



NIGERIAN COALITION FOR THE INTERNATIONAL CRIMINAL COURT

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Fighting Impunity & Promoting International Justice in Nigeria

13th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

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I would like to join the Coalition for the ICC (CICC) a network of 2,500 NGOs in 150 countries advocating for a fair, effective and independent ICC, in congratulating the new ASP President Sidiki Kaba and the new members of the bureau. It is our hope that under your leadership all regions of the ASP will step-up their support for the Rome Statute. I am pleased to take the floor on behalf of the Nigerian Coalition for the ICC and under my capacity as CICC steering committee member.

Since the last ASP, the relationship between the AU and the ICC has been frosty and no longer reflects the commitment and support to the ICC which African states had been known for, right from the days of negotiations in Rome. To say the least, this current lack of support and cooperation from African states, which constitute the largest regional block in the membership of the ICC, is seriously undermining the Rome Statute System.

The AU's commitment to a peaceful Africa where there is rule of law, where democratic values are respected, civilians are protected and free to participate in decision-making in their countries, where security is guaranteed, and justice is accessible and effective, is not in doubt. The AU is also fully committed to the fight against impunity for international crimes. That much is clear from the Constitutive Act of the AU adopted in July 2000. Article 4(h) of that instrument was the first to invoke the responsibility to protect civilians and to furnish a sound legal basis that even allows the AU to override the sovereignty of member states and intervene in their internal affairs in respect of "grave circumstances".

But there's no way the AU can expect to achieve all these without other forces to complement its work. The ICC was created to end impunity for perpetrators of war crimes and to ensure justice is served for victims, and therefore a critical partner in this quest for a peaceful and impunity – free Africa. The African Union would gain more to collaborate with and support the ICC in its mandate. There is a crucial need for Africa to reestablish the highest level of political support by State Party government leaders for the Rome Statute and the ICC. Such support is critical to maintaining and bolstering the ICC's capacity to deliver justice, provide redress to victims and rebuild resilient post conflict societies. States Parties are therefore strongly urged to defend the Rome Statute system as it faces serious political challenges to its fundamental object and purpose.

One thing is clear and that is, that hostility from member states toward the ICC stands to benefit perpetrators of crimes; the losers will be the millions of victims around the world. The ICC's ability to provide both retributive and restorative justice gives millions of victims of violent conflict in Africa and indeed the world, hope of redress for the great harms they have suffered. Instead of weakening the Court, African leaders should encourage states around the world to follow their example by joining the Rome Statute and working to make it effective. This includes promoting the court's independence and stressing its ability to operate without political interference.

In addition, the provision of the Statute of no immunity for Heads of States or any other high-level official in the ICC Statute was indeed a landmark accomplishment in international justice and any attempts to change that contradicts the very nature of ensuring justice for all.

However, the ICC itself cannot be on its own to end impunity for perpetrators of crimes in Africa. The future of fighting impunity lies in the hands of domestic jurisdictions, and the ICC can help by exercising its principle of complementarity. This gives domestic jurisdictions the duty and primary obligation to investigate, prosecute and prevent international crimes. Only if states cannot fulfill their duties, should cases be referred to the ICC.

The collaboration between domestic jurisdictions and the ICC would effectively protect victims, ensure that justice is served, and that future crimes are prevented because of the deterrent effect. We urge the ICC to ensure the primacy of national jurisdiction and ensure that domestic prosecutions are strengthened.

In conclusion, we want to reiterate the need for the ICC to continue in its efforts to make its operations more efficient, an effort well supported by all of us at the CICC. We urge States Parties to ensure effective operations of the ICC through political backing and resources to fully and fairly provide justice for the worst international crimes. The Court should be properly funded to carry out its mandate and face future demands.

Thank you.