

Tall, Aïssé Gassama (Senegal)

[Original: French]

Statement of qualifications

Statement submitted in accordance with article 36(4) of the Rome Statute of the International Criminal Court and of paragraph 6 of the resolution of the Assembly of States Parties on the Procedure for the nomination and election of judges of the International Criminal Court (ICC-ASP/3/Res.6).

This document refers to the decision taken on 18 December 2019 by the Bureau of the Assembly, to open the nomination period for the election of six judges of the International Court, in accordance with article 36 of the Rome Statute and resolution ICC-ASP/3/Res.6, as amended by resolutions ICC-ASP/5/Res.5, ICC-ASP/12/Res.8, annex II, ICC-ASP/14/Res.4, respectively.

Its purpose is to support my candidacy in the election of judges to the International Criminal Court (ICC), in list A, and to serve as a detailed document demonstrating that I have the requisite qualifications in accordance with article 36(3) of the Rome Statute.

As a citizen of the State of Senegal, the first country to ratify the Rome Statute, it is with great honour and commitment that I wish to submit my candidacy for the forthcoming election of judges of the ICC.

I am a lawyer by training, I speak and write fluent French, which is the official and working language of my country, I have a *Maîtrise ès sciences juridiques* (Master's in Law), with a specialisation in private law, from the Law faculty of Cheikh Anta Diop university in Dakar (August 1992). I then successfully passed the entrance examination for the *École nationale d'Administration et de Magistrature* (ENAM – National School of Administration and Magistrates) in Senegal where I undertook the initial training (January 1994-August 1995) to achieve the licence enabling me to enter the judiciary.

After swearing an oath to [TRANSLATION] “*perform my duties as a judge correctly and faithfully, to act in a wholly impartial manner in accordance with the Constitution and the laws of the Republic... and to observe, at all times, the control, honour and dignity demanded by this role*” and once I had completed my two (2) years of training, I was appointed deputy public prosecutor and assigned to the public prosecutor's office at the Special Regional Court in Dakar, the largest public prosecutor's office in the country.

Seven years of professional practice in the post of deputy public prosecutor at the special regional court in Dakar, tasked with implementing the government's criminal policy, enabled me to develop strong legal skills and to acquire in-depth knowledge of the specific areas of criminal law and procedure. As the regional court has primary jurisdiction, it deals with all cases (involving crimes and misdemeanours and including cases involving juveniles). Alongside my conventional duties in this post, I was also responsible for cases involving children.

My record of service, demonstrating competence, impartiality, integrity and loyalty, led the senior judicial authorities in my country to appoint me as deputy prosecutor at the Departmental Court of Pikine-Guédiawaye (Dakar suburbs). Three (3) years in this post provided me with the opportunity to hone my court management skills. This is the largest departmental public prosecutor's office in the country and in this post as head of the public prosecutor's office I coordinated investigations carried out by over a dozen police and gendarmerie units under the court's jurisdiction. I then managed all criminal proceedings, from the receipt of the investigation report until the judgment.

I was subsequently seconded to the post of deputy director responsible for legal affairs and international relations at the *Cellule Nationale de Traitement des Informations Financières* (CENTIF – National Financial Information Processing Unit), Senegal's financial intelligence unit (CRF - cellule de renseignement financier), an administrative body which comes under the authority of the Minister for the Economy, Finances and Planning. CENTIF is the national operational unit combating money laundering and terrorism funding. In this post I was responsible for overseeing inquiries and investigations, drafting reports containing evidence, referring cases to the prosecuting authorities and also overseeing case files before the courts that had jurisdiction.



Upon completion of this first period of secondment, I returned to the courts to take up the post of deputy prosecutor-general at the Dakar Court of Appeal (09/2009-08/2010). In this role I managed criminal case files decided on appeal and specifically criminal cases decided before the Assizes Court.

I was then promoted to the post of senior deputy public prosecutor at the Special Regional Court of Dakar (08/2010-12/2011). The Public Prosecutor's department at the Special Regional Court of Dakar is the largest in the country in terms of the number of cases it handles and their complexity. In this role I supervised the work of around forty units of criminal police and seventeen (17) deputy public prosecutors.

The afore-mentioned duties afforded me regular direct contact with the authorities responsible for criminal investigations, enabled me to supervise and manage investigations, to prepare case files and to argue for the prosecution, by way of reports or an address before the various trial courts.

The Keeper of the Seals, the Minister for Justice, then appointed me to the role of Technical advisor No 1 responsible for criminal matters (05/2012-03/2013) and I joined the Ministry of Justice where my role involved leading discussions to implement the Government's criminal policy, suggesting reforms and assisting the Minister in monitoring active cases in the various public prosecutor's offices.

From the Ministry of Justice, I was then offered a second secondment to the Ministry for the Economy, Finances and Planning where I was appointed Director of the Government Legal Agency (02/2013-06/2015). In this capacity I was responsible for the resolution of all court proceedings in which the State is a party before national and international courts and arbitration bodies. I was thus responsible for referring cases to public prosecutor's offices with jurisdiction for offences committed against the State; conducting prosecutions to recover debts owed to the State and also monitoring the progress of trials, the defence approach and assessing whether or not appeals should be lodged.

I then joined the Supreme Court of Senegal (10/2015-09/2017) as a Referendary Counsellor. As the highest court in the judicial system, the Supreme Court has jurisdiction to rule in first and last instance on the abuse of power by the administrative authorities and on appeals against judgments and appeal judgments in last instance by all courts, along with applications for reviews, applications to refer cases from one court to another, procedures for settling conflicts of jurisdiction between different courts in criminal matters, actions for damages against a judge for misuse of his authority, conflicting judgments and prosecutions of judges and certain civil servants.

My judicial experience at the Supreme Court, in the Criminal Chamber and Administrative Chamber in turn, enabled me to develop further a methodological approach and organisational skills, but also, and in particular, a keen sense of rigour, accuracy and efficiency in the drafting of reports, draft appeal judgments and appeal judgments.

In September 2015, I was appointed by the Ministry of Justice to take up the post of Director of the Minister's Private Office before being promoted, two (2) months later to Secretary General of the Ministry of Justice, a post I continue to hold today.

In my capacity as Secretary General I am responsible, inter alia, for coordinating the activities of the various departments within the ministry and ensuring that they run smoothly, and also preparing and overseeing the implementation of ministerial decisions. In this regard, in the context of the work carried out by the Human Rights directorate and by the Directorate of Criminal Matters and Pardons, I was required to work intensively on producing the draft Children's Code with a view to introducing into Senegalese domestic law certain provisions of the international Convention on the Rights of the Child (1989), and drafting the law which makes acts of rape and paedophilia an offence in Senegal.

Furthermore, I coordinated the drafting of periodical reports by Senegal to be presented before the United Nations Human Rights treaty bodies (Commission on Human Rights and Committee Against Torture) and also for the Human Rights Council Universal Periodic Review (UPR).

On 26 April 2018, I defended Senegal's report to the United Nations Committee Against Torture.

Finally, I am a member of the Association of Senegalese Female Lawyers which includes lawyers, judges, and judicial officers and whose role is to defend women's rights and to combat violence against women.



During the course of my entire career I regularly benefited from statutory promotion until I reached the grade of *magistrat hors hiérarchie* (senior judge), which allows me to take up the most senior judicial roles in my country. This proves that I have high moral character and that I am known for my impartiality and my integrity and thus have the requisite qualities to be employed as a judge at the ICC.

On that basis, my nomination is submitted in accordance with the national process for selecting candidacies for the most senior judicial roles in my country; in other words, when notice of the vacancy is received, it is disseminated as widely as possible, then applications are received by the Directorate of Judicial Services at the Ministry of Justice which examines them and puts forward the candidate who meets the required conditions and also has the best profile for approval by the Keeper of the Seals, the minister for Justice.

My years of experience, both in the judiciary and in the civil service, and my competence in criminal law and procedure lead me to believe that I have acquired the necessary qualifications and capabilities required in accordance with article 36(3) of the Rome Statute.

Finally, I commit to being available to take up full-time service when the Court's workload so requires

