

Questionnaire for Candidates for the 2020 Judicial Election

Name: Raymond Claudius Sock

Nationality: Gambian

Nominating State: The Gambia

Legal Background: List A

Gender: Male

Date: 22nd September 2020

BACKGROUND

1. My primary motivation is to contribute to the entrenchment of the rule of law and respect for the rights of human beings in our societies and ultimately the eradication of the culture of impunity.
2. one of the ICC's main achievements in its last 18 years is its growing global recognition as an international criminal institution dedicated to providing access to justice and redress for victims of grave crimes, and one to be reckoned with in the future. Another significant achievement of the ICC is giving the crime of rape statutory recognition as a crime against humanity. Its main challenge of the last 18 years, however, has been gaining the confidence and recognition of some members of the international community as an independent, non – political international institution dedicated to dispensing international criminal justice without strings attached.
3. I believe some of the major challenges of the ICC and the Rome Statute system currently and in the coming years are-

raising the profile of the Court as an independent judicial institution of last resort and thereby emphasizing its complementarity and the primary duty of States to prosecute grievous crimes within their jurisdictions;

clarifying and defining the Court's territorial jurisdiction and its triggering mechanism to ensure the Rome Statute system is not clogged with objections to the exercise of the Court's jurisdiction; and

building and consolidating the Court's jurisprudence particularly by publishing judgments and decisions on important legal and procedural issues, thereby encouraging consistency in the Court's decisions.

LEGAL SYSTEM

4. (a) The common law system
- (b) As a legal adviser to the first Republic during the Senegambian confederation, I had occasions to deal with certain issues requiring an appreciation of the civil code system, issues including the collection and transmission of evidence between States, extradition, hot pursuits; the investigation and prosecution of criminal offences and the monist and dualist systems of incorporating international legal obligations into municipal or domestic law.

LANGUAGE ABILITIES

5. (a) My native language is wolof and the official language of The Gambia is English
- (b) Very Good
- (c) Poor

LIST A OR B CRITERIA

6. (a) For list A Candidates:

As Director of the ACDHRS for 6 or 7 years I developed competence in international humanitarian law and human rights law. The core programmes and activities of the ACDHRS revolved around training and research on issues relating to democracy and human rights.

OTHER EXPERTISE AND EXPERIENCE

7. Case Management and judgment writing
8. As a judge of the Supreme Court, I have dealt with complex criminal cases involving several persons on appeal from convictions for treason and other treasonable offences and other cases of murder and rape.
9. Relevant aspects of my expertise outside my professional competence that may enure to the benefit of an ICC judge are knowledge of international human rights, the drafting of legal documents and instruments, and basic knowledge of alternative dispute resolution.

EXPERIENCE AND PERSPECTIVE RELATED TO SEXUAL AND GENDER BASED CRIMES (SGBC's)

10. The gender programme at the ACDHRS addressed the issue of sexual and gender-based crimes through education and sensitization activities including the printing and dissemination of posters depicting gender-based violence and the need to educate the girl child.
My experience working with the Women's Bureau on the early drafts of the Women's Act increased my awareness of issues relating to the extent of gender-based violence in our society, the reasons for such violence and measures to address it.

EXPERIENCE AND PERSPECTIVE RELATED TO CRIMES AGAINST CHILDREN

11. As Minister of Justice I was privileged to lay before Parliament the Children's Bills 2005, which was promulgated the same year as the Children's Act 2005. The Act incorporates many of the provisions of the UN Convention on the Rights of the Child and the African Protocol on the Rights and Welfare of the Child in Africa. The Act also provides procedures for dealing with children in conflict with the law, including provisions on

child witnesses, and the establishment of children's courts country – wide. I also assisted in the establishment of a Child Rights unit at the Ministry of Justice.

EXPERIENCE AND PERSPECTIVE RELATED TO VICTIMS

12. None

13. No

EXPERIENCE RELATED TO FAIR TRIAL CONSIDERATIONS AND THE RIGHTS OF THE ACCUSED

14. The issues of fair trial and the rights of the accused do arise during criminal proceedings particularly regarding the reception in evidence of alleged confessions of the accused, requiring a *voire dire* (trial within trial). The consideration of the voluntariness of the confession of the accused involves issues relating to the use or threat of force or torture or the offer of other inducement to extract a confession. Other fair trial considerations have arisen regarding the access of the accused to a lawyer, the opportunity given to the accused to properly prepare for the case and the opportunity to be heard.

HUMAN RIGHTS AND HUMANITARIAN LAW EXPERIENCE

15. I have worked with the following international human rights bodies-

: The UN Centre for Human Rights – as a fellow on attachment for one month;

: The Human Rights Unit of the commonwealth Secretariat;

: The International Commission of Jurist (ICJ);

: The African Commission on Human and Peoples' Rights;

In collaboration with the African Union and the International Commission of Jurists, I contributed to the drafting of the Protocol establishing the African Court on Human and Peoples' Rights.

I have also worked within the followings bodies –

: the African Centre for Democracy and Human Rights Studies for about 6 years as the first executive director;

: the Institution for Human Rights and Development in Africa (IHRDA) as its first executive chair; and

:the ICC –ACN as an inaugural member of the committee from 2012 to 2015

16. IN my judicial capacity, I have made reference to the UN treaty provisions relevant to the imposition of the death penalty in a case of treason and treasonable offences.

As a consultant for the preparation of the Periodic Reports of The Gambia to the UN Human Rights Commission, I referred to the relevant provisions of the UN treaties and covenants to which The Gambia is a signatory to report on the progress made in giving effect to those provisions.

IMPLEMENTATION OF THE ROME STATUTE AND INTERNATIONAL CRIMINAL LAW

17. No

EXPERIENCE AND PERSEPECTIVE RELATED TO GENDER MAINSTREAMING

18. It has been a policy to increase the member of female officials in the institution I have headed. This policy which was adopted at the Ministry of Justice has witnessed a rapid increase of female lawyers in The Gambia, occupying senior positions both at the ministry and the judiciary.

Professional women in other areas have also been encouraged to take up leadership positions eg. at the African Centre for Democracy and Human Rights Studies, The Gambia Law School, the Ministry of Justice and the Judiciary

As stated earlier, I assisted with the drafting of the Women's Act, addressed gender mainstreaming issues as part of the programmes of the ACDHRS, and have intermittently animated workshops on women's right and empowerment

CRITERIA OF HIGH MORAL CHARACTER, INDEPENDENCE, IMPARTIALITY AND INTEGRITY

19. The requirement of "high moral character" calls for dedication to the pursuit of the truth in the face of adversity without fear or favour. I believe the relentless pursuit of the truth is the road to freedom from all fears. Justice brings out the truth and leads to peace, and the pursuit of justice and the truth requires a "high moral character" a moral high ground. An example acting contrary to the requirement of a "high moral character" is s judges' failure to recuse himself/herself from a case in which he/she may have an interest either directly or indirectly.

20. No

21.(a) I believe it's a legitimate expectation of a judge and supports the requirement "high moral character"

(b) No

22. No.

23. No

24. (a) @ None

(b) I would ignore the pressure and proceed to execute my judicial without fear or favour.

25. I have always encouraged co-workers to respect one another's individual rights and have empowered my female colleagues in the ACDHRS, the Gambia Law School and in the Judiciary to aim for further personal development and achievements in their careers without sacrificing their dignity and integrity.

OTHER MATTERS

26. (a) Yes, I expect to be able to serve the non – renewable term of nine years.

(b) The judicial tasks are in compliance with my work standards, and I would not need any adaptation to enable me to perform as required.

27. I believe the ICC should emphasize the complementary nature of its jurisdictions, and its outreach programme should explore the possibilities of instituting hybrid judicial proceedings to try offences within its jurisdiction.