

# Prosecution that Never Began: An Exploration of Acceptance of International Criminal Justice in Nigeria

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# Prosecution that Never Began: An Exploration of Acceptance of International Criminal Justice in Nigeria

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## 1. Introduction

After independence in 1960, Nigeria was confronted with various armed conflicts such as the Biafra war, the Niger Delta militancy, the Middle Belt ethnic crises and more recently the Boko Haram insurgencies (Alozieuwa 2012). To contribute to the management of the conflicts, the Nigerian Government adopted different transitional justice mechanisms, such as investigation, amnesty,<sup>2</sup> disarmament, demobilisation and reintegration (DDR).<sup>3</sup> The amnesty and DDR brought short-lived peace to the Niger region as is evident in the advent of new militant groups in 2016 such as the Avengers, Niger Delta Greenland Justice Mandate, and others.

The International Criminal Court (ICC) visited Nigeria to investigate cases of human rights abuses which occurred during the three major violent conflicts involving the Niger Delta, the Fulani herdsmen and Boko Haram.<sup>4</sup> All preliminary investigations of war crimes and crimes against humanity were closed, with the exception of the Boko Haram insurgency. So far, investigations by the ICC have not led to prosecution of war criminals in Nigeria. Many Nigerians interviewed in this study felt that as a result of inadequate Government support, the preliminary investigations by the ICC will never lead to prosecutions of those indicted for war crimes. To scrutinise this in more detail, this study focuses on the acceptance of preliminary investigations of war crimes and crimes against humanity carried out by the ICC in the north east of Nigeria. The aim is to examine the effect of the delay of ICC prosecution on the acceptance of International Criminal Justice (ICJ) in Nigeria more generally leading to the following research question:

How does the preliminary examination of war crimes and crimes against humanity carried out by the ICC affect the general acceptance of International Criminal Justice (ICJ) in Nigeria?

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<sup>2</sup> Amnesty International 2015/2016 annual reports on Nigeria. Accessed 16 September 2016.  
<https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

<sup>3</sup> International Criminal Courts Report on Nigeria. Available 16 September 2016, from  
<https://www.icccpi.int/itemsDocuments/OTP%20Preliminary%20Examinations/OTP%20%20Policy%20Paper%20Preliminary%20Examinations%20%202013.pdf>.

<sup>4</sup> Ibid.

This ties in with other studies on the outcomes of ICJ mechanisms in Nigeria by academics, civil society organisations and non-governmental organisations (Ojeleye, 2016; Nwankwo, 2015; Molly, 2011). However, none of these previous studies focused specifically on the acceptance of ICJ. In line with the acceptance research methodology of the International Nuremberg Principles Academy (Buckley-Zistel et al. 2016) acceptance of ICJ is conceptualised as a dynamic process which provides a critical examination of the relevance of the international courts, tribunals or specific laws by various actors in situation countries.

To answer the above research question, this paper is divided into three sections. The first section describes the context of the study including general background to the Boko Haram conflict and to the intervention by the ICC. The second section focuses on the method of data collection, and the third presents the findings of the study.

## **2. Boko Haram and the intervention of the ICC**

Nigeria is a democratic West African country with a population of about 170 million people comprised of over 250 different ethnic groups (Seeger and Auer 2016, 1). Immediately after independence in 1960, the country was engulfed in different crises such as military coups d'état and ethnic and sectarian conflicts. After nine years of civilian administration, Nigeria was under successive military administrations for a period of thirty-five years, and the nine major bloody military coups claimed about 2.000 lives (Vanguard 1999). Coups and counter coups coupled with the massacre of the Igbo ethnic group by the Hausa/Fulani ethnic group in the north cumulated in a civil war that lasted two years. During the civil war almost 600.000 members of the Igbo ethnic group were killed and around one million people were displaced from the Igbo homeland in eastern Nigeria (Barnaby 2000). In 1999, the military handed power to a democratically elected Government in Nigeria. Yet, electoral processes also witnessed a series of crises; for example, the 2007, 2011 and 2015 general elections resulted in the massacre of civilians. The number of recorded deaths in the 2007 and 2015 general elections was estimated at 3.400 (Bello 2015, 3).

Conflict also erupted due to environmental pollution in the Niger Delta region in 1958 (Onuoha 2008) as a result of the activities of multinational oil companies (Ukeje et al. 2002). The environmental degradation coupled with structural exclusion and poor development by the multinational oil companies and the Government of Nigeria sparked the destruction of property, oil installations, kidnapping and the killing of domestic and foreign oil workers and Government officials. In reaction to the conflict, the Government sent the army to the area leading to violent confrontations between the Niger Delta militants and the Nigerian Army. At least 1.550 deaths were recorded in the Niger Delta between 2006 and 2014 (Adams 2014).

The conflict between Fulani herdsmen and the indigenous people of the north central Nigeria, also subject to investigations by the ICC, involved episodic inter-ethnic conflicts between Fulani and the host community in the Middle-Belt of Nigeria and has resulted in 400 deaths, and an

unknown degree of displacement and destruction has been witnessed (Council on Foreign Relations 2013).

The focus of this study lies however on the Boko Haram insurgency in the north east of Nigeria for it is only in this context that the ICC is still active. Boko Haram is an Islamic extremist group whose operations cover the entire north-east and part of the north-west including Sokoto, Niger, Plateau, Kogi, Benue, Taraba and Abuja, the Federal Capital of Nigeria (Pérouse de Montclos 2014). Its basic aim is the promotion of Islamic values as expressed in its name which translates 'Western education is a sin.' The official Boko Haram Arabic name *Jama'atuAhlis Sunna Lidda'awatiwal-Jihad* translates 'people committed to the propagation of the prophet's teachings and Jihad'. The group has existed since 2002 but its activities only became visible in 2009 when a group of Islamic fundamentalists led by Mohammed Yusuf started a campaign against Western values adopted in Nigerian society. Initially, Boko Haram's low intensity activities were limited to Borno State. This changed in 2009 when Mohammed Yusuf was captured by the Nigerian army and handed over to the police. The police shot Yusuf on the pretence that he attempted to escape from detention (Gorman 2009), further radicalising the insurgency group and leading to large scale terrorist attacks in Nigeria, which were coordinated under successive leaders like Momodu Baura, Abatcha Flatari, Dan Hajia and, as of November 2016, Abubakar Shekau (Azumah 2014). Boko Haram planned the 2011 post-presidential election violence, targeting and killing University graduates who worked with the National Electoral Commission and in which a total of 800 people lost their lives (Bekoe 2011). Since then, Boko Haram has attacked the UN building in Abuja in 2011, killing 21 people (Adam, 2011; Brock, 2011), and it claimed responsibility for the destruction of schools, killing of students and the kidnapping of 273 girls from their dormitory in Chibok, Borno State in 2014. Abubakar Shekau, the Boko Haram leader, declared that girls were to be sold as sex slaves (Abubakar and Levs 2014) raising international condemnation and efforts by the Government of Nigeria, Britain, France, Germany and the United States to counter the Boko Haram insurgency in Nigeria (Collins 2014; Ries 2014).<sup>5,6,7</sup>

## **2.1 Journey towards International Criminal Justice**

The record of providing post violence justice in Nigeria is mixed. In 1999, the Government established the Human Rights Violations Investigation Committee to investigate cases of human rights abuses since independence. So far the outcome has not been made public or implemented. Nigeria did not prosecute war crimes but granted amnesty to civil war actors in 1983 and the Niger Delta militants in 2006. This was followed by 'post-amnesty' measures such as DDR of the Niger Delta militants. The latest attempt at ICJ was an invitation to the ICC for

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<sup>6</sup> United State Institute of Peace. Ameliorating Christian/Muslim Conflict in the Middle Belt Nigeria. Accessed 16 September 2016. <http://www.usip.org/node/7329>

<sup>7</sup>International Criminal Courts Report on Nigeria. Accessed 15 September 2016. <https://www.icc-cpi.int/itemsDocuments/OTP%20Preliminary%20Examinations/OTP%20%20Policy%20Paper%20Preliminary%20Examinations%20%202013.pdf>

investigating war crimes and crimes against humanity levelled against Boko Haram and the Nigerian army by human rights organisations such as Amnesty International, Human Rights Watch, Socio-economic Rights and the Accountability Project (Amnesty International 2014). Although prosecution of international crimes as stipulated in the 2002 Rome Statute, such as war crimes, crimes against humanity and genocide have recently been integrated into national law, the law has not been approved by the national assemblies (for a detailed discussion see the chapter by Olugbuo in this volume).

The Nigerian Government ratified the Rome Statute which established the ICC in 2001. The ratification placed Nigeria and its citizens under the authority of the ICC for investigation and prosecution of international criminal offences from 1 July 2012 onwards. In the period between 10 November 2005 and 30 September 2012 the ICC Office of the Prosecutor received 59 complaints based on different Rome Statute Articles, as well as 15 communications from Government agencies, international non-governmental organisations, activists and academics in relation to war crimes, genocide and crimes against humanity in Nigeria. After assessing the submitted documents, 26 of the petitions were outside the jurisdiction of the Court but 23 were considered during the preliminary examinations. The preliminary examination of the situation in Nigeria was made public on 18 November 2012 (International Criminal Court 2013). The same year, the Office of the Prosecutor visited Nigeria to carry out a preliminary examination of acts of war crimes and crimes against humanity alleged to have been committed by members of Boko Haram and the Nigerian army against civilians in the wake of the Boko Haram insurgency.<sup>8</sup>

The preliminary examination suggested that there was a reasonable basis to conclude that crimes against humanity had been committed in Nigeria, which included acts of murder, destruction and ethnic cleansing attributed to Boko Haram. The Office of the Prosecutor therefore decided that the preliminary examinations should advance to the 'admissibility stage' in order to assess whether the national authorities were willing or able to prosecute those responsible or whether the ICC needs to become active.<sup>9</sup> Since the preliminary ICC examination of Boko Haram's involvement in war crimes and the recommendation by the Office of the Prosecutor for admissibility by the Nigerian Government, prosecution processes have not begun. At present, the Nigerian Government is neither prosecuting nor transferring the cases to the ICC.<sup>10</sup>

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<sup>8</sup> International Criminal Courts Report on Nigeria Available 17 September 2016. Accessed 10 September 2016. <https://www.icc-cpi.int/itemsDocuments/OTP%20Preliminary%20Examinations/OTP%20-%20Policy%20Paper%20Preliminary%20Examinations%20%202013.pdf>

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

### 3. Methodology

This study was conducted in the context of a fellowship programme by the International Nuremberg Principles Academy. It is based on a qualitative data collection method in the form of in-depth interviews. The interviews were carried out in five different locations in Nigeria, and a purposive sampling method was used to select the cities/regions Abuja, Edo, Ibadan, Lagos, and Nasarawa. Abuja is the capital of Nigeria and houses the Federal High Courts and the Justice Ministry as well as some media houses. Lagos was selected because of the presence of offices of most non-government organisations in the city. The study used Ibadan as a location because of access to active politicians in the city, and Nasarawa and Edo due to community members that had been affected by the Boko Haram insurgency. The interviewees consisted of major actors involved in the preliminary examination of war crimes and crimes against humanity in Nigeria: (1) Civil society organisations (human and civil rights groups, justice forum and religious groups); (2) Government officials; (3) Experts (human rights lawyers, journalists and law lecturers); (4) Communities (religious leaders, opinion leaders, internally displaced persons and traditional leaders); and (5) Political parties.<sup>11, 12</sup>

International non-governmental organisations were omitted from the study as their representatives were not available. In total, 81 people were interviewed: 15 individuals working in civil society organisations, 5 government actors, 18 party activists, 9 experts and 34 community members. The following themes and subthemes emerged during the interviews and will be discussed in more detail below: acceptance of prosecution, national and international politics, further investigation by the ICC, peace versus justice, and generally frustrated expectations.

### 4. Shades of acceptance of International Criminal Justice

This section discusses the themes and subthemes generated from the literature and fieldwork on the acceptance of ICJ in Nigeria. The people and actor groups differ in their expectations of ICJ in Nigeria. In particular, their expectations regarding prosecution, further investigation and consultation were prominent and should be considered in turn.

#### 4.1 General acceptance of prosecution

So far, the ICC's investigations of war crimes and crimes against humanity have not led to any prosecution which stands in stark contrast with the expectations of many interviewees of this study. Even though they accepted ICJ in general they were disappointed by the actions of the courts, i.e. that no trials have taken place or are imminent. An opinion leader who is a member of the community affected by the Boko Haram insurgency in the north-east, who was interviewed in Abuja, stated:

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<sup>11</sup> Interviews with Campaign for Democracy, Socio-Economic and Accountability Project, Defence League of Imam, Hope and Justice.

<sup>12</sup> Three important political parties were selected: PDP; APC and Accord Party.

'I want those [who] committed war crimes and crimes against humanity to face prosecution, maybe many other criminals would learn from them. If you know what these criminals did in Nigeria, you will be surprised. They came to Abuja here, killed people at motor parks, churches, barracks; they went ahead to bomb the UN building in Abuja and killed many of their staff. Personally, I will say I want them tried. They killed many people in Maiduguri, Yobe and Adamawa. They displaced many people like me. Allah, they should be taken to the court.'

The explanation given by the participant, like many others in this study, shows clearly that the interviewed wanted those that committed crimes against humanity and war crimes to be prosecuted. A political party participant interviewed in Ibadan responded:

'I accepted the prosecution of Boko Haram. The ICC should not stop at the investigation but they should cooperate with national courts and prosecute war criminals once and for all.'

Out of 81 participants interviewed in different locations in Nigeria, 76 were in favour of prosecution and only five did not accept prosecution as a legitimate means. The latter included three religious leaders and two internally displaced persons (IDPs). Their rejection was informed by various reasons such as political and religious ideology. A political party participant interviewed in Abuja said:

'I am not saying I would not support the work of the ICC in Nigeria but as a politician I did not support taking our citizens abroad for trial. The support my party has given to the ICC eventually backfired. No popular party would take its supporters to the ICC for prosecution unless the party is ready to lose its base.'

The response given by the above interviewee differs from the response of the community leader who was displaced by Boko Haram and who was interviewed in Abuja. This person welcomed prosecution, but not where the prosecution would take place:

'Boko Haram leaders should be taken to The Hague for prosecution. They have committed a lot of atrocities of international dimension. It will be okay if Nigeria security can apprehend Boko Haram leaders and present them for trial before the ICC. This is my own opinion; I think a lack of coordinated international interests in crisis stimulates atrocities perpetrated by the Boko Haram in the region. The ICC should rise to the occasion and prosecute those that finance, sponsor and support Boko Haram. The ICC has come to stay.'

In the opinion of an IDP who participated in the study in a refugee camp in Edo, the prosecution of war criminals by the ICC in The Hague is important because it reduces arbitrariness, absolutism, and totalitarianism which he attributes to Nigerian political office holders. He felt that they believe that they are above the law because they enjoy immunity as enshrined in the Nigerian constitution. The IDP stated:

'I think why Nigeria accepted the law is because we need a particular global institution that will prosecute those that are presumed to be above the law in Nigeria, most especially people with immunity such as the President, Vice President, Governor and Deputy Governor.'

A key point of contention was the location of the trials. Many interviewees wanted the prosecution to take place in Nigeria, others preferred The Hague. The first view is justified by a community leader interviewed in Abuja:

'They should come and try them in Nigeria because I do not think there is the death sentence in Europe. But we have it here in Nigeria. The guilty ones among the Boko Haram members should be sentenced to death. If you know the number of people they have killed, you will have no mercy for them. They killed many young military officers. They raped women and girls.'

The location of the trials is connected to the principle of complementarity between the national courts and the ICC. Many participants expressed doubt in the ability of the national courts, exemplified in the words of the leader of a political party interviewed in Lagos:

'The ICC report on the preliminary investigation of war crimes and crimes against humanity in Nigeria has nothing to do with my non-acceptance of prosecution of war criminals in Nigeria. The reason for not accepting has to do with my conviction in national ability and capability.'

Some participants explained that complementarity would speed up trials, improve court efficiency and save costs of prosecuting war criminals. A member of a political party interviewed in Nasarawa made the case for collaboration between the national courts and the ICC in the prosecution of war criminals in Nigeria:

'I would like the ICC and national courts to work together to try Boko Haram. We need to try war criminals for once in this country to serve as a lesson to others.'

It is interesting to note that the inclusion of the prosecution of war offenders for sexual abuses prompted many interviewees to accept ICJ. Prosecution for sexual abuse and other related offences was recognised by the Rome Statute as a crime against humanity and is punishable under Article 8 of the Statute. This position is expressed in the view of an IDP in Edo who explained that she accepted ICJ because it gives room for prosecution of sexual offenders and that she would like Boko Haram members who kidnapped, as well as sexually abused women and young girls to be tried by the ICC:

'You cannot forgive or give amnesty to somebody that committed sexual offences or genocide. Boko Haram has committed sexual offences and their members must be prepared to face the ICC for prosecution on war crimes.'



The justification for why the interviewee wanted those that committed sexual offences in the north-east to be prosecuted was the 273 school girls kidnapped by members of Boko Haram as sex slaves (Abubakar and Levs 2014). It is instructive to note that the Nigerian Government has not mentioned the prosecution of those responsible for the kidnapping in spite of evidence provided by the victims (ibid.). Voices which advocated against prosecution were rare, but they existed, as is apparent in the following quote:

‘Allah’s judgement is the most promising. I do not accept any arrest or prosecution of anybody. What I want for Boko Haram is forgiveness from Allah and the people.’

The interviewee’s point of view on forgiveness could be explained from the modern Islamic teaching which emphasises forgiveness. Being a religious leader, the interviewee displayed religious ideology as a driver of rejection of ICJ.

## **4.2 National and international politics**

Political circumstances played a major role in whether and how ICJ was accepted. Many participants, especially the members of political parties who participated in the interviews said that national politics was the major driver of their rejection. Out of two thirds of participants who explained that political circumstances led them to change their opinions about ICJ. 18 members of political parties attributed it to national politics compared to 14 who stated that it was international politics, including the African Union. National politics was equally important to community leaders, IDPs and other members of communities affected by the Boko Haram insurgency. An IDP interviewed in Edo explained that this has to do with the fact that only one party to the conflict is supposed to be prosecuted:

‘The investigation was one sided. It focused on Boko Haram. I want to tell you that Nigerian soldiers were also involved in human rights abuses in the north-east.’

The interviewee added that the role played by the interferences of the ICC in Nigeria during the 2015 elections affected his view on the court and a member of the political party interviewed in Abuja described how he felt the court affected national politics:

‘The PDP [People’s Democratic Party] Government was doing all necessary things to ensure that peace reigns in the country. The reason why the ICC visited Nigeria is between the ICC and the opposition. The opposition pushed the ICC to do their bidding. The opposition want the ICC to expose PDP as a weak party.’

This stands in contrast to the opinion of interviewees who side more with the opposition as expressed in the words of an APC (All Progressive Congress) party member:

‘If not that my party reported the pronouncements of some political gladiators that could lead to conflict with the ICC, the country would have been at war by now. The APC and some civil society organisations took it upon themselves to report incitements from

many politicians from an opposition party to the ICC. This actually brings peace to Nigeria after the 2015 general elections.'

Some participants saw the ICC intervention as the erosion of national and regional sovereignty. A member of civil society organisations interviewed in Lagos commented on the preliminary investigation of war crimes and crimes against humanity by the ICC as an impingement on national (Nigeria) sovereignty:

'The ICC has power only when the country does not have the power or is divided over prosecution of war crimes. Nigeria has a law in respect to investigating and prosecution of any war offense. As it stands now, our courts have the ability to prosecute those committing crime against humanity in the north-east. The ICC can only complement the efforts of the national courts.'

A civil society organisation member who was interviewed in Lagos also described the ICC as an impingement on the regional sovereignty, pointing out that the vast majority of the interventions by the ICC are in Africa. She said:

'I want to ask if the ICC was established purposely because of Africa. The ICC should leave African countries alone. We can handle our affairs by ourselves. After all, the interventions from Europe in economic and political fronts have not yielded expected results. I do not see how their intervention in the judiciary would be different.'

The importance of this form of international politics in the prosecution of war criminals was frequently brought up in discussions with interviewees. According to a recent report (European Parliamentary Research Service 2016), the ICC has investigated ten cases since 2002, nine of which were in Africa: Libya, Sudan, the Democratic Republic of the Congo (DRC), Uganda, the Central African Republic (CAR), Kenya, Libya, Côte d'Ivoire and Mali. In addition, the Guinea and Nigeria cases are still under preliminary examination. This has led the African Union to become very critical of the functioning of the ICC. Some participants thus identified African Union politics as a major factor. A law lecturer at the University of Abuja who participated in the study said:

'My vision for the ICC is to create seats for African countries in the court. They should create different chambers for the regions according to the continents we have in the world; this will give each region a sense of belonging.'

### **4.3 Further investigations by the ICC**

Civil society organisations, lawyers, law lecturers, traditional and opinion leaders demonstrated their acceptance of ICJ by suggesting further investigations into war crimes and crimes against humanity. The participants wanted the ICC to revisit the country and name the indicted war actors in the northeast of Nigeria. There were 22 participants who wanted the investigation

carried out by the ICC to be reconsidered because they believed that the investigations were not thorough enough. A member of a political party interviewed in Abuja said:

‘The Government and the ICC should carry out a proper investigation before taking anybody to court. The Government should not be influenced by the insinuations of non-governmental and civil society organisations.’

The participants said that they would like the ICC to come back to Nigeria; to re-open files and to consult communities affected by the Boko Haram insurgency. Further investigations of war crimes and crimes against humanity by the ICC in Nigeria were re-echoed by another party member interviewed in Ibadan:

‘The ICC has been coming to Nigeria for one investigation or the other. I would like to tell you that the investigation has not been so thorough.’

In addition, a law lecturer explained that she expected the ICC to go beyond the mere investigation of war crimes and crimes against humanity and that the ICC should include extraneous factors that stimulated the war. In her words:

‘I want Boko Haram’s financiers, supporters and commandants among them to be tried in The Hague and others should be tried by the national court. This is my vision for the ICC. I would like both local courts and the ICC to try Boko Haram. I know that they cannot take every Boko Haram member to The Hague for trial.’

#### **4.4 Peace vs. Justice**

Another perspective expressed by 32 out of 76 interviewees concerned the acceptance of ICJ in terms of peace versus justice. 26 out of the 32 participants said that ICJ was a way of achieving justice while six other participants mentioned peace. One civil society organisation member interviewed in Lagos said:

‘The Government wants to bring to justice those that were involved in war crimes, crimes against humanity and genocide. The recent attacks by Boko Haram called for concern. Government wants the attack on innocent civilians to stop.’

The participants believed that a thorough investigation would bring about justice and peace in the region. According to a lecturer who participated in the interview at the University of Abuja:

‘Further investigation of war crimes and crimes against humanity would enhance peace in the war-torn communities, most especially in north-east Nigeria.’

Internally displaced persons interviewed in both Nasarawa and Edo believed that further investigations would expose the major actors in the conflict which might serve as a healing mechanism to many victims who want their violators to be prosecuted.

#### 4.5 Frustrated expectations

One of the most important factors for not accepting ICJ, or withdrawing acceptance over time, was that the ICC did not live up to the expectation of the interviewees since the court has not moved beyond the preliminary investigation stage. Many interviewees expressed their frustration over the fact that the investigation has not led to prosecution; out of 75 interviewees who responded to this question, 55 expressed this view. Regarding the ICC's preliminary report on Nigeria, a member of a civil society organisation interviewed in Lagos said:

'I am really disappointed about the preliminary investigations report by the ICC. I was expecting something different on the Boko Haram crisis. The outcome of the report affected my acceptance of the ICC. Since the report was released I began to have a different understanding of the ICC.'

Frustration was also articulated regarding the sentencing by the ICC. The participants highlighted that the ICC would not condemn war criminals to death, the process is usually long and political power determines the outcomes of most prosecutions by the ICC. A member of a civil society organisation from Lagos lamented:

'I see reporting cases of human right abuses or war crimes or crimes against humanity to the ICC as a waste of time. It is a waste of time because the ICC will not sentence a person that is found guilty of genocide to death.'

A political party member interviewed in Abuja believed that involving the ICC in the investigation of war crimes and crimes against humanity was a waste of time because national courts can do what the ICC is doing in The Hague. He said:

'I will not support this because it is a waste of time. What happened to the investigation the ICC carried out in respect of human rights abuses in the Niger Delta and killings in the middle-belt? Reporting war crimes or crimes against humanity to the ICC is a waste of time. A national court should put them to trial as it is capable and efficient. It can handle Boko Haram issues adequately.'

The view of a member of a civil society organisation interviewed in Lagos pointed to politics as one explanation for the performance of the ICC:

'The report of their investigation affected the acceptability of the court. People expected much from the court. The problem is that the court was misled by some Nigerians. Human rights abuses, war crimes and crimes against humanity are common in this country.'

Members of the community affected by the Boko Haram insurgency expressed a particularly high level of frustration. The political party members also said that they were frustrated by the

outcome of the ICC preliminary investigation of war crimes and crimes against humanity carried out in Nigeria.

## **5. Conclusion**

There are different factors that led to the change in the participants' attitudes towards ICJ. The aspects mentioned by participants of this study included national and international politics, further investigations by the ICC, peace versus justice, and generally frustrated expectations. It should be noted in the shades of acceptance of ICJ, that 54 participants in the interviews were expecting the preliminary investigations to be carried out by the ICC to lead to the prosecution of those alleged of committing war crimes and crimes against humanity. The failure to carry out the prosecution of war offenders was regarded as a major factor in the understanding of patterns of acceptance of ICJ in Nigeria.

This study's focus has been on the acceptance of ICJ based on the intervention of the ICC to investigate war crimes and crimes against humanity in Nigeria. The research shows that participants became interested in ICJ because they wanted those who committed crimes to be prosecuted in The Hague. In the interviews people stated that their acceptance of ICJ became stronger with the ICC carrying out preliminary investigations in 2012. Yet, their support dropped when they realised that the ICC was not prosecuting. This was particularly relevant for interviewees from communities affected by the Boko Haram insurgency, as well as for members of political parties. The participants also expressed frustration because the Nigerian Government could not bring those who had committed sexual offences to justice. The participants believed that the prosecution of war criminals would have led to national healing which in return could have brought peace to the region. The respondents also said that the prosecution would have served the cause of justice and could have served as a warning to potential war mongers in the region. It is further interesting to point out that many participants mentioned a change in political circumstances and ideology. The responses to the questions of the drivers of acceptance showed that many participants saw political circumstances as a major factor and it was frequently concluded that national and international politics, as well as the African Union had an effect on their views. It can be concluded from this research that the delay in prosecuting war crimes and crimes against humanity had the strongest influence on the acceptance of ICJ, it led to the widely-held view that many interviewees saw ICJ as a waste of time.

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