



NIGERIAN COALITION ON THE INTERNATIONAL CRIMINAL COURT

NCICC

Your Excellency,

The African Union has confirmed that Nigeria invited President Omar Hassan Ahmad Al Bashir to a session of the Peace and Security Council (PSC) meeting of the African Union to be held in Abuja from the 29th of October, 2009. We are concerned that this decision is not in the best interest of Nigeria's foreign policy and in relation to her treaty obligations and commitment to rule of law and human rights promotion and protection in the continent.

Nigeria is a state party to the Rome Statute of the International Criminal Court (ICC) having signed and ratified the treaty in September 2001. There is currently a bill in the National Assembly to domesticate the Rome treaty.

It should be noted that the United Nations Security Council (UNSC) in resolution 1593 of March 2003 referred the Darfur conflict to the ICC. Nigeria's membership of this body could be jeopardized and compromised if we do not abide by our commitments to international justice, particularly, in light of the recent election of Nigeria to that body as one of the 10 non-permanent members.

The Pre-Trial Chamber I of the ICC in March 2009 issued a warrant for the arrest of President Al Bashir for war crimes and crimes against humanity. According to the ICC, he is suspected of being criminally responsible, as an indirect (co-)perpetrator, for intentionally directing attacks against an important part of the civilian population of Darfur, Sudan and for murdering, exterminating, raping, torturing, and forcibly transferring large numbers of civilians and pillaging their property.

The NCICC is surprised that Nigeria agreed to host president Al-Bashir as this will be the first time that a state party to the Rome treaty would agree to host an individual wanted for international crimes. South Africa and Uganda are examples of states parties to the Rome Statute that refused to allow the president of Sudan into their countries because of its legal and political implications and we therefore expect Nigeria to do same and not allow Al-Bashir to come to Nigeria.

We commend the decision of the Economic Community of West African States (ECOWAS) under the leadership of President Yar'Adua to suspend the government of Niger from ECOWAS. However, we believe that the Darfur issue calls for urgent and concerted action by the Nigeria government to ensure that we do not provide a safe haven for somebody wanted for crimes against citizens of our continent.

We therefore call on the Nigerian government to rescind the decision to invite Al-Bashir to Nigeria as this invitation is not in our best interest and negates our commitment to international justice and the promotion of rule of law and the rights of the citizenry in the continent. Nigeria has the obligation to arrest him and hand him over to the International Criminal Court for prosecution in accordance with article 86 of the Rome Statute which encourages states parties to the treaty to cooperate fully with the ICC in its investigation and prosecution of crimes within the jurisdiction of the Court.

END

The following persons are available for an interview:

1. Dr. Jibo Ibrahim 0803 400 1200
2. Oby Nwankwo 0803 313 2494
3. Benson Olugbuo 0803 615 6081
4. Daniel Ehighalua 0805 243 1131
5. Chinonye Obiagwu 0807 797 9689

Background

□ On 18 May 2009, Bahar Idriss Abu Garda appeared voluntarily before the Court. He is allegedly responsible for the killing of African Union peacekeepers in Darfur. This is the first person to appear before the Court since it has started its investigations in Sudan in June 2005.

□ On 7 May 2009, ICC judges issued under seal a summons to appear for Bahar Idriss Abu Garda for three counts of war crimes: violence to life in the form of murder, whether committed or attempted; attacking personnel or objects involved in a peacekeeping mission; and pillaging. The ICC unsealed the summons on May 17, 2009.

□ In March 2005, the Security Council adopted resolution 1593 referring the situation in Darfur since 1 July 2002 to the ICC Prosecutor and decided "that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate

fully with and provide any necessary assistance to the Court and the Prosecutor." Although Sudan has not ratified the Rome Statute, which created the ICC, it is obligated under Chapter VII of the UN Charter to implement the Security Council resolution.

□ In April 2007, the Court issued arrest warrants for state Minister for Humanitarian Affairs Ahmad Harun and former Janjaweed leader Ali Kushayb, both suspected of having committed war crimes and crimes against humanity. The Sudanese government has repeatedly refused to cooperate with the Court and has refused to arrest and hand over the two suspects.

□ In March 2009, the Court issued an arrest warrant for President Al Bashir of Sudan for crimes against humanity and war crimes.

□ On 20 November 2008, the prosecutor sought arrest warrants against three Darfur-based rebel leaders, including Bahar Idriss Abu Garda, on allegations of war crimes committed against African Union peacekeepers in Haskanita in September 2007.

□ The African Union Peace and Security Commissioner Mr. Said Djinnit stated after the Haskanita attack: "We believe strongly that the group involved should bear the full responsibility of this heinous attack" (http://www.africaunion.org/root/ua/Conferences/2007/octobre/PSC/Amis/AMIS_News_Bulletin_9%20final.pdf)

Chairperson, NCICC

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