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**Launch of the *Truth, Reconciliation and Reparations Commission* of The
Gambia**

Venue: Banjul, The Gambia | *Date:* 15 October 2018

Your Excellency, President Barrow,
Excellencies,
Ladies and Gentlemen,
Dear Friends and Colleagues,

I have the distinct honour of addressing you today, and I am particularly delighted to be back in my hospitable homeland, The Gambia, at a critical juncture in its modern history as we convene to inaugurate a most important initiative that is so critical to the future of this country and the strengthening of the rule of law on which that future can be secured.

At the outset, I would like to congratulate and commend His Excellency President Barrow for the establishment of the *Truth, Reconciliation and Reparations Commission of The Gambia* (“TRRC” or the “Commission”), and the Honourable Attorney General and Minister of Justice, Mr Abubacarr Tambadou for his contribution to this significant development.

I am grateful for the invitation to be part of this inauguration and historical moment.

These are important times for The Gambia where nation rebuilding in many spheres is needed. It is in this context that the TRRC is being launched.

President Barrow and his able team have thus far demonstrated their commitment to reconciliation, the rule of law and strengthening of accountability mechanisms not only in words, but through real action.

We recall that it was not long after His Excellency was sworn in as President, the country recommitted to the International Criminal Court (“ICC” or the “Court”) as a State Party to the Rome Statute. This was a concrete expression of the commitment of The Gambia to the rule of law and accountability for atrocity crimes.

It reflected not only the Government’s recognition of the vital role that the Court plays in the independent and impartial fight against impunity, but it also demonstrated The Gambia’s resolve to pursue a path of justice, where the rule of law and respect for human rights steer its course, define its future and what we value as Gambians.

As I often say, protecting citizenry from the scourge of war and conflict through the vector of the law demonstrates political leadership, not weakness.

Today’s inauguration of the Commission is yet another tangible expression of that leadership with a clear belief in the recognition that in order for the country to move forward to greater heights, it must reckon with its past; it must engage in a good faith effort to uncover past wrongs; it must identify and hold those most responsible accountable, provide for the answers and indeed the recognition and justice that victims and affected communities so deeply yearn for and desire.

The Commission has an important mandate: to investigate human rights violations and abuses committed between July 1994 to January 2017 in order to foster social cohesion and encourage national reconciliation amongst Gambians, to address impunity, and to recognise the rights and dignity of victims through the provision of appropriate reparations.

With eleven commissioners, drawn from all the major regions of the country, representing the richness of the Gambian diversity and its five main ethnic groups, as well as religions, and with highly skilled investigators and prosecutors lending their services to the Commission, the Commission is equipped to deliver.

This is needed for The Gambia to turn a page and write a more promising chapter since independence in 1965. An objective, professional internal inquiry is required to ensure the truth is established through an authoritative historical record of what transpired during the past two decades, wrongs identified, and then acknowledged, and wounds healed so as to secure the country's internal harmony and to avoid instability and conflict.

In addition to truth seeking, the reconciliation component of the Commission will be key to restorative justice and ensuring any societal fissures are managed through a well reflected, structured, objective and inclusive process, where victims can fully participate to tell their stories, and where forgiveness, as appropriate, and reconciliation can take root.

There are fortunately a number of precedents for truth and reconciliation commissions which can provide helpful lessons and experiences for the TRRC in The Gambia, from modalities that work best, to maximising meaningful victim participation, ensuring a gender perspective is incorporated into the process, effective outreach, so on and so forth.

Your Excellencies,
Ladies and Gentlemen,

While acknowledging the complexities and uniqueness of each post-conflict, post-upheaval situation, the experience of other truth and reconciliation commissions, including those undertaken on this Continent, has also demonstrated that casting aside accountability of those most responsible for the most heinous crimes may not bode well for long- term sustainable peace and social cohesion.

In other words, real peace and harmony are seldom achieved in the absence of retributive justice. Arguably, this may be considered to be a case by case assessment, and it is up to each country and its people to chart the best course of action in any given situation. Truth and reconciliation commissions are not an exercise in settling political scores or vendetta, but an objective professional undertaking in the service of the nation.

When confronted with atrocity crimes that shock the conscience of humanity, however, there is no justifiable reason to look the other way, or to entertain immunities. Those most responsible for such

serious criminality, if so identified through credible investigations, must face justice in a properly instituted court of law that abides by and applies the highest standards of judicial administration and due process guarantees.

I understand that the Commission indeed envisages investigating in order to establish whether atrocity crimes have been committed and to identify those most responsible for the purposes of holding them accountable. This is an important feature of the significant project on which The Gambia is about to embark upon.

My Office will be following the developments with the Commission with great interest and should it ever be seized, and its jurisdiction established, it will undertake its independent and impartial mandate under the Rome Statute with conviction and dedication as it does in all situations where we have jurisdiction, with full respect for the principle of complementarity.

In the interim, in accordance with strategic goal 9 of my Office's strategic plan, where we look to work with partners to close the impunity gap, my Office stands ready to assist The Gambia in this notable effort in any way deemed helpful and feasible with full respect for our respective independent mandates.

As you know, the Rome Statute envisioned an interdependent, mutually reinforcing system of justice with a permanent and independent court of last resort at its nucleus.

The ICC is to complement national criminal jurisdictions, which are to act as the first bulwark against impunity. Domestic proceedings are indeed the preferred avenue, not least as national prosecutions have the advantage of bringing justice closer to the affected communities. Accountability begins at home.

Against this backdrop, my Office has always been respectful and mindful of States' sovereign national proceedings in accordance with the principle of complementarity. While the Office has stepped in when justice was not forthcoming, it has sat back where required to give space for genuine national proceedings. Indeed, through its presence and work, the Office can serve as a catalyst for national proceedings.

To be clear, the Court does not directly involve itself in domestic capacity building for the investigation and prosecution of atrocity crimes; nevertheless, the Court engages in activities which enhance the effectiveness of states in investigating and prosecuting serious crimes that fall within ICC jurisdiction.

As mentioned, my Office will be following the important work of the Commission with interest to see how best we can contribute.

Ladies and Gentlemen,
Dear Friends,

The Gambia is embarking upon a crucial project to look at its recent past with a view to building its future.

Allow me to conclude by expressing my most sincere admiration for this important initiative, and to wish the Commission success in its critical work.

Let us benefit from this launch to re-commit ourselves today and henceforth, to continue working together, with resolve, to ensure that our societies thrive in the comfort of social harmony, and that the rule of law always reigns as a protector of social cohesion, defining our ethos in The Gambia and beyond.

On this path, humanity has come a long way indeed, but 'we have miles to go still before we sleep.'

Jiaru- juf | OTP