

Statement

By

**Gloria L. DAKWAK, Phd
Minister
Permanent Mission of Nigeria to the United Nations**

On

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

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Mr Chair

Article 5 – Safeguards

Article 5(1) my delegation supports the inclusion of the safeguard's provisions in the present articles. We also support the suggestion of additional guarantees for victims based on established international and regional legal mechanisms.

2. On the principle of non-refoulement my delegation also expressed reservations for inclusion in the draft article, because the principle relates to international human rights laws and other international conventions. In Article 5(1) There is the need for clarity of how to determine “substantial ground” as well as in Article 5(2) what constitute “such grounds” these are terms that need clarification in the present draft article.

3. on the last para of Article 5(2), why the emphasises on “consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law”, my delegation does not agree on the inclusion of such para, these are issues covered under international human rights laws and be treated accordingly.

Draft Article 11

Fair treatment of alleged offender

4. Draft Article 11 (1) which reads “Any person against whom measures are being taken in connection with an offence covered by the present draft articles shall be guaranteed at all stages of the proceeding's fair treatment, including a fair trial, and full protection of his or her rights under applicable national and international law, including human rights law and

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, “including human 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 “if such 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 played 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. Article12 (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.