



REPORT OF THE STANDING COMMITTEE ON PUBLIC PETITIONS

***ON ALLEGED CORRUPTION AT THE GAMBIA
PORTS AUTHORITY***



MARCH 2023

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CHAIRPERSON'S FORWARD

This report contains the Committee's procedures on the consideration of the Public Petition regarding an alleged corruption at the Gambia Ports Authority. This petition filed by two Gambians in the name of Mr. Muhammed L Darboe of Kombo Central and Mr. Tijan Bah of Sandu District was presented to the National Assembly on 28th June, 2022. Having fulfilled the admissibility criteria set in the Standing Orders, the Office of the Clerk of the National Assembly referred it to the Committee for review.

While considering the petition, the petitioners were summoned to appear before the Committee on the 20th of July 2022 to shed light on the petition filed, clarify issues of concern to Members of the Committee, and make available other material evidence that shall support the Committee in its findings. The Committee heard from the witnesses; the management of GPA on the 22nd of July 2022 and the Managing Director of the Gambia Ports Authority on the 22nd of October, 2022.

Understanding that this petition raises a matter of huge national concern, knowing that our public institutions must be fit for purpose and believing that the public sector must be effective and efficient. I thank the petitioners, on behalf of the Committee, for filing this petition. I also thank the Management of Gambia Ports Authority for appearing before the Committee and responding to issues raised by the public.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly in providing logistical and technical support during the consideration of the Petition. Finally, I wish to express my appreciation to the Honourable members of the Committee, the Committee Secretariat, the Press, and all the stakeholders who made submissions towards the preparation and production of this report.

On behalf of the Standing Committee on Public Petitions and pursuant to Standing Order 128 (2,B), it is my pleasant privilege and honour to present to this Assembly the report of the Committee on its consideration of the Public Petition No. 2 of 2022 regarding alleged graft committed at The Gambia Ports Authority.

.....
HON. SUWAIBOU TOURAY
CHAIRPERSON OF THE COMMITTEE

1.0 INTRODUCTION

The right to petition has been declared one of the fundamental rights of citizens across the globe. It is a way by which individuals can directly place grievances before the Assembly. Petitions bring the Assembly to the people, and vice versa. It allows the public to scrutinize public policies and institutions, which helps to enact sound laws and formulate policies to address the needs and aspirations of the citizens.

This petition alleges corruption at the Gambia Ports Authority. Issues of graft seriously cripple institutions and retard economic growth and development. That said, it requires concerted efforts to curb the menace. However, such issues need to be comprehensive, but swiftly probed into.

The petition was deemed admissible after going through a thorough check on admissibility criteria by the Office of the Clerk. This report explains the steps taken by the Committee in considering the petition, testimonies raised by the witnesses summoned, and recommendations proffered.

1.1 METHODOLOGY

Like other petitions received by the Committee, various methods were adopted to gather evidence in dealing with this petition. These include public hearings where the petitioners were invited to seek clarifications and evidence on the petition filed, other witnesses mentioned in the petition, or representing the public institution petitioned are called to make submissions on the issues raised in the petitions.

1.3 OVERVIEW OF THE COMMITTEE

II. COMPOSITION

Members:

- | | | | | |
|----|-----------------|---------|---|------------------|
| 1. | Hon. Suwaibou | Touray | - | Chairperson |
| 2. | Hon. Fatou K | Jawara | - | Vice-Chairperson |
| 3. | Hon. Amadou | Camara | - | Member |
| 4. | Hon. Sulayman | Saho | - | Member |
| 5. | Hon. Kebba Lang | Fofana | - | Member |
| 6. | Hon. Kemo | Gassama | - | Member |
| 7. | Hon. Gibbi | Mballow | - | Member |
| 8. | Hon. Lamin J. | Sanneh | - | Member |
| 9. | Hon. Haruna | Barry | - | Member |

Support staff

1. Mrs. Haddy Dandeh Jabbie - Subject Matter Specialist
2. Mr. Karu Sillah - Subject Matter Specialist
3. Mr. Mamadou A.M Bah - Assistant Senior Committee Clerk
4. Mr. Ebrima Jawo - Assistant Senior Committee Clerk
5. Mrs. Halimatou Tamba - Assistant Senior Committee Clerk
6. 6. Ms. Mary Mendy - Research Officer

III. MANDATE

The Committee derives its mandate from section 109 of the 1997 Constitution of the Republic of the Gambia and Order 125 of the National Assembly Standing Orders:

(1) There shall be a Standing Committee of the Assembly known as the Public Petitions Committee to-

- a. Consider public petitions addressed to the Assembly;*
- b. Decide in cases of dispute on admissibility; and*
- c. Keep under review the public petitions system.*

(3) The Public Petitions Committee shall consider, in accordance with the provisions of this Standing Order, any petition addressed to it

2.0 PETITIONER'S CLAIMS

Appearing before the Committee on the 20th July, 2022, Mr. Muhammed L Darboe and Mr. Tijan Bah submitted the following statements, as reflected in the petition filed, copied verbatim as follows:

"As citizens of the Gambia, we are concerned with the recent graft committed at The Gambia Ports Authority (GPA) and the unwillingness on the part of the authorities to take charge and fight same the number of grafts in The Gambia and the overwhelming impunity that it comes with is unprecedented.

As the people's representative, we thought it wise to bring this to your attention for a swift action. You have the powers, as the Public Petitions Committee established under section 125 of the Standing Orders to investigate this matter of public interest. For ease of reference, we deem it necessary to reproduce to provisions of section 125 above seriatim. It provides;

"There shall be a Standing Committee of the Assembly known as the Public Petitions Committee to-

- a. consider public petitions addressed to the Assembly;*
- b. decide in cases of dispute on admissibility; and*

c. keep under review the public petitions system.

(2) The Public Petitions Committee shall consist of a Chairperson and seven Members to be nominated by the Committee of Selection.

(3) The Public Petitions Committee shall consider, in accordance with the provisions of this Standing Order, any petition addressed to it"

Earlier this year, it was discovered that several staffers of the Gambia Ports Authority (GPA) were involved in massive theft and fraud leading to the disappearance of millions of dalasi. Employees at the Rating Unit were allegedly issuing fake receipts, undercutting fees, and collecting bribes and inducements. Between 2020 to 2022, the alleged fraudsters were stealing D4 million per week through these corrupt practices.

When news of the corruption was leaked to the media, the GPA management hastily constituted an internal investigative panel to look into the matter in response to public outrage and concern.

The panel's report and recommendations were handed to the GPA management on the 16th March, 2022. But the GPA management refused to release the findings in their entirety and the names of the investigative panel members.

As a result of the GPA's deliberate act to conceal this vital information from the public and further considering their blatant disregard for the Access to Information Act, 2021, we want the National Assembly's Public Petitions Committee to compel the GPA management to release the report.

We trust you and your powers. The law has given you powers equate to that of the High Court in situations like this. This is why we did not think twice to invoke section 125 of the Standing Orders for you to take charge. This is a national interest.

We have a struggling economy, a broken health care system and a poor educational system. A major cause of our precarious state of affairs is the rampant corruption. The monies meant for the development of our beautiful country are being siphoned into personal interests and/or development.

It is important to note that this matter is not before any court or any constitutional or legal body. It is also not frivolous and/or vexations. It is purely in the interest of the public. More than 9,000 people have signed an online petition by the online media outlet- What's On-Gambia for the GPA management to release the report but to no avail.

We therefore respectfully urge your office to consider this petition admissible and refer it to the Public Petitions Committee and pray that the said Committee will do the following;

- I. To compel the Gambia Ports Authority to make public their internal investigatory report on the alleged graft by their staff."**

3.0 HEARINGS ON THE PETITION

3.1 OFFICIALS FROM THE GAMBIA PORTS AUTHORITY

Having heard from the petitioners, the Committee summoned the Management of the Gambia Ports Authority on the 22nd of July 2022. They made submissions on the issues; highlighting steps taken by the Authority, and mitigating measures taken to prevent such reoccurrence.

Witnesses:

FROM GPA MANAGEMENT

Mr. Lamin Sanneh

Mr. Abdou Gillen

Representing the Managing Director of the Gambia Ports Authority, Mr. Sanneh and Mr. Gillen explained that the Managing Director is on leave and out of the country. Additionally, they informed the Committee that the Deputy Director was at the time indisposed. They submitted chronologically, the steps taken by the Authority to address the matter, thus:

3.1 When the news of the leakage of funds from the Traffic Department of the Authority, an emergency meeting was held on the 1st March, 2022 to look into the matter. From the outcome of the meeting, a Taskforce was constituted on the 2nd March, 2022 to investigate the matter and report to the management.

3.2 The taskforce was constituted by a panel of three officials of the GPA management, who were independent of the affected units, and requested to conduct a quick probe on the matter and report back within 15 days.

3.3 A preliminary report was generated by the taskforce, after investigations and submitted on the 16th of March 2022, which was a timeframe given to them.

3.4 While, the investigation was ongoing, on the 4th March 2022, four staff from the Rating Unit were interdicted. These staff included two Senior Clerks, a Superintendent, and a supervisor.

3.5 The matter was then reported to the Police for further investigations.

3.6 On the 25th March 2022 the Police wrote to the GPA management requesting the Authority to have a special audit at the said department (Rating Unit) from the 1st June 2019 to 28th February 2022 and later furnish the Police with the report.

3.7 On the 22nd of March 2022, an emergency board meeting was summoned to discuss on the suspected revenue leakage at the Authority. Further to the outcome of the meeting, other staff of the Rating Unit and Delivery and Documentation Unit were interdicted, pending the Police investigations. These persons included a Rating Manager, an Assistant Rating Manager, an Assistant Manager, Supervisor and Senior Clerk from the Documentation Unit.

3.8 The GPA management wrote to the National Audit Office to conduct a special audit within the said period, as requested by the Police.

3.9 On the 8th of April 2022 the NAO met with the GPA management to discuss on the modalities of the audit process. Since then, the audit exercise is ongoing up to the time of this hearing.

3.1.1 MITIGATING MEASURES TAKEN TO AVOID THE REOCCURRENCE

Redeployment of staff to the mentioned units to replace the interdicted staff.

Task assigned to the newly appointed Rating Manager to prevent such reoccurrence include: to verify all calculations of shore-handling charges on Delivery Order (DO) as at date of payment.

Liability after DOs is paid should be raised under a new DO.

The Rating Manager to produce schedules on liabilities on shore-handling charges on daily basis.

A stamp was introduced bearing expiry date on liability of shore-handling charges and all copies of the DO are stamped.

The authorized signatory is only to signed for delivery when the circle is completed from the said Rating and Delivery and documentation units.

Daily delivery statistics about the previous day's transaction is submitted for review.

An IT system for shore-handling management is build and about to be launched to transform the interface with shipping agencies digitally.

All shore-handling payments are now to be made directly to the banks.

The officials, when asked why they did not make the preliminary report public, responded that it was inconclusive. However, they informed the Committee that the audit report, at the conclusion of the audit exercise, shall be made available to the public.

3.2 HEARING WITH THE MANAGING DIRECTOR OF THE GAMBIA PORTS AUTHORITY – Mr. OUSMAN JOBARTEH

Following the initial action by the Committee, the Managing Director requested an audience with the Committee, which was granted on the 22nd of October 2022.

Mr. Jobarteh informed the Committee that following the establishment of the internal investigation panel, the preliminary report generated by this panel recommended for a broader, more comprehensive report by the Police. This was necessitated by the fact that there are lots of documents to review (typically, in a day there are almost 150 containers that leaves the gate of the port), time constraints and limited expertise by the panel to probe on the matter effectively and efficiently.

This recommendation by the taskforce was accepted, and the Authority invited the Police to conduct a thorough investigation. The Office of the IGP requested that the National Audit Office be invited to conduct an audit exercise from an extended period (June 2019 to February 2022). The GPA requested for an extension to provide responses on the initial queries by the NAO.

The Managing Director further assured the Committee that there are all indications that the NAO will come up with a comprehensive report on what has transpired. This, he said, necessitated the request to meet the Committee, to allow the NAO and the Police to conduct these independent investigations. The reports from these investigations shall then be made public.

Additionally, he stated that if the preliminary report contains names of interdicted staff and clearance agencies allegedly involved in the scandal. Thus, it could be unfair if it is published, and the final police and NAO reports turn out to exonerate these staffers and agencies.

3.3 COMMITTEE'S OBSERVATIONS AND ACTIONS

During the consideration of this petition, the Committee after hearing from both the petitioners and GPA officials, acted under provisions of Standing Order 128 (1 & 2) advised the Authority to make the internal investigation report public.

Order 128 (1) states;

The Public Petitions Committee shall-

- (a) take such action as it considers appropriate in relation to the petition or*
- (b) refer the petition to a Minister, Vice President or President of the Republic of The Gambia, any other Committee of the National Assembly or other persons or body for them to take such action as they shall consider necessary.*

(2) A committee of the Assembly to which a petition is referred may-

- (a) Refer the petition to a Minister or any other person or body for them to take such action as they consider appropriate*
- (b) Report to the Assembly, or*
- (c) Take any other action which the Committee considers appropriate.*

In considering the appropriate step, the Committee observed that since the content of the Preliminary report is disclosed by the officials of the GPA when they appeared in the public hearing (revealing the steps taken, names of staff interdicted, and

mitigating factors proffered), then it is wise to publish the Internal Investigation Report.

However, after receiving submissions from the Managing Director of the Gambia Ports Authority, **and without prejudice**, the Committee wishes to allow a comprehensive investigation on the matter prior to the publication of the final report.

4.0 CONCLUSION

Ensuring citizen participation in the decision-making process is the bedrock on which democracy rests. It ensures accountability on public institutions, which are financed by taxpayers' money. The Assembly is crucial in ensuring sanity in the public sphere and institutions. That scrutiny on the performance of Ministries, Departments and Agencies of the state is never more significant. It is thus envisaged that the public shall continue to engage the Assembly in raising and addressing matters of public concern.

5.0 RECOMMENDATIONS

1. The Committee refers the investigations on the allegations of corruption at the GPA to the Finance and Public Accounts Committee and Public Enterprises Committee (PEC) for further engagement with the National Audit Office and GPA Management;
2. That the ongoing investigations by the NAO and the Office of the Inspector General of Police be completed swiftly, report back to FPAC and PEC, and publish these reports;
3. That PEC monitors the effective implementation of the mitigating measures said to be put in place by the GPA (as mentioned in page 7 of this report).

6.0 LIST OF WITNESSES

- | | |
|--------------------------|---|
| 1. Mr. Ousman Jobarteh | Managing Director- Gambia Ports Authority |
| 2. Mr. Lamin Sanneh | GPA Management |
| 3. Mr. Abou Gillen | GPA Management |
| 4. Mr. Muhammed L Darboe | Petitioner |
| 5. Mr. Tijan Bah | Petitioner |