

**STATEMENT OF THE FEDERAL REPUBLIC OF NIGERIA**



**DELIVERED BY**

**H.E. ABUBAKAR MALAMI**

**HONOURABLE ATTORNEY-GENERAL OF THE  
FEDERATION AND MINISTER OF JUSTICE,  
FEDERAL REPUBLIC OF NIGERIA**

**AT THE OCCASION OF THE SEVENTEENTH (17<sup>TH</sup>) SESSION  
OF THE ASSEMBLY OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL COURT  
(ICC), THE HAGUE, THE NETHERLANDS.**

**5<sup>TH</sup> DECEMBER, 2018**

**Mr. President,**

Due to time constraints, I will skip the usual courtesies.

**Mr. President,**

This year's session of the Assembly of States Parties to the Rome Statute of the International Criminal Court is a special session. It is a special session, first because it coincides with the 20<sup>th</sup> anniversary celebration of the adoption of the Rome Statute, the basis upon which the International Criminal Court was founded and second because this is the second time this year that the works, achievements of the Court, and its challenges have come under such intense scrutiny and review by Member States.

A cursory look at the journey of the Court since its establishment twenty years ago, no doubt reveals that the Court has come a long way. It has also passed through so many difficult times and challenges, many of which threatened its existence as an international Court. However, we commend the Court, and States Parties for their capacity to weather all storms that have confronted the Court all these years, and how despite all odds, has recorded such tremendous achievements.

These achievements are in terms of the number of cases the court has handled and is still handling, the number of high profile convictions it has so far recorded and the provisions of recourse to justice to victims of atrocious crimes worldwide. Also worthy of commendation is the signal the Court consistently sends to States Parties reminding that the ugly incidences that characterized the 20<sup>th</sup> Century, including those of the First and Second World Wars would no longer have a place in the current international legal order and that those who ignored the warnings, but stubbornly and with impunity perpetrated evil will have no hiding place.

Indeed, the fight against impunity and commission of atrocious crimes is still far from being won. The sanctity of human life is still being desecrated, prohibited weapons are still being deployed to commit mass murder, whilst perpetrators go unpunished. Meanwhile, victims' lives are ravaged and their peaceful communal co-existence truncated.

**Mr. President,**

Nigeria calls on the United Nations and indeed the entire global community to have a sober reflection on the sufferings of victims of wars worldwide and as quickly as possible remove all impediments, including that posed by the Veto Power at the United Nations

Security Council, which prevents referrals of non-States Parties that have committed serious violations of the Rome Statute from being made and thereby denying international criminal justice.

**Mr. President**

It is understandable that the tasks ahead of the Court are enormous and daunting; Nigeria renews her unwavering commitment to unconditionally and continually cooperate with the Court to ensure that perpetrators of heinous crimes have no hiding place, and are expeditiously brought to justice.

Presently, Nigeria is being examined by the Court regarding eight potential cases (six against the Boko Haram terrorists and two allegedly against the military). It is on record that Nigeria has fully cooperated and will continue to cooperate with the Court in its efforts to unravel the facts and to get to the bottom of the cases.

Nigeria has demonstrated beyond any iota of doubts that it is capable, willing and indeed is arresting, investigating, prosecuting and convicting, where the facts of the cases warrant, perpetrators of heinous crimes in fulfillment of our primary national jurisdiction over Rome Statute crimes.

Several meetings have been held between officials of the Federal Government of Nigeria and the team from the

Office of the Prosecutor (OTP) of the ICC, wherein questions were asked and answered, documents, including classified documents were submitted in line with our obligation under article 86 of the Rome Statute on cooperation.

Consequently, Nigeria will work to safeguard the integrity of the Rome Statute and its cornerstone principles. Nigeria also commits itself to strengthen and defend the ICC's judicial and prosecutorial independence, including by ensuring a proactive, fair, informed and transparent search and selection process for the next ICC prosecutor.

In this connection, the visit of the President of the Federal Republic of Nigeria in July 2018 to take part in the 20<sup>th</sup> anniversary celebration of the adoption of the Rome Statute, and the unprecedented formidable delegation which includes senior military officers to the 17<sup>th</sup> session of the Assembly of States Parties is a testimony to the importance that Nigeria attaches to the Court.

Nigeria is still battling with Terrorism. It should be remembered that fight against terrorism anywhere in the world is unconventional and asymmetrical, unlike conventional warfare in which enemies can be easily distinguished by their uniforms. The Nigerian Military

has paid and is still paying supreme sacrifices in this fight due to its difficult nature.

Nevertheless, the Nigerian Military has strict rules of engagement and its armed forces are adequately briefed on them. The Government takes all allegations of human rights and other violations against military personnel extremely seriously, and thoroughly investigates them, and when credible, has brought some members of the Military to trial. We, therefore, wish to reassure the Court and States Parties that we remain fully committed to our obligations under the Rome Statute.

**Mr. President**

As the coordinator of anti-corruption crusade in Africa, Nigeria has been severally called upon to champion the course of exploring the possibility of subsuming cross-border corruption within the ambit of Article 5 (1) to make it a crime under the Rome Statute. The proponents of the idea argue that cross-border corruption is as much a serious crime as genocide, crime against humanity, war crimes and the crime of aggression. They argue that more people have probably been killed by cross-border corruption than in the other crimes mentioned in Articles 5, 6, 7 and 8 of the Rome Statute. This idea is in line with the Nigerian President's speech on the issue at the 20<sup>th</sup> anniversary celebration of

the adoption of the Rome Statute in July 2018 and Nigeria takes it very seriously. The Federal Government is still studying this request and will respond appropriately in due course.

While wishing the ASP a successful session, I have the singular honour to renew the commitment and cooperation of Nigeria to the ICC.

Mr. President and fellow delegates; I thank you all for your kind attention and wish you a fruitful Session.