



OFFICE OF THE
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PRESS RELEASE FROM THE CHRISTIAN ASSOCIATION OF NIGERIA ON THE VISIT OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT TO NIGERIA

The Christian Association of Nigeria (CAN) is profoundly disturbed about the recent visit of the Prosecutor of the International Criminal Court, Mr Karim Khan QC, to Nigeria last week. We wrote to Mr Khan twice last year, attempting to engage with his office on behalf of Christian victims of religious violence in Nigeria and expressing concerns about the proceedings to date. To this day, we have not had any response. Mr Khan failed to make any contact with us before, during or after his visit to Abuja. To our consternation, we found out about his visit in the media. It appears that this Prosecutor engages in political games and is unwilling to engage with victims of atrocity, let alone Christian ones. He has disrespected victims, and we are obliged to speak out about this.

The Government of Nigeria has not issued a formal statement about the visit but Mr Khan issued a statement about his visit on 22 April 2022 (<https://www.icc-cpi.int/news/icc-prosecutor-mr-karim-aa-khan-qc-concludes-first-official-visit-nigeria>) We therefore address ourselves to this, and will make seven brief observations.

1. At the International Criminal Court, the situation of Nigeria has since 11 December 2020 been in limbo between the closing of the Preliminary Examination stage and the making of a request for leave to open an investigation. There is a great deal of explaining to be done for this state of affairs. Yet, Mr Khan only met with members of the government of Nigeria, and seems not to have discussed this. We note that at least one of the individuals that he met has been identified to the Prosecutor's office as a potential candidate for prosecution. Mr Khan is clearly playing a political game, and is prioritising relations with the government of Nigeria. CAN is dismayed that the word 'victim' only appeared twice in his statement, and both times they were in bland stock-phrases. This is no accident, it reveals that this Prosecutor is not interested in standing up for victims of atrocity, but is trying to unburden himself of the Nigeria situation. We note the peculiarity of the Prosecutor of the International Criminal Court declaring, in the Nigerian context, that *'As I have repeatedly stated, the meaningful realisation of the vision set out in the Statute can only be achieved by deepening cooperation and by finding common ground wherever possible, even in difficult circumstances'*.
2. Mr Khan's predecessor took ten years (November 2010 – December 2020) to decide that she should seek leave from the Pre Trial-Chamber to open an investigation into Nigeria. The excuse she gave for this long delay was that this was due to *'the priority given by my Office in supporting the Nigerian authorities in investigating and*



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prosecuting these crimes domestically'. In the final months of her tenure, the-then Prosecutor finally gave up and determined that the Nigerian authorities had been 'inactive' in relation to their Complementarity responsibilities and she was forced to seek leave to open an investigation: '*because of the absence of relevant proceedings or, where proceedings are asserted to have been conducted, the information available did not demonstrate any tangible, concrete, and progressive steps by the authorities to address allegations against members of the NSF*'. This was on 11 December 2020. On 20 April 2022, nearly a year after his appointment, we have the spectacle of Mr Khan showing up in Nigeria trying to revive his predecessor's failed attempts to get Nigeria to meet its Complementarity obligations. Two Prosecutors of the International Criminal Court have now been colluding with the government of Nigeria to use the principle of Complementarity to evade their own responsibilities in the face of international crimes, and to deny justice to the victims of religious and other violence in Nigeria.

3. Mr Khan's statement tells us nothing about what he and his Office have done on Nigeria since December 2020, possibly because they have done absolutely nothing. Where is the application to the Pre Trial Chamber to open an investigation? How is it that Mr Khan has been willing to leap-frog the situations of the Philippines and Venezuela over Nigeria, applying for leave to the Court's judges to open investigations? These situations came under the Prosecutor's radar years after Nigeria went into Preliminary Examination. How it is that Ukraine has jumped the queue too? Why is the matter of '*capacity constraints*' and '*operational capacity due to overextended resources*' (referred to in the Prosecutor's statement of 11 December 2020) only applicable to Nigeria, and not the Philippines, Venezuela and Ukraine? What is going on here?
4. For years now, our Christian community has borne the brunt of the religious violence in this country. We have, in a communication that was ignored by the Prosecutor, pointed out flaws in the approach taken by his predecessor in relation to Nigeria. These flaws are the result of profound misunderstanding of the role of religion in the violence that has engulfed this country. In the time that the two Prosecutors of the International Criminal Court have been leisurely considering the Nigeria situation (November 2010 to the present), a conservative assessment of the number of Christians who have lost their lives because of their religious identity would be more than 25,000. [The number of Christians killed for their faith recorded by World Watch Research in 2013 was 612, in 2014 it was 2484, in 2015 it jumped to 4028, in 2016 it dropped to 695, in 2017 it rose to 2000, in 2018 it rose again to 3731, in 2019 it was 1350, in 2020 it jumped again to 3910 and then again in 2021 to 4650.] There is no way to count the numbers of Nigerian Christians who have been wounded, abused and traumatised, let alone the massive property destruction and

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forced displacement of Christians from their homelands. Of course Moslems and other communities have been affected too, and they also must not be ignored in the Prosecutor's apparent attempt to wash his hands of Nigeria. But CAN is an umbrella organisation representing all the Christian denominations in this country; we are only mandated to address the disproportionately victimised and persecuted Christians of this country. Mr Khan's statement indicates that like his predecessor, he will not take with any seriousness the matter of the persecution of Nigerian Christians. We will continue to challenge vigorously.

5. Mr Khan's statement indicates a willingness to consider the Sahel-wide problem of Islamist terrorism. We have seen that the Islamist violence in Nigeria is indeed linked to what is going on in other countries, and there is a snowball effect going on. Our beloved country really is on the precipice. However, Mr Khan cannot suggest that the wider Sahel situation be referred to the Court by the Security Council when in Nigeria he and his Office ignore the religious mayhem being unleashed by armed Fulani herdsmen and Islamist bandits, and minimise the nature and scale of the religious persecution of Christians committed by Boko Haram. And of course, it is ironic that Mr Khan and his Office appear to have resources for a Security Council referral of the Sahel situation, but not for Nigeria.
6. The statement makes vague references to a formal agreement that the government of Nigeria and the Office of the Prosecutor are discussing. What is this about? Why are they not being open and transparent?
7. With all due respect to Mr Khan, his statement and conduct since coming to office present him as a Prosecutor seeking to shirk his responsibilities for investigating and prosecuting international crimes in Nigeria. He comes across as trying to avoid providing a modicum of satisfaction to the thousands upon thousands of victims in our country's long running tragedy of murder and mayhem, exacerbated by governmental indifference, negligence and possibly even complicity.



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In spite of our deep disappointment, CAN is committed to the search for justice and redress for the persecuted and brutalised Christians of Nigeria. We continue to be willing to engage with Mr Khan and his Office.

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