

**STATEMENT**

**BY**

**HON. JUSTICE MAMA FATIMA SINGHATEH**

**ATTORNEY GENERAL AND MINISTER OF JUSTICE OF THE REPUBLIC OF  
THE GAMBIA**

**AT THE**

**TWELFTH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**20-28 NOVEMBER, THE HAGUE, THE NETHERLANDS**

**Madam President**

**Excellencies and Distinguished Delegates**

It is truly a privilege and an honour to make this statement on behalf of the Government of the Republic of The Gambia. Firstly, allow me to express my profound appreciation to you Madam President for your outstanding stewardship of the Assembly thus far and I would like to assure you of my delegation's full support and cooperation. In the same vein, may we extend our gratitude to the Secretariat and all others for successfully organising this twelfth session of the Assembly of States Parties.

**Madam President**

The Republic of The Gambia fully recognises and indeed acknowledges the importance of the work of the International Criminal Court (ICC) in the fight against impunity for the perpetrators of the most heinous crimes known to mankind. My delegation therefore takes this opportunity to reaffirm its support and commitment to the ideals of the Court by continuing to uphold the fundamental principles of the rule of law, justice and respect for human rights at the national level.

**Madam President**

The significant progress of the ICC in executing its mandate must be recognised and The Gambia is particularly pleased to note that the work in achieving the balance between retributive and restoration justice is on-going. We must remember that the work of the ICC extends beyond bringing the perpetrators to justice and equally

important is the assistance it renders to the victims through various projects initiated by the "Trust Fund for Victims" to enable them to re-integrate into society.

Notwithstanding, we must also be mindful of the challenges and problems currently faced by the Court and debate amongst ourselves in order to achieve a successful resolution to combat the impediments presently restricting the ICC in achieving its full mandate.

Madam President

More vital than ever, the Court plays such a central and crucial role in the international criminal justice system, and so it must strive to nurture and develop its relationship with all State Parties as well as regional and international organisations. Moreover, as all the cases currently handled by the Court are from Africa and coupled with the fact that Africa constitutes the largest regional membership of the ICC, the cooperation between the ICC and AU is now more vital than before.

This Assembly is timely and could be the defining moment to pave the way forward for a mutual understanding between the ICC and AU. The concerns of the AU needs to be given due attention to create a cordial and cooperative relationship as we work towards achieving the goals and ideals of the Rome Statute.

Madam President

Pursuant to Article 17 of the Rome Statute, the principle of complementarity should also be central in today's debate. My delegation is of the opinion that the ICC needs to be more accommodating and allow competent national and regional courts to contribute to the fight against impunity as this cannot be won in isolation.

Madam President

As the activities of the ICC gradually rises, so does the need for the increase of adequate resources to meet the increasing workload and demands from State Parties and International Organisations for the Court to uphold its mandate. Therefore it is crucial that the Court's budget complement the current realities faced by the ICC in striving to achieve its mandate, including support for the implementation of the strategy document of the Office of the Prosecutor.

Madam President

In conclusion, The Gambia congratulates Cote d'Ivoire on becoming the 122nd State Party to ratify the Rome Statute and urge States who are yet to ratify the Statute to do so. In our view, the desire of attaining universal jurisdiction remains an important goal to all States Parties as it enhances and protects the credibility/integrity of the Rome Statute. Nevertheless, the work towards attaining universal jurisdiction must also extend to the rectification of the imbalance where States not Party to the Rome Statute can refer States Parties' cases to the ICC and not vice versa. Such a status quo undermines the perception of the ICC as an independent body and therefore the

sooner we move towards universality of the Rome Statute, the better this would be for the ICC's image. The Gambia wishes to align itself with the AU resolution that no sitting African head of state should appear before an international court.

I thank you

**Hon. Justice Mama Fatima Singhateh**  
Attorney General & Min. of Justice  
The Gambia