PROSPECTS FOR TRANSITIONAL JUSTICE INITIATIVE IN NORTH EAST NIGERIA
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INTRODUCTION

The decline in Boko Haram attacks in North East Nigeria indicates that the country is gradually drifting towards the post insurgency era. In March 2017, the Nigerian army hosted the Nigerian Army Small Arms Championship in the Sambisa forest (previously a Boko Haram stronghold) to reflect its control of the Sambisa Forest. In the same vein, some communities in Madagali Local Government Area, Adamawa State have started to celebrate victory over Boko Haram and the return to normalcy in their communities with cultural dances and the 'durba' (horse display). Nonetheless, other communities in the North East are less enthusiastic about the projected victory over the insurgents. They are yet to recover from the trauma of the atrocities committed by the insurgents, which includes loss of lives, property and livelihood. Those who have been displaced fear returning to their communities due to sporadic attacks from Boko Haram members who have infiltrated the remotest areas. Boko Haram presence is within a 2km radius of some communities.

This paradoxical context reflects the challenge of reconstructing and redeveloping North East Nigeria, a focal point for discourse about the post insurgency phase in the region. This discourse has centred around:

i) reintegrating the region into the national socioeconomic framework,

ii) improving the security of the region through partnerships between civilians and the security agents,

iii) eradicating poverty through economic empowerment for vulnerable groups,

iv) providing amenities in the ravaged communities,

v) increasing literacy level, and

vi) offering religious reorientation for the population in the region.

vii) creating a restorative justice mechanism which ensures healing for the victims and accountability from perpetrators.

In line with this need, the transitional justice team of the Centre for Democracy and Development (CDD) embarked on a scoping study of the North East with the aim of developing a transitional justice framework within the rebuilding process. The scoping study took place in Borno and Yobe States. Interviews and focus group discussions (FGDs) were conducted with purposively selected survivors of the insurgency, ex-Boko Haram Combatants, the Civilian Joint Task Force (CJTF), hunters' groups, members of the Nigerian

\(^2\) Why we are Holding Army Small Arms Championship in Sambisa Forest – Buratai. Vanguard. 
http://www.vanguardngr.com/2017/03/holding-army-game-sambisa-forest-buratai/  March 25, 2017
military, security agents, camp officials, district heads, religious leaders, primary school teachers, academics, students and development workers.

The study entails a detailed exploration of different narratives of individual experiences of the Boko Haram insurgency. Respondents were drawn from 12 communities in the Borno state to include Gajirem in Kaga LGA, Addamari in Jere LGA, Mai Sandari Maiduguri Metropolitan Council, Bama in Bama LGA, Mairi Village Maiduguri, New Marte LGA (along the Lake Chad Basin), Gwoza, Konduga LGA, Biu LGA, Kwaya Kusar LGA, Mago Mari and Kukawa LGA in Borno State; and 10 communities in Yobe namely Gaidam, Damboa, Gujba LGA, Gulani LGA, Buni Yadi, Katarko, Damaturu, Goniri and Potiskum. Beyond the narratives of individual Boko Haram experiences and its impacts, the study explores the disposition of respondents towards post conflict reintegration, especially with regards to the resettlement of repentant ex-Boko Haram combatants. The findings of the study are directed towards initiating a transitional justice process which is victim-centered and community driven, to ensure the restoration of sustainable peace in the region.

The violations that have occurred at the hands of the Nigerian military, the Multi-National Joint Task Force (MNJTF), pro-government militias, and Boko Haram, all contribute to the need to develop a transitional justice framework for healing individual stakeholders as well as the communities in the North East. Communities throughout the region have suffered murder, kidnapping, sexual abuse, arson, looting, torture, and other human rights violations.

The emerging post insurgency context in North East Nigeria has unravelled the complexities of post conflict interventions, especially with regards to ensuring accountability and justice in the region. The MNJTF, established by the affected Lake Chad Basin countries (Nigeria, Niger, Cameroon, Chad and Benin) to combat Boko Haram maintained that the split between the group (into the Shekau led Boko Haram and the Al-Barnawi-led Islamic State of West Africa Province) has aided its operations in limiting the efficiency of the group. The MNJTF was designed to have the same components as that of the Operation Lafiya Dole in the North East, which comprises the military, police and civilians. Their involvement in the fight against insurgency has negatively impacted the contexts of relationships between these different actors. The war situation meant that several atrocities were committed including
murder, kidnapping, sexual assault, arson, looting and other forms of jungle justice. These violations have thus necessitated the need to develop a transitional justice framework for healing individual stakeholders as well as the communities.

While Boko Haram has been noted for its destructive activities, the split within the group resulted in a separation of their operational strategy. The Shekau-led faction is defined by the indiscriminate nature of its attacks while the Al-Barnawi faction concentrated on the military and government installations. Boko Haram are perceived as the chief perpetrators, having committed atrocities against virtually all of the other actors who are in opposition to the establishment of their Islamic Caliphate in the North East. They are reported to have killed members of the military as well as other security agents through attacks on their barracks. Members of the CJTF have also been killed by members of Boko Haram, as targets based on their collaborations with military and as members of the affected communities. The worst victims of Boko Haram are the community residents of invaded communities (some of which were under the control of Boko Haram for several months). Respondents narrated how their houses were totally razed, relatives murdered in cold blood, children kidnapped and communities looted. There were also specific references to the mode of enforced recruitment of Boko Haram through threats, economic incentives, and the administration of concoctions to hypnotize victims. Some victims were also forced to watch the slaughtering of those who rejected Boko Haram's rules and ideologies. Children were severely punished for their inability to memorise Boko Haram's ideology and for missing classes.

Nonetheless, beyond the Boko Haram insurgents, the members of the Joint Task Force (JTF) as well as the Civilian Joint Task Force (CJTF) have both been accused of extra-judicial killings of surrendered Boko Haram members as well as some community members. This is coupled with allegations of violating women and girls through sexual assault, as well as indulging in varying acts of economic corruption, which undermine the successes achieved in the fight against Boko Haram. Allegations of sexual harassment have also been made against camp officials and civil servants who take advantage of teenage and underage IDPs who have been made vulnerable by their poor economic status. In spite of being victims, the family members and associates of Boko Haram have also been accused of being collaborators who serve as intelligence agents to the insurgents. These civilian collaborators have allegedly been accused of being responsible for the ambush and killing of members of the Operation Lafiya Dole, several security agents and the CJTF. These allegations have brought to the fore the challenge of the perpetrator/victim
categorization, wherein all parties allege to have been violated by the others. The scenario becomes more complex when one considers the allegations that some security agents have betrayed colleagues in giving information to the Boko Haram and the fact that some abducted victims have carried out suicide attacks as well as joined the insurgents in ravaging the

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<thead>
<tr>
<th>Perpetrators</th>
<th>Crimes</th>
<th>Victims</th>
<th>Alleged Perpetrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boko Haram Combatants</td>
<td>Murders, rape, arson, kidnapping, destruction of communities</td>
<td>Civilian residents:</td>
<td>Multiple Actors (Boko Haram, Military, CJTF, Government Actors)</td>
</tr>
<tr>
<td>Civilian Joint Task Force</td>
<td>Extra Judicial Killings, Rape, Corruption</td>
<td>Nigerian Military</td>
<td>Boko Haram and Government Officials</td>
</tr>
<tr>
<td>Lafiya Dole - “Peace by Force”) Government Officials (Camp Officials/ONSA):</td>
<td>Corruption, Sexual Harrasment</td>
<td>Boko Haram Ex Combatants:</td>
<td>Military, CJTF Community residents</td>
</tr>
<tr>
<td>Civilian Collaborators</td>
<td>Intelligence agents for Boko Haram</td>
<td></td>
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</tr>
</tbody>
</table>

The above allegations mean there is a lot of distrust among these key stakeholders in the postinsurgency context, and this poses a major threat to the viability of a transitional justice framework in the North East. While the Nigerian military has incentivised Boko Haram by promising to spare and rehabilitate surrendering members through its 'Operation Safe Corridor' initiative, security agents as well as members of the CJTF maintain that very few have actually willingly surrendered, according to respondents. While there are several reasons, including the conviction of members in the ideology they preach, the distrust for the Nigerian military is a major factor which some respondents claim is responsible for the low figures of surrendered Boko Haram.

The hunters group operates in Yobe State as pro government militia under the leadership of the Sarkin Baka. The hunters group is the equivalent of the CJTF.
The community members, having being traumatised by the atrocities of the Boko Haram, also distrust the genuine nature of Boko Haram's repentance. With antecedents of released Boko Haram members serving as informants to the sect on their return to the communities, some community members prefer that they be resettled in other communities, some others that they be returned after varying periods (between 5 and 25 years) while others maintain that they could never stay in the same community with the ex-Boko Haram members. However, informal discussions and interviews revealed the need to categorise those affiliated with Boko Haram in order to decipher those that remain victims of the sect.

Transitional justice must recognise the heterogeneity within Boko Haram. For instance, an ex-wife of a Boko Haram member who had forcefully been married to three husbands, one after the death of the other, and finally escaped with her children, ought to be differentiated from an ex-wife who craves to be reunited to her husband in Sambisa having been rescued by the military. The same goes for a potential suicide bomber who willingly takes the risk of surrendering to the security agents at the risk of being murdered if recaptured by the Boko Haram. The stigmatisation of the escaped ex-wife and the potential suicide bomber by community members would appear to be a re-victimization of these victims. However, such stigmatisation, as well as stigma against children born from union with Boko Haram members, remains prevalent among communities in the North East. Members of the CJTF have also been stigmatised based on allegations of extra judicial killings, rape and drug abuse. While the need to rehabilitate them through psychosocial assistance has emerged in several discourses and literary interventions, the allegations against them infers the need to draw out a proper reinsertion scheme for them. This may include careful scrutiny of the amnesty question, which must ensure that justice is done to the victims. In spite of the above named challenges, the important collaborative platforms between the security agents and local communities built during the insurgency are very important in rebuilding trust within the post insurgency context. Respondents specifically referenced the Bulamas, Lawans and district heads as very influential within local communities and well recognised by the state security agents. These major stakeholders are central to developing a transitional justice framework for the North East.
KEY FINDINGS

Operational Strategy and Impacts of the Boko Haram in Borno and Yobe States

- There has been essentially no religious delineation of the victims by Boko Haram, since both those in possession of the Bible and the Qur'an had been murdered indiscriminately during their attacks. Religious gatherings, where they still take place, happen amidst fear, especially as many churches and mosques have been razed. Religious adherents remain in perpetual fear of possible attack. The killers often insisted on the strict literal application of the Qu’ran in the justification of the murders committed. From their perspective, this implied the holistic interpretation of the Holy Book.

- The fracturing of Boko Haram, heralded by the ISIL adoption of Abu Musab Al Barnawi as the group's leader (as against Abubakar Shekau), resulted in a change in the group's operation. Respondents maintained that while the al-Barnawi-led ISWAP focuses its attacks on military and government installations, the Shekau led faction kills and carries out their atrocities indiscriminately.

- Boko Haram members are not as faceless as they have been popularly portrayed. They are mostly well known to residents within the communities. According to community members, they became targets of attacks by the insurgents when they started giving informal intelligence to security operatives that led to the arrests of the insurgents. This assertion was further buttressed by men of the CJTF who alleged they received threats from family members of arrested Boko Haram members, who promise to sue them after the insurgency is over. Nonetheless, Boko Haram membership extends beyond people of Northern extraction.

- Boko Haram membership, popularly regarded as constituting a homogenous Muslim group comprising Kanuri, Hausa and foreigners from Niger, Cameroon and Chad, was also revealed as extending to the southern part of the Nigeria. A specific reference was made to alleged Igbo members of the sect, who were likely to have been initially abducted but were later arrested as members of the sect by the military.
• The sources of finance for Boko Haram were reported to include blackmail, extortion (particularly from civil servants), cattle rustling, ransom from kidnapping, looting of fuel and food items, as well as armed robbery. There are also reports that they have some political sponsors that are quite well known in the communities, though they remain unnamed.

• The delay in the response of the military personnel, apparently based on their need to coordinate and receive orders from the command, was alluded to as a major reason why Boko Haram could commit the magnitude of the atrocities experienced. Some alleged military conspiracy in some of these attacks, which were reportedly carried out immediately after the military exited the scene.

• The indigenes and residents of the two states remain traumatised by the atrocities that were committed by members of the Boko Haram. Those traumatised cut across the different segments of the societies with the initial targets of Boko Haram being government institutions, security agents, politicians, community leaders, religious leaders and civil servants. The attacks are still ongoing in very remote communities in which Boko Haram members invade communities on bikes, loot and return to their hiding places.

• Distrust pervades community relationships on different planes, including distrust between Christians and Muslims, citizens and government, citizens and security agents, and amongst community members. For instance, the collaboration between certain community members and the security agencies has an adverse effect on the social capital of the community, particularly between people whose relatives have been arrested and those who reported their arrests.

• Children have also been grossly affected by the insurgency. They are victims and unwilling perpetrators in the insurgency and are suffering from the shock of their experience. For instance, in their avowed hatred for Western education, the sects destroyed several schools throughout the region and killed teachers. In one of the affected schools, some Boko Haram members disguised as students, entered the National Examinations Council (NECO) examinations with guns and subsequently killed some students and teachers. Children were also
kidnapped, witnessed their parents being killed, recruited by different actors of the insurgency (specifically the CJTF and the Boko Haram), were murdered and still starve as a result of the Boko Haram insurgency.

- Some of the children interviewed in the course of the exercise recounting their experiences narrated how they were oppressed and violated during their stay in the Boko Haram camps in Gwoza and Sambisa Forest. Some of the rescued children narrated that trainings of children began as early as age five in Boko Haram camps where they were taught to aim targets with wooden guns. According to an 11 year-old girl “those people violated and oppressed us, we had no freedom, lateness to the Quranic classes means being flogged”. Several of the affected children are now idle in communities, especially in the state capitals (Maiduguri and Damaturu) without attending schools or being engaged in other skill acquisition programmes.

- The attacks on schools also meant that school teachers were targets, with quite a number of them killed while the attack persisted. The resultant effect of this is the displacement of many school teachers to other areas such as the state capital, where they are now disempowered and struggling to earn a living. This has further exacerbated shortage of manpower in a region plagued with low literacy levels compared to other parts of Nigeria. The attacks also resulted in unintended consequences, with some of the schools converted into functional barracks for the military.

- The communities also feel aggrieved that their culture, ethos and social norms have been violated by the security forces and some aid workers. According to the people interviewed, women have been abused, coerced or influenced with mony or other resources to engage in sexual relations; some have been sexually abused; allegations of alcohol and drug use remain grey areas in terms of the civilian-military relations in the affected communities.

- The insecure and borderless nature of the settlements was another major reason adduced by both security agents and community leaders for the susceptibility of the communities to attacks. Unrestricted transnational movements often resurfaced via the complaints of the rescued wives of Boko Haram about the relocation of
their spouses to neighbouring countries (Cameroon, Niger and Chad). While the settlements are sparsely populated and isolated individual plains, some IDPs are reported to be gradually settling available spaces within these spaces without proper monitoring. This makes it easy for Boko Haram members to infiltrate and carry out sporadic attacks and exit. Respondents maintained that a proper monitoring mechanism must be developed to totally eradicate the attacks. In line with this, CJTF members maintain that a change of tactics may be needed to secure communities after the Boko Haram fighters have been dislodged.

- Closely linked with this is the effect of the transnational nature of the Boko Haram insurgency on migration of the different actors. Interviews conducted with the rescued wives of former Boko Haram members revealed that many of their husbands have relocated across the borders to the neighbouring countries of Niger, Cameroon and Chad. This reveals a challenge of border porosity and its contribution to insecurities in the region.

The Challenge of Resettlement in Post Insurgency North East

- Stigmatisation remains a major problem in the communities. This happens at different layers and includes the stigmatisation of the parents and siblings of arrested Boko Haram members, rescued abductees, especially women who were forcefully married to Boko Haram members, children born of such union between the abductees and Boko haram members, repentant boko haram members, members of the CJTF, as well as citizens that are left behind in attacked communities by Boko Haram (these are usually women who also gave intelligence reports about Boko Haram members to displaced persons). While there is some sympathy for those who were forcefully abducted, there is less for those who joined Boko Haram for economic benefits, in spite of the fact that most respondents alluded to the high rate of illiteracy and unemployment as vulnerability indicators.

- Based on this stigmatisation, there is a major challenge of reintegration of the above category into the communities as there are diverse perspectives on bringing them back to the communities to resume their normal lives. For instance, while
some survivors maintain that they will forgive and allow them back into the community on religious grounds, others insist that the government needs to give assurance that Boko Haram members, and their wives and children, are truly repentant, for them to be allowed back into the communities. The latter group maintained that those that had earlier been released served as intelligence agents for Boko Haram and made their communities susceptible to attacks. As such, respondents felt that they cannot be trusted.

- The involvement of some respected clerics facilitated the recruitment and indoctrination process of some Boko Haram members. Interviews with some rescued victims revealed that these clerics served as a basis for their conviction in the teachings of the sect. Some of these victims still hold on to these convictions, while maintaining the desire to be reunited with their sect in Sambisa Forest. This narrative of the desire for return is often supported with the argument that they were more economically comfortable while they were in Sambisa Forest than what their present state offers.

- The challenge of reintegration also results from the disposition of some of the wives of the Boko Haram members, who insist that the doctrine preached was right and they wish to be reunited with their husbands. Some community leaders also maintained that the security of Boko Haram members is not guaranteed since it is difficult to control the emotion and anger resulting from the trauma of the attacks witnessed by survivors in host communities. The survivors in the communities are also challenging the attention given to resettling the Boko Haram perpetrators with the complaint that the same level of attention is not given to the victims.

- There is palpable agitation among the members of the CJTF and the Hunters Group in terms of returning to living their normal lives post insurgency. Most of them are employed full-time and receiving a monthly stipend from the government, even if the payment is not always regular. Some were gainfully employed as petty traders, bricklayers, carpenters, electricians, mechanics, civil servants, craft workers and bankers before joining the vigilante groups, as well as working as full time collaborators with the security forces in fighting the
Boko Haram. Though about 250 CJTF members have been absorbed into the military, current members are requesting for empowerment to enable them take up gainful employment when disengaged from their current security duties.

- The government (at the federal and state levels), as well as some international and non-governmental organisations have embarked on different projects ranging from infrastructural development (through housing estates) to the provision of basic amenities such as boreholes, health care and food provisions for the survivors. Though these efforts were well commended, there are complaints that the interventions are not sufficient. It also emerged that the interventions are not getting to communities in the hinterlands serving as host communities for the refugees. This is because there is a lot of focus on the IDP camps at the moment. However, with the closure of the formal camps becoming imminent, there is the possibility of stretching host communities beyond their capacities.

- **The development of several initiatives targeted at the surrendered Boko Haram members** has led to complaints from the communities that they, as victims, have been neglected in favour of the Boko Haram members. Community members make specific references to the rehabilitation and resettlement scheme of the military for the ex-combatants, which entails keeping them in a safe location, feeding them, de-radicalising them and developing a scheme for empowerment through the Operation Safe Corridor. Community members consider this programme of rehabilitation and resettlement to be unfair to the victims who remain displaced from their homes, disempowered and struggling to survive without adequate help. The consensus among respondents is that, while it is important to rehabilitate Boko Haram, there must be a balance by equally creating resettlement and empowerment schemes for the victims.

### Preliminary Recommendations

- There is need to carefully further interrogate the intersections of the victim/perpetrator divide in order to understand the complex dynamics of relations in developing an effective transitional justice framework for the North East. This is important to create legitimacy for the process.
among the survivors. Findings from this research reflect that most victims interviewed (about 80%) are more tolerant to the wives and children of Boko Haram, as well as children, who were forcefully conscripted. Meanwhile, about 50% refuse to accept or live together with other adult members of the sect under any conditions.

- **There is need to provide** psychosocial support for children who have been victims of the insurgency. This includes those who lost their parents during the Boko Haram attacks, those forcefully conscripted as Boko Haram members, or those born to Boko Haram members. Attention should also be paid to those who have been militarised by their involvement with the sect or the security agents who utilised them as combatants, guides, intelligent agents or potential suicide bombers. It is important to help them in coping with the trauma of war as well as providing education for them, through scholarships, in securing their future. Guidance counselling should be provided, not as a one-off but a gradual process of healing.

- **It is important to give special attention to internally displaced girls** who have been victims of sexual abuse since the start of the insurgency. Most of them are suffering from STDs while some have been reportedly killed by HIV/AIDS contracted during the course of the insurgency. It is also important to point out that there is a category of women (nursing mothers) who had children for different sect members, having been remarried several times. A restorative justice mechanism must attend to the specific psychosocial and health needs of these victims.

- In line with this, there is a need to balance the interventions given to both perpetrators and the victims. While it is important to reintegrate repentant perpetrators back into the community for societal healing, the transformation of hitherto belligerent relationships ought to take cognisance of the needs for the psychological healing among the victims. Community members are proffering varying timelines ranging 5, 10, and 25 years for resettling the repentant combatants far away from their communities. Care needs to be taken to develop a deradicalisation programme and resettlement scheme that will not trigger violence in the near future.
• The need for accountability cannot be overemphasised in the post insurgency period, bearing in mind that deadly atrocities took place at the height of the insurgency. The fact that some sporadic attacks are still taking place in some communities indicates that blanket amnesty is not a viable option for perpetrators. It is thus important to initiate community-based mechanisms for dealing with perpetrator violence, with possible options for conditional amnesty.

• Memory initiatives should be created as symbolic gestures of coping mechanisms and conflict prevention. While the celebration of the peace restoration in Adamawa is commendable, new initiatives such as naming of amenities, planting of peace trees, labelling of farms as peace farms as well as drawing graffiti with peace-based themes across symbolic spaces are possible ways of creating the right memories for the events.

• Finally, empowerment schemes should be developed for the multiple stakeholders in the post insurgency North East. While much has been done in the provision of food items and relief materials, the only sustainable way to cater for the needs of all stakeholders is to empower them, either through conventional western education or skills acquisition programmes complemented with seed grants to enable survivors restart their lives. This could serve as a form of reparation while other measures should be taken to ensure that the victims are compensated for their losses.

CONCLUSION

The post insurgency context in the North East unravels another phase of complexities in combatting Boko Haram. It is important to prioritise the transformation of relationships by developing a victim-centered transitional justice framework which enhances the healing process and helps in relieving survivors of trauma. While we cannot also neglect the importance of reintegrating the repentant Boko Haram members, a resettlement scheme should factor the importance of creating a balance of interventions between the perpetrators and the victims. More importantly, different actors must be made accountable for their actions through a mechanism that emphasises genuine repentance, atonement and forgiveness.