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STATEMENT BY  
BY  
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PERMANENT MISSION OF THE GAMBIA  
TO THE UNITED NATIONS

BEFORE THE SIXTH COMMITTEE  
77<sup>TH</sup> RESUMED SESSION OF THE UNITED NATIONS GENERAL  
ASSEMBLY

CLUSTER 1  
PREAMBLE AND DRAFT ARTICLE 1

NEW YORK, 10<sup>TH</sup> APRIL 2023

**Mr. Chair,**

At the outset The Gambia welcomes the preamble and draft article 1 as drafted. The historical context outlined in the preamble represents the views of my delegation as we envisaged the world free from crimes against humanity, which the draft articles provides perfect bases to prevent and punish. The scope identified under draft article 1 is logical, considering the need to prevent and the need to punish to avoid repetition of these crimes.

Having said that, The Gambia recognizes the extraordinary nature of the resumed session of the 6<sup>th</sup> Committee, which has more to do with the importance we collectively attach to the topic under the agenda, the prevention and punishment of crimes against humanity. As a people, our shared values are guided and must be guided by the principles of international law or norms, which by anticipation states are expected to respect, by consenting to its practices. It is therefore, not by chance that we are gathered here to continue our work on crimes against humanity with a view to finding a lasting solution to crimes that no human should commit against another with impunity.

Since the conclusion of the draft articles on crimes against humanity in 2019, the sixth committee has continuously engaged in debates that seem to have produced no clear path for the future of the draft articles or the recommendations provided by the International Law Commission (ILC). The lack of progress made on finished products presented to the sixth committee by the ILC for endorsement, have made them become redundant or reduced to technical rollovers, which is not what is desired by every contributing delegation of the sixth committee.

**Mr. Chair,**

We must, therefore, dare to be different in our pursuit of the progressive development of international law as well as the protection and promotion of human rights guiding principles, be it nationally or internationally. For The Gambia, these guiding principles are the driving forces of our peace and security and are at the core of our domestic and foreign policy. That is why a country led resolution that explores avenues not usually utilized by the sixth committee but within the perimeters of the rules of the committee and are aimed at providing the right opportunity to continue with work to exchange views and measure the interests of delegations on the finished product in question (crimes against humanity), called for the attention of my delegation and leadership.

Crimes against humanity are not acts of illusions but real atrocious crimes that are being meted on others by our fellow humans while we are engaged in repeated annual debates in the sixth committee without a consensus view to agreeing to a common solution. The victims of these crimes are in urgent need of our intervention to negotiate an international standalone convention that can prevent and punish these heinous crimes being committed against humanity.

**Mr. Chair,**

The desired outcome of our meetings/debates on ending impunity vis-à-vis atrocity crimes is by adopting a negotiated legal framework that is participatory and representative of ideals geared towards protecting and preserving human dignity. We must therefore, free our collective conscience off all evil that befalls human dignity and hold the actors of such evil to account by legal means.

The resumed sessions of the sixth committee 2023 and 2024 respectively, provide an opportunity to engage constructively in our exchange of views on the ILC draft articles with a view to elaborating them into a convention that will free our conscience of all evil that befalls our kind, who are not privileged to decide on their own fate. We must not allow this opportunity to be lost in loose technical debates.

Our fight to end crimes against humanity must not divide us, instead should unite us. The scourge of this evil impacts beyond individual suffering to planting and fueling the seeds of anger, hatred and violence that may lead to fragility in peace and security between communities and even states. We must recognize our divergent views and values to understand the need for a healthy debate that has the potential to deliver us an acceptable agreed conclusion, which may not be perfect. We need this space and time to exhaust constructive ideas with a view to engaging with an open mind that is result driven to prevent and punish every crime that fits the definition of draft article 2 of crimes against humanity.

**Thank you for the opportunity.**