The Gambia – Procedure for nomination of judges to the ICC

The Gambia's nomination of judges to the International Criminal Court is made under article 36, paragraph 4(a)(i), of the Rome Statute that is, the procedure for the appointment of qualified candidates to the highest judicial offices.

Procedure for appointment to the highest judicial offices.

The procedure for the appointment of judges to the highest judicial offices is provided for in sections 138 and 139 of the Constitution of The Republic of the Gambia 1997. For appointments to the Supreme Court, a person must have either served in the Court of Appeal for 5 years or have practiced law for 12 years. For the Court of Appeal, he or she must have been on the High Court for 5 years or practiced law for 8 years. For the High Court the person must have been a Principal Magistrate or practiced law for five years.

The Judicial Service Commission established under Section 145 of the Constitution, is responsible for vetting and recommending persons for appointment as judges. It comprises the Chief Justice as Chairperson, a judge of the Supreme Court, the Solicitor General, a legal practitioner of at least 5 years standing nominated by the Bar Association, one person appointed by the President of the Republic, and a person nominated by the National Assembly.

The Judicial Service Commission follows an open and transparent process for the assessment of suitable candidates for appointment to the Superior Courts. When a vacancy arises in any of the Superior Courts, the Judicial Service Commission issues a call for expressions of interest from suitably qualified legal practitioners and judicial officers to be appointed to the vacant judicial position, spelling out the qualifications, skills and character requirements. Shortlisted candidates are then invited to an interview by a panel of senior judges who assess their technical capacity. The assessment also include review of samples of writings (judgements, legal briefs or academic papers) and two references on integrity and fitness for judicial appointment. The candidates are then interviewed by the members of the Judicial Service Commission who then make a final recommendation for appointment. The President of The Republic then acts on this recommendation and appoints the candidate to the judicial position.

OFFICE OF THE CHIEF JUSTICE
BANJUL, THE GAMBIA

Hassan Bubacar Jallow-CRG
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