

Composition of the Court

The Criminal Chamber, sitting in a three-judge panel

Offences Charged

Main hearing in the criminal proceeding of the Office of the Attorney General of Switzerland and Private Claimants vs. Ousman SONKO regarding:

- Murder (Art. 112 Swiss Criminal Code [SCC], old version [SCC(old)])
subsidiarily intentional homicide (Art. 111 SCC[old])
in the further alternative intentional homicide as a crime against humanity (Art. 264a (1)(a) SCC)
- Multiple counts of serious assaults (Art. 122 (3) SCC[old])
subsidiarily multiple counts of torture as a crime against humanity (Art. 264a (1)(f) SCC)
- Multiple counts of endangering life (Art. 129 SCC[old])
subsidiarily multiple counts of torture as a crime against humanity (Art. 264a (1)(f) SCC)
- Multiple counts of coercion (Art. 181 SCC[old])
subsidiarily multiple counts of torture as a crime against humanity (Art. 264a (1)(f) SCC)
- Multiple counts of rape (Art. 190 1 SCC[old])
subsidiarily multiple counts of violation of sexual rights by rape as a crime against humanity (Art. 264a (1)(g) SCC)
- Multiple counts of aggravated false imprisonment (Art. 183 (1) in conjunction with Art. 184 (3) and (4) SCC[old])
subsidiarily multiple counts of false imprisonment as a crime against humanity (Art. 264a (1)(d) SCC)
- Multiple counts of intentional homicide as crime against humanity (Art. 264a (1) SCC[old])
in part / subsidiarily intentional failure as a superior to prevent homicide (Art. 264a (1)(a) in conjunction with Art. 264k (1) SCC)
- Multiple counts of torture as a crime against humanity (Art. 264a (1)(f) SCC)
subsidiarily multiple counts of intentional failure as a superior to prevent torture (Art. 264a (1)(f) in conjunction with Art. 264k (1) SCC)
- Multiple counts of false imprisonment as a crime against humanity (Art. 264a (1)(d) SCC)
subsidiarily multiple counts of intentional failure as a superior to prevent false imprisonment (Art. 264a (1)(d) in conjunction with Art. 264k (1) SCC).

Remarks:

Clause 1.3. of charge. In summary the indictment charges Ousman SONKO with having committed various serious offences in the Gambia during the period from 2000 to 2016, acting in part alone, or, in the majority of cases, together with a group of perpetrators comprising the then-President Yahya JAMMEH and leading members of the security forces and prison services of the Gambia. It is alleged that, as part of extensive and systematic attacks on the civilian population of the Gambia, acting in his capacity initially as a member of the army of the Gambia, then as Inspector General of the Police and finally as Minister of the Interior, and acting in part alone, or, in the majority of cases, together with a group of perpetrators, Ousman

SONKO intentionally killed, tortured, raped individuals and unlawfully deprived them of their liberty in a serious manner.

Clause 1.5.1. of charge. Specifically, in January 2000 in Banjul/GMB, in complicity with the group of perpetrators, Ousman SONKO is alleged to have intentionally killed a soldier suspected of having been involved in a coup.

Clause 1.5.2. of charge. The indictment further alleges that, in the aftermath of the killing of the soldier suspected of having been involved in a coup, from January 2000 to around April 2002, Ousman SONKO repeatedly raped the soldier's widow in Tujereng/GMB and in the immediate vicinity of Bakau/GMB. In January 2005, Ousman SONKO is alleged to have raped and also tortured the widow in Banjul/GMB and unlawfully deprived her of her liberty.

Clause 1.5.3. of charge. In connection with a coup attempt in March 2006, the indictment charges Ousman SONKO, in Banjul/GMB and in complicity with the group of perpetrators, with having tortured and unlawfully deprived various persons of their liberty, including members of the armed forces, politicians and journalists, and with having raped one person.

Clause 1.5.4. of charge. In October 2011, in Banjul/GMB, in complicity with the group of perpetrators, Ousman SONKO is alleged to have intentionally killed a former member of the National Assembly.

Clause 1.5.5. of charge. Finally, the indictment charges Ousman SONKO, in connection with a political rally in April 2016 in Banjul/GMB and in complicity with the group of perpetrators, with having tortured several opposition members and with having unlawfully deprived them of their liberty. It is alleged that, in complicity with the group of perpetrators, Ousman SONKO tortured and subsequently killed, in Banjul/GMB, one of the organisers of the rally.