

A COMMUNIQUE ISSUED BY THE NIGERIAN COALITION ON THE INTERNATIONAL CRIMINAL COURT (NCICC) AT THE CLOSE OF A WEEK-LONG ACTIVITIES ON THE ICC SUPPORTED BY THE HUMAN RIGHTS WATCH (HRW), COALITION FOR THE INTERNATIONAL CRIMINAL COURT (CICC), CANADIAN DEPARTMENT FOR FOREIGN AFFAIRS AND INTERNATIONAL TRADE (DFAIT) AND THE GERMAN EMBASSY IN NIGERIA.

The Nigerian Coalition on the International Criminal Court (NCICC) organized a series of activities on the ICC for the different sectors of the Nigerian Society in Abuja and Lagos from the 11th to 16th of November 2002. The activities included a workshop for public officers, a roundtable with parliamentarians, a symposium for legal professionals, the academia and students, and an advocacy workshop for NGOs.

The objectives of the activities are:-

1. To create awareness of the International Criminal Court which came into effect on July 1, 2002 and of the Rome Statute establishing the Court.
2. To encourage and promote the domestication of the Rome Statute and ensure smooth implementation of the ICC Treaty in Nigeria.

Some of the issues discussed at these fora are:

1. Nigeria's Conflicting Laws with the ICC – Balancing the Pendulum
2. National Implementation Strategies for the ICC – A Comparative Analysis
3. ICC – Ensuring Justice for Women
4. Nomination, Election and Remuneration of Judges
5. State Cooperation with the ICC
6. Rome Statute – Perspective and Challenges for Law makers
7. Complimentarity Clause and the Challenges of the Failing Criminal Justice System

Participants and the Nigerian Coalition observe as follows:

- a. That the ICC will fill a significant void in the international legal system.

- b. That the ICC will fulfill two objectives.
- iii. Safeguarding higher values such as protection of human rights – an obligation that transcends state borders.
 - iv. Accountability for those responsible for the commission of serious crimes so as to put an end to impunity.
 - c. That there is need for civil society/government partnership on the implementation of the Rome Statute in Nigeria.
 - d. That there are inconsistencies between the provisions of the 1999 Constitution of Nigeria, the Evidence Act, Criminal Procedure Law, Diplomatic Immunities & Privileges Act with the Rome Statute.

Participants and the Coalition commend the Federal Government for taking the positive initiative to ratify the Rome Statute and subsequently commencing the process of its domestication in view of Nigeria's long history of military dictatorship, unstable democracy, human rights abuses and impunity.

Participants and the NCICC raised concern over the lack of transparency, openness and civil society input in the process adopted by the Federal Government in nominating her candidate for the position of a judge in the ICC in the election to be held in February 2003.

Participants hereby recommend as follows:

1. That government should comply strictly with the provisions of the Rome Statute.
2. That there is need for an overhaul of the Nigerian criminal justice system to enable it play a primary role in the implementation of the statute
3. That there is the need to amend our laws to bring them in conformity with the provisions of the ICC Statute.
4. That the National Assembly and the State Houses of Assembly should conduct a public hearing on the domestication of the Rome Statute.
5. That under no condition should Nigeria enter into a bilateral agreement with the US or any country whatsoever that will frustrate the ICC on the basis of 'Article 98' of the Rome Statute.

6. That Nigerian politicians should take up the challenge of the ICC implementation as an election issue.
7. That there should be collaboration between government and civil society in popularizing the Rome Statute.
8. That the government should set up an independent national body to be headed by a national director for the purposes of investigation and prosecution of ICC crimes.

SIGNED

Oby Nwankwo

(CIRDDOC, Nigeria)

Chair, Communiqué Committee

D. Tola Winjobi Ph.D

(CAFSO, Nigeria)

Secretary, Communiqué Committee

Sindi Meda-Gould

(BAOBAB, Nigeria) Chair, NCICC

Onyeka Obasi (LEDAP) – Member

Sina Loremikan (CDHR) – Member

Willy Mamah (HURILAWS) – Member

Benson Olugbuo (IHR LG) - Member