

Statement

By

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Minister
Permanent Mission of Nigeria to the United Nations

On

Crime Against Humanity
CLUSTER 5 (5, 11 &12)

April, 4 2024

Mr Chair

Article 5 ² Safeguards

\$UWLFOH \ GHØHJDWLRQ WKISSRQWFOXVLRQ RI WKH VD
SURYLVLRQVSUEVVDQWLFQHV :H DOVR VXSSRUW WKH
DGGLWLRQDO JXDUDQWV DWHGHFRQVDFQVLRKHG LQWHUQDW
UHJLRQDO OHJDO PHFKDQLVPV

2Q WKH SULQFLSOLHRRXORRQW P\ GHØHJDWGRQ DO
UHVHUYDQWLRQVFLQVWRKH GUDIW DUWLFOH EHFDXVH WK
WR LQWHUQDWLRQDO KXPDQRULJKWVLODZUQDWLRQDO
,Q\$UWLFOHFKHUH LV WKH QHHG IRU FODULW\ RI KRZ WR
JURXQGµ DV Z\$UWLFOHFKHUH LV WKH QHHG IRU FODULW\ RI
WHUPV WKDW QHHG FOSUHILSOVLRQULQVLRQ

RQ WKH ODV\$UWLFOHFKHUH LV WKH QHHG IRU FODULW\ RI
SDWWHUQ RDUJURQW RIOPDVV YLRODWLRQV RI KXPQDQ U
YLRODWLRQV RI LQWHUQDWLRQDO GKHQDQWLRQDGRQV
DJUHH RQ WKH LQFOXVLRQKRIDVFKXSDUFRXQGHUHG
LQWHUQDWLRQDO KXPQDQ ULJKWV ODZV DQG EH WUHDW

'UDIW \$UWLFOH

)DLU WUHDWPHQWRRIHQGHUJHG

'UDIW \$UWLFOHFKHUH LV WKH QHHG IRU FODULW\ RI
any person against whom measures

are being taken in connectioo47(n)6()12(co)3(n)6(t)-3()51(w)-7(h)6(om)51(measu)9(res)] TJ

international humanitarian law. The last qualifier is not necessary since it was already included under national laws to protect the right of the persons or victims, my delegation suggest deleting, ¶¶ L Q F O X U G A n Q J rights law and international humanitarian law should be deleted.

5. Draft Article 11 (2a) is too ambiguous and there is the need for more clarity. The para should be remoulded especially with regard ¶¶ L I V X F K person is a stateless person .

Draft Article 12
Victims, witnesses, and others

6. My delegation agrees and support for a comprehensive approach by States to take all necessary measures to ensure equal access to competent authorities, including guarantees that all victims, complainants, and witnesses are protected against ill -treatment or intimidation as well as the mutual Legal Assistance under Article 14, that will afford States under relevant laws and treaties access to investigations, prosecutions judicial and other proceedings.

7. In that regard, my delegation proposes to include whistleblowers in 12(1b) because of the role they play ed in investigation, Nigeria has a policy and the whistleblowers Protection Act to safeguard and protect victims especially during investigations. It can be explored in line with the future convention on Crime against humanity.

8. Article 12 (3) My delegation welcomes paragraph 3 which provides the victims to have the right to obtain reparation for material and moral damages, on an individual or collective basis, consisting, as appropriate, of one or more of the following or other forms: restitution;

compensation; satisfaction; rehabilitation; cessation and guarantees of non-repetition.

9. My delegation is proposing to include in the future convention on crime against humanity to have in addition to national legal system a mechanism for timeline for payments for victims of crime against humanity including prosecution according to legal proceeding for defaulters. The lists on the measures for reparations on the present draft Articles is not inexhaustive, victims should have the right for reparations according to the crime.