

STATEMENT OF THE FEDERAL REPUBLIC OF NIGERIA

BY

H.E. PRINCE LATEEF OLASUNKANMI FAGBEMI, SAN  
ATTORNEY-GENERAL OF THE FEDERATION AND  
MINISTER OF JUSTICE

FEDERAL REPUBLIC OF NIGERIA

AT THE TWENTY-THIRD (23<sup>RD</sup>) SESSION OF THE  
ASSEMBLY OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL  
COURT

THE HAGUE 2<sup>ND</sup> -7<sup>TH</sup> DEC, 2024

**Madam President, Esteemed Delegates,**

I am honored to participate in the Twenty-Third Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC). On behalf of the Government and the people of the Federal Republic of Nigeria, I extend our warmest greetings.

2. The establishment of the ICC and the dedication of its State Parties represent the international community's collective commitment to confronting impunity, holding perpetrators of heinous crimes accountable, and restoring justice for victims. This commitment is essential to creating a safer and more just world, and Nigeria fully supports the Court in its tireless efforts to fulfill its mandate. We remain committed to this noble cause, particularly in the areas of thorough documentation and the prosecution of the world's most serious crimes.

**Madam President**

3. International law continues to grapple with the balance between state sovereignty and global justice. In addition to traditional concerns, modern challenges such as environmental degradation, autonomous weaponry, and cyber warfare increasingly threaten civilian populations. These emerging threats require collective response, and it is vital that we recognize civilian infrastructure as essential to human survival during armed conflict, ensuring such entities are protected. Now, more

than ever, is the time to inspire trust in the international legal system, reinforcing its role as a pillar of global security and justice.

Madam President,

4. Since 2010, the ICC has been conducting preliminary examination into alleged crimes in Nigeria. While we respect the Court's mandate to intervene when states are unable or unwilling to prosecute such crimes, it is important to emphasize that there must be respect and regard to the principle of complementarity. The ICC is meant to act as a court of last resort, intervening only when national legal systems are unable or unwilling to address grave crimes. I must assert that Nigeria does not fall under any such situation. Our nation has consistently demonstrated both the will and the capacity to investigate and prosecute serious crimes, including those committed by Boko Haram and other terrorist groups. We are proud of the Nigerian Military, which has systems and structures in place to ensure their operations are guided by international humanitarian law and human rights principles.

5. At the 22nd Session of this Assembly, Nigeria reported the establishment of an independent Special Investigative Panel by the National Human Rights Commission to address allegations against the Nigerian military made by Reuters. After thorough investigations spanning eight months, the Panel found no evidence to

substantiate these claims. The allegations of killings, torture, and the recruitment of underage fighters have been proven to be false and exaggerated.

6. Indeed, the work of the Panel and acceptance of its recommendations by the Government clearly indicates that Nigeria has the political will to investigate allegations of heinous crimes and hold violators accountable.

### **Madam President**

7. The conduct of military operations during conflict is regulated by international humanitarian law, and we can assure this Assembly that the Nigerian Military does not engage in arbitrary killings or inhumane treatment of those no longer directly participating in hostilities. Our Military ensures that captured combatants are treated with dignity and respect. While inadvertent mistakes or errors of judgment may occur in the chaos of conflict, these are promptly investigated by impartial commissions and panels. I wish to state that Nigeria has a well-established and functional court martial system for holding erring officers accountable. We also employ restorative justice measures, including compensation, when appropriate.

8. In addition, Nigeria's six-month Demobilization, Deradicalization, and Reintegration (DDR) program has successfully reintegrated 4,000 former Boko Haram combatants into society. We continue to prioritize the training and re-training of our armed forces, ensuring that

human rights and international humanitarian law remain at the forefront of our military operations, with a focus on protection of civilian protection.

Madam President

9. As a responsible state party to the Rome Statute, Nigeria has consistently engaged with the Office of the Prosecutor, demonstrating our military's adherence to international humanitarian law and ensuring accountability for any personnel found guilty of misconduct. Despite these efforts, we are concerned by the seemingly predetermined stance of the Office of the Prosecutor regarding our armed forces and the situation in Nigeria. We are also concerned about activities of apologists of terrorist groups, parading as civil society organizations, who are continuously making unsubstantiated allegations in order to undermine legitimate efforts of the Nigerian Armed Forces.

10. Nigeria will formally request that the Office of the Prosecutor bring an end to this prolonged process, which has now lasted for 14 years. The continued preliminary investigation is damaging to Nigeria's reputation and undermines the morale of our law enforcement and military personnel, who work tirelessly to combat terrorism and insurgency, ensure safety of lives and properties and bring justice and succor to victims of terrorism.

## Madam President

11. Nigeria calls on all States Parties to ratify the Convention on Cluster Munitions, as the use of cluster munitions continues to cause widespread suffering and hinders peace-building and humanitarian efforts.

12. I would also like to congratulate the newly elected members of the Board of Directors of the Trust Fund for Victims. With their exceptional qualifications, we are confident they will fulfill the Fund's mandate with integrity and dedication.

13. In conclusion, Nigeria stands firm with fellow State Parties in the shared commitment to ending impunity for the world's most serious crimes. We fully support the work of the ICC and encourage those States Parties yet to accede to the Rome Statute to do so.

14. Madam President, Esteemed Delegates I thank you for your kind attention.