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STATEMENT

BY

MR. CHERNO MARENAH
SOLICITOR GENERAL AND LEGAL SECRETARY OF
OF THE REPUBLIC OF THE GAMBIA

AT THE

18TH SESSION OF THE ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT

THE HAGUE

2nd – 7th DECEMBER 2019

**STATEMENT ON THE 18TH SESSION OF THE ASSEMBLY OF STATE
PARTIES TO THE INTERNATIONAL CRIMINAL COURT, 2-7
DECEMBER, 2019**

**BY THE HONOURABLE SOLICITOR GENERAL & LEGAL
SECRETARY OF THE REPUBLIC OF THE GAMBIA, MR CHERNO
MARENAH.**

SALUTATIONS

**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**

Good Morning,

I am indeed honoured to address this august assembly on the occasion of the 18th session of the Assembly of State Parties on behalf of the Republic of The Gambia.

Mr President

Allow me to congratulate you for the excellent manner in which you have steered the affairs of the Assembly since your election into office.

I join previous speakers to place on record The Gambia`s unwavering commitment and 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. Coming out of two decades of dictatorship with its

attendant gross human rights violations, the Government of The Gambia has reaffirmed its resolve to place human rights at the centre of our governance paradigm and to end impunity in all its forms and manifestations. Therefore, The Gambia is a natural partner of the international criminal Court in holding individuals accountable for crimes against humanity and war crimes. The Gambia is encouraged by the stature and values of the Court, as one that represents justice for all victims of atrocious crimes irrespective of race, creed or colour.

It is against this backdrop that The Gambia has embarked on a transitional justice process to hold to account those who bear the greatest responsibility for human violations during the dictatorship. 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,

The 21st anniversary of the Rome Statute of the International Criminal Court (ICC) is a 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 be to 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 hitherto 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.

We particularly welcome the recent landmark judgement of the court in the case of Bosco Ntaganda and the decision to initiate investigations in a non-state party in respect of what we consider to be an unfolding genocide in the border between Myanmar and Bangladesh. Given the concurrent investigations in Central African Republic, Cote'Ivoire, the Darfur Region of Sudan, Democratic Republic of Congo, Georgia, Kenya, Libya, Mali, Northern Uganda, Philippines and Venezuela, the court has its hands full. Therefore, we call on States Parties to fulfil their financial commitments and to consider augmenting the budget of the ICC to correspond to its increasing workload.

However, 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 independent review of the Court with a view to achieving impartial recommendations aimed at enhancing the performance and efficiency of the Court. As a contributing member of

the Committee on the election of the next Prosecutor. We are aware of the importance attached to the role of the Prosecutor of the Court and as such, we are fully committed to an independent, transparent and fair election process for the next ICC Prosecutor who will be able to carry forward the excellent work of the outgoing Prosecutor.

Mr. President

In tandem with the Rome Statute's principles of complementarity, cooperation and the ICC being a court of the last resort, the Court must also increase its visibility in all state parties. To this end, The Gambia reiterates its call on the Court to redouble its capacity building efforts of Judges and Prosecutors in the domestic judicial system of states parties. We are convinced that appropriate capacity building and access to the reservoir of resources available at the disposal of the Court will go a long way in equipping and improving national judicial systems to prosecute and punish atrocity crimes.

Mr. President,

We note with concern the challenges the Court continues to encounter in the execution of its mandate; not least the travel restrictions imposed on the Prosecutor and her staff. The Gambia believes that the moral force of our conviction for a more just world is greater than any obstacle placed before the court or any its officials in the execution of their mandate. Therefore, we must remain steadfast and stand firm to make this noble endeavour 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.

Similarly, we call on the Court to reinforce its outreach mission to get more states on board this train of global accountability. We similarly call on the court improve the optics in its relationship with states parties, particularly on African continent where a perception of unfairness is felt and propagated in some quarters. Continued dialogue and enhanced but differentiated engagement with all states parties is imperative for a sustainable and win-win relationship between the court and states parties.

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.