



Launching of the Truth, Reconciliation and Reparations Commission of The Gambia

Address

By

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Mr. President,

Excellencies,

Ladies and Gentlemen,

It is a great pleasure to be here today for the launch of the Truth, Reconciliation and Reparations Commission of The Gambia. I would like to seize this opportunity to thank you all for this invitation for such a historical occasion.

The last 25 years have seen great progress in the efforts of the international community to address together peace and justice, acknowledging that accountability for serious crimes under international law was an important element in any peace process.

In this regard, in recent years, there has been an increasing attention to the role that regional and national institutions could play in the field of transitional justice. With regard to accountability, we have witnessed a proliferation of new forms of tribunals, with different levels of international assistance or participation, in order to hold accountable those responsible for serious crimes under international law.

For example, the United Nations provided assistance, at the request of the Security Council, with respect to the establishment of a Hybrid Court for South Sudan.





We have also been supporting nationally-owned efforts towards ensuring accountability for serious crimes under international law. Allow me to cite two examples.

The first one is the Special Criminal Court in the Central African Republic. The Court is steadily moving forward with its own investigations, cooperation with the ICC, judicial training and outreach to constituencies.

This trend towards national ownership of transitional justice processes is very encouraging and is consistent with the principle of complementarity, as established in Article 17 of the Rome Statute of the International Criminal Court.

In this regard, I wish to commend the Government of The Gambia, and in particular President Barrow, for its decision to remain a State Party to the Statute of the International Criminal Court. The United Nations considers the ICC as the central institution of the international criminal justice system, and fundamental to achieving accountability for serious crimes under international law.

In addition to the development of domestic accountability mechanisms to fight impunity with an international participation, we have also recently noted an increased interest in establishing non-judicial international accountability mechanisms. Particularly in contexts where it is difficult to foresee effective accountability, there is an increasing appetite for, at a minimum, gathering and securing evidence in the interim so that such evidence can be used in national, regional or international courts that may in the future have jurisdiction over these crimes.

In this regard, the General Assembly established, in December 2016, the new International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in Syria since March 2011.

More recently, the Security Council requested the Secretary-General, in September 2017, to establish an Investigative Team to support domestic efforts to hold ISIL (Da'esh) accountable, by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL in Iraq. The United Nations Investigative Team to Promote Accountability for crimes committed by Da'esh / ISIL (UNITAD) began its work on 20 August 2018.





And, in another very recent development, last month, on 27 September, the Human Rights Council decided to establish an independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law in Myanmar since 2011 in order to facilitate and expedite fair and independent criminal proceedings.

In this regard, I wish to recall that the international community needs to be the driving force to ensure that international humanitarian law and human rights law, standards and best practices are fully included in any accountability process. The horrendous nature of the crimes committed should never undermine the respect for humanity.

Excellencies, Ladies and Gentlemen,

Justice is one of the values enshrined in the Charter of the United Nations. It is an essential component of our efforts towards conflict prevention and sustaining peace. But justice does not only mean criminal accountability. Justice requires a comprehensive approach, which runs from fact-finding to judicial processes, and from international to domestic efforts.

Effective transitional justice processes include a combination of judicial and non-judicial responses and mechanisms that have been designed to address the past, including the commission of serious crimes under international law. As such, accountability should be pursued through and alongside prosecutions, truth-seeking, reparations, and institutional reform and guarantees of non-recurrence. Such steps can facilitate a community-wide sense of accountability and contribute to reconciliation objectives.

The United Nations believes that the main responsibility in the fight against impunity remains with States. It provides support to domestic transitional justice processes to strengthen the rule of law architecture in a particular country.

In the same vein, these processes should contribute to justice for women, strengthening gender equality and transforming gender biases and adverse patterns in societies that hinder women from consolidating the full range of their rights.

One of the stated objectives of the Gambian Truth, Reconciliation and Reparations Commission is to establish an impartial historical record of the nature, causes and extent of violations and abuses of human rights committed during the period running from July 1994 to January 2017. Its aim is, inter alia, to address impunity, prevent repetition of the violations and abuses, and





promote healing and reconciliation among Gambian people. This Commission, through a focus on the testimony of victims of atrocities, will hopefully provide acknowledgment and recognition of suffering to those most affected.

This Commission will also provide an opportunity to begin the process of rebuilding trust among citizens as well as their trust in the institutions which are in place to serve them. I believe that the findings and recommendations of the Commission will contribute to criminal justice, reparations, but also to institutional reform processes to redress past abuses and prevent new ones from occurring.

Please let me take a moment to pay a special tribute to Mr. Lamin Sise, a former and very distinguished member of the Office of Legal Affairs. The Commission could not have found a better qualified Chairperson.

Allow me to finish my words by commending The Gambia for having embarked on an ambitious justice and reconciliation process, with the ultimate aim of all Gambians living side by side in peace. In this regard, reconciliation is one of the founding stones of lasting, sustainable peace and stability in any society that suffered from a period of authoritarian tendencies and human rights violations.

Past experiences show that the healing process is never instantaneous and that it often comes with challenges along the way. The search for truth and reconciliation requires time, dedication by all parts of the society, and continued, focused and coordinated effort by those in a position to guide the process. As Francis Bacon already noted in 1620, truth is the daughter of time, not of authority. The value of the Truth, Reconciliation and Reparations Commission that The Gambia is launching today will be assessed, over time, and by its contribution to Justice.

This may require a capacity to react and to adjust itself to the challenges that it may face. It is also the duty of the international community to assist this endeavour. The United Nations stands ready to support it.

Thank you.

