



STATEMENT
DELIVERED BY
H. E. ABUBAKAR MALAMI
HONOURABLE ATTORNEY-GENERAL OF THE
FEDERATION AND MINISTER OF JUSTICE,
FEDERAL REPUBLIC OF NIGERIA

AT THE 18TH SESSION OF THE ASSEMBLY OF STATES
PARTIES TO THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT, THE HAGUE,
THE NETHERLANDS

2ND - 7TH DECEMBER, 2019

Mr. President,

On behalf of the Government and People of the Federal Republic of Nigeria, I welcome all participants to this year's session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC). I bring you warm greetings and felicitation from the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria – President Muhammadu Buhari, GCFR. Since this is the first time my delegation will be taking the floor on this auspicious occasion of the 18th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC), let me on behalf of my delegation and the Government of the Federal Republic of Nigeria congratulate the President and other members of the Bureau for your recent elections to take charge of the affairs of this session. We are hopeful that under your Presidency, the affairs and deliberations at this Session will be conducted very successfully to the end that everyone will depart here well convinced that our contributions and commitments have led to a reinvigorated and a more robust International Criminal Court.

Since it is the desire of Nigeria to see ICC overcome all its present challenges and become a global, independent and impartial Court with capability to rid the world of impunity the type that characterized World War one and two, Nigeria promises to work with you and the Bureau in ensuring the success of this Session. We look forward to greater progress for this body under your leadership and assure you of our

unflinching support in the discharge of the onerous responsibilities of successfully conducting the affairs of the 18th session of the Assembly of the States Parties.

Mr. President,

Nigeria is concerned that since its adoption in 1998, the Rome Statute has held out the promise of providing recourse to justice for victims, ending of impunity and punishment for perpetrators of the crimes that shock the conscience of humanity. Yet, that promise is increasingly threatened by global climate characterized by a retreat in multilateral engagement and rising tides of hostility, discrimination, and repression around the world. In addition, increasing attacks against the ICC and its officials and possibilities of further withdrawals from the Rome Statute continue to weaken the Rome Statute system and its support across the globe.

Mr. President

Nigeria also wishes to reaffirm, inter alia, her unconditional commitment to the ICC as the cornerstone for the fight against impunity and a critical element of rules-based international order; she also commits to work together with States Parties to oppose efforts to undermine the works of the Court and its independence and impartiality. In particular Nigeria

strongly condemns threats made against the ICC in some parts of the world, its officials, and those cooperating with the Court. Nigeria considers such attacks as calculated attempts to undermine and cripple fight against impunity and the laying of a solid foundation for a peaceful and just world, not only for the present generation, but also for the unborn generations. On this basis Nigeria calls on all civilized nations of the world to rise up to this critical challenge, if we must safeguard the present and future generations from extermination.

Mr. President,

There is the need to safeguard the integrity of the Rome Statute, and its cornerstone principles, and we are grateful for the opportunity provided by the ongoing review process of the ICC to bring together States, court officials, experts and civil society in a joint effort to strengthen the work of the Court, and ensure it can exercise its mandate over the coming years to its full potential.

- i. The review needs to be independent and driven by the highest qualified experts. The review also needs to be robust in examining how both the Court and ASP should be improved to enhance the efficiency and effectiveness of the Court in all aspects.
- ii. Some delegations have mentioned that judges commenced a labour relation judicial proceeding concerning their salaries and pensions.

But the review requires us to ask ourselves as States Parties whether our own actions and omissions were responsible for that development.

- iii. Review also needs to consider the related question whether the Court has been given, the level of funding it needs to discharge its mandate.

Mr. President,

Nigeria continues to affirm her belief in democracy and the rule of law and wishes to reiterate the position that the ICC is increasingly becoming a critical global institution with the mandate of checkmating impunity and promoting the Rule of Law globally. Realizing therefore the intertwined nature of peace and development, our collective efforts should be geared towards making the Rome Statute a truly universal legislation through the progressive increase in the number of accessions to the Statute. In this connection, Nigeria promises not to leave any stone unturned in effort to reach out to her close allies and other friendly nations who have not yet acceded to the Rome Statute to do so as quickly as possible.

Mr. President,

Nigeria wishes to reiterate her commitment to ensure a proactive, fair, informed, and transparent search and election process for the next ICC

Prosecutor, as well as the commitment to nominate and elect the most highly qualified candidates to the 2020 judicial elections. Nigeria also commits to the need for universality of the Rome Statute, as well as for its full and effective implementation into domestic jurisdictions; commitment to upholding complementarity obligations and to building the capacities of national legal systems. In this connection, Nigeria commends the works and efforts of the National Coalition for the International Criminal Court for its unrelenting commitments to ensuring full domestication of the Rome Statute by Nigeria. It is also important to commend the Wayamo Foundation for its great efforts in the building of capacities of Nigerian Prosecutors and judges to cope with prosecution and adjudication of international crimes and in the standard of the 21st Century.

Mr. President,

Nigeria is committed to recognizing the Rome Statute system of justice as key in advancing accountability at the international and national level for sexual and gender-based violence and violence against children as grave crimes, including as war crimes, crimes against humanity and genocide, and she pledges full support for outreach and public information, and their crucial importance for raising the Court's profile, creating environments conducive for the ICC's work, and managing expectations. In this connection too Nigeria pledges support for

criminalization of starvation as a weapon of war crime under the Rome Statute of the International Criminal Court being mooted by Switzerland and will co-host the side event to propagate the initiative. Thus, Nigeria calls on all State Parties to jointly support this noble initiative.

Mr. President

In conclusion Mr. President, it is gratifying to inform that the Boko Haram elements have been considerably decimated through the efforts of the Nigerian Security Forces and the support of our proximate neighbours and other friendly States. Gradually therefore, normalcy is returning and Nigeria is coming out of the woods and will indeed also come out of the numerous cases initiated against her at the ICC. I have intimated time and time again and I think it is important I reiterate it here again that Nigeria is not a jungle, it is a peace and justice loving country which is aspiring to develop and create conducive environment for foreign and other investments, thereby generating jobs and other opportunities for the teeming population, Therefore, impunity being a critical element that could prevent this lofty ideas from fruition does not have a place and will never be tolerated in all facets of our criminal justice system.

Lastly, let me reiterate that Nigeria will continue to support, cooperate and honour her treaty obligations to the ICC as a mark of the esteem in which Nigeria holds the Court.

Mr. President and fellow delegates

I thank you all for your kind attention and wish you fruitful Session.

3rd December, 2019.