



***Check against delivery***

STATEMENT BY  
BY  
**MR. AMADOU JAITEH**  
**COUNSELLOR AND LEGAL ADVISER**

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 3  
NATIONAL MEASURES DRAFT ARTICLES 6,7,8,9 AND 10

NEW YORK, 12<sup>th</sup> APRIL 2023

**Mr. Chair,**

Thank you for the opportunity to make these few remarks with a view to providing our views on cluster 3, National measures concerning draft articles 6,7,8,9 and 10.

### **Criminalization under National Law and establishment of national jurisdiction**

Draft Article 6 provides that each state shall take measures to ensure that crimes against humanity constitutes an offence under its national laws, as well as the various offences that constitutes crimes against humanity. Draft Article 7 provides that, States should establish national jurisdiction over crimes against humanity committed within its territory or by its nationals.

Draft Articles 6 and 7 are essential for the investigations and prosecutions of crimes against humanity by states; consequently, these draft articles are welcomed by The Gambia.

### **Investigations, and Preliminary measures when an alleged offender is present**

Draft Articles 8 and 9 provides for the investigations of crimes against humanity and the preliminary measures to be taken when an alleged offender is present in a State. As per Draft Article 8 each state shall prompt the relevant authority to carryout investigations where there are reasonable grounds to believe that acts constituting crimes against humanity have been or are been committed within its territory. According to Draft Article 9, a State may take in to custody the person suspected of crimes against

humanity, after being satisfied that he or she may have committed the act, make a preliminary inquiry into facts, and notified the states referred to in draft article 7.

The obligation to investigate and the preliminary measures to be taken when a person is suspected to have committed crimes against humanity is in line with the other draft articles and in international law, consequently, this draft article is welcomed.

### **Obligation to extradite or prosecute**

Draft Article 10 provides that, the State under whose jurisdiction a person alleged to have committed crimes against humanity is, shall either extradite the alleged offender or prosecute them. This provision is welcomed by The Gambia, as The Gambia is firmly committed to the fight against all violations of human rights and those who are alleged to have committed crimes against humanity should not have a safe sanctuary to hide from prosecutions.

**Thank you for the opportunity.**