject to probation. However, confirmation of appointments after probation shall be subject to satisfactory performance. In the instant case, it was the discretion of his supervisor to recommend for the extension of his probation or to terminate his service owing to unsatisfactory performance.

CONCLUSION

The complainant was assessed by his immediate supervisor and his performance was found to be unsatisfactory leading to the termination of his service.

The Ombudsman upheld the decision to terminate his service.

COMPLAINT NO:

40/2024

NATURE OF COMPLAINT:

Wrongful Dismissal

COMPLAINT

The complainant was appointed on 1 June 2019 as night watchman by an agency. He stated that on 19 June 2024 he was issued with a dismissal letter stating that he was dismissed from service with immediate effect.

He further stated that for clarity, he went to the director general's office who informed him that he was dismissed due to negligence of his duties and misconduct, causing the thieves to cut and steal the fence wires at the agency.

Furthermore, he stated that in that night he was not the only security officer on the ground. The police and the ram sellers were also present but none of them could tell whether thieves intruded the office premises as insinuated by management. He further alleged that the office had failed to investigate the issue thoroughly before taking such a harsh decision against him.

FINDINGS

The complainant was employed as night watchman responsible for the livestock ground and the main office. On 12 August 2024, the management had a consultative board meeting regarding the dismissal of the complainant. After a thorough discussion they came up with a unanimous decision and changed the complainant's dismissal to retirement since he was already due for statutory retirement.

On 13 August 2024, the managing director informed the Ombudsman of their decision to retire the complainant instead of dismissing him from the service.

CONCLUSION

The decision of the board of directors and management to retire the complainant was upheld and the matter was resolved.

5.2 UNFAIR TREATMENT

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was appointed as trainee quarter master at in May 2018. In September 2022, he was sponsored by the institution to pursue a Tug mate Training Course at the Regional Maritime University in Ghana. He completed the course in the same year and returned to serve a one-year bond. Upon completion of the bond, he was promoted to assistant quarter master in July 2023.

According to him, throughout his service he was never granted annual leave despite submitting several applications. He was informed that this was due to exigencies of the service.

On 5 December 2023, he tendered both his resignation and a request for leave. His request was subsequently approved on 12 March 2024, with effect from 11 December 2023 to 31 May 2024. He indicated that his accumulated leave would serve as his notice

of resignation. However, despite this approval, his accumulated five months of leave arrears was not paid.

FINDINGS

The complainant's resignation and request for leave were granted. The institution paid him D92,096 representing five months' leave arrears.

CONCLUSION

The complainant confirmed that he was paid D92,096 as settlement for his leave arrears.

COMPLAINT NO:

15/2024

NATURE OF COMPLAINT:

Unfair treatment

COMPLAINT

The complainant alleged that he was enlisted into a security institution on 2 June, 2021. On 18 June 2022 he had a physical fight with a colleague who bit and cut off his left ear. He was rushed to Farafenni Hospital and later referred to Ndeban hospital due to the serious bleeding of his ear.

The complainant alleged that the case was reported to the head of institution and the case file was tendered including all the medical documents for further investigations. On 22 May 2023 he was invited to his institution's headquarters.

Upon arrival at the headquarters, he was informed that the officer in question had brought in D20,000 as a compensation on his assault case which he vehemently refused to receive because the amount he had already spend for his medical treatment was far more than D20,000. Moreover, the doctor's recommendation stipulated that he was supposed to go for overseas treatment which would incur him more money and he had nowhere to get that money from.

The complainant further alleged that after several follow-up with the command for his file to be pushed for action, the case was still pending.

FINDINGS

The same case was also reported to the National Human Rights Commission and both institutions cannot investigate the same complaint.

CONCLUSION

Since the Ombudsman had signed a memorandum of understanding with the National Human Rights Commission, both institutions could not investigate the same case at the same time. The case was therefore discontinued to allow the National Human Right Commission continue with the case.

COMPLAINT NO:

24 /2024

NATURE OF COMPLAINT:

Suspension Without Salary

COMPLAINT

The complainant said that he was employed as a news reporter in July 2020 and posted to the institution's headquarters.

He added that in February 2024, he was issued with a letter conveying management's decision to redeploy him to Central River Region (CRR) as the regional correspondent for a period of two years. He explained that he had written to the director general pleading that he was pursuing an undergraduate degree at University of SUP de CO and also had an underlying health condition that would not permit him to stay in CRR. To his surprise, he was suspended indefinitely without salary.

FINDINGS

The complainant started as an intern before being integrated into the permanent appointment of the public broadcaster.

The complainant's institution had regional correspondents in all the regions who were on rotational postings. When it was time for the CRR correspondent to return to headquarters, the complainant was nominated to replace him but he refused with reasons of being on study and having health complications. He was then suspended indefinitely for not adhering to posting orders and had his salary stopped.

A review of the medical report provided by the complainant showed no indication that he could not be exposed to or live in the weather condition of the region he was posted to. Secondly, his study programme was not officially sanctioned.

CONCLUSION

The complainant had no grounds to refuse the postings order and was advised to honour it. He accepted the postings order and his salary was reinstated.

COMPLAINT NO:

25/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant was enlisted into a security institution. He stated that on 10 March 2023 he was sick and diagnosed with suspicious disc and refract c/o itching. He was referred to Sheikh Zayed Regional Eye Care Centre for review and was granted 48 hours excused duty (ED).

He alleged that he suffered dizziness and could not report to duty at the expiry of his ED. He was given multiple ED whenever he reported for appointment. He resumed duty on 13 March 2023 and found out that his shift was changed from one day standby to two

days. He was marched before the orderly room and charged with disobedience to orders and awarded 7 days confinement to barracks (CB).

He further alleged that he was published AWOL and confined to barracks again from 2 to 15 June 2023. Subsequently his salary was stopped. His efforts to restore his salary proved futile. He was claiming salary arrears from June 2023 to date.

FINDINGS

The complainant reported sick on 10 March 2023 and granted 48 hours excused duty (ED). However, he failed to report to duty after the expiry of his ED and absented himself from work without permission. He was charged with disobedience to orders and awarded 7 days confinement to barracks (CB) as punishment.

The complainant was published absent without leave (AWOL) and eventually his salary was stopped.

CONCLUSION

He was found wanting and discharged under his institution's disciplinary code. The Ombudsman concurred with the decision of the head of institution to discharge the complainant from the service.

COMPLAINT NO: 32/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant alleged that he applied for water-service connection at a public company since November 2023.

In December 2023, a survey was conducted, and he was issued with an invoice amounting to D11,250 which he paid on 29 December 2023.

He further alleged that since then he made several follow-ups for the installation of his water-service connection to no avail.

FINDINGS

The complainant applied for water-service connection at a public company. He was issued with an invoice of D11, 250 which he paid on 29 September 2023.

The company ran out of essential water service connection materials since October 2023 and as such could not proceed with water service installation.

The company informed the public through press release their non-acceptance of water service connections payment until they have the materials in stock in March 2024.

There was no commitment to any specific date for the service connections to be available based on the necessities surrounding water service connection materials.

Moreover, the company stated on 7 March 2024 that considerable time had been spent on identifying competent manufacturers of those meters, adhering to strict standards and regulations, and ensuring full compliance with procurement requirements. They further stated that all these measures involved stakeholders both locally and internationally and as such the process would demand reasonable time for the meters to be processed.

Also, the company apologised to all their customers, especially their prospects, for any inconvenience caused while assuring them that their project (transition Static Ultrasoft Meters) is aimed at increasing efficiency, accuracy and reliability in their water billing and overall management systems.

The complainant was advised to be patient or request refund of his payment.

CONCLUSION

The evidence presented by the company proved the unavailability of water service connection. The complainant was advised to exercise patience until the issue is settled or request full refund.

COMPLAINT NO: 33 /2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was among the successful applicants who had undergone the 12 days' training for the national population and housing census 2024 in one of the regions , and was subsequently posted to another administrative area.

The complainant explained that he guided a cousin of his, during the application process whom he shared his confirmation code with. He said that after his cousin was shortlisted under the region where he (the complainant) was posted, he forgot to delete his (the complainant) details which were stored in his phone gallery. He stated that on the final day of training his cousin mistakenly submitted his code as consequence his details were recorded under Janjanbureh. After numerous efforts by his RCO in Basse his issue was not resolved. He was later posted under Janjanbureh at Sare Ngai Ward.

He added that after the training, he was contacted by his supervisor informing him that he was posted and should report immediately for enumeration. Upon arrival, he was provided with all logistics and immediately started work.

He further said that after working for three days, he was contacted and asked to stop work, return the materials to the supervisor and report to the regional headquarters. He complied. On arrival, he was informed that he had been withdrawn from the census and replaced with another participant.

FINDINGS

The complainant was among participants shortlisted to take part in 12 days' training for the 2024 census enumeration exercise.

After the training, the coordinator was unable to deploy him because his name could not be traced in the registered participants in that region. The RCO, who was contacted confirmed that he was in the original register of shortlisted participants in that region. The RCO tried to deploy him but could not trace his name in any of the classes within the administrative area where the training was conducted.

The complainant was contacted by a supervisor in a different region informing him that he had to report there as one of her enumerators. All logistics required for the exercise were provided to him. He had worked for three days when the RCO of that region recalled him for a discussion.

The RCO informed him that he had realized his inclusion in the training and deployment register when he was neither shortlisted nor trained in that region hence his withdrawal. This was confirmed from a register.

The complainant's cousin, whom the complainant had guided during the application process, was shortlisted and trained in the said region; however, he did not take the test that was required for deployment on the census proper, contrary to the complainant's assertion that his cousin had mistaken his confirmation code which resulted his details being recorded in that administrative area.

The complainant's cousin and two others were unable to take the required test because they could not log in the software system developed for the census. When the relevant department was consulted on this, they noted that the confirmation codes of the affected individuals must have been used to log in by others. Thus, the complainant's cousin and the two others were dropped.

The complainant was paid the three days that he had worked for.

CONCLUSION

The complainant should have lodged his complaint against the office in the region where he attended the training and not against the region where he was called to serve.

As per the register printout obtained, the administrative area shortlisted 503 participants for training and deployed 447 for the census. It was therefore logical to withdraw the complainant for another participant who was shortlisted and trained in that region.

The Ombudsman concurred with the decision to withdraw the complainant.

COMPLAINT NO: 34/2024
NATURE OF COMPLAINT: Claim for Retirement Benefits

COMPLAINT

The complainant stated that he was employed by a public company as a security officer until his retirement on 13 November 2023. Upon receiving his retirement notice, he proceeded to the Social Security and Housing Finance Corporation (SSHFC) to process his pension. However, he was informed that his company had not fulfilled the required payments on his behalf. He further alleged that his company admitted that it was not financially strong to meet all its obligations.

FINDINGS

The complainant was retired from service by effective 11 November 2023. His employers had social security contribution gap and as a consequence caused the delay in the payment of his retirement benefits.

CONCLUSION

The complainant was eventually paid his retirement benefits and pension entitlements. He thanked the Ombudsman for its intervention.

COMPLAINT NO: 39/2024
NATURE OF COMPLAINT: Claiming Retirement Benefits

COMPLAINT

The complainant voluntarily submitted her resignation letter from the services of a public company in her capacity as senior billing manager, dated 27 November 2022. The company acknowledged and accepted the resignation, effective 6 December 2022.

Since her resignation, the complainant had not received her social security retirement benefits despite having served 32 years with the company.

Upon contacting SSHFC regarding her pension entitlements, the complainant was informed that her company needed to settle outstanding financial obligations on her behalf before any entitlement payments could be released. It was revealed that her company had failed to remit the monthly SSHFC contributions from April to December 2022, while she was still in their employment.

The complainant stated that she had contacted the company on several occasions requesting them to settle her social security contributions to no avail.

She expressed deep disappointment and frustration, believing that she had been treated unfairly, as her colleagues who retired after her had already received their benefits.

FINDINGS

The complainant's company had outstanding balances to pay on behalf of nearly all its staff members.

SSHFC and the company had an agreement, allowing it to pay off the outstanding balances by installments. Under this arrangement, the company would submit a list of employees to be settled based on a queue system to determine payment order.

The company made payments and the complainant was included in the list of those to be paid. She was paid all her dues as follows:

- Total benefits payable: D659,980.84
- Liability: D65,286.10
- Pension arrears: D227,804.73 (covering the period from June 2022 to October 2024).

CONCLUSION

The complainant confirmed that she was receiving her monthly pension payments regularly.

COMPLAINT NO:

55 /2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant stated that he started working as unqualified teacher in 1990. He added that while teaching, he got enrolled in the Gambia College and obtained a Primary Teachers' Certificate (PTC) in September 1996. He was then offered another appointment as qualified teacher and also confirmed in appointment in the permanent and pensionable establishment in June 2000.

He further stated that he had worked for more than 20 years but had never been promoted.

FINDINGS

The complainant was appointed as an unqualified teacher in 1990. He obtained a PTC and became a qualified teacher in 1996. He was also confirmed in appointment in the permanent and pensionable establishment.

He never enjoyed any form of promotion in his entire teaching career.

In September 2024, the ministry did a mass promotion of teachers. However, the promotion was to be effective in January 2025 while the complainant was already notified that he was due to retire by end of October 2025.

CONCLUSION

The complainant was due to retire by end of October 2025; the case was discontinued due to lack of merit.

COMPLAINT NO: 57/2024
NATURE OF COMPLAINT : Unlawful Suspension

COMPLAINT

The complainant stated that on 23 October 2024 she received a letter informing her of being suspended from duties from 1 October to 31 December 2024. This was fueled by an incident that had happened. According to her, she took permission from her matron for an engagement in Basse and had made an arrangement with another member of staff to cover her shift on Sunday 6 October 2024. The matron gave her approval.

She also explained that prior to her suspension, she approached her in-charge informing her that she would not be at work on Monday because of some family situation that needed her presence and that she should consider her when making the roster. To her surprise, when the roster was out, she was still assigned on that Monday. She tried to reach out to her but could not. She texted her that she would be coming late. She said she contacted her colleague who intervened and also informed her in-charge about her call and text. The in-charge replied that she saw the text message late.

She stated that she received a letter alleging that she reported to work at 6pm that day which she refuted. She claimed that she reported to work at 4:45pm. She added that she was served with only one warning letter since she was employed in 2021.

She said after the incident she did not respond to the letter to explain the correct scenario since she did not know about any hospital policies regarding such correspondence.

She believed she consistently demonstrated her commitment to patient care in the facility going above and beyond her duties. She thought that the disciplinary action taken against her was based on inaccurate information.

FINDINGS

There was no written documentation to confirm that the complainant was granted permission to proceed on her trip. A duty room officer from whom the complainant obtained permission, confirmed that he gave her a day's permission, but he did so under the assumption that she had already received approval from her department. However,

the departmental matron confirmed that no such permission was granted, nor did she have any communication with the duty room officer on the matter.

The duty room officer failed to verify the complainant's permission status with the appropriate departmental authority before granting her leave. Despite this lapse, he was neither cautioned nor invited to explain his actions. The complainant claimed she never received any warning letters. However, the secretary in the matron's office stated that the complainant was contacted to collect the letters but failed to do so. Only one warning letter was found in her personal file.

The complainant arranged for a nurse from the Internal Medicine Department to cover her duties in the Pediatrics Department without the required approval. The duty room had no record of this arrangement.

The chief matron and departmental matron confirmed that it is against hospital policy for staff from different departments to provide coverage for one another without formal approval. The human resource director also corroborated this, citing it was a breach of standard practice.

Upon discovering the nurse covering for the complainant at the children's ward, the matron immediately sent him away and considered disciplinary action, only to learn that he was off duty. The complainant was reprimanded and reminded of the proper procedures.

In a subsequent incident, the complainant sought permission to attend an upcountry activity. Although the request was denied by the matron (on the instruction of the chief matron), the complainant proceeded regardless. This unauthorized absence formed the basis for her suspension without salary.

The complainant failed to follow proper procedures, such as submitting a formal written request and checking her duty schedule ahead of time. She also provided an incomplete and at times misleading narrative during the investigation. Evidence showed deductions for unauthorized absences, contrary to her claims.

The complainant's actions demonstrated poor judgment and disregard for institutional protocols. Her attempt to arrange departmental coverage informally and travel without official approval amounted to insubordination.

RECOMMENDATIONS

The hospital management should revise its protocol to ensure that all duty room supervisors must verify with the appropriate departmental authorities before granting permission for staff to be absent.

A formal inquiry should be conducted into the duty room officer's actions, and necessary guidance or disciplinary action should be taken to prevent future procedural breaches.

The hospital should urgently improve its documentation and record-keeping systems, particularly the staff attendance register. All registers should be properly bound, dated, and regularly reviewed.

A digitalized leave request system should be developed and implemented to track staff leave requests and approvals more efficiently and transparently.

Orientation and regular refresher training should be provided to all staff on hospital policies.

The HR department should ensure strict compliance with salary deductions in cases of unauthorized absence, in line with the General Orders and internal regulations.

CONCLUSION

The investigation into the conduct of the complainant had uncovered a range of procedural and administrative lapses, both on the part of the individual and the hospital management. While the complainant clearly breached established protocols by failing to seek and obtain proper approval for her absence and arranging unauthorized coverage, the investigation also exposed systemic weaknesses in records-keeping, communication, and supervisory accountability.

To uphold discipline and institutional integrity, the hospital must implement stronger administrative systems and ensure that all staff understand and adhere to established rules and procedures. By addressing these findings and implementing the above recommendations, the hospital could significantly reduce the likelihood of such incidents recurring.

COMPLAINT NO: 61/2024.

NATURE OF COMPLAINT: Claiming Terminal Benefits

COMPLAINT

The complainant stated that he was working with a public authority under. In 2022, they were transferred to a newly created private company. The complainant's service with the public authority was paid but the new company could not incorporate him because of his age.

However, the complainant wanted to have his social security benefit processed. He was 57 years of age which was three years short of the statutory retirement age.

FINDINGS

The complainant worked for a public authority. In 2022 they were transferred to a newly established private company. The new company did not take the service of the

complainant because of his age but he was paid all his services with the public authority amounting to D380,000.

The complainant was informed that he can only receive his social security benefits upon attaining the age of 60. However, he could receive 50% of his benefits if he so desires.

CONCLUSION

The case was discontinued for lack of merit.

COMPLAINT NO: 64/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked at a council for ten years as night watchman. He said he entered into a land transaction with their credit union. He deposited D40, 000 to the credit union and was issued a receipt. According to him after he heard rumours about the union he decided to retract his money. He got his money finally.

He further stated that the issue arose when he realised that D2000 was being deducted from his salary for three months. This accumulated to D6000 which he demanded to be refunded and the deductions to stop since the deal was no longer valid.

CONCLUSION

The complainant was contacted and he confirmed that he was refunded the D6000 and the deductions were stopped.

CHAPTER 6

6.1 CASES REGISTERED AT BRIKAMA REGIONAL OFFICE

COMPLAINT NO: 1/2024
NATURE OF COMPLAINT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he worked for a company from 2007 to 2013. However, he was not into any appointment in 2014. Effective 1 February 2015, he worked as the manager of a radio station until in 2022 when he resigned. Following his resignation, he was appointed by a public broadcaster as a regional correspondent. He added that when he submitted his social security number to his new employer for the continuation of his

contribution, he was told that they were not registered with any of the Social Security and Housing Finance Corporation (SSHFC) schemes.

He further alleged that in 2022, he went to the pension authority to claim his benefits but he was told that he was not qualified until he attained 50 years. When he reached 50 years in January 2023, he went there on the 6 of March to claim his benefit to no avail.

FINDINGS

The complainant worked for a company from 2007 to 2013. With effect from 1 February 2015, he was employed as manager of a radio station until in 2022 when he resigned. In 2022, he was appointed by a national broadcaster as a regional correspondent. The complainant's allegation that his new employer was not registered with any of the SSHFC scheme was false. The broadcaster was registered with SSHFC Federated Pension Scheme (FPS). His claim was rejected on the grounds that he was in active employment and as a result he could not be paid his benefits until he attains the statutory retirement age.

CONCLUSION

The investigation was discontinued on the grounds that the complaint was not made in good faith.

COMPLAINT NO:

2/2024

NATURE OF COMPLAINANT:

Claiming Savings

COMPLAINT

The complainant stated that she opened a savings account with a microfinance institution on 5 August 2002 with a starting capital of D600. As of 26 April 2012, she had a savings balance of D102, 000.

She added that in 2022, she went to the institution's office where she had been depositing her money and was informed that the association had wound up. The following day, she went to the institution's main office and was again informed that it had wound up.

She lamented that she had pursued the matter with various institutions to no avail.

She stated that institution was a registered NGO in The Gambia and functioning as a micro finance institution. She was of the belief that the Central Bank was the oversight

institution assigned the responsibility to monitor and regulate financial institutions; as a result, she was of the conviction that the Central Bank could be in a position to offer redress.

FINDINGS

The complainant had opened a savings account with the said institution in August 2002 with a starting capital of D600. As of 26 April 2012, she had a savings balance of D102,000.

In 2022, she went to the institution's office in to deposit money into her account but was told that the institution had wound up. She further went to the institution's main office and was again informed that it had wound up. She followed up the matter with the relevant authorities to solicit their intervention so that she could be paid her savings to no avail.

It was established by the oversight authority that the clients who were saving with the institution were paid their money. Notwithstanding, it promised to pay the complaint her claimed savings upon the provision of reliable evidence.

CONCLUSION

Having provided proof of liability and proper identification, the complainant was paid her claimed savings of D102,000 on 25 March.

COMPLAINT NO: 3/2024
NATURE OF COMPLAINANT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he was employed by a company in October 1997. However, in 2020, the company closed as a result of an executive directive. He added that while working with the company, he was informed that the company had been paying his social security contribution on his behalf. He added that he was never given his social security number to ascertain his social security contributions.

Since he was unemployed, he claimed his social security benefits for the period he had worked with the company.

FINDINGS

The complainant was employed in October 1997. He was provided with a social security number which was given to his employer and was quoted when remittances were made on his behalf. In 2020, the company was closed due to an executive directive.

CONCLUSION

The complainant was paid his social security benefits amounting to D22, 691. The case was closed accordingly.

COMPLAINT NO: 4/2024
NATURE OF COMPLAINT: Claiming Social Security Benefits

COMPLAINT

The complainant stated that he was appointed by a company in September 2015 and worked there until June 2020 when the company was closed due to an executive directive. Following the closure of the company, the complainant alleged that he went to the pension authority to claim his benefits but was told that he was not qualified. He remarked that he had been relentlessly pursuing his social security benefits to no avail.

FINDINGS

The complainant was appointed by a company in September 2015. He worked with the company until 2020 when it was closed as a result of an executive directive.

The complainant could not be paid his social security benefits because he has not attained the statutory retirement age. The defunct company he had worked for had contributed to SSHFC on his behalf for only 57 months which was less than five years.

According to the policy of the pension authority the complainant was short of three months to be eligible for social security benefits. Since the company that employed him had registered with the National Provident Fund (NPF), the failure to pay his benefits was in line with social security regulation which stipulated that for an employee to benefit from the NPF, his or her employer must contribute for at least five years.

CONCLUSION

The complainant was advised to either take up a new appointment or pay three months contribution to NPF to enable him to be qualified to be paid his benefits.

COMPLAINT NO: 5/2024
NATURE OF COMPLAINT: Claiming Benefits

COMPLAINT

The complainant said he had worked for a company as a volunteer linesman since 1999. When he was appointed in January 2003, he was issued with a social security number. In 2007 he resigned from the company and was enlisted into a security institution. He added that in 2022, he resigned from the said institution and had since been unemployed.

FINDINGS

The complainant worked at the said company as a volunteer linesman since 1999. In January 2003 he was appointed as linesman. In 2007 he resigned from the company and was enlisted into the said security institution where he also resigned in 2022. Following his resignation from, he pursued his social security benefits. However, he could not be paid his benefits because he had worked for less than 5 years with the company which disqualified him to benefit from the National Provident Fund.

CONCLUSION

In view of the above, the investigation was discontinued.

COMPLAINT NO:

6/2024

NATURE OF COMPLAINT:

Abuse of Power

COMPLAINT

The complainant alleged that he was lent a plot of land in Jambur since 2021. While he was planting cassava on the land on 19 August 2024, three people approached him claiming that the said land was sold to them. He then informed them that the plot of land was lent to him.

On 21 August 2024, the same people went back to the land with a trip of sand, gravel and some bricks. Upon their arrival, he denied them entry. Eventually, they called the man who they said had sold them the land. Upon his arrival, the complainant told him that the land was lent to him. This annoyed him, and so he forcefully opened the main gate and enabled them to deposit the sand, gravel and bricks.

On the same day, the complainant was called to report to a police station. Upon arrival at 9 pm, he was detained on the order of the station officer, without any charge preferred on him. On 22 August 2024, when he asked for the charges levelled on him, he was told by a CID officer, that his detention was in connection with a disputed land which he had purchased from someone and sold to another person which was in the courts. At 3 pm, he was bailed by his son upon tendering his passport in addition to paying D1500 to a police officer. He was also obliged to be reporting daily to the station. However, he unavoidably failed to report to the station on 28 August 2024. When he reported on 29 August, he was again detained for some hours for failure to report the previous day.

On 28 August, the complainant reported the matter to a senior officer. The senior officer informed him of his findings from CID officer that the land he sold was undergoing trial at the High Court. He later told him that he was informed by CID officer, that his detention was ordered by the station officer who was on leave and could only give the reasons for his arrest and detention. Few days later, he made findings and was informed that the said station officer was transferred.

He stated that he was detained and charged and was later granted bail on condition of paying D1500 despite his son submitting his passport.

FINDINGS

The complainant was lent a plot of land since 2021. On 21 August 2024, three people went to the said plot of land with a trip of sand, gravel and some bricks claiming the land was sold to them. Upon arrival, they were denied access to the land. When the man who sold them the land came to the site, he forcefully opened the gate and enabled them to offload the trip of sand, gravel and bricks.

On the same day at 8 pm, the complainant was called to report to a police station. Upon arrival at the station at 9 pm, he was detained. His detention was on two counts as follows:

- Count 1 threatening violence contrary to section 84 of the criminal code 2009 Law of The Gambia.
- Count 2, Disobedience of lawful orders contrary to section 116 of the criminal code 2009 Law of The Gambia.

The following day, he was granted bail on the condition of his son's submission of his passport and the payment of D1500 to a CID officer. He was also obliged to be reporting to the station on a daily basis.

However, the complainant's possession of a cutlass and an axe during his resistance to allow them access to the land and refusal to report to the police were chargeable offences. His bail condition of paying D1500 besides his son's submission of a passport was improper and an act of extortion.

RECOMMENDATION

The officer was instructed without delay to return the D1500 taken from the complainant. He was strictly cautioned and obliged to apologize to him which was adhered to.

CONCLUSION

The CID officer refunded the complainant D1500. The complainant was advised to be law abiding.

COMPLAINT NO: 8/2024
NATURE OF COMPLAINT: Abuse of Power

COMPLAINT

The complainant stated that he was a second-hand clothes seller at a market. He alleged that in the evening of 7 November 2024, while he was selling his goods in front of a mosque at a police station, a police officer told him to pack his goods and relocate because people were not allowed to sell in that area. He added that while he was parking his goods, the police officer became impatient and began throwing his goods. When he decried to the officer that throwing his goods was improper, the officer gave a blow on his nose causing severe bleeding. He then arrested him and took him to the police station. Upon arrival at the station, his cautionary statement could not be taken because he was severely bleeding from the nose. Hence, he was escorted to a health centre and further referred to Ndemban Clinic where he was admitted for a night and discharged the following morning. When he resumed selling on 9 November, he was re-arrested and detained.

FINDINGS

The complainant was a second-hand clothes seller at a market. While he was among other sellers selling goods in front of the police station, the said instructed those close to the road to relocate. During this time, the complainant was attending to some customers. This resulted in the officer's attempt to move his goods away which led to their confrontation. In the process, the complainant sustained an injury on his nose.

The complainant was arrested and taken to the police station. Upon arrival, his statement could not be recorded because his nose was severely bleeding. He was escorted to a health centre and further referred to Ndemban Clinic where he was admitted for a night. He was advised to report back to Ndemban Clinic on 11 November for medical check-up.

Following his discharge on 8 November, he resumed business the next day and he was re-arrested by the same officer and two other officers on the order of the station officer on the grounds that he failed to report to the station after his discharge from hospital. Thereafter, he was charged for obstructing an officer while performing official duties.

However, several vendors stated that the complainant was a long-time deportee who had been arrogant towards people in the market. Regardless of his psychosocial condition, the officer could have avoided confrontation with the complainant.

RECOMMENDATION

The station officer was urged to take appropriate action to deter such recurrence. The complainant was also strictly cautioned to comport himself and be respectful to authority.

CONCLUSION

On 5 November 2024, we were informed that the officer was transferred to a police station in the Central River Region.

COMPLAINT NO:

9/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant alleged that she had been operating a shop. On 5 July, 2023, she was issued with an invoice by an area council amounting to D2500 which she paid accordingly. However, on 17 December 2024, she was issued with an invoice by the council amounting to D15000 which she contested. She stated that she complained to the officers concerned that the D15000 invoice was on the high side considering the size of her business and the amount paid the previous year. She expressed that to her dismay even though she tried to explain to the officers that business was not going as they thought, they resorted to closing her business without due process.

FINDINGS

The complainant had been operating a mini market. In 2023 she was charged by the council to pay an annual tax of D2500 which she effected. However, in December 2024

she was issued with an invoice amounting to D15000 by the council. The complainant contested that the amount on the invoice was on the high side considering the amount which was paid the previous year.

Following her complaint, she was advised by the council to comply otherwise her business would be closed down. Eventually, on 16 December 2024, officers from the council closed the shop while her lunch and dinner were kept inside. However, the shop was locked down without the council following due process.

RECOMMENDATION

The council was advised to look into the huge difference between the invoices that were issued in 2023 and 2024 with a view to come up with a reasonable amount to be paid by the complainant without further hitches or delays. They were further advised to reframe from locking shops or businesses without court's order as per the law.

CONCLUSION

With the Ombudsman's intervention on 17 December 2024, the invoice of D15000 was reduced to D5000 which she complied with.

CHAPTER 7

7.1 CASES BROUGHT FORWARD

COMPLAINT NO: 7/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant alleged that the committee of a certain cluster had applied for a groundnut secco since 2022 from the relevant public authority but they were not allocated any. The complainant also stated that they were informed that the authority's position was to only maintain the available secco for the mean time. He further stated that a nearby community was given a secco while their request was still pending.

FINDINGS

The complainant had applied for a secco for their cluster and obtained registration from the department of agriculture. The public authority they applied to grant them the secco was maintaining the available seccos for the time being and will consider providing new seccos in the near future.

The complainant was promised a secco for the 2023 trade season but was not given any due to the fact that the authority was still not ready to establish a secco for them.

CONCLUSION

The investigation was discontinued under section 9(3)(b) of the Ombudsman Act 1997.

COMPLAINT NO: 18/2023
NATURE OF COMPLAINT: Stoppage of Salary

COMPLAINT

The complainants stated that they had been working for a security institution since 2009. They also alleged that their salaries were stopped as a result of a false statement issued by the regional officer in command. The regional officer in command reported that the complainants were nowhere to be found during the systemic nationwide headcount conducted in December 2022.

They further alleged that they were granted pass during the headcount but they reported to work at the expiry of the pass. They added that even with the stoppage of their salaries; they were still reporting to work but the authorities were silent on the matter.

FINDINGS

The complainants were reporting to work regularly but had few misunderstandings with the officer commanding.

The issues mentioned emanated from a nationwide staff audit with a memorandum which was circulated in 2022.

The staff audit and report which were submitted on 12 July 2022, revealed that the complainants were not reporting to work since 26 April 2022. A charge sheet was drafted on 16 September 2022 by the regimental sergeant major (RSM). Based on the recommendation of the head of institution on the charge sheet, the complainants were dismissed on 31 October 2022.

Furthermore, the complainants lodged their complaints for not receiving their salaries from the finance unit but they were informed that the matter was discussed at Core Command Meeting (CCM).

An internal investigation was launched by the head of institution and it was established that the officer commanding had many administrative lapses which resulted to his redeployment. Based on the findings, the complainants' salaries were restored. A letter dated 12 August 2024 requested for the payment of arrears in respect of the two officers.

CONCLUSION

The salaries of the complainants were restored but there were some arrears that needed to be paid. In a meeting held 24 October 2024 between the relevant authority and the Ombudsman, it was recommended that the payments be expedited. In December 2024, the complainants were each paid their arrears amounting to D65,754 and D64,104 respectively.

COMPLAINT NO: 19/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked with a public company since 2007 as a volunteer security guard. He also stated that he volunteered for the company with the hope that he would be employed but this never happened. He further stated that he had written an application to the company as a plumber but this was never considered.

FINDINGS

The complainant lacked formal qualification and skills to be employed as plumber. The complainant was paid honorarium.

CONCLUSION

The complainant was advised to continue working on voluntary basis since he was paid honorarium.

7.2 CASES REGISTERED AT KEREWAN REGIONAL OFFICE IN 2024

COMPLAINT NO : 18/2024
NATURE OF COMPLAINT: Termination of Service

COMPLAINT

The complainants stated that they were employed by a school as security guards on 26 October 2020 and 26 February 2021. They explained that when a new person assumed a leadership position in their school in 2023, he brought changes which contradicted their job descriptions as security guards. The complainants further stated that they had a duty roster which they were satisfied with but the said leader designed a new roster that was not favorable to them but they had no choice.

The problems began when their roles were changed from security guards to care takers. Since this was not in their terms of reference, they refused to comply. They further alleged that they were also denied their annual leave and their salaries were deducted every month without clear reasons. Furthermore, they stated that their September 2024 salaries were not paid.

FINDINGS

The allegations made by the complainants were proven to be false. The complainants were rebellious and refused to execute their duties as expected. On 2 October 2024 their services were terminated.

The complainants were negligent of their duties with a lot of excuses. Subsequently, in a letter dated 25 June 2024, they were warned about their bad behaviour. In another letter dated 24 September 2024 titled “Negligence of Duty-Final Warning”, the complainants were reminded about the staffing arrangements which were scheduled to take effect on 1 November 2024. The series of deductions on the complainants’ salaries were as a result of unauthorized absence from work without explanation.

The school authorities had a series of meetings and gave verbal warnings concerning the complainants’ behaviour but the situation persisted. In a letter dated 29 July 2024 the school authorities recommended for the redeployment of the complainants whose attitudes did not meet the schools’ required standards. The complainants were to be redeployed as caretakers but this would not affect their salaries. They further informed the complainants that those who were not willing to comply with the school authorities were free to leave. On 2 October 2024 the complainants were served with termination letters effective 1 October 2024 for not complying with the school management’s instruction.

RECOMMENDATION

The decision of the school to terminate the complainants’ contract was upheld since they failed to cooperate with the school authorities. It was recommended that the complainants be paid their terminal benefits.

CONCLUSION

The complainants were paid their September 2024 salaries and other benefits. Further engagements with the school authorities led to the reinstatement of one of the complainants.

COMPLAINT NO: 1/2024
NATURE OF COMPLAINT: Corrupt Practice

COMPLAINT

The complainant stated that in 2020 she applied for an electricity meter at a public company. She alleged that the branch manager told her that he would assist in the process when given the cash. The complainant further alleged that she gave the manager an amount of D7000 but was not issued with a receipt. She added that it was in the presence of witnesses and since she knew the manager personally it was not a big issue. The complainant further stated that she had made several efforts to get her meter from the manager to no avail.

The complainant added that due to continuous follow up, the branch manager refunded her D1300 in 2021. Since then neither the meter nor the remaining balance was accessible from the branch manager.

FINDINGS

The branch manager actually collected D7000 from the complainant in 2020 but never provided the said meter to the complainant.

The branch manager refunded an amount of D1300 to the complainant in 2021. The outstanding balance of D5700 should be refunded to the complainant by the branch manager.

A meeting held on 7 February 2024 between the branch manager and the Ombudsman, uncovered that the branch manager actually used the cash for personal purposes. He admitted that what he did was a corrupt practice and pleaded with the Ombudsman to be allowed to refund the money.

In another meeting held on 3 April 2024, the branch manager pleaded with Ombudsman for a payment plan to refund the cash and this was accepted.

CONCLUSION

On the same day, the branch manager made an instalment payment of D3300 and promised to complete the balance by the end of month. On 30 April 2024 the balance of D2400 was paid.

COMPLAINT NO :

11/2024

NATURE OF COMPLAINT:

Abuse of Power

COMPLAINT

The complainant stated that on 25 March 2024 she went to obtain a national identity card but was unsuccessful due to incomplete documents. She stated that she was informed by the officers that her documents were not correct. She added that she was advised to go back to her place of birth and seek for an alkalo's attestation. She further stated that

the alkalo refused to issue her with the said attestation because her father was rude to the alkalo.

FINDINGS

On 26 March 2024 the complainant sought for a birth attestation from the the said alkalo but was denied. The alkalo maintained that the complainant must bring her father's identity card which was not available at the time.

The complainant was a native of the village but married in a nearby village and as such the attestation can only be provided by the alkalo of her village of birth.

It was a requirement to provide one of the parents' documents before obtaining a birth attestation from alkalo.

CONCLUSION

The complainant was issued with the said birth attestation by the alkalo on 27 March 2024 and the alkalo was informed that it is the right of every native of the village to seek for any documentation from their village head.

COMPLAINT NO: 15/2024

NATURE OF COMPLAINT: Abdication of Responsibilities

COMPLAINT

The community lamented that there were burst underground water pipes belonging to a public company. They added that the situation had existed for months without any intervention from the company. They further stated that the situation was making passage very difficult. Besides, they were also worried about the potential health hazards since their water could be contaminated. They further alleged that there were many damaged street taps and water was being wasted during high pressure at night.

FINDINGS

The underground water pipes were exposed due to erosion and as such motorists and pedestrians trampled upon them leading to their damage. Similarly, the street taps were in bad condition and water kept leaking at night when pressure is high.

CONCLUSION

The burst water pipes were repaired by NAWEC on 15 June 2024. The community members later informed the Ombudsman that the street taps had been disconnected by area council in collaboration with the company on 5 August 2024.

COMPLAINT NO : 2/2024

NATURE OF COMPLAINT: Claiming Daily Subsistence Allowance

COMPLAINT

The complainant stated that he was appointed as a scribe by a ministry and posted to a region. He alleged that during the opening of the legal year 24 January 2024 he was in attendance but since then, he had followed up for his daily sustenance allowance (DSA) but was not paid.

FINDINGS

The complainant was not in attendance but was coming from unofficial mission and passed by the event's venue. Based on this he was not considered as an attendee because the event was almost over and the attendance list dated 24 January 2024 was closed without his name.

CONCLUSION

The complainant informed the Ombudsman that he had resigned from his position as court scribe on 28 March 2024. Since the complainant's name was not on the attendance list, the complaint was discontinued under section 9(3)(a) of the Ombudsman act 1997.

COMPLAINT NO : 5/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he went to apply for a biometric identity card. Upon arrival he submitted an alkalo's attestation, his parents' identity cards and his antenatal card. His documents were processed and he was issued with a receipt. He was later asked to collect his ID card few weeks later. Since then, he made several follow ups but to no avail.

FINDINGS

The complainant had applied for a national identity card since November 2023 but had not been issued with an ID card as at February 2024. The reason for the delay was as a result of a technical failure which affected the production of ID cards. He was asked to exercise patience until the system was restored.

CONCLUSION

The complainant was advised to exercise patience since there was a technical failure and maintenance was under way. The complainant was later issued with an ID card.

COMPLAINT NO 6/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that they applied for biometric identity cards. They stated that they submitted their documents to a justice of peace who also stamped them. However,

the complainants were later informed by an immigration officer that they were not qualified to be issued with national identity cards.

FINDINGS

The complainants applied for biometric identity cards in April 2023. It was discovered that their supporting documents did not tally with their birth attestations. As such, the officer in charge informed them that their documents were not in order.

CONCLUSION

The complainants were asked to go back to their village alkalo for the correct attestation that match with their supporting documents. On 6 March 2024 the complainants informed the Ombudsman that they have received their national identity cards.

COMPLAINT NO : 8/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that in 2023, he applied for a national identity card. He further stated that he went through the required procedures and was asked to collect the ID card after four weeks. He added that he was a teacher and posted to Central River Region, and had given her sister the receipt of his application to collect it on his behalf. He stated that his sister was informed that the identity card had been collected by someone else.

The complainant added that he informed the officers that he wanted to reapply for the ID card but they insisted that he could not. He further alleged to have made several follow ups but to no avail.

FINDINGS

The complainant had applied for ID card. It was established that the officers had produced the ID card but it was missing.

RECOMMENDATION

Since the complainant was in possession of his receipt, the Ombudsman recommended that his ID card be reprocessed.

CONCLUSION

The complainant's ID card was reprocessed. He later informed the Ombudsman that he had obtained his national identity card on 12 February 2024.

COMPLAINT NO: 9/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that on 1 January 2024, they applied for their national identity cards. They further stated that they were asked to come back in a month's time to collect their ID cards. The complainants had made several follow ups but to no avail.

FINDINGS

The complainants had passed through the necessary process but the authorities failed to process their ID cards. It was also revealed that the printing machine had a technical failure and as such many ID cards were not processed on time.

Further findings showed the reason for the delay was because the government contract with SEMLEX ended in 2024 and as such, national identity cards were not being printed until further notice. The applicants were advised to keep their receipts for reference.

CONCLUSION

The complainants' national identity cards were processed upon the resumption of printing. They were issued with their ID cards on 31 March 2025.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he went to a public office on 21 December 2023 to apply for national identity card. He stated that his ID card was processed and he was asked to come back in a month's time. He further alleged that when he went back for the identity card, he realized that he was issued with a wrong card. Since then, he made several follow ups for replacement but to no avail.

FINDINGS

The complainant was issued with an ID card bearing his name but the picture and the date of birth were not his. A meeting was held on 7 March 2024 and it was observed that the details on the complainant's identity card were not correct. An officer further stated that the delay in the processing of identity card was as a result of a technical breakdown.

CONCLUSION

The complainant's details were corrected, reprocessed on 7 March 2024 and he was later issued with an ID card.

COMPLAINT NO: 12/2024
NATURE OF COMPLAINT: Abdication of Responsibility

COMPLAINT

The complainant stated that she applied for a scholarship in May 2023 at Yogyakarta University, Indonesia to pursue an undergraduate degree in public administration. She

further stated that she was awarded the scholarship in July 2023 and it covered full tuition fees, stipend and accommodation.

The complainant added that she was given three-month's visa in November 2023 by the government of Indonesia. Furthermore, she stated that she applied for the provision of an air ticket to Indonesia from the ministry but that was delayed until her visa expired.

FINDINGS

The complainant was awarded the scholarship through the ministry to pursue an undergraduate degree in public administration.

The scholarship package did not include an air ticket to Indonesia. The complainant was issued with a visa but she could not purchase an air ticket for herself.

On 2 November 2024 the complainant applied for the provision of an air ticket at the ministry and was informed in January 2024 that approval was granted. She was advised to see the procurement office for the process. After several follow ups, she was later informed that the file was not forwarded to the procurement office.

On 3 April 2024 an officer at the ministry admitted that the complainant had requested financial assistance from ministry. The application was minuted to the training committee but was not handled appropriately. On 3 March 2024, the complainant was informed through the Ombudsman to send in another request indicating the urgency in her case.

CONCLUSION

The complainant was advised to reapply and indicate the urgency of the matter which she did and an air ticket was provided by the ministry in June 2024.

COMPLAINT NO : 14/2024

NATURE OF COMPLAINT: Abuse of Power and Corrupt Practice

COMPLAINT

The complainants stated that two officers from a security institution had been threatening their lives and abusing community members while on patrol. They further alleged that the officers had been disturbing people on horse carts and also passersby, by mounting unauthorized checkpoints at the outskirts of villages. They also stated that the two officers had been accused of being brutal, corrupt, unscrupulous and unethical to the core. The complainants added that the officers were in the habit of extorting money from people.

Furthermore, several border villagers within the border post also lamented over unethical behaviour of the two officers. They had stopped motor cyclists for no reason and also insulted people who tried to correct them.

FINDINGS

It was established that the two officers had embarked upon a self-imposed patrol on 3 June 2024 around 3pm.

On the same day the two officers stopped a Gambian vehicle which had Senegalese businessmen onboard. They extorted money from one of the passengers for being in possession of an expired identity card.

The officers had been threatening the Fulani nomads (Ndureh Nabeh) with their small ruminants along the border of Jokadou with Senegal. The two officers were fond of mounting illegal checkpoints anywhere just for corrupt practices and abuse of power. Most recently, they had stopped a motor cyclist and verbally abused him and wasted his time for no reason.

Further findings established that police officers on border patrol have the right to ask for identity cards for security reasons but not to extort money from them. The ECOWAS protocol guarantees free movement of people and goods across the ECOWAS region.

The two officers had denied some of the allegations but accepted the mounting of illegal checkpoints and vehicle interception.

RECOMMENDATION

In a meeting held on 3 July 2024, the second in command (2IC) and discipline officer (DO) of the camp together with the two alleged officers, were invited by the Ombudsman. The 2IC suggested that the two officers would be stationed at the PIU camp for three months as punishment for their actions.

It was recommended that the two officers desist from such behaviours and be more careful as the villagers were vigilant about their activities. Their duties amongst others includes the protection of life and properties as well as maintenance of peace.

CONCLUSION

The 2IC of the camp apologized on behalf of the two officers and assured the Ombudsman that such unethical approach would not be encouraged. The said officers shall therefore face the consequences of their actions. The villagers were also advised to report any act of corruption or abuse of power by any officer on duty to the Ombudsman.

COMPLAINT NO: 17/2024

NATURE OF COMPLAINT: Stoppage and Deduction of Salary

COMPLAINT

The complainant stated that she was appointed as a cleaner at a school on October 2021. She further stated that the principal of the school verbally threatened to stop her salary because she came late. She alleged that the principal made several advances towards her but she always refused. She further stated that she had not received her salary for the month of August 2024. She added that she was informed that her salary was stopped.

FINDINGS

The principal ordered four days deduction from the complainant's salary on 16 April 2024. The complainant's salary for the month of August 2024 was paid.

A meeting held on 30 October 2024 revealed that the principal of the school had been at fault and the issue was resolved.

The complainant's salary was not blocked rather there was a posting error. Her salary was paid to a different school with the same name in Upper River Region (URR) instead of their school in the North Bank Region.

The deduction on the complainant's salary was as a result of a loan she took at GTUCCU including a one by six deduction.

CONCLUSION

The relevant authorities were informed to transfer the complainant's name and pay roll number from region six to region three as soon as possible. Consequently, the complainant was paid her August and September 2024 salaries as instructed.

COMPLAINT NO :

19/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant stated that she went to a health center on 25 March 2024 to process a birth certificate. The complainant alleged that she was told by the public health officer to bring an alkalo's attestation for her birth registration process. On 5 April 2024 the complainant returned with an attestation from the alkalo together with her mother's identity card but was still denied a birth certificate by the public health officer.

FINDINGS

The scribe to the alkalo committed errors while filling the birth attestation form. The processing of birth certificate requires error free attestation and stamped by both the alkalo and the district chief.

CONCLUSION

The errors were rectified and the complainant was provided with a birth certificate on the 8 May 2024.

COMPLAINT NO : 8 /2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked with an academy since 2010 and was paid a monthly salary of D1800. He further stated that the school had not been paying his social security contributions regularly for the years he had served them. He also stated that in 2021 he made a follow up with Social Security and Housing Finance Corporation (SSHFC) but to no avail.

FINDINGS

The complainant worked as a teacher at an academy since September 2010. The school management had not been paying his social security contributions for the period 2010 – 2021. The complainant is currently in active service and is also working with other schools. His salary was paid over the counter or via GAMPOST services.

In a meeting held on 10 June 2024, the proprietor admitted failure in paying the complainant's contributions. He attributed the failure to financial challenges over the years.

In a letter dated 23 June 2025 the Ombudsman notified the pension authority about the noncompliance of the academy pertaining to the complainant's National Provident Fund contribution. The Ombudsman urged pension authority to compel the academy to pay the arrears owed to the complainant.

A meeting held on 17 October 2025 between the Ombudsman and the pension authority, disclosed that the school proprietor was complying. The school proprietor had been paying contributions since 22 January 2025.

The pension authority showed payment of D10,000 in the account of the academy. The school proprietor started payments of the arrears on installment. A number of receipts showed evidence of payment. As at 11 July 2025, a total of D33,684 was due to the complainant. The complainant's arrears were being paid gradually.

CONCLUSION

The school proprietor was obliged to pay the arrears through a payment plan to clear up the arrears. The complainant informed the Ombudsman that the pension authority had told him that by November 2025, he could have access to 75% of his benefits and would receive the rest upon retirement.

CHAPTER 8

8.1 CASES REGISTERED IN 2024 AT THE MANSAKONO REGIONAL OFFICE

COMPLAINT NO: 4/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complaint stated that his vehicle with registration was impounded by a Senegalese custom officer in October 2023. His brother made follow-up for the release of the vehicle but to no avail. He stated that he approached a commissioner from one of the security institutions in the region, to intervene on their behalf for the release of the said vehicle. The sum of D10,000 was given to facilitate this process, but nothing positive was forthcoming.

Whenever he was asked, he kept on referring them to another day. Since the commissioner could not facilitate the release of the vehicle, they personally went to the Senegalese custom and paid D50,000 and the vehicle was finally released.

The complainant stated that when he approached the said senior security officer commissioner for the refund of the D10,000, he was reluctant.

FINDINGS

The commissioner expressed disappointment with this allegation after all the efforts he made for the release of the said vehicle.

He further stated that the complainant was asked to pay more than the said D50, 000, but because of the mutual relationship between the two security services, they settle matters amicably amongst themselves. He said he engaged the Senegalese security and handed over the D10,000 to the officer commanding for the release of the vehicle .

He stated that all the negotiation were done in the presence of his personal assistant and the driver. He further stated that he used his own resources to secure the release of the vehicle.

CONCLUSION

The case was discontinued for lack of merit.

COMPLAINT NO:

5/2024

NATURE OF COMPLAINT:

Unfair Treatment

COMPLAINT

The complainant stated that they have a baobab tree in their compound. The said baobab was trimmed by a public company because the main high-tension cables passed through it. He stated that the baobab had grown branches which touches the cables of the high tension which causes electrical sparks. He stated that they feared that if the issue was not remedied, it can cause damages. He further stated that a delegation was sent to the company to bring this to their attention but since then no action was taken.

FINDINGS

There was a baobab tree through which the high-tension cables belonging to a public company passed. It was confirmed by shop keepers and residents that occasionally electrical sparks occurred when the branches touched the cables.

On 24 April 2024, the regional officer of the company was contacted to shed light on the matter. He acknowledged receiving complaints from the residents around the said location.

The company annually conducts trimming exercises of branches that pose danger to the communities and the regional officer promised to pursue the matter with the regional director of the company.

CONCLUSION

With the intervention of the Ombudsman the said baobab tree was trimmed.

COMPLAINT NO: 6/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that a month after he was posted to Mansakonko, Lower River Region, his monthly fuel allowance was stopped without any formal notice. He added that his colleagues of the same category at the headquarters who were with private vehicles and also allocated official vehicles, were benefiting from the fuel allowance.

He alleged that he applied for secondment and provided all the required documents for approval but his application was denied while he believed that he had met the criteria for secondment.

FINDINGS

At the time he was stationed at the authority's central office he owned and maintained a private vehicle for official use. He was paid basic car allowance as per section 0701 (1) of the authority's service rules.

However, in October 2023, he was deployed to Mansakonko as the principal regional food inspector and allocated an official vehicle with monthly fuel coupons for official operations. As such, his basic car allowance ceased in conformity with section 0701 (2) of the authority's service rules.

On the secondment issue, a secondment in the authority's service rules, is an arrangement between the authority and an organization approved by the board of directors whereby the employee applying to be seconded is regarded as being on loan. It further highlighted that an employee of the authority shall not be seconded unless he/she fulfills the requirements in section 0214 (b) in which (b) (IV) states that ***"his/her secondment is the subject of a request made to the Authority by an organization or by the employee himself/herself and is supported in writing by the Director General or his/her designate"***.

In this case, he had written through the director general (DG) requesting approval for secondment and by the quoted sub-section, if the DG was to support the approval, he would be required to write in support of the application to the board of directors for approval.

However, the DG had not written any supportive letter to the board for the secondment on the premise that he would not want to lose him to any organization or create a capacity gap if he were to support the secondment application.

CONCLUSION

Having considered all the requirement processes for secondment, the complainant had met all except for the section which needed the DG's support.

In as much as the Ombudsman wants to see that administrative justice is accorded to every public officer in the public sector, the DG could not be forced to support the approval for the secondment for which he alluded that it can create administrative and operational gap.

Therefore, the Ombudsman concurred with the position of the board not to grant him approval for the secondment.

COMPLAINT NO: 7/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he received a letter dated 20 July 2024 from his authorities, captioned "Judicious Utilization of Electricity". He further stated that he was accused of improper usage of electricity at the principal education officer's, (PEO) residence, which resulted to the early exhaustion of electricity units at his residence, regional office and hostel.

He alleged that the early exhaustion of electricity units at the PEO's residence, regional office and hostel was as a result of insufficient electricity units. He stated that he was with the belief that the actual amount of electricity units allocated for these three places was not loaded to the electricity meter which eventually resulted to the early exhaustion of the electricity units.

FINDINGS

The complainant was the second most senior officer next to the director in charge of his ministry's programmes in the region. At the directorate, there was a residence house for PEOs, thus qualifying him to occupy one of the apartments with his family. Also, on humanitarian grounds, the director allowed one of the staff members to occupy the other apartment despite not being a PEO. The two of them were the only occupants at the PEO's residence and of course benefitting from the electricity supply of the complex.

During the duration of his stay, the complainant was never queried about his usage of electricity until in July 2024 when he was written to in a letter dated 20 July 2024 with the caption "Judicious Utilization of Electricity". In the letter, the director was reminding him of the proper utilization of electricity in his accommodation. He also went further to ask him to avoid using official cash power to sell ice block, frequent use of electric iron, iron heaters and making any alteration in any part of the staff quarters. This letter according to our findings was not only issued to him but also to the other officer who was also an occupant at the PEO's residence.

The regional office used cash power to run its affairs with two different cash power meter numbers. Meter No. 0321397182 served the complex of the directorate (i.e.) the offices, PEO's residence and hostel) while meter No. 01312491820 served the director's residence.

The ministry allocated D80,000 worth of cash power to Meter No. (01321397182) and D20,000 worth of cash power to Meter No. (01312491820) on a quarterly basis.

However, in the May 2024 quarterly allocation of cash power, the regional office faced exhaustion of electricity units before the end of the allocated period posing challenges to the daily business of the office but the root cause was yet to be established apart from the problem posed by the old wiring as confirmed by a NAWEC expert. This was what warranted the director to write to both of them.

Our findings also revealed that the complainant ventured into an unprofessional act of using the office electricity for personal business (sales of ice block) for more than a month which was before and during the holy month of Ramadan contrary to his claim that he only did the act during Ramadan.

He installed an iron bar with a bulb visible at his gate using the said electricity without notifying the CEO/director. This act of alteration in a government quarter is contrary to code (11110) of the General Orders of the Gambia, Revised Edition, September 2013 which states that "**No construction or structural alteration to a government quarter may be carried out unless specific approval has been obtained from the CORA. Disregarding this order will be the cost of restoring the building to its original condition**".

His claim that the cause of early exhaustion of cash power at the complex was that they were under supplied, could not be justified. Evidence of vouchers, slips and request letters were made available to the investigation team to confirm. The directorate normally makes a request through the permanent secretary for the ministry to give D80,000 worth of cash power units for office use on meter No. 01321397182 (which is the meter for the complex) and D20,000 worth of cash power units for meter No. 01312491820 (meter for the director's residence). So, the ministry loads this amount to their respective meters and send it to the directorate to enter. This being the case, there is no way the director could have interchanged the amount because he was not dealing with the cash directly.

Finally, his claim that the director accused him in the letter served to him captioned "Judicious Utilization of Electricity" was unfounded. The letter only stressed that he should minimize or avoid the four items stated in the letter since the root cause was yet to be established apart from the one identified by the NAWEC expert.

CONCLUSION

The complainant was advised to reconcile with his director for a more peaceful and friendly working environment for the common good of the institution and the people they were serving. The director too was advised to find the actual cause of the early exhaustion of electricity at the complex and do the needful to avoid future occurrences of such misunderstanding.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Claiming Gratuity

COMPLAINT

The complainant said that he was enlisted into the security institution in August 2006. He served for 18 years. He said that he first served for 12 years and upon completion, he signed for another 6 years which ended in August 2024. Since he had no interest of renewing his contract, he was cleared and discharged on 5 August 2024. He further said that since then, he had been following up on his gratuity but to no avail.

FINDINGS

The complainant was enlisted into the said institution in August 2006. He served for a total number of 18 years. He first served for 12 years and upon completion he signed for another 6 years which ended in August 2024. After his contract ended in August 2024, he had no interest in renewing his service. As a result, he applied for voluntary discharge on 5 August 2024 which was approved after being cleared for any outstanding documentation and liabilities.

After his clearance, he applied for his gratuity and Widows and Orphans Pension Scheme (WOPs) but due to bureaucratic procedures his payment was delayed and as a result he felt aggrieved. The institution has a tripartite process which involved the ex-officer, their finance and Personnel Management Office (PMO) when it comes to the payment of their personnel after discharge. After clearance, the ex-officers should approach the Finance Department in order to fill all the necessary documents for their financial entitlements including WOPs. This sometimes could cause delay in early payment of soldier's benefits after service.

At the time of lodging this complaint (21 October 2024), the process of paying the complainant's gratuity was already ongoing. His file was sent to Treasury for payment and approval was granted since 3 October 2024 for him to be paid his gratuity which amounted to D36, 999.53.

The institution on 23 December 2024 informed the Ombudsman that for the complainant to be paid his WOPs, he had to appear in person to their headquarters and apply for the payment of his WOPs which was in fulfillment of his benefits.

CONCLUSION

When the complainant reported to his institution's headquarters, he was paid his gratuity amounting to D36, 999.53. On 15 April 2025 he was paid D10,264.63 as WOPs benefit.

CHAPTER 9

9.1 CASES REGISTERED IN 2024 THE JANJANBUREH REGIONAL OFFICE

CASE NO: 1/2024

NATURE OF COMPLAINT: Unpaid Gratuity

COMPLAINT

The complainant stated that he worked as chairperson of an area council from 2018 to 2023. He said he made a claim for his gratuity after his term ended in 2023. He further

stated that he had written and made several telephone calls to the chief executive officer (CEO) about his gratuity but to no avail.

FINDINGS

The complainant was appointed in April 2018 as chairperson of the area council and was retired in 2021. He served the council for four years. His letter claiming gratuity was copied to the current chairperson.

The complainant was informed to rewrite and sign the letter, which he did, and the letter was sent to the ministry for approval. After verification by his ministry, approval for the payment of his gratuity amounting to D270,000 was sent to the area council.

CONCLUSIONS

The complainant's gratuity amounting to D270,000, was paid to him in five instalments.

CASE NO: 6/2024

NATURE OF COMPLAINT: Non- Payment of Retirement Benefits

COMPLAINT

The complainant stated that he had been working for an area council as power tiller operator since 1 November 1996. He further stated that he retired eight years ago but could not get his retirement benefits.

FINDINGS

The complainant was appointed as power tiller operator at the said council on 1 November 1996 and retired in 2020. The council's failure to pay his retirement benefits on time was due to lack of proper documentation and computation. The file was rectified with proper documents and forwarded to the audit office for verification.

CONCLUSION

The chief executive officer of the area council paid his retirement benefits in three instalments amounting to D79,575.

COMPLAINT NO: 3/ 2024

NATURE OF COMPLAINT: Non- Payment of Land Compensation

COMPLAINT

The complainants said that their farmlands were used by the government for road construction in the Central River Region. The relevant public authority promised them that they would be compensated by the government. They added that it had been two years and only three had been compensated.

FINDINGS

The authority agreed that they were aware of the road construction in that area, and confirmed that a few individuals were compensated. They further stated that the reason for non-compensation was lack of proper documentations to prove ownership of the farmlands.

CONCLUSION

After submitting all the relevant documentations relating to the farmlands, the complainants were each paid D103, 000 in November 2024 as compensation.

COMPLAINT NO: 4/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his salary was stopped for starting his study program at the University of The Gambia (UTG). He further stated that he was given permission by the principal of the school to pursue his studies.

FINDINGS

The complainant was a teacher at a senior secondary school. He was admitted to the University of The Gambia in 2024 to pursue a BSc degree in Information System. He applied for study leave with salary, however before the Board of Governors of the school looked into his request, he started his program without approval from the authorities.

CONCLUSION

The complainant was advised to follow due procedure.

COMPLAINT NO: 9/2024
NATURE OF COMPLAINT: Low Voltage

COMPLAINT

The complainants stated that they had not had electricity supply due to low voltage coming from their supply pole. They said that they made several complaints to the company but to no avail.

FINDINGS

There was always low voltage in that residential area between the hours of 9pm to 5am. An officer of the company was consulted, he stated that, they were aware of the situation and were working on it. The regional manager of the company further stated that it was not only that village which was affected. Other places were also affected by the same low voltage issue.

CONCLUSION

The company promised to solve the problem when they have new electricity meters.

CONCLUSION

The Governor's office promised to process her late husband's death gratuity.

COMPLAINT NO: 10/2024

NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainants stated that they were appointed as market cleaners at an area council with effect from 15 January 2011. They retired on 31 December 2022 and had since been following their retirement benefits with the chief executive officer but to no avail.

FINDINGS

The complainants were appointed as cleaners at the area council on 15 January 2011. They retired on 31 December 2022 but were not eligible for monthly pension as they both served less than ten years to be eligible for pension.

CONCLUSION

The complainants were each paid gratuity amounting to D18,933 and D15,490 on 27 May 2025 accordingly.

COMPLAINT NO: 13/2024

NATURE OF COMPLAINT: Injustice and Unfair Treatment

COMPLAINT

The complainant stated that he was an employee of an area council. As a result of his sickness, he requested voluntary retirement on 30 November 2017. He further stated that he received his retirement approval in 2020 which was dated 23 April 2019.

FINDINGS

The matter was taken to court in March 2023. The matter was sub judice.

CONCLUSION

The Ombudsman discontinued the case under section 9 (2) (c) of the Ombudsman Act 1997.

COMPLAINT NO: 18 /2024

NATURE OF COMPLAINT: Claiming Professional Allowance

COMPLAINT

The complainant stated that he was an employee of an area council. He further stated that he was a graduate with special skills which qualified him to be paid a professional allowance. He added that he was never paid any professional allowance by the council since he obtained his degree.

FINDINGS

The complainant was not entitled to the IFMIS allowance which was paid to him. The IFMIS allowance was replaced with the professional allowance.

The complainant's pay slips for March and April 2025 were provided as proof that was paid professional allowance.

CONCLUSION

The complainant was being paid professional allowance of D2,125 effective October 2024 as an administrator while IFMIS was paid to those within the accounting cadre.

COMPLAINT NO: 31/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he worked under the ministry as a nursery attendant. In January 2022, he got provisional admission in higher diploma in agriculture from the Gambia College, School of Agriculture. On 22 January 2022, he applied for study leave with salary but approval was not granted.

FINDINGS

The complainant was appointed as nursery attendant by a ministry of on 19 January 2020. He got admission to pursue a higher diploma in agriculture at Gambia College, School of Agriculture. He applied for study leave with salary but approval was not granted. However, he left his post and started his program without approval.

CONCLUSION

The complainant failed to follow due process.

CHAPTER 10

10.1 CASES BROUGHT FORWARD

COMPLAINT NO: 6/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was appointed on 2 April 2013 as field and marketing agent and was posted to the North Bank Region.

Upon completion of his BSc degree in General Agriculture from the University of The Gambia in May 2019, he was promoted as the Regional Coordinator and transferred to Basse, Upper River Region (URR).

He stated that management created a vacant position of monitoring & evaluation (M&E) officer and he decided to apply as the post was within his department/unit as he met the requirements.

He further stated that six months later, he noticed that there was a handpicked recruitment of his colleague without following due administrative protocols.

FINDINGS

The institution had advertised all the vacant positions available at the institution namely director of finance & administration and monitoring & evaluation Officer. The above-mentioned positions were advertised twice in two different newspapers namely Standard and Foroyaa. Thus, the action taken by the institution to advertise the vacant position of M & E officer in these two newspapers disproved the statement made by the complainant that the positions were not advertised.

The statement highlighted in paragraph two of the response letter from the institution that the complainant's application was submitted electronically without the required documents attached was not substantiated.

The complainant's application letter was signed by himself as opposed to the assertion made by the director general during a one-on-one interrogation.

CONCLUSION

The institution had followed due process in the appointment of an M & E Officer. This is justified as minutes of the board meeting convened together with all the payment vouchers and receipts made to both Standard Newspaper and Foroyaa Newspaper were attached in their response letter dated 8 April 2024.

COMPLAINT NO: 11/2023
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was employed in 2017 by an area council as cleaner and posted to the cleansing service. The complainant further stated that sometime in 2022, he had a serious stomachache and was admitted at Bansang hospital. He added that he

underwent a surgical operation and upon being discharged from hospital, he was given excuse duty (ED) for three months to regain his health.

The complainant further stated that when he resumed work, the director of planning verbally redeployed him to the security unit as night watchman. He added that his redeployment was done unlawfully because his initial appointment was not considered and he never opted to become a watchman.

FINDINGS

The complainant was employed in 2017 by the area council as cleaner and posted to the cleansing service.

The complainant's redeployment to the security unit as night watchman was as a result of his health condition and to assign him on light duties as recommended by a medical doctor.

The complainant was unsatisfied and disgruntled as a result of his redeployment to the security unit. Subsequently, he was redeployed to his initial position as cleaner.

CONCLUSION

Since the complainant was redeployed to his initial position as cleaner, the matter was amicably settled.

10.2 CASES REGISTERED AT THE BASSE REGIONAL OFFICE

COMPLAINT NO: 2/2024
NATURE OF COMPLAINT: Corrupt Practices
and Gross Misconduct

COMPLAINT

The Ombudsman received a complaint through a whistleblower that at the health center, nurses and senior health officers were allegedly selling drugs and conducting private consultations to patients in their rooms for personal gains.

FINDINGS

There were staff (midwives) in the facility who were selling drugs and conducting private consultations in their rooms and receiving money from the patients within the health facility.

They had been doing this malpractice in the health center for more than five years. Statements were obtained from them and they all confessed committing the offence. A thorough search was conducted in their rooms and cartons of medical drugs were found in their possession ranging from Paracetamol, Omeprazole, infertility drugs, Cold and Flu, Aspirin 75mg, Diclofenac, anti-biotic tablets, Coartem, Mega-joy condoms, Analgesic spray, pain plaster etc.

The midwives had been warned by the hospital management on several occasions through written memos and verbal engagements. In addition, all nurses and doctors within the region were warned to desist from such malpractices and misconducts.

RECOMMENDATION

The Ombudsman recommended that appropriate disciplinary measures be taken by the administration against the officers concerned.

CONCLUSION

The officers admitted committing the offence. The health sector is a disciplined profession and such undesirable officers should not be entertained within the health sector. The officers were all transferred to different health posts within and outside Upper River Region for effective monitoring/supervision. The officers were given final warning to desist from such malpractices.

COMPLAINT NO: 5/2024

NATURE OF COMPLAINT: Abuse of Power and Discrimination

COMPLAINT

The complainant alleged that he and his family had been unfairly treated and discriminated against by their village alkalo. The complainant further stated that since their father's death in 2017, they faced all forms of discrimination from the alkalo. He said the alkalo excluded his family from any aid or project either from government or non-governmental organisation (NGO) that is meant for all the villagers. A typical example of those projects of which they were denied as beneficiaries are: the RICAR project, the poultry project which was meant for the villagers but was personalized by the alkalo and the Small Ruminant Production Enhancement Project (SRPEP).

Finally, he said that all members of his family who wanted national identity cards after the demise of his father, were denied attestations by the alkalo who would always claim that the stamp was lost but surprisingly, anyone who went to him after the complainant's family, would have his or her attestation stamped and asked to keep the document confidential so that the complainant's family would not know about it.

FINDINGS

The Alkalo stated that the Small Ruminant Production Enhancement Project, Ministry of Agriculture which aimed at providing pasture for the whole community during the dry season, came at a time when the complainant was not in the village. When he came back to the village, he did not consult the alkalo to know what the whole project was about. Instead, he confronted the project coordinator, who told him to join the villagers on work anytime he saw them working there because it was a community project. The Alkalo stressed the fact that the complainant did not deem it necessary to enquire from him about the project thereby belittled him. subsequently, the complainant went about complaining and seeking for support from the community.

The alkalo further stated that the project was for all the villagers including the complainant but since the complainant had no domestic animals, he did not have a share of the feed. Also, on the issue of denial of attestation to the complainant and his family in order to secure national identity cards and birth certificates, the alkalo refuted the allegations asserting that the complainant and his family are Gambians.

CONCLUSION

The alkalo did not deny the complainant pasture. The complainant had no domestic animal; therefore, he could not be a beneficiary to the project.

On the issue of national identification cards, the complainant had no identity card, and his siblings did not have birth certificates because the alkalo denied them attestations. The complainant and his family had been discriminated against or treated unfairly.

RECOMMENDATIONS

The Alkalo was advised to issue the complainant and his family attestations since it is their constitutional right by virtue of being indigenes of the village.

The complainant and his family must benefit from the current projects especially the Small Ruminant Production Enhancement Project should they have any domestic animals. They should as well benefit from subsequent projects meant for the community.

COMPLAINT NO: 7/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that he was a student in Grade 11 (Commerce) at a school. He asserted that the whole issue began when he was in Grade 10. It was when his brother

jokingly told his teacher that he would harm him when the teacher instructed him to tuck in his shirt.

He added that the teacher, during his science period warned his brother never to repeat such statement. However, three weeks later during an assembly session, majority of the teachers were talking about the rude behaviour of the students in his class. Then the teacher also stepped-up and mentioned the incident between him and his brother but he misquoted the boy's original statement when he told the staff and the general student body that the boy said that he would "stab" him instead of "harm" him.

Consequently, the principal was annoyed and instructed all the boys in grade 11 (Commerce) and grade 11 (Arts) to stay after assembly. The principal then asked them to call their parents. When their parents came, the principal and the SMC briefed the parents about the students' misdemeanour. The parents pleaded on behalf of the students however, the principal decided to give them each one-week suspension.

Further, the complainant's shoes were seized by the principal. When he reminded the principal about his shoes, he turned a deaf ear. The complainant then collected the shoes without the principal's notice. The principal later confronted the complainant about what he did but the complainant insisted that he wasn't the one who took them. As a result, the principal said that the complainant should swear by the Holy Quran to prove his innocence .

Furthermore, at the end of one of their physical education (PE) sessions a day before schools closed for second term, the complainant and his friend were sleeping in class when the principal walked in. The principal woke them up and asked if they needed to relax more. The complainant answered in the affirmative thinking that he was asked if he was tired. As a result, the principal sent them home. When schools re-opened for third term, the principal sent him home again. He went to the school with his mother but kept complaining of what the principal was telling his mother. The principal then asked him out of his office. He went to his class but later went home. Consequently, he was suspended indefinitely.

FINDINGS

The complainant used unpleasant words and threatened to harm the science teacher who asked him to tuck in his shirt.

The level of indiscipline of grade 11 (Commerce) and grade11 (Arts) students was quite alarming and they were warned on several occasions. This had compelled the principal to give the complainant an indefinite suspension at the end of second term of 2024 academic year.

The complainant and his parents pleaded with the school principal and his cluster monitor to rescind his suspension as he was supposed to write his grade 11 third term examinations but to no avail.

The principal violated the complainant's right to education as enshrined in section 30 of the constitution of the Gambia 1997 that **“All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right”**.

The regional education director was never informed about the matter until he was notified by Ombudsman. On 14 August 2024 during a telephone conversation between the principal and the regional director, the principal confirmed that he suspended the complainant indefinitely.

The regional director emphasized that the punishment was too harsh and was against the education policy. The education policy 2016-2030 has stipulated in section 3 (1.3) that **“A provision of Responsive, Relevant and Quality Education for All Gambians for Poverty Reduction”**. He further stated that the principal should have given the student an open transfer if he thought that he could not manage the student.

The principal went further to issue a transfer certificate to the complainant, which was back dated to 19 July 2024 and was confirmed by the regional director. The regional director vowed not to take it lightly as the issue of indiscipline must be frowned upon in schools. He stressed the fact that teachers can only teach effectively in a safe and conducive environment.

A meeting was convened on 9 October 2024 at the Regional Education Directorate. During the deliberation, the principal education officer (1) indicated that the school authorities would not condone indiscipline and warned that if any student is found wanting, he or she would be punished accordingly. He confirmed that it was because of this complaint coupled with the unhealthy working relationship between the principal and the community that led to the principal's transfer.

The principal education officer (1) further advised the parents and the community to collaborate with the school administrators to ease the work of teachers. He advised the complainant to be respectful towards his teachers and take his course work seriously.

CONCLUSION

The complainant and his brother apologised to the principal education officer and promised to avoid a recurrence of such behaviour. The apology was accepted and it was agreed that he would be allowed to go back to school.

COMPLAINT NO: 8/2024

NATURE OF COMPLAINT: Unfair Treatment & Corruption

COMPLAINT

The complainant stated that he is a Gambian and a renowned businessman who specialized in the importation of new motorbikes from the Republic of Guinea Conakry. He further stated that he escorted his nephew to Basse District Hospital on 10 August 2024 and parked his motorbike at the allocated parking space for motorcycles. Upon his return he did not find his helmet, consequently he returned home without it.

In the evening, when he was riding his motorbike without wearing a helmet, he was arrested by two police officers who demanded him to pay a fine of D5,000. When he refused, his motorbike was impounded.

FINDINGS

The complainant was not wearing a helmet at the time he was arrested. A police officer spot fined the complainant D4,000 and was waiting for the complainant to pay the fine in order to be issued with a receipt. However, the complainant refused to pay the fine. Section 26C(2) of the Motor Traffic (Amended) Act, 2013 :

(1)“ a person shall not ride a motor cycle or allow himself/herself to be carried on a motor cycle without wearing a crash helmet;

(2) a person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not more than five thousand dalasis and in default, to imprisonment for not less than one month and not more than three months”

CONCLUSION

The officer acted within the framework of the Law when he stopped the complainant for not wearing a helmet while riding a motorbike and as a result, he impounded the motorbike.

Nonetheless, the officer had already prepared a receipt of D4,000, did not fully comply with the Motor Traffic (Amendment) Act, 2013 because it is only the Magistrate who should determine the amount that the complainant should pay, depending on the circumstance surrounding the matter.

The Commissioner of Traffic instructed both officers to cancel the receipt and release his motorbike.

COMPLAINT NO: 9/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his wife and her sister were travelling to Brikama, Kombo to attend a christening ceremony on 18 August 2024. However, they were made to pay visiting permit or laissez passer of D400 each by an immigration officer.

FINDINGS

A meeting with the commissioner of immigration and his senior management team was held at the Immigration headquarters in Basse on 10 October 2024.

During the course of the meeting, the commissioner was shocked upon hearing the allegation made against one of his men because they were often advised to desist from such practices.

The Ombudsman requested for the duty roster to verify the signature of the officer that was appended on the visiting permit or laissez passer on 18 August 2024 at that post. However, the commissioner and his team pleaded with the Ombudsman to be given the opportunity to handle the matter at their level and furnish the office with the outcome of their findings and disciplinary measure taken.

The female officer who was on duty denied taking any money from the complainant's wife and her sister.

CONCLUSION

The commissioner transferred the female officer to another region with immediate effect citing the fact that, this was not the first time such complaints involving the said female officer reached his office .

The Ombudsman admonished the female officer concerned to refrain from such corrupt practices as this could ruin her career.

RECOMMENDATION

The ombudsman recommended to the commissioner and his team to desist from such corrupt practices.

COMPLAINT NO: 10/2024
NATURE OF COMPLAINT: Unfair Treatment

COMPLAINT

The complainant stated that his TVS tricycle (Keke) was impounded by one police officer for not having displayed a number plate. He said that he had applied for a number plate, paid all the necessary documents and was provided with receipts and number 2379 C to be fixed on his "Keke" temporarily. He then tendered his receipts to the officer for clearance as his number plate was yet to be delivered. He stated that he had made several follow ups to no avail.

He further explained that a police officer confirmed his documents were intact and asked him to go to the station to check for his number plate. He said in a bid to negotiate, he offered D500 to one officer, but his offer was declined by his boss who insisted on him paying D10,000 for mandatory fine in respect of motor traffic violation (riding tricycle without a number plate). When he arrived at the police station, he found out that his number plate was ready for delivery.

FINDINGS

The police usually embark on raiding of faulty motor vehicles that ply the roads as required by the motor traffic laws of The Gambia. It was true that the complainant had applied and paid for a number plate.

The number was issued and he was asked to wait for two weeks for the number plate to be printed and delivered to the police station. As the motor traffic act does not permit any person to ply the highway without a number plate affixed, the police allowed him to use a metal plate, print his number and displayed it on his Keke so as to be able to ply while checking on the number plate at the police station from time to time.

The complainant was plying the highway without a number plate displayed on his Keke which contravened the Motor Traffic Act section 25A (2) that **“a person who violated this section commits an offence and is liable on conviction to a fine of not less than ten thousand dalasis and not more than twenty thousand dalasis and in default, to imprisonment for two years with hard labour”**.

In addition, he was not frequently checking on the number plate at the police station which was printed and delivered to the station almost three weeks ago. The complainant was issued with a mandatory fine of D10,000 in respect of the motor traffic violation. The money was to be paid to the bank and should be recorded in a cash book which is subject to audit by the National Audit Office (NAO).

The form bore The Gambia Police Force logo and signed by the officer in charge with a stipulated time frame of two weeks. In default, the complainant shall be summoned to the courts where once convicted, might be fined more than D10,000 and not exceeding D20,000.

CONCLUSION

The complainant was at fault since he was found wanting for violating the Motor Traffic (Amendment) Act 2013. Therefore, the officers acted lawfully in refusing to take bribe and insisted on him paying the mandatory fine of D10,000 within the stipulated time mentioned above.

STATISTICAL APPENDICE

TABLE 1: NUMBER OF CASES REGISTERED AT HEAD OFFICE AND REGIONS IN 2024

CASES REGISTERED BY LOCATION		
LOCATION	NO. OF CASES	PERCENTAGE
HEAD OFFICE	64	48
BRIKAMA	10	8
KEREWAN	19	14
MANSAKONKO	11	8
JANJANGBUREH	18	14
BASSE	11	8
TOTAL	133	100

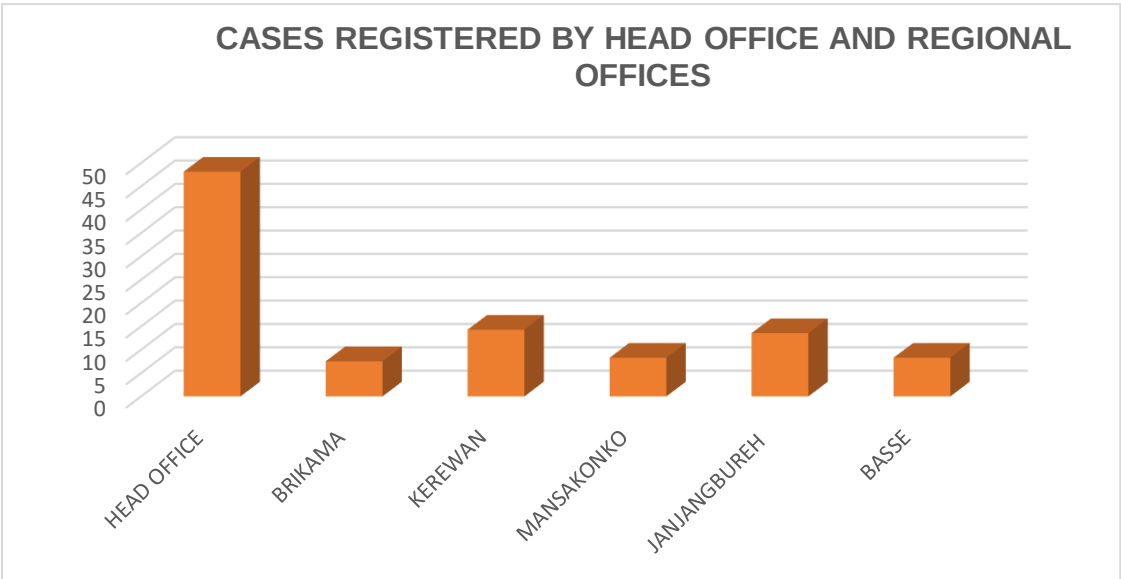


TABLE 2 : PUBLIC SECTOR CASES REGISTERED AT THE HEAD OFFICE IN 2024

AUTHORITY COMPLAINED AGAINST	ABBREVIATION	NUMBER OF COMPLAINT	PERCENTAGE
Gambia Police Force	GPF	8	13
Gambia Prisons Services	GPS	6	9
Gambia Ports Authority	GPA	4	6
Senior Secondary Schools	SSS	3	5
Edward Francis Small Teaching Hospital	EFSTH	3	5
Kanifing Municipal Council	KMC	3	5
President International Aware	PIA	3	5
NAWEC	NAWEC	2	3
Banjul City Council	BCC	2	3
Bundung Maternal Hospital	BMH	2	3
Curator of Intestate Estate	CIE	2	3
Gambia Armed Forces	GAF	2	3
Gamcel	Gamcel	2	3
Gambia Bureau of Statistic	GBos	2	3
Ministry of Basic & Secondary Education	MoBSE	2	3
Personnel Management Office	PMO	2	3
Department of Agriculture	DoA	1	2
Department of Physical Planning	DPP	1	2
Department of Treasury	DoP	1	2
Gambia Standard Bureau	GSB	1	2
Gambia Cooperative Union	GCU	1	2

GIEPA	GIEPA	1	2
Gambia Livestock & Marketing Board	GLMA	1	2
Gambia Immigration Department	GID	1	2
Gambia Radio & Television Service	GRTS	1	2
Ministry of Higher Education Research Science Technology	MoHRST	1	2
National Audit Office	NOA	1	2
NARI	NARI	1	2
State Intelligence Service	SIS	1	2
Social Security and Housing Finance Corporation	SSHFC	1	2
Shiekh Zayed Regional Eye Care Clinic	SZRECC	1	2
USET	USET	1	2
Total		64	100

PUBLIC SECTOR CASES REGISTERED AT THE HEAD OFFICE IN 2024

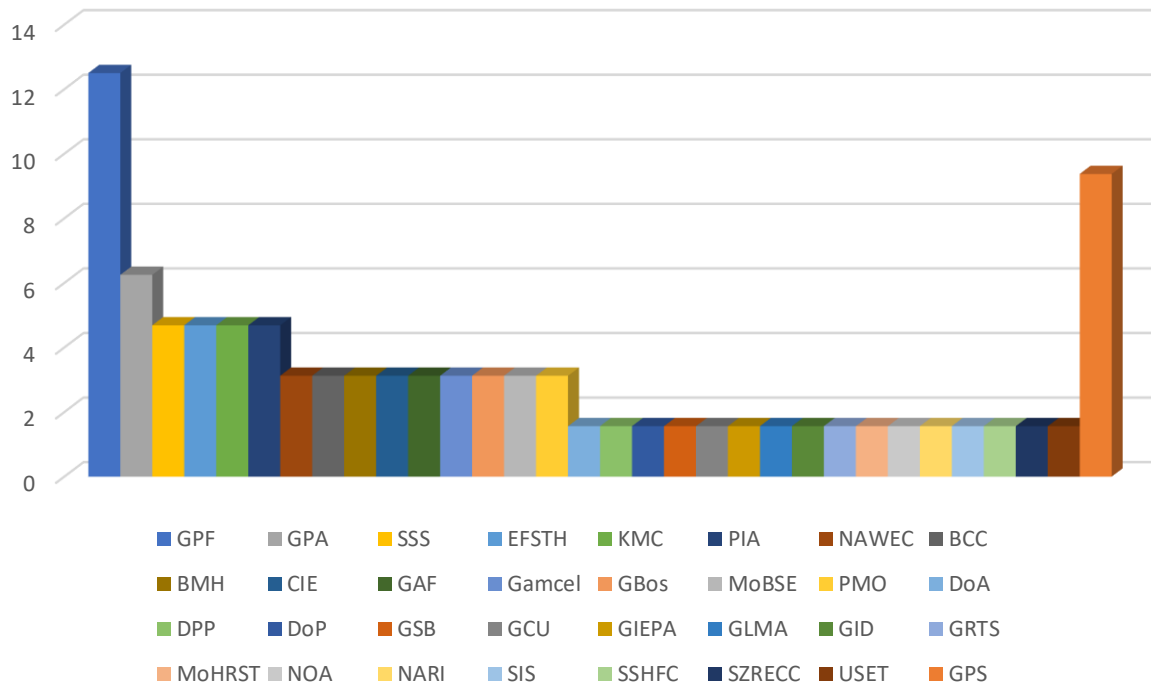


TABLE 3: NATURE COMPLAINTS REGISTERED IN 2024

NATURE OF COMPLAINT	NUMBER OF CASES	PERCENTAGE
Unfair Treatment	26	41
Unfair Dismissal	6	9
Wrongful Termination	6	9
Claiming Salary	4	6
Injustice	2	3
Retirement Benefits	5	8
Redundancy Notice	3	5
Claiming Allowance	2	3
Injury Compensation	2	3
Suspension	2	3
Gratuity	1	2
Leave arrears	1	2
Pensions	1	2
Premature Retirement	1	2
Terminal Benefits	1	2
Unlawful Detention	1	2
TOTAL	64	100

NATURE OF COMPLAINTS REGISTERES IN 2024

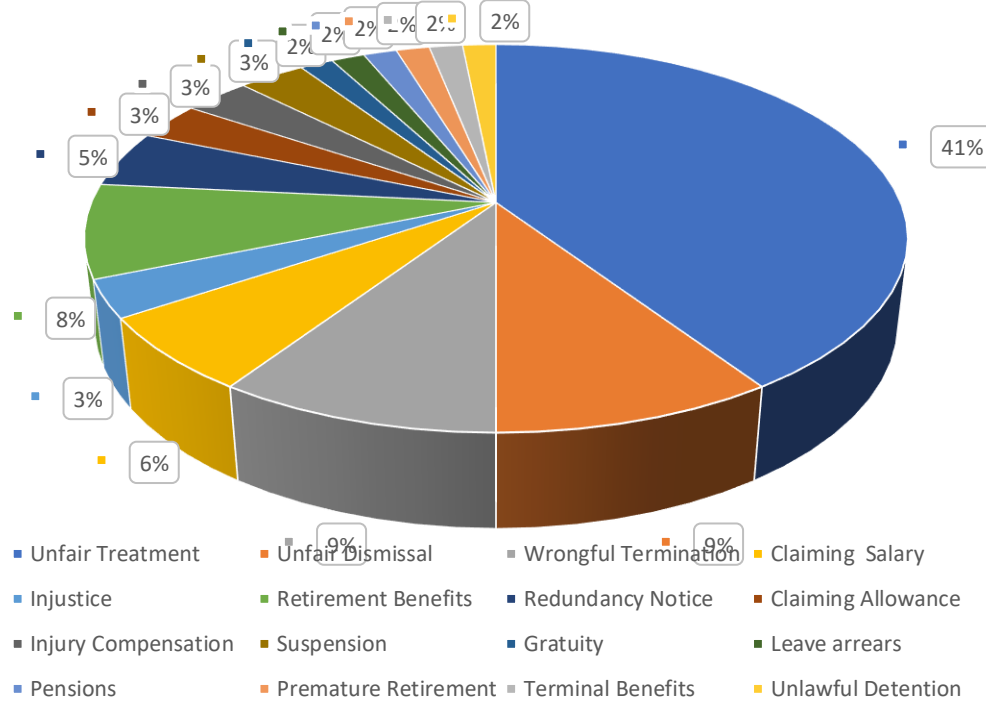


TABLE 4: NATURE OF CLOSURE OF CASES REGISTERED AT HEAD OFFICE IN 2024

NATURE OF CLOSURE	NUMBER OF CASES	PERCENTAGE
Settled	23	36
Decision upheld	15	23
Discontinued for lack of merit	13	20
Pending	13	20
Total	64	100

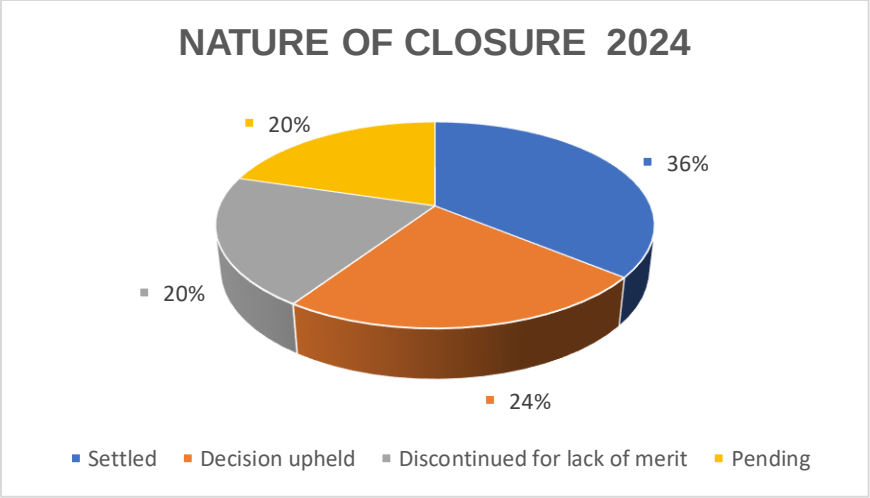


TABLE 5 : SUMMARY OF CASES INVESTIGATED IN 2024

CASE SUMMARY	NUMBER
Brought forward cases in 2023	43
Cases Registered in 2024 at Headquarters & the Regions	133
Total cases investigated in 2024	176
Total cases completed	135
Total cases pending	41

CHAPTER TEN OF THE CONSTITUTION OF THE REPUBLIC OF THE GAMBIA 1997

CHAPTER X THE OMBUDSMAN

- 163. National - Assembly to establish Office of Ombudsman**
- (7) Subject to the provisions of this Constitution, an Act of the National Assembly shall within six months of the coming into force of this Constitution establish the Office of the Ombudsman and provision for his or her functions and duties-
- (a) in the investigation of any action taken by a government department or other authority, or public body, to which the Act applies, being action taken in the exercise of the administrative functions of that department or authority, on a complaint by a member of the public who claims he or she has suffered injustice in consequence of maladministration or mismanagement, or discrimination on any ground set out in Chapter IV, in connection with such action;
 - (b) in the investigation, on his or her own initiative, of allegations of maladministration, mismanagement or discriminatory practices in any government department, authority, or other public body, to which the Act applies; and
 - (c) in the investigation of complaints of any failure to observe the code prescribed in Chapter (XXI) for the conduct of public officers.
- (8) Without prejudice to the generality of subsection (1), an Act of the National Assembly may;
- (a) determine the departments, authorities and other public bodies to which the Act shall apply;
 - (b) determine the actions or classes of action which may be subject to such investigations;
 - (c) determine the departments, authorities, public bodies and actions which shall be excluded from such investigations;
 - (d) determine the procedure to be adopted in any investigation and the powers which may be exercised in the course of such investigation, including the power of the Ombudsman to require persons to furnish documents and other information and to provide evidence, and provide for the right of any department, authority, other public body or person to be heard when its, or his or her, actions are the subject of an investigation;
 - (e) provide for sanctions for the obstruction of the Ombudsman in the exercise of his or her functions or a failure to comply with his or her lawful requirements;

- (f) provide for the making of reports by the Ombudsman, including an annual report to the National Assembly, and reports to the Inspector General of Police in the event of his or her investigations disclosing the commission of a criminal offence or to the Attorney-General in the event of their disclosing any other failure to comply with a provision of law;
- (g) provide for the appointment of one or more Deputy Ombudsman to exercise, under the directions of the Ombudsman, the functions of that office.
- (h) Make such administrative and financial provisions as may be necessary or desirable for the efficient functioning of the Office of Ombudsman.

**164.
Appointment and
tenure of
office of**

Ombudsman

- (1) The President shall appoint an Ombudsman and his or her Deputies in consultation with the Public Service Commission, subject to confirmation of the National assembly within seven days of the presentation of the request.
- (2) In making an appointment under this section, the President shall have regard to the need for persons exercising the functions of Ombudsman to have substantial administrative or professional experience.
- (9) The Office of the Ombudsman and Deputy Ombudsman shall be offices in the public service.
- (10) A person shall not be qualified to hold office as Ombudsman or Deputy Ombudsman if he or she is a Member of the National Assembly, a Secretary of State or State or holds any other public office.
- (11) Subject to this Constitution, an Act of the National Assembly shall prescribe the tenure and terms of service of the Ombudsman and any Deputy Ombudsman.
- (12) An Ombudsman or Deputy Ombudsman may only be removed from office by the President for inability to discharge the functions of his or her office (whether arising from infirmity of mind or body or from any other cause) or for misconduct, and shall not be removed unless the National Assembly has appointed a tribunal to investigate the case and his or her removal has been approved by resolution of the National Assembly supported by the votes of not less than two-thirds

of all the members of the National Assembly. The Ombudsman or a Deputy Ombudsman shall have the right to be heard and to be legally represented before the tribunal.

165.Independence of Ombudsman

- (5) Subject to the provisions of this chapter, in the exercise of his or her functions, the Ombudsman and a Deputy Ombudsman shall not be subject to the direction or control of any person or authority but subject only to the Constitution and the law.
- (2) All departments, authorities and other public bodies which are subject to investigation by the Ombudsman shall accord such assistance as he or she may require for the protection of the independence, dignity and effectiveness of the Ombudsman in the performance of his or her functions.

THE OMBUDSMAN ACT 1997

AN ACT to establish the Office of the Ombudsman and to define and prescribe the powers, duties and functions of the Ombudsman was assented to by the President on 29th September 1997.

ENACTED by the President and the National Assembly of The Gambia.

Short Title

3. This Act may be cited as the Ombudsman Act 1997 and shall come into force on such date as the Secretary of State may by order published in the Gazette appoint.

Establishment

4. (1) There is hereby established the Office of the Ombudsman which shall consist of the Ombudsman and two Deputy Ombudsmen.
- (6) The Ombudsman and Deputy Ombudsmen shall be appointed by the President in consultation with the Public Service Commission and subject to confirmation by the National Assembly.
- (7) The Ombudsman and Deputy Ombudsmen shall be appointed for a period of five years and shall be eligible for re-appointment.
- (4) The Ombudsman and Deputy Ombudsmen shall, before entering upon the duties of office, take an oath of office.
- (5) The Ombudsman and Deputy Ombudsmen shall not hold any other public office.
- (6) The Ombudsman and any Deputy Ombudsman shall constitute a quorum for the purpose of arriving at any decision.

Functions of the Ombudsman

3. (1) In addition to the functions of the Ombudsman under the Constitution, the Ombudsman shall have the following functions -
- b. to investigate complaints of injustice, corruption, abuse of power, maladministration and unfair treatment of any person by a public officer in the exercise of official duties;
- c. to investigate complaints concerning the functioning of the Public Service Commission, the administrative and security organs of the State, the Police Service and Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment to those services or fair administration in relation to those services.

Action or steps to be taken in connection with outcome of inquiry or investigation

(2) The Ombudsman may, where it is considered desirable, investigate into any matter referred to in paragraphs (a) and (b) of subsection (1)

4. (1) The Ombudsman shall after holding any enquiry or investigation
- a) recommend appropriate action or steps to call for or require the remedying correction and reversal of matters or instances specified in section 3 through such means as are fair, proper and effective;
 - b) notify the person who laid the matter before the Ombudsman of the outcome of such inquiry or investigation in such manner and form as the Ombudsman may determine and to such extent as the Ombudsman may deem necessary in the public interest or that the matter shall not be further enquired into or investigated in terms of section 8.

General powers of the Ombudsman

5. (1) For the purposes of performing his or her functions, the Ombudsman shall have the following powers –

- (a) to determine the nature and extent of any inquiry or investigation referred to him or her;
- (b) upon the issue of a warrant under the hand of the Ombudsman to enter at any time any building or premises or any part of any building or premises to make enquiries and put such questions to any person in connection with the matter in question;
- (c) access to all books, vouchers, stamps, securities, equipment, stores and other movable goods in the possession or under the control of any person;
- (d) to request particulars and information from any person;
- (e) to make enquiries into, extracts from or copies of any book, voucher or other document which he or she deem necessary in connection with any inquiry or investigation;
- (f) to seize anything which they deem necessary in connection with an inquiry or investigation.

Power to summon witnesses

6. (1) The Ombudsman shall have the power to summon witnesses and

to examine witnesses under oath.

(2) A summons for the attendance of a witness or the production of documents shall be served in the same manner as if it were a subpoena for the attendance of a witness in court.

(3) The ombudsman may by warrant order the arrest of any person, who after being served with a summons fails to appear before it.

**Orders
Ombudsman**

by 7. Orders, writs and directions issued by the Ombudsman shall have the same force as an order, writ or direction of the High Court.

**Certificate of the
President**

8. (1) Notwithstanding section 5, where the President has certified that the giving of any information, or the production of any document: –

c) might prejudice the security, defence or international relations of the State or the investigation or determination of offences; or

d) might involve the disclosure of the deliberation of the Cabinet or any sub-committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest;

The Ombudsman shall not require the information to be given or the document to be produced.

**Jurisdiction
Ombudsman**

of 9. (1) The Ombudsman shall have jurisdiction to inquire into the conduct of any person to whom this Act applies.

(2) Notwithstanding subsection (1), the Ombudsman shall not have power to question or review –

a) the decision of any court of law or of any judicial officer in the exercise of judicial functions;

b) decisions of any tribunal established by law;

f) any matter which is sub-judice;

g) any matter relating to the exercise of the prerogative of mercy, and

h) any matter relating to the affairs of the President.

(3) (1) The Ombudsman may decide to discontinue an investigation where he or she is satisfied that –

		a) the complaint is trivial, frivolous, vexatious, or not made in good faith; or b) the inquiry would be unnecessary, improper or fruitless. (4) The Ombudsman shall, in any case in which he or she decides to discontinue an investigation, inform the complainant in writing accordingly but shall not be bound to give any reasons.
		22. (1) Every investigation under this Act shall be in camera.
Investigations to be in camera		(8) Notwithstanding subsection (1), the Ombudsman may in the public interest publish his or her findings at the end of an investigation. 23.(1) A complaint under this Act can be made by anybody in any form; provided that where a complaint is made orally it shall be reduced into writing by a member of staff of the Ombudsman.
Provisions relating complaints allegations	to and	(2) Notwithstanding the provisions of any written law, where a prisoner or any other person held in any institution makes an allegation or complaint to the Ombudsman, such allegation or complaint shall not be made through, or subject to the scrutiny of any other person. 24. (1) The procedure for conducting an investigation shall be such as the Ombudsman consider appropriate in the circumstances.
Evidence procedure	and	(2) The Ombudsman may authorise any of his or her staff to exercise any of the powers under section 5. (3) Where the Ombudsman proposes to conduct an investigation, it shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action complained of, an opportunity to comment on any allegation made to him or her. 25.(1) The Ombudsman shall submit to the President a report of every investigation it has conducted which shall contain - (a) a summary of the evidence taken together with the conclusions and recommendations; (b) a statement of any action that has been taken by any person whose conduct is under investigation or by the department or authority of which such person is a member, to correct or
Reports		

ameliorate any conduct, procedure, act or omission that is adversely commented upon in the report;

- (c) where any person has suffered loss or injury as a result of any alleged misconduct, maladministration or abuse of office or authority by any person whose conduct is under investigation, the Ombudsman may in his or her recommendations state that compensation should be paid to the person who has suffered such loss or injury or to any dependent of such person, and shall determine the sum which it recommends as compensation.

26. (1) The President may, on receipt of the report of the Ombudsman on any investigation conducted by him or her, or during the continuance of any such investigation, take such decision in respect of the matter investigated or being investigated into by the Ombudsman as the President deems fit.

**Enforcement and
notification**

- (2) When the Ombudsman receives such decision he or she shall notify the complainant and the person complaint against whom the complaint or allegation was made.

27. (1) The Ombudsman shall submit to the National Assembly an annual report of his or her operations.

**Report
National
Assembly**

to

- (2) The annual report shall be submitted within six months of the following year.
- (3) A report under this section shall not disclose the identity or contain any statement which may point to the identity of any person into whose conduct an investigation is made.

28. The Ombudsman shall employ such staff as he or she shall determine, who shall become public officers.

29. (1) No investigation, proceedings, process or report of the Ombudsman shall be held bad for any error or irregularity of form or be challenged, reviewed, quashed or called into question in any court save on the ground of lack of jurisdiction.

**Staff
Ombudsman**

of

- (2) The High Court shall be the final court of appeal in all matters in which the Ombudsman is a party.

**Finality of
Ombudsman's
acts**

30. (1) No proceedings, civil or criminal, shall lie against any Ombudsman or member of staff of the Ombudsman for anything done in good faith in the course of the exercise of his or her official functions.

(2) Subject to the provisions of this Act, the Ombudsman or member of staff of the office of the Ombudsman shall not be called to give evidence before any court or tribunal in respect of any information received in the exercise of official functions.

**immunity of
Ombudsman and
members of staff
of office of
Ombudsman**

31. (1) All expenditure in connection with the office of the Ombudsman shall be charged on the Consolidated Revenue Fund and shall be paid at the beginning of each financial year.

(2) A person summoned as a witness under this Act may on the order of the Ombudsman be paid such allowance as the Ombudsman may prescribe.

Expenditure

32. (1) If any person who: -

(a) being a witness before the Ombudsman without lawful excuse refuses to be sworn or affirmed, or having been sworn or affirmed refuses to answer fully and satisfactorily any question lawfully put;

(b) having been sworn or affirmed knowingly gives false testimony touching any matter which is material to any question under investigation;

Offences

(c) intentionally insults, interrupts or otherwise obstructs the Ombudsman or member of staff of the Ombudsman in the performance of functions under this Act;

(d) intentionally disobeys any order made under section 6 commits an offence and shall be liable to the same penalty as any person who commits a like offence in relation to a court.

33. (1) The Ombudsman may make rules for the better carrying into effect of this Act and, without prejudice to the generality of the foregoing, for any of the following matters:

(a) prescribing terms in respect of proceedings before the Ombudsman;

(b) prescribing the duties of officers and other persons appointed under this Act; and

(c) prescribing the procedure for conducting investigations.

**Power to make
rules**

Passed in the National Assembly this Fourth day of July, in the year of our Lord one thousand Nine hundred and Ninety-Seven.

D S Njie

Clerk of the National Assembly

