



Generalsekretariat

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The Office of the Attorney General of Switzerland and private claimants against Ousman SONKO (SK.2023.23) – The Criminal Chamber of the Federal Criminal Court convicts the former Gambian Minister of the Interior for crimes against humanity

The Federal Criminal Court's Criminal Chamber has found Ousman SONKO guilty of crimes against humanity and sentenced him to a prison term of 20 years. As the former interior minister of the Gambia, Ousman SONKO, on his level of hierarchy, is the most senior state official to be put before a court and convicted based on universal jurisdiction.

After having been released from his post as the Gambian interior minister in September 2016, Ousman SONKO, who is 55 years of age today, fled to Switzerland where he requested asylum on 10 November 2016. In response to a criminal complaint filed by a non-governmental organization on suspicion of having committed crimes against humanity (acts of torture), he was arrested in Switzerland on 26 January 2017.

The Federal Criminal Court's Criminal Chamber finds that, based on the principle of universal jurisdiction, it is competent to judge – in Switzerland – the crimes committed by the Gambian national Ousman SONKO against the civilian population in the Gambia. Even if some of the charges relate to acts going back to the year 2000, the Criminal Chamber holds that the criminal provisions on crimes against humanity, which entered into force on 1 January 2011, are applicable, given that, at that point in time, the intentional homicides (among them two murders), acts of torture and false imprisonments, were not yet past the statute of limitations.

In summary, the Office of the Attorney General of Switzerland accused Ousman SONKO of having committed various serious crimes, in the years from 2000 to 2016, in the Gambia, acting in some cases alone, but mostly as a member of a group of perpetrators comprising the then-president Yahya JAMMEH and leading members of the security forces and prison services of the Gambia. As part of an widespread and systematic attack on the civilian population of the

Gambia, Ousman SONKO is alleged to have – in his positions initially as a member of the army of the Gambia, then as Inspector General of the Police and finally as Minister of the Interior – acting in part alone, or in the majority of cases together with the above-mentioned group of perpetrators, deliberately killed, tortured, raped and unlawfully deprived individuals of their liberty in a serious manner.

The evidence considered by the Criminal Chamber includes the interrogations of Ousman SONKO as well as numerous statements of witnesses, persons providing information and victims, some of whom travelled to Switzerland while others were examined abroad through mutual legal assistance proceedings. In particular, documents from the Gambia and the final report by the Gambian «Truth, Reconciliation and Reparations Commission» (TRRC)» were also consulted.

In its judgement of 15 May 2024, the Criminal Chamber finds Ousman SONKO guilty of multiple counts of intentional homicide, multiple counts of torture and false imprisonment, each as a crime against humanity. Ousman SONKO was a close confidant of the former Gambian president Yahya JAMMEH, who led a repressive regime in the Gambia from 1994 to 2016. Under the rule of Yahya JAMMEH, political opponents, journalists and suspected coup plotters, in particular, were routinely tortured, executed extrajudicially, arbitrarily arrested and detained and made to disappear. The Criminal Chamber finds that it has been established that in January 2000 in Banjul (the Gambia), Ousman SONKO – in complicity with others – intentionally killed a soldier suspected of a coup. It also finds that it has been proven that – in complicity with others – he tortured army personnel, politicians and journalists and falsely imprisoned them in connection with a failed coup attempt in March 2006 in Banjul and murdered a former member of parliament in October 2011 in Banjul. According to the Criminal Chamber it is further established that Ousman SONKO – in complicity with others – tortured several opposition members in connection with a political rally in April 2016 in Banjul, where one of the organizers of the rally was killed in the torture acts. The torture of the opposition members continued thereafter as they were held under inhumane detention conditions. The Criminal Chambers concludes that Ousman SONKO committed these crimes – the intentional homicides, false imprisonments and tortures – as part of a systematic attack against the civilian population.

Some of the charges, relating to rape as a crime against humanity, are abandoned. In this regard, the Criminal Chamber cannot establish an attack against the civilian population, which means Switzerland does not have criminal jurisdiction.

The Criminal Chamber does not find this to be a particularly serious case of crimes against humanity. Likewise, it does not see it as a less serious case.

The Criminal Chamber sentences Ousman SONKO to a prison term of 20 years. The time he already served in detention for several years now will be taken into account. The statutory maximum penalty is a custodial sentence of 20 years. When determining the sentence, it appeared that the accumulated convictions would have theoretically led to a sentence corresponding to its multiple.

The Criminal Chamber combines the custodial sentence with a 12-year judicial expulsion of Ousman SONKO from Switzerland. He is obliged to pay the private claimants compensation for the non-material pain and suffering they sustained.

This judgment has not become effective yet. The presumption of innocence continues to apply to the accused.

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About the Federal Criminal Court:

The Federal Criminal Court, based in Bellinzona, consists of the Criminal Chamber, the Lower Appeals Chamber and the Higher Appeals Chamber, as well as the General Secretariat.

The Criminal Chamber decides (as a single judge or with three judges) at first instance on the offences listed in articles 23 and 24 of the Swiss Criminal Procedure Code (CrimPC). In addition, it has jurisdiction over certain general criminal law and administrative law matters based on other federal laws.

The Lower Appeals Chamber rules (always in a three-judge composition) on appeals against the procedural acts of the Criminal Chamber, the Federal Criminal Police and the Office of the Attorney General of Switzerland, as well as against certain decisions of the Compulsory Measures Court. In addition, it rules on matters of international mutual assistance in criminal matters and administrative criminal law pursuant to art. 37 para. 2 of the Federal Act on the Organization of Federal Criminal Justice Authorities (CJAA).

The Higher Appeals Chamber decides (always in a three-judge composition) at second instance on appeals against judgments on the merits rendered by the Criminal Chamber. It also decides on applications for review of judgments and decisions of the three courts that have become effective, as well as summary penalty orders of the Office of the Attorney General of Switzerland that have become effective.

<p>Note: The press release is for public and media information. The expressions used may differ from the wording of the judgment. For case law purposes, only the written version of the judgment is authoritative.</p>
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