



STATEMENT

BY

MR. DAWDA JALLOW
ATTORNEY GENERAL AND MINISTER OF JUSTICE
OF THE REPUBLIC OF THE GAMBIA

AT THE

19TH SESSION OF THE ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT

THE HAGUE
14-18 DECEMBER 2020

The President of the Assembly of State Parties
Vice President and Members of the Assembly
Hon. Justices of the International Criminal Court
Prosecutor of the International Criminal Court
Members of the diplomatic and Consular Corp
State Party delegates
Representatives of Non-Governmental Organisations
Distinguished Ladies and Gentlemen

It is an honour to address this important meeting on the occasion of the 19th session of the Assembly of States Parties on behalf of the Delegation of the Republic of The Gambia.

Mr President

As a member of the Bureau of the Assembly of State Parties to the Rome Statute, my delegation admires your steady hands in the manner in which you managed the affairs of the Assembly during this very challenging period. We thank you and the Bureau for the efforts that led so far towards bringing to a close, the search for the next Prosecutor. We congratulate you for working tirelessly with the Bureau in choosing the eminent group of independent experts to review and improve the Court for better results. This endeavour brought us a report that will assist in the revamping of the Court for future successes. As we wish you success in your future task, we are equally delighted to welcome your successor and to offer him our full support.

Mr. President,

May I reiterate the commitment of the Government of The Gambia and its support to the International Criminal Court in the execution of its mandate for the promotion, protection and advancement of human rights and dignity through its accountability mechanism. The Gambia, seen out here as a human right defender, only just regain itself from the clutches of a dictator to restate its true cardinal principle of respect for human rights protection anywhere and wherever in the World. As we endeavour to correct the wrongs of our darkest history, the Government of The Gambia has reaffirmed its resolve to place protection of human rights at the centre of our governance paradigm and to end impunity in all its forms and manifestations.

The Government of The Gambia is, therefore, a natural partner of the International Criminal Court in holding individuals accountable for crimes against humanity and war crimes. By the values and objectives of the Court, The Gambia is encouraged and optimistic of the future protection of justice for all victims of atrocious crimes irrespective of race, creed or colour. It is in these similar values that we see no better process in setting right examples for posterity than embarking on a transitional justice process to hold to account those who bear the greatest responsibility for human violations during the darkest period of human rights violations in our history. In addition, our unwavering commitment and adherence to our international obligation, we are also in the process of enacting an international crimes legislation to inter alia, domesticate all the provisions of the

Rome Statute and to give effect to our primary obligation as a state party to the Rome Statute.

Mr. President,

Until the day that atrocity crimes become things of the past and no man or woman enjoy impunity because they are above the law for accountability, this court will remain more ~~than~~ relevant than ever before. And every year added to the age of the Court is counted as another milestone that calls for renewed optimism for the future of the Court. The Gambia recognizes the progress the court continues to make in the execution of its mandate against all the odds stacked against it, from its birth to date. In our view, despite strong criticism of its processes and its very establishment, the value of the court has to be viewed not only against the number of convictions it has secured or in which part of the world they occur. Rather, the establishment of the court invariably has a deterrent effect on those who were assured of impunity for gross human rights violations and has also given victims an unprecedented hope of obtaining redress against people considered untouchables in the distant past.

Like all imperfect multilateral systems in our world, improving the workings of the Court should be a standing agenda for state parties. In this connection, The Gambia takes note of the report on equitable geographical representation and attaining gender balance. We are pleased to note that improvements were made and some of the concerns that were raised by states parties in the previous ASP are being addressed.

We also welcome the Report of the Independent Expert Review of the Court with a view to implementing all recommendations aimed at enhancing the performance and efficiency of the Court. We are very grateful to the Committee on the election of the Prosecutor, who diligently completed their work with the support of the Independent Expert Panel. The process towards selecting a consensus candidate for the next Prosecutor has been a daunting task, a task worth fighting for. We are well aware of the importance state parties attached to the role of the Prosecutor of the Court and as such, we are fully committed to an independent, transparent and fair selection process for the next ICC Prosecutor who will be able to carry forward the excellent work of the outgoing Prosecutor as well as navigate the Court to fresh ideas and successes.

Mr. President

We are deeply concerned that some of the challenges the Court continues to encounter in the execution of its mandate are due to sanctions imposed on the Prosecutor and some of her senior staff by a state expected of upholding rule of law. My delegation deemed these measures unacceptable and condemned all such acts unequivocally. The imposition of travel and economic sanctions regimes are meant for criminals and not for law abiding international citizens, whose primary responsibilities are to enforce international law. The Gambia believes that the moral force of our conviction for a more just world is greater than any obstacle placed on the court or on any of its officials in the execution of their mandate. Therefore, we must remain steadfast and stand firm to make this noble court a success. Our generation owes this to all victims and there is no

alternative for the protection of vulnerable people around the world. In this vein, we implore all States Parties to proactively engage with the Court in the investigations, arrest and execution of its judgments. This is imperative for the preservation and maintenance of international order and the rule of law.

The Gambia wishes to encourage state parties as well as non-state parties to the Rome Statue to cooperate with the Court in the execution of its mandate in order to end impunity as partners in upholding justice. We commend states that have facilitated the activities of the Court and call on others to emulate such actions rather than acting as a stumbling block because at the end of it all and no matter the circumstances and how long it takes, Justice will prevail.

Mr. President, The Gambia congratulates the Prosecutor, Mrs. Bensouda for her sterling professional ethos in the performance of her nine-year mandate. Madam Prosecutor, your independence, courage and bravery in the discharged of your service are second to none and one to be emulated by many future Prosecutors. We stand in solidarity with you to protect your independence and integrity and we call on all state parties to do the same. We are indeed proud of your achievements as an African and a Gambian knowing that you have indeed left a strong legacy for our institution to build on.

Mr President

In closing, The Gambia reaffirms its pledge to uphold the values that led to the establishment of the court and will continue to offer our

support to it in all forms necessary. In this regard, we remain open to hosting future events and activities of the Court in its outreach engagements.

I thank you all for your kind attention.