

Statement of the Nigeria National Coalition for the ICC to the 15th Assembly of States Parties

The fairness of the international political order is important in relations between states and the world order, and this has to be revisited if the world is sincere about building a fair international social and economic order. But international criminal justice is about human beings, about our daughters, our sisters, our brothers, fathers and mothers. Human beings. They are the citizens who your governments serve. They are the reasons you are all here as delegations of your people. The question is, what do they want? These victims, what do they want? Should they wait till we bring justice to the world order?

I associate with the statement of Nigerian delegation yesterday and today that the ASP should work as a family seeking justice for our people to close the ranks and address concerns of any state party. We ask the ASP bureau to open frank engagement with African group of state parties in framework of mutual respect. Whether the concern is what has been called perception or real fact, whatever it is, should be dealt with so that the ASP can serve humanity as one family.

It is important not to play politics with justice and peace of our people especially when it has to do with atrocity crimes that touch on the very heart of humanity. Should we allow the perpetrators of atrocity crimes to go free? It is important to recall the statement of Senegal today about the history of the relationship between Africa and ICC, and that it was relationship before 2009 and after 2009. Let us not forget that.

For the African state parties, there is need for fairness and good faith on their part. That is the character of mutual respect. There are three issues here.

The first is that African states that are not state parties to the Rome statute do not have any moral or legal ground to contribute or influence how African group of state parties relate with other RS state parties or relate with the ICC. Thus, African state parties as a block within the AU should revisit the procedure of putting in the agenda of AU, and taking resolutions at AU on issues of ICC esp. on issue of cooperation. It is remarkable that similar approach is not taken in other areas at the AU. We call for strengthening of African Group of States Parties.

We believe that every State party has its own motive for ratifying the RS and these motivations should guide its participation and cooperation with ICC.

African group of state parties should also reflect as to whether there are political leaders in the continent who may want to use any excuse to weaken the international justice system in order to reduce the effort to close impunity gap. Look at Burundi. Everyone knows we are watching what could explode into major crises if not addressed. So can African States and the world allow this to happen?

We understand that the ICC has requested for liaison office at AU headquarters. This should not be a problem to show good faith for dialogue. This proposal should extend to an AU Liaison Office in The Hague.

Our second and final issue is about amendments sought in good faith. Even if it seems a difficult task, the ASP should take advantage of the provision for amendment in articles 121 and 123 of the RS and begin to revisit the role of UNSC in the RS system.

Also African states need to follow all available mechanisms to seek amendment of the Statute. We refer to articles 121 and 123. Leaders in the African Group of States should take advantage of these provisions, and if need be, use avenue of a review conference but the Coalition for the ICC insists that any amendment should be within the framework of the RS and international law and should strengthen, rather than weaken the Rome Statute system. Where consensus is not reached on any legal issue such as immunities, the legal interpretation by the ICJ could be an option.

We thank you Mr. President.