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NCICC calls on Nigeria to pass International Crimes Bill

The Nigerian Coalition for the International Criminal Court (NCICC) calls on the National Assembly to Immediately Pass into Law the “Crimes Against Humanity, War Crimes, Genocide and Related Offences Bill, 2012” to complement the efforts of the Federal Government in supporting victims of international crimes in Nigeria

1. The Federal Government of Nigeria in July 2014 set up a Committee on Victims Support Fund (CVSF) for victims of Boko Haram atrocities throughout Nigeria under the chairmanship of Lt. Gen. Theophilus Yakubu Danjuma (Rtd). The CVSF through the help of the Nigerian government raised about N80 billion naira during a presidential fund raising event on Thursday 31 July 2014. The Committee through the help of the Nigerian government plans to raise $500 million dollars in the next 12 months.

2. The NCICC commends the efforts of the government in setting up the CVSF and fighting insurgency in the country as several Nigerians have become victims of the international crimes committed by Boko Haram elements in very large numbers.

3. However, the NCICC believes that an important issue has been totally ignored by the government in setting up this committee which should be addressed as soon as possible.

4. The NCICC recalls that on 17th July 2012, the Federal Government submitted the Crimes Against Humanity, War Crimes, Genocide and Related Offences Bill, 2012 (Rome Statute Bill) that will domesticate the Rome Statute of the International Criminal Court to the National Assembly. Nigeria ratified the Rome Statute treaty in 2001 and attempted twice without success to incorporate the provisions of the treaty into our national law.

5. The Rome Statute Bill among other things provides for the punishment of those responsible for international crimes in Nigeria and cooperation between Nigeria and the International Criminal Court to ensure the effective prosecution of criminals either in Nigeria or The Hague, Netherlands. The conflict between Nigerian forces and Boko Haram insurgents is currently a non-international armed conflict and therefore the provisions of the Rome Statute covers the crimes committed during the conflict.

6. Most importantly, the Rome Statute Bill provides for a Special Victims Trust Fund (SVTF) to assist victims, families of victims and survivors of international crimes in Nigeria.

7. The NCICC believes that the Rome Statute Bill offers a holistic approach to the fight against impunity in Nigeria. It addresses crimes committed by both Boko Haram members and Nigerian security forces that may have gone beyond the established rules of engagement in their conduct during the counter insurgency activities.

8. The NCICC believes that the CVSF is a presidential task force. The CVSF reports only to the President and its reports may never be made known to the public. It can be dissolved at any time and serves at the leisure of the President. However, the SVTF envisaged under the Rome Statute Bill will be established under a law passed by the National Assembly. This will give it the statutory power to
raise funds and manage the funds to assist victims of the excesses of Boko Haram in Nigeria as well as be accountable to the Nigerian people. A clearly delineated Terms of Reference in line with the law establishing the Victims Trust Fund should be in place to guide the activities of the Fund.

9. The NCICC argues that the domestication of the Rome Statute will provide the necessary legal framework for providing appropriate criminal sanctions to perpetrators of mass crimes within the jurisdiction of Nigeria, such as the crimes currently being committed by Boko Haram.

10. The NCICC suggests that the CVSF takes on the responsibility of ensuring that the Rome Statute Bill currently before the National Assembly is passed into law as soon as possible. It is an Executive Bill and only needs the endorsement of the leaders of the House of Representatives and Senate to set the process of domestication in motion in the National Assembly.

11. The NCICC believes that Nigerians cannot afford to neglect victims and families of victims of Boko Haram insurgency. The NCICC therefore calls on the Nigerian government to recommit to the domestic implementation of the Rome Statute and the operationalization of the SVTF envisaged in the Rome Statute Bill.

12. The NCICC calls on the National Assembly to pass without delay the Rome Statute Bill, among other things, to ensure that legislators discharge their oversight responsibility (as envisaged in the bill) over the management of the funds to be raised by the CVSF.

13. The NCICC calls on the Nigerian government to ensure that programmes to raise funds for victims of international crimes are not turned into political arenas and that funds earmarked for the support and assistance of such victims in Nigeria are strictly utilized for that purpose alone.

Signed:
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