

DELIVERY

CHECK AGAINST

STATEMENT

BY

**MR ABDULLAHI AHMED YOLA, OON
SOLICITOR-GENERAL AND PERMANENT
SECRETARY, FEDERAL MINISTRY OF JUSTICE
FEDERAL REPUBLIC OF NIGERIA**

AT THE

**TENTH SESSION OF THE ASSEMBLY OF STATES
PARTIES TO THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

WEDNESDAY, 14TH DECEMBER 2011

Protocols

Madam President

Nigeria congratulates you on your assumption as President of the Assembly of States Parties and pledges her support and cooperation to ensure that you have a successful tenure.

Nigeria would like to appreciate the efforts of the immediate outgoing **President, the Prosecutors and the Judges for the excellent work towards realizing the objectives and goals of the Court, in ensuring that the most heinous crimes of international concern do not go unpunished, and that the fight against impunity proceeds unabated.**

Worthy of mention and appreciation is the ICC Prosecutor Search Committee, which has successfully guided the ASP to appoint the next Prosecutor by consensus and with much ease. Nigeria pledges support and cooperation to the new Prosecutor in order to promote the best performance of her duties and fulfill the mandate of that Office.

We equally commend the Bureau of the Assembly, which brought much experience to bear, in guiding the successful election of six new Judges to the Court. Nigeria congratulates the new Judges and wishes them very eventful and successful tenure.

My Delegation applauds the new ratifications of the Rome Statute by the various countries that have done so this year. Special mention must be made of the ratification by the African countries of Tunisia and Cape Verde. Their ratifications further reinforce Africa's support for the fight against impunity, and increase the number of African States Parties to the ICC to 33.

Madam President,

Nigeria notes the relentless efforts of the ICC in carrying out its mandate as a judicial institution. Its investigations into situations,

and prosecution of individuals for most serious crimes of international concern, such as genocide, war crimes and crimes against humanity are worthy of commendation of the international community. Nigeria equally notes that the efforts of the Court have lately attracted criticisms from certain quarters. The ICC is not a perfect institution, and as such principled criticism of the court's work is a natural expectation. This should however be made in the context of overall support from States Parties who are duty bound to abide by their obligations. The ICC Statute seeks individual accountability for the crimes created under it and states should not lose sight of this fact.

Nigeria will continue to abide by her commitments as a state party to the ICC Statute. We wish to humbly put on record the existing cooperation between the office of the Prosecutor and Nigeria in the investigation and prosecution of the Haskanita Killings in Darfur. We also support the adoption of reasonable procedures to address instances of non-cooperation while soliciting understanding from the Court in situations and instances where a State party is unable to cooperate for genuine reasons.

Madam President,

Nigeria notes the Report of the Committee on Budget and Finance. We are in agreement that the ICC needs adequate budget to effectively implement its mandate. We further note that the UN Security Council and the international community increasingly resort to the ICC, thus saddling the court with additional responsibilities. However, we recognize the need for the efficient use of resources; and urge fellow States Parties to ensure that the ICC budget provides adequate resources; and reductions to the court's budgetary request should be evaluated against the court's ability to implement its mandate.

My delegation recognizes that under the Rome Statute, prosecution is just one aspect of justice for the victims. However, for there to be true healing and reconciliation, the plight of victims, survivors and affected communities deserves sustained attention of the Court. It is,

therefore, important that public information and outreach activities of the Court are further strengthened and provided for. We strongly support outreach activities of the Court as essential in promoting understanding of the international criminal justice process, the Court's work and mandate to victim communities as well as managing victim's expectations.

Madam President,

Following ratification, implementation of the Rome Statute into domestic law is essential to build national capacity of states to prosecute the crimes created by the Statute and to foster cooperation with the Court. Nigeria is committed to the full implementation of the Rome Statute within its domain. To ensure the speedy domestication of the Statute into national Law, She has set up a high powered National Working Group of Eminent Nigerian legal experts to facilitate the process. The Working Group has already produced a Bill for legislative deliberation and enactment. The Group has been mandated to work closely with the ICC and the Common Wealth Secretariat to enhance, through training, the capacity for the investigation and prosecution of the crimes under the proposed national legislation, within the scope of the complementarity principle of the Rome Statute.

Madam President,

Nigeria takes her obligations towards realizing the ideals of the Rome Statute of ICC very seriously, having ratified the Rome Statute in 2001. The majority of the crimes created in the Statute are already reflected in various Nigerian national legislation. We however note recently that the Office of the ICC Prosecutor has shown concern over the state of alleged killings in Northern Nigeria. The Prosecutor has addressed Preliminary enquiries to Nigeria based on petitions from undisclosed sources. Nigeria wishes to seize this opportunity to categorically state that the facts alluded to in the said preliminary enquiry are issues being adequately addressed by the Nigerian

Security and Law Enforcement Agencies. Facts and evidence uncovered in the course of investigations do not reflect that there is any threat of genocide, crimes against humanity or any other crimes committed, which may fall within the context of the Rome Statute Crimes. Notwithstanding, the culprits, including Law enforcement Officers who have been identified as responsible for the alleged killings, which would be referred to here as national crimes, have been apprehended and are being prosecuted. Also the National Working Group earlier mentioned has been mandated to engage with the ICC Prosecutors' Office to avail them with the material facts on these cases.

Nigeria pledges her continuous support and cooperation with the court in the execution of its mandate towards achieving universality in international criminal Justice, and urges Member States of the United Nations to ratify and enforce the Statute so as to enable the Court have a truly universal criminal jurisdiction in relation to time, place and persons.

Finally Madam President,

Nigeria recognizes the need for a balanced approach in the activities of the Court geared towards achieving peace and justice. Nigeria is still of the view that in the pursuit of international peace and justice “there cannot be a one size fits all” approach. There is need to consider and continually review cases individually. While Nigeria accepts the general view that there can be no sustainable peace without Justice, the paramount consideration in weighing the necessity for instituting prosecution should be sustainable peace and the impact of such decisions on the lives of innocent civilians

I Thank you all for your attention.