

Update on International Criminal Court Investigation

The ICC report for 2017 contained an important update. They stated that they had reached a preliminary finding and that they would seek further clarification from the Nigerian Government.

The text about the Zaria case:

During the reporting period, the Office further continued its factual and legal analysis of other allegations of crimes unrelated to the armed conflict between Boko Haram and the Nigerian security forces. In that regard, the Office carefully examined the events of December 2015 in Zaria, Kaduna State, involving clashes between members of the Islamic Movement of Nigeria (“IMN”) and Nigerian security forces. It is alleged that members of the IMN armed with batons, knives, and machetes stopped the convoy of the Chief of Army Staff on a principle road in Zaria on 12 December 2015 and that in subsequent security operations, the Nigerian military killed at least 349 persons (men, women, and children) while at least 66 others were injured. On the basis of information available, including the report of a Judicial Commission of Inquiry established by the Kaduna State Government to investigate the events, *the Office has reached preliminary findings and will seek further clarifications from the Nigerian authorities.* (emphasis added, paragraph 213, https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf)

The ICC declined to explain what the preliminary finding was or what issues they were seeking clarification on, explaining that the this was part of discussions between the Office of the Prosecutor and the Nigerian authorities.

While we do not know what their preliminary findings are, this is a positive step as it shows that the ICC believe there are matters of concern that need to be addressed.

One note of caution, the ICC report states “It is alleged that members of the IMN armed with batons, knives, and machetes stopped the convoy of the Chief of Army Staff on a principle road in Zaria on 12 December 2015”. Despite numerous investigations and reports by various bodies in Nigeria, not a single shred of evidence has been presented showing members of IMN armed and ready to attack soldiers. In fact, all the pictures and videos from the day show soldiers walking around IMN buildings at a leisurely pace without any fear for their safety, before opening fire without any provocation on unarmed IMN supporters. While the ICC report does include the caveat “alleged”, it does not present the victims perspective, and unfairly presents them as the instigators of the violence that took place over those fateful three days.

If the ICC is to be an effective and impartial body that holds perpetrators of international crimes to account, it needs to avoid victim blaming. Caveats do not obviate the fact that the victims have been falsely accused of violence thereby giving credence to the governments false claim that this was a law and order operation to contain IMN violence. The ICC needs to be more responsible, it cannot become a vehicle for perpetrators of grave crimes against humanity to peddle false narratives against their victims.

We will await the ICC's final determination.

Action Alert

For the attention of Fatou Bensouda, Chief Prosecutor of the International Criminal Court.

Dear Ms Bensouda,

I am writing to raise my concern about the ICC Preliminary examination into the massacre committed by the Nigerian army in Zaria, Nigeria in December 2015.

In the *Report on Preliminary Examination Activities 2017* it states, "It is alleged that members of the IMN armed with batons, knives, and machetes stopped the convoy of the Chief of Army Staff on a principle road in Zaria on 12 December 2015".

This characterisation of Islamic Movement of Nigeria's (IMN) supporters in this report is false and alarming. Despite numerous investigations and reports by various bodies in Nigeria, not a single shred of credible evidence has been presented showing members of IMN armed and ready to attack soldiers. In fact, all the pictures and videos from the attack show soldiers walking around IMN buildings at a leisurely pace without any fear for their safety as they took their position, before opening fire without any provocation on unarmed IMN supporters. The Islamic Human Rights Commission has documented this extensively in their communication to the ICC (<http://ihrc.org.uk/publications/reports/11646-investigating-the-attack-against-the-islamic-movement-of-nigeria-on-12-13-december-2015-in-zaria>) and on their website (<http://ihrc.org.uk>).

While the ICC report does state the word "alleged", it does not present the victims perspective, and unfairly presents them as the instigators of the violence that took place over those fateful three days.

If the ICC is to be an effective and impartial body that holds perpetrators of international crimes to account, it needs to avoid victim blaming. Caveats do not avoid the fact that the ICC has regurgitated a narrative in which the victims are falsely accused of violence thereby giving credence to the governments false claim that this was a law and order operation to contain IMN violence. The ICC needs to be more responsible, it cannot become a vehicle for perpetrators of grave crimes against humanity to peddle false narratives against their victims.

I am pleased to hear that the ICC has reached preliminary findings and will be seeking further clarifications from the Nigerian authorities. Given my concerns above, I would like to know what the ICC will do to get clarification / information from IMN, the victims of the army's attack, those who remain imprisoned without trial as well as the witnesses who saw the army's unprovoked criminal behaviour.

I look forward to hearing from you.

Yours Sincerely,

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Via twitter:

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