

**NIGERIA'S STATEMENT AT THE GENERAL DEBATE DURING THE 1ST
REVIEW CONFERENCE OF THE ROME STATUTE OF
INTERNATIONAL CRIMINAL COURT**

KAMPALA –UGANDA 31ST MAY -11TH JUNE 2010

DELIVERED BY:

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PROTOCOLS

Mr. President

The Nigerian delegation congratulates you on your assumption of the chairmanship of the 1st Review Conference of the Rome Statute of International Criminal Court (ICC) and pledges its support and cooperation with your efforts to ensure a successful Conference.

We would also like to express appreciation to the Government and good people of Uganda for the excellent provisions they have made and efforts rendered towards the successful hosting of this Conference.

Nigeria would like to express appreciation for the efforts of the President of the Court, the Prosecutors and the Registrar for the excellent work they have put in the past years towards realizing the objectives and goals of the Court and in ensuring that the most heinous crimes of international concern do not go unpunished while the fight against impunity proceeds unabated.

Nigeria notes and welcomes the relentless efforts of the ICC in carrying out its mandate as a judicial institution. Its investigations into and prosecution of individuals for most serious crimes of international concern, such as genocide, war crimes and crimes against humanity are noteworthy. We should also bear in mind that it took a long time to establish this important Institution that seeks individual accountability for these crimes. The establishment of the Court is a gift of hope to future generations and a giant step forward in the march towards universal human rights and the rule of law. Ten years after the adoption of the Rome Statute of ICC, we are here to review, evaluate and take stock of our achievements.

Mr. President,

Nigeria recognizes and indeed emphasizes the need to fight impunity and bring to justice perpetrators of most serious crimes against humanity, war crimes and genocide. The last 100 years have seen the worst violence and cruelty in the history of mankind. In the numerous wars fought since World War II, about 22 million people have been killed, an overwhelming percentage comprising non-combatants and arising from non-international conflict. In addition to victims who lost their lives, over 170 million people are stripped of their rights, their property and their dignity.

Mr. President,

Nigeria notes that the Court has come a long way. 110 States have ratified the Statute. The Prosecutor has initiated several investigations and the Judges have issued at least thirteen warrants of arrest. The prosecution of persons accused of war crimes related to the killing of UNAMID peace-keepers in Darfur has commenced. In just six years after its commencement, the Court has become fully functional and there are indications that the Court is already having a deterrent effect on potential perpetrators of crimes provided for in the ICC Statute.

Mr. President,

Nigeria recognizes the need for cooperation and complementarity between the Court and State parties; and between the State Parties themselves, if the goals of the Statute of Rome are to be realized. The ICC does not have the capacity to handle all cases of genocide, war crimes, and crimes against humanity. Therefore, it is in the overall interest of the global community that States prosecute such crimes committed within the State jurisdiction, or where the perpetrators have sought refuge within the state jurisdictions.

Impunity must not be tolerated and there should be no hiding place for criminals.

Integrating the ICC Crimes into national legislation ensures the criminalization of such offences within the national jurisdiction. Building of national capacities for investigating, prosecuting, Witness protection and facilities for enforcement of sentences are issues which states need to put in place so as to provide the necessary cooperation and complimentary to the Court. This is necessary towards the full implementation of the Statute.

Mr. President,

Nigeria takes her obligations towards realizing the ideals of the Rome Statute of ICC very seriously. We have ratified the Rome Statute as far back as 2001. Majority of the crimes created in the Statute are reflected in Nigerian national legislations. Notwithstanding, the procedure for consolidating these crimes into one composite legislation is ongoing.

Nigeria pledges her continuous support and cooperation to the Court in the execution of its mandate towards achieving universality in International Criminal Justice. Nigeria 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.

Mr. President,

Nigeria notes the close relationship between peace and Justice. We also recognize the need for a balanced approach in the activities of the Court geared towards achieving peace and justice. Nigeria is 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 cases individually. Nigeria accepts the general view that there can be no sustainable peace without Justice. However, we wonder if the

threat of an immediate arrest and prosecution of alleged perpetrators of atrocities would make them more or less likely to agree to peace; or must international justice be pursued at all cost, in order to end impunity and deter future crimes? The ultimate consideration should always be the effect of a particular course of action on the lives of innocent civilians.

Mr. President,

The Nigerian delegation would like to make general preliminary comments on the Agenda item entitled “Consideration of Proposals for amendment of the Rome Statute”. The Statute of Rome is a work in progress and this Review Conference affords Member States the opportunity to move the work forward. According to the Statute, the Review Conference is primarily to consider amendments to the Statute. Nigeria is of the view that there is a major necessity to define and establish elements of the crime of aggression so as to effectively bring it under the jurisdiction of the ICC. We are prepared to actively participate in constructive discussions which shall help in situating this crime and also enable the Court to properly and speedily assume jurisdiction under the Statute as may be amended.

In this regard, Nigeria notes the work of the Special Working Group set up to define the crime of aggression in line with Article 5 of the Statute. The Nigerian delegation appreciates the work of the Special Working Group. We have noted the definitions proposed by the Special Working Group on the Crime of Aggression and align ourselves to them. It is our hope that the conference should be able to adopt an acceptable definition without the need for a vote.

As to the issue of the role of the United Nations Security Council in the determination of when a crime of Aggression has been committed, Nigeria is of the view that the issue of jurisdiction being a legal question should be left for the determination of the Court, devoid of any political interference. The independence and operations of the Court and its judicial functions must not be unduly

prejudiced by political considerations. The Security Council however still has a role to play in cases where the alleged aggressor is not a State Party to the Statute. In such a circumstance, the Security Council would assume that role as vested in it under the Charter of the United Nations.

Mr. President,

Nigeria wishes to use the opportunity of this Review Conference to reaffirm her commitment to the goals of the Statute of the International Criminal Court, and pledges to do everything possible to ensure full implementation of the Statute in Nigeria. Nigeria is already taking steps to ratify the Agreement on Privileges and Immunities of the International Criminal Court.