IN THE COMMISSION OF INQUIRY ISSUED
UNDER THE CONSTITUTION OF THE REPUBLIC OF THE GAMBIA TO INQUIRE
INTO THE FINANCIAL DEALINGS, ASSETS ETC. OF EX-PRESIDENT YAHYA
JAMMEH, FAMILY MEMBERS AND CLOSE ASSOCIATES

DATE: TUESDAY 29TH AUGUST 2017 AT 14:37PM
SUBJECT MATTER: FORMER GNPC MANAGING DIRECTOR
EXPECTED WITNESS: MOMODOU BADJIE FORMER GNPC M.D.

APPEARANCES:
CHAIRMAN TO THE COMMISSION: HONOURABLE SURAHATA B. S. JANNEH
COMMISSIONER: HONOURABLE BAI MASS SAINÉ
COMMISSIONER: HONOURABLE ABIOSSEH GEORGE
SECRETARY TO THE COMMISSION: MR. ALHAJI MAMADI KURANG
COUNSEL TO THE COMMISSION: MRS. AMIE N. D. BENSOUADA
TRANSCRIBER: ADAMA CABALITY
WITNESS SWORN ON THE KORAN AND SPAEKS IN ENGLISH

EVIDENCE OF MOMODOU O.S. BADJIE FORMER MANAGING DIRECTOR OF GNPC

1. MRS. A. BENSOUDA: I call on Mr. Momodou O.S. Badjie Former Managing Director of GNPC (Gambia National Petroleum Company Limited).

2. Q: Can you give your full names to the Commission?
   A: My name is Momodou O.S. Badjie.

3. Q: What does the O.S. stand for?
   A: Ousman and Saruba.

4. Q: Where do you live?

5. Q: What work do you do?
   A: I was the Managing Director of Gambia National Petroleum Cooperation (GNPC) from January 2008 to June 19th 2016.

6. Q: What do you do now?
   A: I was reinstated at GNPC but redeployed to AMRC as the Head of Finance.

7. Q: Before you were Managing Director did you work in any other capacity at GNPC?
   A: Yes, I came back in June again 2017 and end of July 2017 I was redeployed to AMRC.

8. Q: Before you were Managing Director did you work in any other capacity at GNPC?
   A: No, I came in as Acting Managing Director in 2008.

9. Q: Where were, you working before?
   A: I worked at various places, I was Director of Finance at the NRA before coming to GNPC.

10. Q: What is NRA?
26. Q: Before that did you work in the Public Service?
27. A: I worked with GAMTEL and also IBC.
28. Q: You worked with GAMTEL during what period?
30. Q: In what capacity?
31. A: My last position was Senior Internal Auditor.
32. Q: Did you work in any other area in the public service other than GAMTEL and NRA?
33. A: Not in the Public Service but the private sector.
34. Q: We are only interested in your Public Service. What is GNPC (Gambia National Petroleum Company Ltd)?
35. A: It was a limited company before but after it was changed to Cooperation in 2014 when the Act was passed.
36. Q: It is a Public Enterprise?
37. A: Yes.
38. Q: Wholly owned by the government and the public institutions?
39. A: No, wholly owned by government.
40. MRS. A. BENSOUDA: At some staged.
41. Q: I will show you this document which purports to be a Memorandum and Article of association of GNPC; can you confirm that it is?
42. (Document shown to the witness).
43. A: Yes, I saw this document but this never took off.
44. Q: Was it registered as a Company before it became a Cooperation?
45. A: Yes, it was registered as a Company but the companies here never contributed anything.
46. Q: It was registered with them as Shareholders but they never contributed anything?
47. A: Yes.
Q: Is that a copy of what was registered?
A: Yes.

MRS. A. BENSOUDA: I am applying to have it admitted.


MRS. A. BENSOUDA: Mr. Chairman what does S and C stands for?
THE CHAIRMAN: It is a notation for State Cooperation.

MRS. A. BENSOUDA: Thank you.

Q: Mr. Badjie this Commission is inquiring into the application of resources from Public institutions with the involvement of the former government under Ex-President Jammeh. During the period you served as head of GNPC was there any involvement whether directly or indirectly by Ex-President Jammeh in the application of your resources?
A: Yes, we had directives.

Q: Can you tell us about the directives?
A: When I came in, I took over some liabilities which were from the government institutions like PEGEP, Kanilai Family Farms, Jammeh Foundations and Office of the President. They were loans given to them which actually are outstanding in our books.

Q: Can you take them one by one and tell us what these loans were, these are legacy issues and you took them over?
A: Yes, I took these ones over. There was one for October 2006 which was US$45,300 (Forty-Five Thousand Three Hundred Dollars) to PEGEP.

Q: For who?
A: It was for PEGEP.

Q: What does PEGEP stand for?
A: I forget.

Q: Is it different from the President’s empowerment something?
A: Yes, it is the President’s Empowerment for Girls Education Project (PEGEP)

Q: So, there was a loan of US$45,000 outstanding?

A: Yes.

Q: What documents were you looking at?

A: I am looking at the document dated October 2006 Ref: GP001OA-171006-01.

Q: Is it a letter?

A: Yes, that is the letter which was written to the Bank for the transfer.

Q: Which bank?

A: Trust Bank.

Q: Give us details Mr. Badjie to transfer what?

A: To transfer US$45,300 to PEGEP and the account number for PEGEP is 12010747401.

Q: Can you hand over the documents to the Commission. You can go through your

A: The other one was also to PEGEP payment of cash US$1,000,000 (One Million

US Dollars).

Q: What date and which bank?


Q: What is the document you are looking at?

A: It is a letter dated 25th October 2006 and the reference is GP001OA25100601

addressed to Trust Bank and this was cash payment.

Q: Cash payment to whom?

A: It was received by one Omar Gibba but for PEGEP.

Q: Omar Gibba was working where?

A: He was working at the Office of the President.

Q: Do you know in which capacity he was working?

A: I don’t know exactly but at one time he was the Chief of Protocol or Assistant Chief of
Protocol, something like that.

Q: From which Bank Account was the amount paid?
A: This was Trust Bank.

Q: What was the date of received?
A: 25th of October 2006. There was also another loan to Office of the President for US$20,000 (Twenty Thousand Dollars).

Q: What was the date received?
A: 25th of October 2006. There was also another loan to Office of the President for US$20,000 (Twenty Thousand Dollars).

Q: What document do you have for this?
A: I am reading the letter from Office of the President to the Managing Direction Gambian National Petroleum Cooperation, it was signed by O. Jammeh, I think it is Ousman Jammeh the then Secretary General.

Q: Was the loan given?
A: Yes, it was given.

Q: From which bank?
A: Trust Bank.

Q: What was the date?
A: The letter was dated 12th December 2006 and the reference is GP001OA121206O1

Q: Can you hand over the document so that we can get to the next one?
A: (document handed over)

Q: There was also a loan to the Office of the President for US$303,000 (Three Hundred and Three Thousand USDollars).

Q: To be paid to whom?
A: This was to be paid to HOBO Entertainment.

Q: Where?
A: Is Calabasas, California.

Q: To what account number?
A: The account number is 3879861916.
7

129. Q: What bank?
130. A: **Wellsfargo Bank.**
131. Q: What address?
132. A: It is also Calabasas, California.
133. Q: Do you know what the purpose was?
134. A: No, I don’t know.
135. Q: But the loan was given?
136. A: Yes.
137. Q: And the money was transferred to this accounts, **US$303, 000**?
138. A: Yes, and in April 2012, there was a request for a loan for the Rehabilitation of Prisons.
139. Q: Where was it paid?
140. A: It was paid to the Secretary General, Office of the President.
141. Q: Which Secretary General?
142. A: Njogu. L. Bah
143. Q: How much?
144. A: **D10, 000, 000.00** (Ten Million Dalasis).
145. Q: Into which account was it paid?
146. A: This was by cheque but I don’t have the attachment here.
147. Q: You will have to check it. What is the date?
148. A: The letter from the Office of the President was dated 5th of April, 2012.
149. Q: Can you hand it over? This was after you had taken office?
150. A: Yes, it was during my time.
151. Q: Can you have over the document? Is that all you have up to 2010?
152. A: Yes, that is what we have for 2010.
153. Q: Do you have a transaction relating to Air tickets?
154. A: No, I do not have those.
Q: During the period that you were there apart from these D10,000,000.00 loan for Prison renovation, was there any other directives?
A: Yes.

Q: Going back to the prison renovation do you know whether the money was spent on the Prisons?
A: No, I do not know.

Q: Do you know who was the Director of Prisons at that time?
A: I can’t remember.

Q: Did you deal with the Prisons at all in respect of this money?
A: No, we just drew the cheque and gave it to the Secretary General, that is all we did.

Q: Let’s move on to the other Directives you said you received?
A: Around the 6th of August, 2013 we received a directive to pay to the Office of the President a sum of US$500,000.00 (Five Hundred Thousand Dollars) but in two - US$250,000.00 (Two Hundred and Fifty Thousand Dollars) in cash and the other one equivalent in Dalasi.

The payment was US$243,243.25 (Two Hundred and Forty-Three Thousand Two Hundred and Forty-Three and Twenty-Five) and was converted to Dalasi was paid to the Office of the President. It was handed over to the Secretary General by then Mr. Sabally.

Q: Mr. Momodou Sabally?
A: Yes.

Q: From which bank was this paid?
A: The US$243,243.25 was from Skye Bank and the withdrawal of cash of US$150,000 also, Skye Bank and US$100,000 form Access Bank making it US$250,000.00 was withdrawn and given to the Secretary General then Mr. Sabally.

MRS A. BENSOUDA: Can we have the Bank Statements Skye Bank that was tendered this morning, BB48 to 52. Can I have them I don’t need the Bank Statement for the dalasi account just the dollar account. The US$243,243.25 should reflect in the Skye Bank account?
A: Yes, the Skye Bank Dollar account but it was converted to dalasi which was around D₉, 000, 000 (Nine Million).

Q: When it was converted was it paid into any account?

A: No, the cash was taken to the Office of the President.

Q: Who withdrew the cash?

A: The name on the letter is Medoune but I signed it with Medoune.

Q: What is Medoune second name?

A: Medoune Sanyang.

Q: Who took it to the Office of the President?

A: Myself and Medoune.

Q: You went together to the office of the president?

A: Yes.

Q: And who did you hand the money over to?

A: We handed over the money to the Secretary General Momodou Sabally and Nuha Touray.

Q: Nuha Touray?

A: Yes, they were who the present confirm.

Q: Did they issue a receipt for it?

A: That was the Accountant’s responsibility but they signed for it.

Q: Do you have the document that they signed here?

A: No, I do not have it.

Q: Should it be in the office at GNPC?

A: It should be there but as we were not in the office for almost a year and they have moved offices. We had some problems when I went back to find some document so I don’t know whether it will be available.

MRS. A. BENSOUDA: Can you give this document to the witness.
107. Q: What date was the transaction of the US$243, 243. 25?
109. Q: Can you look at BB52 and identify the transaction?
110. MRS. A. BENSOUDA: You are highlighting it?
111. A: Yes, the two transaction.
112. MRS. A. BENSOUDA: You can highlight it, but can you just hold onto that on the side and hand
113. over the document that you were referring to on the US$243, 243. Now let us go on to the next
114. transaction but you can keep exhibit BB52 beside you so that if you need to identify any
115. transactions you can do it.
116. (Document handed over to the witness)
117. A: This is US$150, 000 and the US$243, 243 also has already been identify.
118. Q: Was that the only directive you received?
119. A: Yes, for these transactions and the US$150, 000 on the Access Account.
120. Q: And that was it, you never received any other directives from the Office of the Preside
121. nt?
122. A: The next thing we received was change of signature.
123. Q: Can you tell us about it, what happened?
124. A: We once wrote to the office of the President to request for the funds that we received i.e.
125. the Rentals, the Bonus and the Sale of Data to give us approvals for us to recognized it as a
126. Grant but what came out was they decided that they have to take over everything from us and
127. asked us to, in fact before that I was asked to write a comprehensive statement of all monies
128. collected from 2010 to date.
129. Q: Who asked you to write?
130. A: The Office of the President.
131. Q: They wrote to you?
132. A: Yes, they wrote to us.
133. Q: What is the date of that letter?
A: The letter was dated 30th July 2013.

Q: And what do they want, can you repeat what you said?

A: The letter was saying; “Your letter reference GNPC 101230713/118 of 23rd July 2013.

The above caption was brought to the attention of His Excellency the President of the Republic who has noted its concern. However, His Excellency has directed that you provide a comprehensive statement of Account of all monies collected before 16:00hrs Wednesday 31st July 2013 without fail. Furthermore, all payments made by Oil Companies from 2010 to date must also be accounted for without fail. All such funds should be transferred from GNPC Account to MOP Account at the Central Bank details of the Account will submitted to you soon.”

Q: The letter that is quoted, which is from you dated 23rd July 2013, do you have it there?

A: Yes.

Q: What were you asking for in that letter of 23rd July?

A: The one we wrote for ourselves was asking for them to allow us recognizes this as a Grant to all the funds that we received.

Q: From the different Oil Companies?

A: Yes, from the Oil Companies.

Q: Can you explain what funds GNPC receives from Oil Companies?

A: GNPC receive Rentals that is surface rentals on yearly basis. Each licensee would have to pay a Rental fee for the area that they have licensed.

Q: You issued licenses to prospecting Oil Companies?

A: Yes.

Q: Those who want to prospect for Oil in the Gambia?

A: Yes, in the Gambia.

Q: So, the licenses specifies that they have to pay surface rental?

A: Yes, they specify that-- depending in what was negotiated and agreed that they have to
pay surface rental on a yearly basis. It is from this funds that we - -

Q: Only surface rental?

A: Surface rentals and also sale of data, the data is the **Size-Mic data** that is processed,

which the Oil Companies would buy. We had a data that is owned by Gambia at one time and this
data whenever a Company wants to buy they have to paid a certain amount to be able to access
that data. The other one is **Multi-Client** where companies would come to the country and would
ask the **Ministry** that they want to do **Size-Mic** and without any cost to the Gambian government.

When they do the **Size-Mic** and they are selling the data we will have a percentage of that
revenue until they recover the cost. When they recover the cost, government would have more.

In the beginning, most of the time is **20/80** but when they recover, it becomes **60/40** or **80/20** for
the government that is sale of data and also **Bonus**. When the government negotiates any license
before the license is sign they will ask for a **Bonus**, the bonus depends on what was agreed
during the negotiation. Some would go up to, I think one of them went up to **5million** that is
**Africa Petroleum** --- before but some of them less than **5million**, depending on what you
negotiate.

Q: So as at the date of this letter the Company had received by way of revenue all these
lines of revenue?

A: On a yearly basis, we receive the Rentals and the Data sales is as per when it is sold.

Q: When you wrote that letter what did you want? Where did you lodged these monies that
You received yearly?

A: We had Accounts anyway not one Accounts, we have Accounts with most of the Banks,

**Trust Bank, Standard Chartered Bank, Skye Bank** also **Access Bank** and **GT Bank**. So, we
will decide into with Account it goes depending on what agreement we have with the Bank
Because it was on a Business basis.

Q: So, when you wrote the letter of 23rd July 2013, what did you actually want for the
President to approve?
What we wanted is we are looking for at least something to save us from Tax element. And we wanted it to be treated as a Grant not as a revenue for us because the monies is for Government but government allowed us to used it. We wanted it to be treated as a Grant so that we will not be taxed that was the idea but unfortunately it turned otherwise.

Q: So, you wrote that letter?
A: Yes.

Q: And you got the reply that you should account for everything?
A: Yes.

Q: So what happened after that?
A: We accounted for everything that we did including the stations that we built.

Q: How many stations did you build?
A: We built Nine (9) stations from 2009 to 2013 across the Country.

Q: Nine (9) Filling Stations?
A: Yes. The Petroleum House was funded also from these funds and also from the Investments that we have.

Q: The Petroleum House at Brusubi?
A: Yes.

Q: GNPC built it from its own resources?
A: Yes, we built it from these resources that we were managing.

MRS. A. BENSOUDA: We will come back to your investments on this.

Q: Then what happened did you accounted to the Office of the President do you have the letters you wrote in reply?
A: Yes, we have the letter were we stated a comprehensive list of what we have done and also a breakdown of all the revenues that we received after Petroleum and Oranto and Camac also on data sales which totaled to about 16,531,001.79 (Sixteen Million, Five Hundred and Thirty-One Thousand and One and Seventy-Nine).
311. Q: US Dollars?
312. A: Yes.
314. Q: As at the date of the letter did you have any cash balances?
315. A: Yes.
316. Q: How much was it?
317. A: After the construction works and other things we had a US$ accounts in Trust Bank we had about **$341,265.18** (Three Hundred and Forty-One Thousand, Two Hundred and Sixty-Five Dollars and Eighteen Cents); **Standard Chartered** we had **$11,537.14** (Eleven Thousand Five Hundred and Thirty-Seven Dollars and Fourteen Cents); **Guaranty Trust Bank** we had **$1,348,631.88** (One Million, Three Hundred and Forty-Eight Thousand, Six Hundred and Thirty-One Dollars and Eighty-Eight Cents); **Skye Bank** we had **$5,259,053.78** (Five Million Two Hundred and Fifty-Nine Thousand, Fifty-Three Dollars and Seventy-Eight Cents) - -
318. Q: These are dollars?
319. A: Yes, these are all dollars. And **Access Bank** we have our **$419,226.95** (Four Hundred and Nineteen Thousand, Two Hundred and Twenty-Six Dollars and Ninety-Five Cents) which total to **$7,379,714.93** (Seven Million, Three Hundred and Seventy-Nine Thousand, Seven Hundred and Fourteen Dollars and Ninety-Three Cents).
320. Q: So, you submitted these to the Office of the President?
321. A: Yes.
322. MRS. A. BENSOUDA: Can you hand over if you are not using---.
323. Q: What happened when you submitted this report?
324. A: This was 31st July but after that transaction that we did for the **US$250,000** and the **US$243,000** we got a Directive to advise the Bank for change of signature that we should no longer be signatories to these Accounts.
325. Q: Change of signatories to all your Accounts?
A: Yes, all our Dollar Accounts where we had these Rentals and Data Sales and Bonus.

Q: Basically, where you had the 7 million, the Signatories to all those Accounts were Changed?

A: Yes.

Q: Who became Signatories to the Accounts?

A: According to the letter we got and in fact the letter we wrote also is for Sheik Professor Alhaji Dr. Yahya AJJ Jammeh and Momodou Sabally were to be signatories, that was the directive we got.

Q: You wrote to the bank as the signatories?

A: Yes.

Q: You and who?

A: Myself and Medoune who is the Finance Director.

Q: Thereafter did you know anything about these Accounts?

A: No, but because the Accounts were with us and they will know all the transactions but since the Accounts are in our books we will see the transactions later but at the end of the day we decided that those transactions should be written off because we do not know what they were used for.

Q: The US$243, 343. 35 you saying that is the last transaction you effected yourself and Medoune?

A: Yes, according to the directives.

Q: After they had taken over the Accounts did any of your revenue continue to go into the Accounts?

A: Yes, because we had no control over those revenues coming in at the end they have to go there.

Q: All the Rentals went into that Account?

A: Yes, all the Rentals, Bonus and everything of those monies went into those Accounts.
Q: What Money did you have left for Operation?
A: We had the Dalasi Accounts and then after we had a facility with IDB and we decided to open also other Dollar Accounts for our operations.
Q: You had to take a loan facility to continue?
A: Yes, the facility with IDB was government guaranteed facility which we used to buy fuel for NAWEC and for our own Petroleum problems.
Q: Fuel for NAWEC and?
A: Our own business.
Q: To the best of your knowledge do you know how much went into the account, we know that you handed over about US$7.3 million that was what was left in those accounts?
A: Yes.
Q: Apart from that in terms of Rentals do you know what went into the Account between the period you were MD and when you left in 2016?
A: I don’t exactly what went there but I know some monies went there. But I can’t tell the actual figure.
Q: You cannot tell now?
A: Yes.
MRS. A. BENSOUDA: Well we will call Finance to confirm these Accounts.
A: Yes.
Q: I would like you to take a look at the exhibits BB52, this is a statement of account from Skye Bank and GT Bank is, ok let’s put in these documents first.
MRS. A. BENSOUDA: Mr. Chairman I am applying to put in the documents submitted by the Witness with regards to the GNPC, in respect of Executive Directives.
THE CHAIRMAN: Financial Activities in respect of GNPC for the period 17th October 2006 to 13th August 2013 covering Transfers, Cash withdrawals, loan to PEGEP, Prison Rehabilitation, Foreign Currency, Sale and withdrawals concerning various Gambian Banks
in a bundle, admitted, marked SC2.

MRS. A. BENSOUDA: Thank you Mr. Chairman.

Q: Mr. Badjie can you go through that statement BB52 and confirm whether after the signatories to the account changed any money was spent on GNPC. The Bank Statement of Skye Bank?

A: After the Directive, transaction that we did there were other transaction which were not done by us because by then our signatories have already been removed from the Bank.

Q: I understand, my question is they had taken over the operation of the Account was any Money in the account spent on GNPC business?

A: No, not my time.

MRS. A. BENSOUDA: Give him exhibit BB46.

(Exhibits shown to the witness)

Q: Exhibit BB46 is in respect of the Ministry of petroleum special services account at GT Bank, I would like you to take a look at it. Where you aware of these Accounts?

A: Yes, I was aware that Ministry of Petroleum have opened an Account.

Q: Did GNPC have anything to do with that Account?

A: The account is for Training and Resource and with Training Resources we have an Interest there because it is something that deals with both the Ministry and GNPC.

Q: Do you know what the source of the monies that went into the account is?

A: If it is the Training and Resources then yes, because these are agreements that are in Place between the operators and the Ministry who signs these licenses for the payment of Training and Resources funds on a yearly basis by the licensees.

Q: What are intended for?

A: It is intended for training of both GNPC and the Ministry of Petroleum capacity building Per say and also other stakeholder. And also to resource things like computers when we need Them especially for the data room.
Q: I see, did GNPC benefits from these Account?
A: Yes, we were benefiting before it was opened, when we go for Training and also Workshops, Seminars which are organized by Petroleum Companies and so on. Yes, we benefited From it and also from the training.
Q: What about after this Accounts was opened?
A: After it was opened actually we were not able to get anything from it.
Q: For the record the Ministry of Petroleum is which office?
A: Ministry of Petroleum is the Ministry. We share the same office but they are Government Institution.
Q: Who were the Ministers during the period you were there?
A: Teneng was there as Minister.
Q: Teneng Mba Jaiteh?
A: Yes and Sira Wally Ndow and sometimes the President becomes the Minster also Whenever there are no Minister.
Q: How is it possible for the Ministry to open an Account. Is it proper, is it regular for the Ministry to open an account in Commercial Bank?
A: Under normal circumstances, No, it has to be through the Central Bank but Commercial Banks is not normal for Ministries to have Accounts with them.
Q: There is just one more question I have, I want you to look at a document this document That I am going to show you and tell me whether you have seen it before?
A: Yes, this was during my time at GNPC.
Q: Before we go into the document, was it effected?
A: Yes, it was effected.
Q: Tell us about that document, the date and what is the document?
Q: What is it for?
A: Purchase of 11 Air Tickets for the members of the Frankie Paul dance band.

Q: Who are these Frankie Paul dance band?
A: I don’t know them personally but I know that they were here and it’s a band from America I think.

Q: What does the letter say?
A: The letter says that “I am directed to kindly ask you to finance the air tickets for the above-mentioned band due to perform in the Gambia shortly. Because of the 11 tickets is D662, 506.10 (Six Hundred and Sixty-Two Thousand, Five Hundred and Six Dalasi and Ten Bututs) the amount has to be paid to Future Travel Agency. Please note that you will be refunded by this office in due course, we thank you for your cooperation”.

Q: Did the office paid for these tickets?
A: No.

Q: You did not pay for this ticket?
A: No, we paid for the tickets.

Q: Did you get a refund?
A: No, we didn’t get any refund.

Q: What are all those loans that you took over as far as you know that you gave evidence about, where they paid for?
A: No, they were not paid.

Q: Did you make a demand?
A: Yes, I remember the Finance Director making a demand for it but they never paid.

Q: Medoune Sanyang was a signatory to the Account?
A: Yes.

Q: The signatories were changed?
A: Yes.
Q: Where you aware of that he was withdrawing any cash from the account on?
A: No, he cannot withdraw any more cash because he was no more a signatory and he has to sign with me to be able to withdraw.

Q: Where you aware of any authorization he might have been given from the Office of the President to withdraw cash?
A: No, I was not aware.

Q: You did not withdraw any cash after that from this accounts?
A: We didn’t withdraw anything.

Q: You had no access?
A: Yes.

MRS. A. BENSOUDA: Thank you. Those are the questions I have for you. I hope you did not attend the band dance when it came?
A: No, I did not.

MRS. A. BENSOUDA: You were not invited as a patron?
A: No.

COMMISSIONER GEORGE: Mr. Badjie just a quick question, the loans issued to office of the President during your time because the others you said they were before you. Where any loan agreement ever issued or any agreement drawn?
A: No, these were just directives no agreement.

COMMISSIONER GEORGE: In GNPC’s books how was it treated as a loan or what?
A: We opened an account for them and this was example office of the president we put everything under office of the president. For PEGEP we open and account for it so that when the payments are made on their behalf we know where to put them.

COMMISSIONER GEORGE: It was just like treated as a receivable as debtor but then you have mentioned something about something being written off, I didn’t get that?
A: What I said is that when I took over actually to clean up the accounts I recommended to
The board because those accounts were there and we knew they will not be paid so we decided that we write them off.

COMMISSIONER GEORGE: The other thing on that was the **500,000** (Five Hundred Thousand) withdrawal of cash on the 6th of August, how was that one treated?

A: It was a letter written to us.

COMMISSIONER GEORGE: I know it was a directive you mentioned but how was it captioned in your records?

A: That one was a cash withdrawal and we just withdrew it and paid it to them because that was the directive. It was not a loan per say but a directive to say give me this.

COMMISSIONER GEORGE: Okay.

COMMISSIONER SAINE: Just a follow up, on the **US$1,000,000** (One Million dollar) loan to **PEGEP**, where you repaid?

A: None of those were paid.

COMMISSIONER SAINE: Under what management approach were you able advance the loan?

A: The **1,000,000** was not my time but it was a Directive that was given at that time for them to issue that amount as a loan to **PEGEP**.

COMMISSIONER SAINE: I am just interested in the process how does it work, do you get a board decision?

A: No, when directives come from the Office of the President you don’t wait for the board.

COMMISSIONER SAINE: You just tell the bank to move the funds?

A: Yes.

COMMISSIONER SAINE: It was clear that this is not going to be repaid?

A: Initially you think it would be paid but as time goes on you realize that it will not.

COMMISSIONER SAINE: Last question, in terms of the activities of the Ministry of Petroleum, we understand that ordinarily they wouldn’t open Accounts in Commercial Banks so
in this case, is it one of the reasons they opened an account is that some of their activity and yours overlap, why would you think they needed accounts in Commercial Banks?

A: I cannot speak on their behalf but I think maybe a Directive too but I do not know why they should need that.

COMMISSIONER SAINE: Let me rephrase, what I try to say is that part of what they did ordinarily would that be what you should be doing?

A: No, as a Ministry I don’t think they should have opened a Current Account with the Commercial Banks. That is my view.

COMMISSIONER SAINE: So, those funds that went to the accounts they opened, could they have been assigned to you if they didn’t have the accounts or its totally different?

A: The way it was before they opening of the account it was like this. The Operator will handle the money under the payments on a yearly basis the Operator will handle it. The Ministry and the Operator will manage the accounts like whenever we are about to travel or the Ministry want to travel and they want to use those funds. If they get the approval like the clearance from the Office of the President and in writing the clearance they would state that they will use those funds. When they do get the approval, they will ask the Operator to pay, so the Operator handling it at the beginning. So, later they decided that these funds should come In-Country and that is the time they opened these accounts but before it was handle by the Operator and jointly managed by the Ministry and the Operator. When we have yearly budget meetings these accounts are reviewed, what has been paid, what is the balance and so on.Whatever is the balance there is would be carried forward the following year but basically it is funds for Gambia government through the Ministry even if the license expire they are supposed to pay those funds.

COMMISSIONER SAINE: To the Central Bank?

A: Yes, Central Bank or to GNPC if at all it was right.

COMMISSIONER SAINE: That is why I asked whether there was an overlap. Thank you

MRS. A. BENSOUDA: May I apply to have tendered the letter dated 18th May 2007 from Office
of the President for the purchase of **11 Air Ticket for the member of the Franky Paul band.**

THE CHAIRMAN: Letter dated 18th May 2007 from Office of the President to Managing Director **GNPC** directing the purchase of 11 air tickets for the members of Frankie Paul dance band totally **D662, 506** (Six Hundred and Sixty-Two Thousand, Five Hundred and Six dalasi) admitted, marked **SC3**.

MRS. A. BENSOUDA: Thank you Mr. Chairman.

Q: Mr. Badjie just a point that I omitted, you did have a Board of Directors during all this period?

A: Yes.

Q: The Chair and Directors?

A: Until 2014 when the Act was passed, the Chairman of the Board used to be the Secretary General, Office of the President.

Q: Until when?

A: In fact 2015 when after the Act was passed then we had a new Board.

MRS. A. BENSOUDA: Then you had a new board.

A: Yes.

Q: And the Chairman changed to a member of the Private Sector?

A: Yes.

Q: So, in 2014 who was your Chairman?

A: When we had the Board, it was **Edrissa Jobe** then before him you know Secretary Generals change all the time but - -

MRS. A. BENSOUDA: You had, of course many Chairman because of the changing role of Secretary General.

Q: The question I want to ask is when you receive the Directives for the change of signatory, normally the signatories to the account would be determined by the board, is that correct or was it automatically the **Managing Director** yourself and the **Head of Finance**?
A: Yes, because we were signatories to the accounts so when we write to the bank they will accept the directives.

Q: I understand but who decides who would be signatories to an account, was it the board you will need a board resolution would you not in order to be a signatory to GNPC account?

A: Under normal circumstances yes.

Q: When you have these directives from the office of the president to change the signatories to the account was it brought to the attention of the board?

A: No.

Q: It wasn’t?

A: No.

Q: Was the board aware of it that the signatories had changed?

A: Yes, after.

Q: After wards?

A: Yes.

Q: But you did not consult them before?

A: Yes, not before but after.

Q: Why didn’t you consult them before?

A: When these directives come, they don’t give you time and you saw one of the letters I read which gave us a dead line so sometimes it’s always difficult for you to take certain processes in place so you have to act.

MRS. A. BENSOUDA: Thank you. We may need you to come back all the banks has submitted their accounts.

CASE ENDS AT 15:50PM