

NIGERIA



Statement

*On behalf of
African states parties to
The Rome statute of the ICC*

By

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At

**The 4th Session Of Assembly Of
States Parties To The International Criminal Court.**

The Hague, The Netherlands
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CHECK Against DELIVERY

Mr. President,

I have the honour of speaking on behalf of the 27 African State Parties to the Rome Statute.

We commend you for the sterling manner you are conducting the work of the 4th session of the Assembly of States Parties. We pay tribute to your predecessor, H.R.H. Prince Zeid Ra'ad al Hussein for his leadership and the guidance he gave to the Assembly of State Parties since the first session. We are pleased with the able manner the President of the Court, the Prosecutor and the Registrar are running the Court. We are grateful to the Host State for the warm hospitality extended to us. In particular, we welcome the additional bid by the host country for the building of permanent premises for the Court. To this end we thank the Host State for its cooperation. However, we wish to express our dismay at the difficulties experienced by several delegations in obtaining visas. We urge the host country to look into this problem with a view to providing a lasting solution.

Mr. President,

The African Group, in its statement at the United Nations General Assembly, on 8 November 2005 on the agenda item: Report of the International Criminal Court, highlighted the importance of having strategic vision for the Court. We made preliminary suggestions regarding the Strategic Planning Process being undertaken by the Court. We wish to now expand on those preliminary suggestions.

We indicated that the Court should adopt a resource-based strategy rather than a demand based strategy. By this we mean that a ceiling on the growth of the Court must be determined urgently. The Court has 18 Judges and those Judges can only be divided into a defined number of Chambers, they can only hear a defined number of cases at any defined amount of time. Therefore in turn they will only need a defined number of staff support. The Prosecutor can only bring as many cases as there are chambers already defined by the number of the judges available and therefore can investigate a defined number of cases at any one time. It should therefore be within the ability of the Court to have a Capacity Model indicating its maximum growth and its financial implications. It is

our belief that such an approach would place at ease potential member States such as Japan, which at the first session of the plenary indicated their positive consideration of being a member of the ICC but expressed concern about the financial obligations of their membership.

Mr. President,

Furthermore, the strategy of the Court should ensure that justice is actually done. What we mean by this is that justice has to be seen to be done by the affected communities. Consequently, trials should, as much as possible be carried out in the localities or region where the crime took place. The ICC Statute specifically contemplated this vision when it provided that the Court may also sit elsewhere. In Africa there are two premises which have housed international tribunals, one in Arusha, in the United Republic of Tanzania, which currently houses the ICTR and the other in Freetown, Sierra Leone, which houses the Special Court for Sierra Leone. We invite the Court to engage in discussion with these respective governments to explore bringing to reality the vision contained in the ICC Statute. This would leave a legacy of lasting respect for the enforcement of international justice directly to communities suffering the break down of the respect of the rule of law.

Mr. President,

We further proposed that future meetings of the Assembly of State Parties should alternate between New York and The Hague. This proposal is motivated by our commitment to achieving universality in the membership of the ICC and full participation in all its meetings. The International criminal Court belongs to the world and not just to the 100 States that have ratified it. We need a bigger vision that goes beyond entrenching The Hague as a private clubhouse for current 100 States of the ICC. Let us all as member States of the ICC ensure that the world owns this Court. Therefore alternating meetings between New York and The Hague seems to us a viable measure to achieve universality in the membership of the ICC.

Mr. President,

We are pleased with the progress made to achieve a positive outcome on the issue of Regulations for the Trust Fund for Victims. It is therefore important that we remain loyal to the vision contained in the Rome Statute that **the Trust Fund shall benefit victims of crimes within the jurisdiction of the Court and their families**, not only victims of persons accused or convicted of crimes within the jurisdiction of the Court.

Mr. President

On the issue of employment, we wish to emphasize the need for equitable geographical representation in the Court. This in our view would enhance the sense of belonging, fairness and justice for which the court stands.

We have achieved much already in this 4th session of the Assembly of State Parties. We have agreed to establish a Liaison Office in New York and we believe this will make the Court more efficient. We have, after careful consideration, agreed on adopting the budget with the amendments by the Committee on Budget and Finance. Much progress has been achieved in the Trust Fund for Victims. There is still much to be done. It is gratifying that we are in safe hands and are therefore confident that we shall arrive at a satisfactory conclusion of all outstanding challenges.

I thank you.