

ALLEGED GAMBIAN DEATH SQUAD MEMBER TO STAND TRIAL IN THE USA FOR TORTURE

Questions and answers

1. Who is Michael Correa and what are the charges against him?

Michael Correa is a person from The Gambia who is accused of being part of the “Junglers.” The Junglers were a death squad that allegedly committed human rights abuses on behalf of former President of The Gambia, Yahya Jammeh. The US Department of Justice has [charged](#) Correa with torture and conspiracy to commit torture of at least six people in 2006. The indictment alleges that Correa and other members of the Junglers beat their victims with plastic pipes, wires, and branches, put plastic bags on their heads, and used electric shocks, causing severe pain and suffering to the victims. The victims are currently anonymous.

2. How long will Correa’s trial last, and what are the possible outcomes?

Correa’s trial is set to start on September 16, 2024. However, Correa is challenging the charges, and the court could decide in his favor. There’s also the possibility of a plea agreement between Correa and the Department of Justice, which could resolve the case without a trial.

If the case goes to trial, a jury will decide whether the prosecution has proved “beyond a reasonable doubt” that Correa committed torture. If found guilty, Correa could face up to twenty years in prison for each of the six counts of torture.

3. Where will the trial take place?

The trial will take place in the US District Court for the District of Colorado, which is in Denver, Colorado, USA.

4. How accessible will the trial be to victims, the public, journalists, and impacted communities in The Gambia?

The trial will probably be open to the public, including journalists. CJA and Trial International will work with civil society, journalists, and impacted communities in The Gambia to make sure information about the trial is available through newspapers, radio, and other media.

In the United States, the Crime Victims’ Rights Act also gives victims the right to participate in federal criminal proceedings, including trial and sentencing. Some victims might even testify as witnesses at trial.

5. What was happening in The Gambia at the time of Correa’s alleged crimes?

During his 22-year dictatorship in The Gambia, Yahya Jammeh systemically oppressed any real or perceived opponents of his regime. The government targeted journalists, human rights defenders, lawyers, student movement leaders, religious leaders, members of the political opposition, judicial officials, members of the lesbian, gay, bisexual, and transgender (LGBT) communities, and members of the security forces. These groups suffered terrible violations, including torture, extrajudicial killings, enforced disappearances, and sexual violence.

Many of these violations came to light during Truth, Reconciliation and Reparations Commission (TRRC) hearings. The TRRC was established in 2018 to investigate abuses committed by the Jammeh regime. 393 people, including victims, former government officials, and members of security forces, testified during 871 days of public hearings. On December 24, 2021, the TRRC published its final [report](#), concluding that Jammeh and 69 of his associates, including Michael Correa, committed crimes against humanity. Jammeh is in exile

in Equatorial Guinea, where he fled after losing the 2016 presidential election to Adama Barrow.

6. Why will Michael Correa's trial take place in the United States?

The United States government has the legal authority to prosecute Correa for crimes he allegedly committed outside the country under the extraterritorial Torture Act. This law allows the United States to prosecute individuals within its borders, regardless of their citizenship, for torture committed outside of the United States.

This is only the third time a prosecution under the Torture Act has gone to trial since the statute was passed in 1994. The two other individuals to be tried under this statute are [Charles "Chuckie" Taylor, Jr.](#), the son of former Liberian President Charles Taylor, who was convicted in 2008, and [Ross Roggio](#), who was convicted in May 2023.

7. What is universal jurisdiction?

Universal jurisdiction is a legal principle that allows countries to prosecute crimes committed in other countries, regardless of the nationality of the suspect or victim. Unlike universal jurisdiction, however, extraterritorial jurisdiction usually requires some connection to the country bringing the prosecution. Many countries are currently investigating and prosecuting international crimes that happened in countries based on either universal jurisdiction or extraterritorial jurisdiction, including the Democratic Republic of Congo, Iraq, Liberia, Rwanda, Syria, and Ukraine. TRIAL International, CJA, and its partners publish the [Universal Jurisdiction Annual Review](#), which highlights these cases. These cases support efforts to hold perpetrators of atrocities accountable and to bring justice to victims. They deter future crimes and send a powerful message that human rights abusers will not find a safe haven anywhere in the world.

In the United States, until recently, only the international crimes of torture, genocide, and the recruitment of child soldiers could be prosecuted based on extraterritorial jurisdiction. But in 2023, Congress passed the [Justice for Victims of War Crimes Act](#). Now, the United States can prosecute perpetrators of war crimes when they are present in the United States, regardless of the nationality of the victim or the perpetrator, or where they committed the crimes. The United States does not have criminal laws relating to crimes against humanity.

8. Are others being prosecuted under universal jurisdiction for crimes committed during the Jammeh era?

Michael Correa was the first person to be indicted using universal jurisdiction for Jammeh-era crimes. However, he is not the first to stand trial. Another Jungler, [Bai Lowe](#) is being tried in Germany. This trial started in April 2022 and is ongoing. Former Interior Minister [Ousman Sonko](#) was indicted in Switzerland in April 2023 for crimes against humanity; his trial will start in early 2024.

9. Could Jammeh and other senior officials be prosecuted in The Gambia?

While the Gambian Ministry of Justice [supported](#) Correa's indictment, progress on justice in The Gambia has been slow. The Gambia has only prosecuted two Jammeh-era cases, against former minister of local government [Yankuba Touray](#) and former Director-General of the National Intelligence Agency [Yankuba Badjie](#).

In December 2021, the TRRC issued its final report calling for the prosecution of those responsible for crimes against humanity. On May 25, 2022, the Gambian government issued a [White Paper](#) accepting the TRRC's recommendation. In May 12, 2023, the government presented an [implementation plan](#) for the TRRC recommendations. The implementation plan proposed a Special Prosecutor's Office to investigate cases and a "hybrid" tribunal based on a treaty with Economic Community of West African States (ECOWAS). The court would prosecute the worst Jammeh-era crimes and build the capacity of the national justice system. The [Gambia Bar Association](#) and the [United Nations Working Group on Enforced Disappearances](#) supported similar proposals. Given how long victims and Gambian society have waited, the government and ECOWAS should quickly establish the hybrid court.

10. What role are CJA and TRIAL International playing in this case?

Victims' groups and nongovernmental organizations have been working to hold Jammeh-era officials accountable through the "Jammeh2Justice campaign". In September 2019, the US Department of Homeland Security arrested Michael Correa for overstaying his visa. A coalition of Correa's victims and human rights organizations, including CJA and TRIAL International, called on the United States to investigate claims that Correa committed torture. This led to his indictment in 2020. CJA and TRIAL International will continue to provide legal, psychological, and other support to victims - when needed - in preparation for, during, and after the trial.