

THE STATE V. YANQUBA JABBIE

ELLA ROSALINE DOUGAN

THE GAMBIA

- YANKUBA JABBIE (ACCUSED PERSON) OPENED AN ACCOUNT WITH THE STANDARD CHARTERED BANK OF THE GAMBIA.
- THE ACCOUNT WAS A JOINT ACCOUNT IN THE NAME OF THE ACCUSED PERSON AND THE WIFE. THE ACCUSED PERSON BEING AN ARTIST AND THE WIFE BEEN A STUDENT.
- MONIES WHERE SENT IN BITS BY RUI ALEXANDRIA RIBERIO MENDONCA FROM SAO TOME. THE MONIES THOUGH WAS SENT IN BITS AMOUNTED AT THE END TO D16,339,651.00 WHICH IS ROUGHLY \$317,336.40

CONT.

- THE BANK THEN REALIZED THAT THE MONIES SENT DID NOT TALLY WITH THE PROFILE OF THE ACCUSED PERSON. THE BANK FILED A SUSPICIOUS TRANSACTION WITH THE FIU IN THE GAMBIA. THE FIU THEN REPORTED THE MATTER TO THE INSPECTOR GENERAL OF POLICE.
- THAT WAS WHEN THE INVESTIGATION COMMENCE, AT THIS PERIOD OF TIME HOWEVER, HE WAS NOT RESIDING IN THE GAMBIA, HE WAS IN THE UNITED KINGDOM.
- THE ACCUSED PERSON AT SOME POINT WANTED TO WITHDRAW HUGE SUMS OF MONEY BUT THE BANK ASKED HIM TO COME IN PERSON AND WITHDRAW THE SAID MONIES.

CONTINUATION

- DURING INVESTIGATION THE POLICE REALISED THAT MONIES IN THE ACCOUNT OF THE ACCUSED WAS SENT FROM SAO TOME.
- INORDER FOR THE ACCUSED PERSON NOT TO GET ACCESS TO HIS ACCOUNT, A FREEZING ORDER WAS MADE.
- THE POLICE OFFICERS AFTER THE COMPLETION OF THE CASE SENT THE FILE TO THE MINISTRY OF JUSTICE FOR LEGAL OPINION.

- WHEN THE LEGAL OPINION WAS COMPLETED, AN INFORMATION WAS FILED AND THE ACCUSED PERSON WAS ARRIAGNED BEFORE THE COURT.
- HE PLEADED NOT GUILTY TO THE OFFENCE.
- IN PROVING ITS CASE, THE PROSECUTION CALLED WITNESSES.
- THE ACCUSED PERSON IN HIS DEFENCE STATED THAT HE IS A MARABOUT. THE ACCUSED PERSON ALSO BROUGHT HIS FATHER TO TESTIFY THAT THE ACCUSED IS A MARABOUT. THAT WAS THE REASON WHY HE HAD HUGE SUMS OF MONEY IN HIS ACCOUNT.

THE COURT DECIDED THAT

- IT WAS SAFE TO CONCLUDE THAT THE MONEY SENT TO THE ACCUSED PERSON WAS PROCEEDS OF A CRIME.
- THE COURT IN RESPECT OF MONEY LAUNDERING CONCLUDED THAT THE PROSECUTION DID NOT MEET ITS BURDEN OF PROOF FOR THIS OFFENCE, THE ACCUSED PERSON IS THEREFORE ACQUITTED OF THE OFFENCE.
- IN RESPECT OF THE CHARGE OF CONSPIRACY TO COMMIT A FELONY, THE ACCUSED PERSON IS THEREFORE CONVICTED FOR THE OFFENCE OF CONSPIRACY TO COMMIT FELONY AND FOR THE OFFENCE OF ATTEMPT TO COMMIT MONEY LAUNDERING.

CHALLENGES

- THERE IS NO MEMORANDUM OF UNDERSTANDING BETWEEN SAO TOME AND THE GAMBIA, IN TERMS OF SEEKING MUTUAL LEGAL ASSISTANCE (MLA).
- TENDERING OF THE NOTE VERBAL (IT CAME BY A WAY OF EMAIL). IT WAS AN ELECTRONIC EVIDENCE.

CONT.

- IT WAS CERTIFIED BY THE RECORDS OFFICE AS A PUBLIC DOCUMENT.
- IT WAS FIRST CASE OF MONEY LAUNDERING, SO BOTH PARTIES WERE NEW IN HANDLING A MONEY LAUNDERING CASE.
- JUDGE MISAPPLIED THE LAW.
- THE STATE COULD NOT APPEAL. A CIVIL SUIT WAS BEEN FILED IN ORDER FOR SAO TOME TO GET THE MONEY BACK. HOWEVER 50 PERCENT OF THE MONEY WAS CURRENTLY SENT BACK.

RECOMENDATION

- JUDGES, PROSECUTORS AND POLICE INVESTIGATORS NEED TO BE TRAINED ON MONEY LAUNDERING, IN ORDER TO BETTER APPRECIATE THE OFFENCE.
- TEAM WORK I.E POLICE OFFICERS AND PROSECUTORS SHOULD WORK TOGETHER.