

ADVISORY COMMITTEE ON NOMINATIONS OF JUDGES QUESTIONNAIRE

A .Nomination process

1. I have established competence in criminal law and procedure both from my experience at the Ministry of Justice as a state counsel and Solicitor General during my early professional career and later, for the past 8 or 9 years, as a Judge of the Supreme Court, the apex court in The Gambia.
2. I have both experience and competence in handling litigation, as a Judge, related to violence, discrimination and sexual assaults inflicted on women and girls.
3. No

B. Perception of the Court

1. The main criticism regarding the proceedings of the Court is that they are often dilatory and it's decisions do not always take into consideration the fate of the victims.
2. There is a binary international perception of the Court with detractors of the Court, led by one or two non-state parties, on the one side and on the other side supporters of the Court determined to keep in focus the *raison d'etre* of the Court and the growing need to protect the world's populace against the excesses of wars and conflicts and the culture of impunity. The perception of the Court can be improved by emphasising the Court's complementarity and the need for States Parties to be more proactively involved in harnessing the collective political will of their colleagues and other political actors to give serious consideration to undertaking in-country prosecution of violators of the Statute, with the assistance of the ICC where necessary, and to have recourse to the ICC only as a last resort, with all necessary cooperation and support.
3. I must confess that not having had access to all the decisions of the Court and the opportunity to consider their contents in detail, I cannot assume competence to pronounce on the Court's past decisions. Suffice it to say, however, that decisions of a court of law are not made in *vacuo* but are grounded on the facts, evidence and applicable law in the circumstances of the case. While there may be decisions *per incuriam*, appealable to the Appeals Chamber, the primary objective of court proceedings is to achieve wholesome justice.

C. Judge's independence

1. I believe the relationship of a Judge and the authorities of his or her country of origin and other institutions to which he or she has been affiliated or indeed the public should be governed by the principle of 'the objective bystander'.
2. I do not believe a Judge should participate in a trial involving a national of his or her country because even the most objective Judge would not be immune from allegations or suspicions of bias. 'Justice must not only be done but must also be manifestly seen to be done.'
3. I would suggest expanding the capacity of the Pre-Trial Chamber to hear and settle all matters relating to admissibility of the evidence and witnesses' statements which should be in affidavit form, thus obviating the need for often lengthy

examinations-in-chief, and on the basis of which witnesses can be cross-examined. All procedural matters and objections should also be settled at the pre-trial stage. Victims should be given ample opportunity to address the Court before sentencing.

4. In our jurisdiction the principle of stare decisis is adhered to.
5. Innovative procedural practices to ensure efficiency are always welcomed, but their implementation must be predicated on their thorough consideration by other stakeholders.
6. In the Supreme Court we sit in panels of five judges and seven when considering review applications. A hallmark of the Gambian judiciary is that since pre-independence days, with the existence of the West Africa Court of Appeal, the judiciary has received technical assistance in the form of Judges and other judicial officials from Commonwealth countries. Thus we are used to working in a multi-national environment, and as Executive Director of the African Centre for Democracy and Human Rights Studies (ACDHRS) I worked with an international staff from Africa, Europe, USA, Canada and New Zealand.
7. A Judge should recuse himself or herself from a case involving a national of his or her country of origin.

D. Workload of the Court

1. Yes
2. Yes
3. Yes
4. In this jurisdiction it is normal for a Judge to write his or her own judgment or the lead judgment of the Court. Delegation of the drafting of judgments to assistants or interns would be limited.
5. Only interlocutory decisions should be issued by a single Judge, subject to review by the full Pre-trial Chamber.
6. Yes I am used to working under pressure from state authorities during the previous regime particularly in handling cases relating to treason and recently from the public in constitutional matters of great public interest.
7. I am in good health and able and prepared to work under pressure. I have never been on leave due to work-related incapacity.

E. Deontology

1. An independent Judge is guided by the rule of law and the need to always dispense justice fairly, equitably and conscientiously. Whenever there is a conflict or semblance of conflict of interest between the Judge and the subject matter or parties of the litigation the Judge should recuse himself or herself from a case.
2. A conflict of interest would arise where the Judge is familiar either with one or more of the parties to a litigation, even if not of the same nationality, or with the subject matter of the litigation, having been previously involved either directly or indirectly in the matter.
3. Apart from the present considerations as to geographical and gender representation, I do not believe the other listed considerations are relevant in determining the competence of a candidate for judicial appointment.
4. No
5. No

6. I believe the effective participation of victims will be greatly enhanced if more protection is provided for them especially in situ and as potential witnesses. Victim's pre-sentencing statements should be encouraged and considered in determining compensation awards,if any, and where feasible.
7. Normally, the rights of both the accused and the accusers are balanced on the scales of Justice where all the facts, evidence and the applicable law are weighed in determining the rights of the parties. However, I believe more consideration should be given to the post-trial protection and welfare of the victims. Compensation awards do help victims.

F. Additional information

1. Yes.
2. No.
3. I have read and do accept the conditions of service.
4. Yes.
5. No.

G. Disclosure to the public

1. I have no objection to the disclosure of my answers and comments herein to the public.

Signed:Justice Raymond C Sock.