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a. Crime against peace, war crime or crime against humanity

GUIDANCE NOTE
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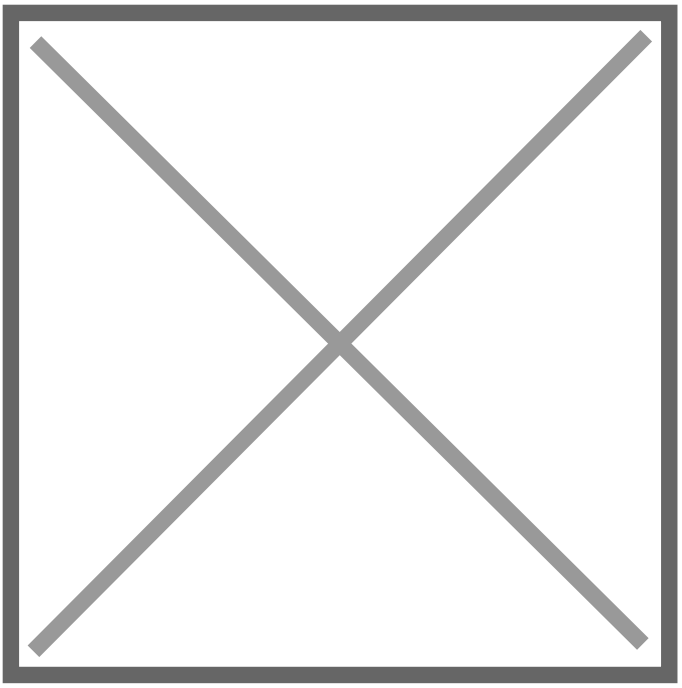
Article 12(2)(a) QD and Article 17(1)(a) QD refer to specific serious violations of international law, as defined in the relevant international instruments.[14]

The ground of ‘crime against peace’ is not found to be of particular relevance in the cases of applicants from Nigeria.

With regard to ‘war crime’ and ‘crime against humanity’, it can be noted that several investigations by the Office of the Prosecutor of the International Criminal Court (ICC) are currently ongoing. These investigations refer to potential violations in the context of the conflict between Boko Haram and the Nigerian security forces, actions of the Nigerian security forces against the Islamic Movement in Nigeria (IMN), operations of the Nigerian security forces against pro-Biafra protesters.[15]

In the Middle Belt and in the East of Nigeria, the violent clashes between herders and farmers have escalated in recent years, resulting in an increasing number of deaths on both sides and serious human rights violations, including rape, abduction and attacks leading to the destruction of entire villages. Taking into account the evolution of the conflict, crimes committed in this context could also give rise to considerations under Article 12(2)(a) QD/Article 17(1)(a) QD as ‘crimes against humanity’.



[14] The Rome Statute of the International Criminal Court is a particularly relevant instrument in this regard. See also the 'Grave Breaches' provisions of the 1949 Geneva Conventions and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Statute of the International Criminal Tribunal for Rwanda (ICTR). [back to text]

[15] See https://www.icc-cpi.int/nigeria. [back to text]

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