

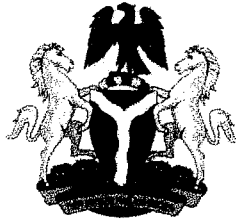


**STATEMENT BY THE LEADER OF NIGERIA'S
DELEGATION**

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And Minister of Justice, Federal Republic of Nigeria

At the Fifteenth Session of the Assembly of State Parties to
the Rome Statute of the International Criminal Court (ICC), The
Hague, Netherlands

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Mr. President

May I on behalf of the Nigerian delegation express my sincere and profound gratitude for the efficient and determined manner in which you have conducted the affairs of the Assembly and the Bureau since you assumed office as the President of the Assembly. My delegation is thus convinced that with your wealth of administrative experience and sense of inclusiveness the affairs of the Fifteenth Session will be amiably conducted to a fruitful conclusion.

No doubt this is a trying period for the Court with the spate of withdrawals and threatened withdrawals of membership of some States from the Court. Nigeria takes cognisance of the call by the African Bar Association for the reformation of the Court and that the Court should treat all continents equally and allow the rule of law to prevail in all circumstances.

Let me state, however, from the outset that two major motivations were responsible for the signing up by Nigeria to the membership of ICC namely; the universality of the application of its Statute arising from its international inclination and being an

instrument of attack on worst criminals of the world through confrontational effrontery to impunity. It is imperative therefore, that negation of either of these twin principles will naturally translate into the erosion of the confidence on the basis of which international participation of the States Parties is based. The impending threats of withdrawals and resentment arose from these considerations. Invasion of sovereign States in breach of United Nations Resolution resulting in genocide from States Parties is being allegedly overlooked by the international Criminal Court seemingly arising from the economic strength of the parties concerned and their influence, while States Parties of lesser economic strength and influence are being pursued with aggression. It is from these perspectives that the issue of confidence needs to be addressed. The policy must be universal and impunity must be challenged without discrimination.

Notwithstanding the above, Nigeria is impressed by the innovative manner and approach Mr. President and his team have adopted so far in handling the problem. I refer in particular to your recent Press Conference in Dakar, Senegal on 24th October 2016 on the issue. At this point in the history of the Court, let me assure you and the Bureau of the continued unwavering and unflinching support and cooperation of Nigeria.

Mr President

2. Let me reiterate that notwithstanding the apparent disagreement between some States and the ICC, Nigeria still remains firmly committed to the ideals and tenets of justice that necessitated the establishment of the International Criminal Court or that the Court personifies. Nigeria will continue to support the resolve that never again will the world witness or experience the type of impunity that in the past led to the commission of grave and unimaginable atrocities, which deeply shocked and threatened the peace, security and well-being of the whole world. We are committed to the ideal that perpetrators of such grave and heinous crimes will have no hiding place anywhere in the world, and should never go unpunished. Nigeria stands firmly committed to respect for the rule of law, both at the national and at international levels. It is for this reason that Nigeria stands solidly in support of the mandate of the ICC. We urge Member States to give the Court the necessary support it needs, in order that it can continue to address issues of justice arising from atrocities around the world.

Nigeria's support for the Court has particularly taken into account the fact that the Court as an institution is still relatively young. It is thus to be expected that aspects of its activities/operations will require reform and improvements, as is the case with every justice system in the world.

Nigeria remains confident that the Court has the appropriate human resources and capacity to enable it engage in such reforms and improvements. Such human resources include the judges, which also include a Nigerian judge - Judge Chile Eboe-Osuji, whose work and contributions to the development of the Court's jurisprudence are outstanding and remarkable. We are confident that the Court's judges and the Chief Prosecutor will contribute to the needed reforms and improvements through revisions to the Court's legal text as needed, without compromising the basic legal tenets that must guide the works of a Court of Law.

We are convinced of the need to deploy more resources to ensure an effective outreach programme. The Secretariat should be adequately resourced to carry out outreach programmes, which should include the African continent. We therefore urge Member States to show understanding on this very important issue.

To achieve the set goals and objectives of the Court whilst ensuring that all State Parties are carried along, Nigeria invites the ICC to always ensure that:

- The principle of complementarity is respected, applied and given pride of place, bearing in mind the sovereignty of affected States and the diversity of judicial systems, between the developed and the developing States.

- Mechanisms are put in place to address the spate of withdrawals of membership of the Court by a number of States. This is a very delicate issue that requires application of both diplomatic and political solutions to resolve. Nigeria no doubt will partner with the ICC in its bid to resolve the problem.

MR. PRESIDENT

3. Within the context of ensuring effective cooperation with the Court, I am pleased to inform the Assembly of the visit of the Chief Prosecutor's team to Nigeria, between 5th and 6th September, 2016. During the sessions, the Chief Prosecutor's team was given unfettered access to documents, including classified documents and the team held fruitful discussions with the Honourable Attorney General of Nigeria and other senior legal officials, senior military officers and other high ranking officers of the Nigerian Government.

With regards to the fight against Boko Haram terrorists, it is important to set the record straight that Nigeria is not fighting insurgency or a civil war as being portrayed in some quarters. The truth really is that Nigeria is fighting a war against terrorism. Nigeria is fighting against terrorists that are bent on destroying the entire country and what it stands for. Terrorists that abhor civilization, education and development. Terrorists that are wickedly brutal and have no respect or regard for human life or property or constituted authority. The terrorists that Nigeria is

fighting are bent on imposing their will, extremist ideology and version of religion on everyone. They are the type of people Nigeria is fighting. It is therefore gratifying to intimate that significant progress has been made and Nigeria is winning the war, because the sect has been seriously decimated and their military capacity severely degraded. Several Chibok girls that have been in Boko Haram's captivity for well over two years have similarly been rescued. We welcome constructive suggestions and partnership that could help Nigeria to totally surmount the insecurity posed by the terrorists. Nigeria will no doubt continue to engage in useful and constructive discussions with the ICC on matters falling within its mandate.

In the meantime, my delegation urges all State Parties to continue to engage with the Court on the efficient use of resources made available to it.

MR. PRESIDENT

I thank you and all the delegations for your kind attention.