

The Limits of Punishment

Transitional Justice and Violent Extremism

NIGERIA CASE STUDY



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“In Nigeria,
We Don’t
Want Them
Back”

*Amnesty, Defectors’ Programs,
Leniency Measures, Informal Reconciliation,
and Punitive Responses to Boko Haram*

About the Author

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COVER IMAGE

NIGERIA. 2017. A girl who was forcibly married to a man who later became affiliated with Boko Haram. She fled to safety in a border town that hosts many people internally displaced by the conflict. © Paolo Pellegrin/Magnum Photos.

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Introduction

The *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad) insurgency, popularly known as Boko Haram, based in poor and arid north-eastern Nigeria (but also active in Niger, Cameroon, and Chad), has caused an estimated 20,000 to 30,000 deaths and displaced over 2.3 million people since 2009.¹ Between 2009 and 2015, the group took control of extensive territories in north-eastern Nigeria, including major cities such as Maiduguri; devastated lives of millions; and constituted a significant threat to the Nigerian state. Overall, some 15 million people have been adversely affected by the insurgency and counterinsurgency (COIN) efforts. Boko Haram fighters have slaughtered civilians in villages and towns, abducted thousands of people, forcibly marrying off women and girls to their fighters, and conducted mass-casualty terrorist attacks against mosques, markets, and camps for internally displaced persons (IDPs). Yet the response of the Nigerian state until 2015 oscillated between neglect of the problem and counterproductive heavy-handed counterinsurgency measures that exhibit little distinction between Boko Haram fighters and populations who have had to endure its rule. Between 2015 and 2017, the effectiveness of the military campaign improved, and the Nigerian government managed to retake territories from Boko Haram, pushing the group to more marginal areas. Yet the Nigerian military has struggled to effectively hold retaken territories. Lower-scale Boko Haram attacks persist, and steadily expose the questionable claims of the Nigerian government that Boko Haram has been technically defeated.

This report analyses the limitations, human rights violations, and counterproductive effects of the heavy-handed Nigerian military response to Boko Haram. It also looks at the multiple attempts at negotiating with Boko Haram, discussions of a possible amnesty, and the design and effects of leniency measures the Nigerian government has adopted, including a defectors program for "repentant" low-risk male combatants (known as Operation Safe Corridor) and a rehabilitation program for "low-risk" women, such as those married to Boko Haram fighters. Both the discussions of amnesty and the existing leniency programs have emerged out of a recognition that the counterinsurgency campaign has struggled and frequently conflated perpetrators with victims.

The defectors program and the rehabilitation process for low-risk women are new efforts. But despite the Nigerian state's historical emphasis on a highly repressive military response to profound security and political challenges, issues of amnesty and negotiations are not new. Nigeria has at various times drawn on such leniency approaches to mitigate conflict when repression has failed. The most prominent case was the amnesty for militants in Nigeria's Niger Delta in 2009. In this case and others, leniency approaches have been accompanied by persistent military and civilian elite unwillingness to: improve governance; extend inclusion to broader segments of society; devote adequate resources to urgent problems; and address underlying issues of severe socio-economic inequality and political marginalisation. Previous leniency approaches have also amounted to narrow and unpopular political and financial buyoffs. Seen as promoting impunity and moral hazard, such deals have also soured much of Nigerian society, including human rights advocates and non-governmental organisations (NGOs), to the idea of amnesty deals for other groups, including Boko Haram. Despite the increasing visibility of the problems surrounding the Niger Delta amnesty, the Nigerian government has attempted many times to negotiate a peace deal with Boko Haram that includes various unspecified forms of amnesty, both to incentivise a top-level deal and to encourage defections among rank-and-file fighters. Nonetheless, these political negotiations have collapsed every time; in each attempt

there lacked a credible level of effort, with premature declarations of success by the Nigerian government causing significant embarrassment. Moreover, in each attempt, Boko Haram also refused to end violent conflict and rejected any form of amnesty. These failures have left the government with a political egg on its face and discredited such processes.

Compounding the contentious atmosphere around negotiations as well as any kind of leniency is the deep and widespread suspicion among Nigerian society, including in the northeast, of anyone associated with Boko Haram. This suspicion translates into rejection, including of Boko Haram's victims and those who had to endure their brutal, predatory, and rapacious rule. In the three-dimensional balance needed for peace – the protection of communities, the reintegration and reconciliation of defectors, and the human rights of anyone associated with Boko Haram, including its abductees – even human rights advocates often put community protection first and human rights for Boko Haram associates last. To the extent that communities are at all willing to consider accepting back those associated with Boko Haram – a category they consider to include populations who merely lived under its rule² – they tend to insist that all violent conflict in their area will first need to have ceased and their properties and livelihoods restored. Yet both are distant prospects. The extensive presence of anti-Boko Haram militias called the Civilian Joint Task Force (CJTF) in Nigeria's north-east is a further complicating factor. These militias, instrumental in the fight against Boko Haram, are increasingly unruly, frustrated, and mobilising forces that challenge various forms of authority.

Although a negotiated deal and group-level amnesty remain elusive, a defectors program for “repentant” low-risk Boko Haram combatants has operated since 2015. The program however, is riddled with problems and challenges, detailed and analysed in this report, including: highly opaque and unclear criteria as to who constitutes “low-risk” and “high-risk”, that in practice leave any potential defector unable to judge what category or fate he will be assigned if he does indeed defect; overly narrow eligibility criteria that exclude men who had to endure Boko Haram rule when their villages were taken over, but did not have an opportunity to “defect,” i.e., to run away; programming that is too heavily skewed toward religious re-education and underprovides vocational training and psycho-social therapy; and, crucially, extensive problems with reinsertion and reintegration. Nonetheless, the defectors program known as Operation Safe Corridor provides the only mechanism for Boko Haram fighters to leave the battlefield. Similarly, the separate rehabilitation program for low-risk women and children is often the only mechanism for them to escape from arbitrary, lengthy, and abusive military detention. While in need of significant improvements – including in terms of court proceeding and trials for defectors judged high risk or for men who were not able to defect – both programs are crucial and should be expanded.

Among the many badly-needed improvements are greater transparency around the two programs and enhanced clarity and detail in communications about them. Currently the Nigerian government and military shroud these programs in secrecy and non-disclosure. The government's wariness with regards to transparency undermines the potential for those who have gone through deradicalisation programs – that is, Operation Safe Corridor, the rehabilitation program for low-risk women and children, or planned deradicalisation programs in prisons – to be reinserted and reintegrated back into their communities. Nonetheless, despite being ostracised and threatened with rejection, some 1,800 women and children have returned to their communities through this process. By contrast, as of the writing of this report in February 2018, none of the 96 men who had completed the deradicalisation and rehabilitation process entailed in Operation Safe Corridor have left its Gombe camp facility. This is because of reasonable fears that they may face violent retribution from militias and communities upon reinsertion. This suggests the government needs to invest more in open and comprehensive discussions with society about rehabilitation, reintegration, leniency, and victims' rights,

including socio-economic reconstruction and psycho-social therapy – not just for Boko Haram associates, but also victims and communities.

However, even such badly needed leniency measures are insufficient unless the Nigerian military and the anti-Boko Haram militias cease being sources of abuse and victimisation themselves. Their abuses generate new grievances and potentially encourage new sources of violence. The Nigerian military regularly rounds up *en masse* anyone, including women and children, from villages it “liberates” from Boko Haram. It keeps them in abusive detention conditions for indefinite periods, conducts extrajudicial killings, and relies on militias for intelligence on who is Boko Haram, including for the purposes of arrest and prosecution. These practices are illegal and alienate the military’s victims from the Nigerian state. Yet Nigerian society has, by and large, not demanded badly-needed accountability measures for the military and anti-Boko Haram militias.

As Boko Haram has been pushed out of territory in recent years, the Nigerian government and military have a chance to finally start overcoming the deep-seated legacy of an abusive and neglectful state. To do so, however, they will need to radically change counterinsurgency practices, bringing them in line with human rights and best practice. They will also need to improve and expand leniency measures, and effectively rehabilitate and reintegrate individuals formerly associated with Boko Haram. Nigeria has a chance to become an exemplar of disarmament, deradicalisation, rehabilitation, and reintegration processes even before the conflict has fully ended. The international community should support and encourage Nigeria in such efforts, including by demanding accountability for egregious human rights violations by the Nigerian military, militias and Boko Haram.

This report proceeds as follows: The Context section provides an overview of the military conflict in Nigeria, Boko Haram’s rule and its treatment of populations under its control, societal perceptions toward individuals associated with Boko Haram, including victims whom the Nigerian public and government also frequently see as having an association with Boko Haram, and the challenge of militias. The next Overview section examines the military response and its problems, and reviews attempts at negotiations with Boko Haram and discussions of amnesty for the group, drawing on lessons from the 2009 Niger Delta amnesty. It then details the two leniency measures that have emerged – the defectors program (Operation Safe Corridor) and rehabilitation for low-risk women and children. It analyses their policy and legal framework, design and implementation, and contrasts them with the criminal justice path. This section also sketches reintegration and reconciliation efforts by NGOs. It further explores the possibility of accountability of Nigerian government forces and militias and of victim’s rights, such as to truth. The following Assessment section provides an overall assessment of the current approaches to amnesty, the defectors program, and military efforts, drawing out key takeaways, including: the counterproductive nature of existing military tactics; the problematic lack of transparency regarding the screening defectors and detainees; the lack of legal certainty for defectors; and reintegration challenges. The report concludes by offering a detailed set of policy recommendations.

In addition to reviewing existing background literature and reports on: Nigeria’s amnesties; defectors program; disarmament, demobilisation, and reintegration (DDR)-like efforts; traditional and transitional justice approaches; and security and political developments, this report is based on my field trip to Nigeria in January 2018, during which Abuja, Maiduguri, and Ibadan were visited. I interviewed 69 interlocutors, including former and current Nigerian government officials, military, intelligence, and police officers; members and commanders of CJTF; members of various committees formed to negotiate with Boko Haram; officials from various branches of the United Nations in Nigeria; officials of Western embassies in Nigeria; international support partners, such as for Operation Safe Corridor and the rehabilitation

facility for low-risk women and children and for reconstruction; women and children who have exited from the rehabilitation facility; men, women, and children who spent time in detention for alleged association with Boko Haram and were released and relatives of others who were detained by the Nigerian government or CJTF; representatives of Nigerian NGOs and international NGOs operating in Nigeria; Nigerian lawyers and human rights advocates; victims' groups' representatives; representatives of Nigeria's business community; and Nigerian journalists, academics, and researchers. Since I could not obtain permit to access IDP camps, interviews of IDPs were conducted on my behalf by two Nigerian researchers.

Drawing its supporters mostly from the Kanuri ethnic group, the Boko Haram insurgency emerged in Nigeria's Borno State in the early 2000s when a charismatic Islamic scholar Mohammad Yusuf started preaching against the underdevelopment, poverty, and corruption of Nigeria's north-east. Denouncing the state as the source of political, social, and spiritual corruption and decay of the polity, Yusuf also blamed Western values, secularism, and democracy for poor governance and policy failures. He professed that an Islamic governance and administrative state, rooted in "back to the source" Salafi doctrine, as practiced by Prophet Mohammed, would provide justice and equality for all and eliminate corruption.

Given miserable socio-economic conditions in the north-east, and a lack of government presence beyond Borno's capital, Maiduguri, Yusuf's teachings resonated widely. Although Nigeria's gross domestic product is among Africa's largest, income distribution is highly skewed, with the vast majority living in poverty. Decades of systematic usurpation of public resources for personal gain, and clientelistic distribution within the bounds of ethnic or patronage cliques, have left institutions weak, hollowed out, and often unable to implement policies and deliver services. The north-east, long ignored by the central government in Abuja, often performs significantly worse on socio-economic, human development, and governance capacity indices as compared to other regions, except at times the north-west.³

Conflict Overview

In July 2009, the Nigerian military violently cracked down on Boko Haram, leaving perhaps as many as 1,000 alleged members dead. Yusuf himself was killed while in the custody of the Nigerian police. Within months of the crackdown, Boko Haram had unleashed a full-blown insurgency under the new leadership of Abubakar Shekau. The response from the Nigerian government and military was not only very heavy-handed but also sporadic and ineffective, at times bordering on ignoring the problem. The counterinsurgency campaign exacerbated corruption within the Nigerian military, with military funds intended for the fight against Boko Haram quickly siphoned off. The inadequacy of the campaign left towns, villages, and hundreds of thousands of people at the mercy of Boko Haram.

The corrupt and neglectful state-led response stimulated the proliferation of anti-Boko Haram militias. Sometimes supported by the Nigerian military, many of these militias coalesced under the umbrella grouping of the Civilian Joint Task Force (CJTF). Meanwhile, Boko Haram's increasing military raids and attacks in territories of Nigeria's neighbours led to the formation of the joint neighbourhood military response force in early 2015: the Military Joint Task Force (MJTF). Supported by the United States, France, and Britain through the provision of training, advice, and intelligence, the MJTF came to include the military forces of Chad, Niger, Cameroon, and Benin, in addition to those of Nigeria, and was able to beat back Boko Haram. After the 2015 election of Nigeria's former military dictator Muhammadu Buhari as president, the effectiveness of the counterinsurgency campaign improved. The size of the Nigerian military deployment grew to its current three brigades, comprising 15,000.⁴ Boko Haram lost much of

its territory and is now hunkering down in more isolated areas, such as the Sambisa Forest. President Buhari and the Nigerian government have announced that Boko Haram has been “technically defeated” and “degraded,” calling the war largely won. Even so, in August 2017, the United States sold half a billion dollars’ worth of military equipment to the Nigerian military to fight Boko Haram, indicating that the war is far from over.

Indeed, while Boko Haram has lost significant territory and no longer holds major cities, the insurgency continues to kill thousands of people a year.⁵ The Nigerian military still struggles to establish effective control in retaken areas. In major cities and towns in the northeast, including Maiduguri, there is widespread belief that Boko Haram informants are everywhere.⁶ Boko Haram also continues to forcibly recruit boys and men to its ranks. The group also abducts girls, whom are either forced to marry Boko Haram fighters or become suicide bombers. In February 2018, more than 100 girls were kidnapped by Boko Haram in one such raid. Although most of the girls have since been released, allegedly after a ransom was paid by the Nigerian government, such incidents further discredit claims by the government that Boko Haram has been technically defeated.⁷

Boko Haram has fragmented internally over the past several years, but splintering has not eviscerated its operational capacity. In 2012, the first faction – Ansaru – split off. In 2016, Boko Haram fractured further when struggles over leadership, connections to the Islamic State (IS) in the Middle East, and tensions over the killings of Muslim civilians led to the formation of two other factions: one remaining allied with Shekau and a new one around Abu Musab al-Barnawi, a Nigerian militant claiming to be the new leader of Boko Haram and to have the blessing of IS in Iraq and Syria.

Massive humanitarian problems persist. Most of those displaced by the fighting have been afraid to return to their destroyed home areas. The Nigerian military itself admits that it is not possible to estimate when IDPs can return home, due to Boko Haram’s persisting attacks and the state’s inability to effectively hold vast rural areas and protect local populations.⁸ Earlier in northern Adamawa State, Nigerian authorities, including the National Emergency Management Agency (MENA) persuaded some IDPs to return to their villages. But no protection was provided to the returnees. The following day, Boko Haram killed them.⁹ Still, in Borno State, Governor Shettima was reluctant to see the growth of IDP camps, yet eager to see the return of IDPs to their home areas.

Until November 2016, the Nigerian military provided the bulk of assistance in IDP camps. However, it was frequently accused of corruption, incompetence, racketeering, and abuse of civilian victims of conflict while handling this aid.¹⁰ Officially, local administrations have returned to most local government areas (the term used for the lowest administrative levels) in retaken territories. Yet, their capacity remains very low and they are vulnerable to attacks by Boko Haram. Further, due to crops being destroyed in the fighting, and the inability to plant new ones for several years in a row due to insecurity and government prohibitions, extreme food insecurity has plagued north-eastern Nigeria for over two years, affecting millions.¹¹

Bilateral donors have often led reconstruction financing for retaken areas. The United States, for example, signed a \$2.3 billion five-year agreement with Nigeria in September 2015 for humanitarian aid, including IDP assistance, longer-term development, such as electrification, education, and agriculture, and transitional programs. The latter provided funding for efforts such as deradicalisation and reintegration of former Boko Haram associates.¹² In 2016 and 2017, the reconstruction programming has revolved predominantly around redressing extreme food insecurity and other emergency life-saving measures.

Integration of local communities’ preferences also remains a significant challenge. Due to persistent insecurity, reconstruction remains highly constrained, creating sentiments among

IDPs and other communities that this is no time for any kind of amnesty or reconciliation.¹³ The reconstruction and humanitarian programming underway also generates tensions between those who have received aid and those who have not.¹⁴

Governance by Boko Haram

Complicating societal reconciliation and reintegration of people associated with Boko Haram is the nature of Boko Haram's rule. Unlike the cases of other militant groups, such as the Afghan Taliban or IS in Iraq, Boko Haram since 2009 has centred its rule almost solely on brutality and predation, providing few to no services to populations in areas it controls.

Boko Haram taxes numerous economic activities, from fishing to farming. It has issued death threats to farmers who refuse to pay 10 percent of their harvest to the group, and demanded similar taxes or payments in kind from herders and livestock breeders. It has also penetrated transportation and smuggling networks connecting Nigeria, Cameroon, Chad, Niger, and Burkina Faso. It charges smugglers and traders of pharmaceuticals, stolen cards, tramadol (a widely abused drug), weapons, and watered-down fuel known as *zoua-zoua*. It has provided loans to traders, such as in Cameroon's far north, expecting a percentage of their returns.¹⁵ It has also recruited fishermen as logisticians.

Under the leadership of Abubakar Shekau, Boko Haram's rule turned exceedingly brutal, with widespread killings, executions, rapes, torture, burning of villages, and the forced recruitment of thousands of men and boys as soldiers, and of women and girls as slaves or brides for Boko Haram fighters. It has imposed a backward and doctrinaire version of *sharia* that has included cutting off the limbs of thieves and demanding that Christian families pay extra taxes, such as *jizya*, a protection tax for non-Muslims who have been conquered. Meanwhile, Boko Haram has provided almost no social services and public goods to populations in areas it controls.¹⁶ Its rule has been essentially one of wanton destruction and plunder. Boko Haram has targeted any alternative sources of authority and rule, by either co-opting or often executing village elders, such as *bulamas* and *lawans*, or imams who condemn its rule. Killing local authorities has often been among its first acts in a newly conquered locale.¹⁷ In some places, however, such as northern Cameroon, Boko Haram has also spent large sums buying the support of traditional chiefs, and bribing security forces while recruiting fighters and informants.¹⁸

Boko Haram does not allow freedom of movement of people within the areas it controls, leaving those under its occupation in a de facto state of imprisonment. Yet many other Nigerians, including IDPs, see locals who lived under Boko Haram as sympathisers of and collaborators with Boko Haram. This view persists despite the fact that running away from Boko Haram areas poses tremendous security risks. Boko Haram punishes, including by death, individuals who are merely rumoured or alleged to be contemplating escape.¹⁹

Nonetheless, in some villages, Boko Haram has actively distributed food to local people. Some women abducted by the group have reported being fed better than in their home villages, perhaps even preferring to stay with Boko Haram despite their imprisonment there. Some liberated girls have returned to Boko Haram areas, both due to better economic conditions and because they face multiple forms of societal rejection in their home communities.²⁰

Societal Perceptions of those Associated with Boko Haram and Distrust toward Government

Strikingly, in comparison with other countries at war with Islamist insurgents such as Afghanistan or Somalia, there is near uniform condemnation and distrust among Nigerian society toward local populations who lived under Boko Haram rule. The fact that individuals who refuse to comply with Boko Haram's orders risk severe punishment generates little sympathy among Nigerians. Many Nigerians in the northeast make little distinction between populations who had to endure Boko Haram rule and actual Boko Haram members. IDPs, for example, deeply resent and distrust those who did not run away like them, but remained and lived under the control of Boko Haram. Although many of those who stayed behind had little choice, those who left accuse them of being collaborators, "spoiled," and even thieves of property that had belonged to those who ran away.²¹

Thus, community members from areas where Boko Haram has operated and some journalists openly say that they do not want to accept back either Boko Haram members or those who lived under Boko Haram rule. The consistency of rejection of those associated with Boko Haram in any way and the extreme distrust of returnees appears in many surveys and focus group studies.²² A typical view is that those who lived under Boko Haram rule, even if they had been abducted by the group, must have been brainwashed. Community members even frequently use derogatory words, labelling such people as "bastardised". Yet, community members have no credible way of ascertaining who was or became a Boko Haram member, how people acted during their captivity, or whether they were resisting victims or willing collaborators.

Some community members suggest that poverty makes it easy to re-radicalise people. They suggest that Boko Haram members or those who lived under Boko Haram rule should not return to their communities, but rather be sent elsewhere. But of course, other communities in Nigeria may be highly reluctant to accept them as well.²³ Little mercy is accorded even to children who had been abducted and forced to work for or marry Boko Haram members. Such victims face systematic and prevalent ostracism, rejection, and persecution.²⁴ One reason is Boko Haram's use of abducted women and children as suicide bombers and attackers. Since 2011, female suicide bombers were used in at least 244 of the 338 attacks in which the bomber's gender could be determined, with 80 women sent to their death in 2017 alone.²⁵ Girls and women impregnated by Boko Haram fighters continue to face systematic rejection by their communities and ostracism in IDP camps for "carrying the next generation of Boko Haram" and are perceived as spies.²⁶ In some instances, even community representatives trained by Western and Nigerian NGOs in reconciliation, early warning, and conflict prevention have declared they themselves would kill any returning Boko Haram associates, including children.²⁷ Stigma is also attached to relatives of Boko Haram or even people who provided assistance to widows or orphans of Boko Haram fighters.

Perceptions of unequal access to benefits run deep among victims and displaced communities. Community members resent the rehabilitation, reintegration, and deradicalisation programming on offer to some of those formerly associated with Boko Haram. They repeatedly raised questions such as, "Why are you rehabilitating former Boko Haram members when thousands of young men did not join the group? Those who did not join should be receiving assistance. They and we lack basic necessities and opportunities."²⁸ Interlocutors also brought up the issue of moral hazard, stressing that if former Boko Haram members get training and assistance through defectors' and rehabilitation programs, others would be conditioned to think that they can simply join Boko Haram and if they do not like their experience, easily surrender and get a job.²⁹

Local community members, such as business and NGO representatives and journalists, however, also broadly distrust the Nigerian government. This distrust extends toward government-led efforts to provide alternatives to punishment, such as for low-risk women and children associated with Boko Haram (including those who lived under its rule), and for low-risk “repentant” male defectors under the Operation Safe Corridor program (detailed below). Although the program is meant for low-risk men and consists of mandatory deradicalisation and rehabilitation, it is widely perceived as a blanket amnesty. Because the government has kept the program shrouded in secrecy, it has few opportunities to correct such perceptions. Seen as dangerous, top-down, insincere and non-transparent, the program is deeply resented and often rejected by community members from the north-east and elsewhere. Like other leniency measures in Nigeria, critics view it as a policy of co-opting militants and dangerous individuals. They also see it as a way for the government to deflect its responsibility to protect communities and provide for their needs. It is perceived as dangerous to communities and unfair to those who resisted or were displaced.³⁰

The prevalent problem of low trust in the government also complicates reconciliation efforts between IDPs and people who lived under Boko Haram’s rule. IDPs often want to go home, but are afraid the government will fail to protect them from further Boko Haram abuses. Yet some IDPs also believe that the government does not allow them to leave the camps, meaning they overlap with detention.³¹

There is widespread sentiment that the time is not right for any leniency toward and reintegration of former Boko Haram members and associates. Many articulate that the victims who ran away, IDPs, and those who resisted should be cared for first, such as by being permanently resettled and provided with reconstruction and trauma benefits, and compensation. Former Boko Haram members and people who lived under Boko Haram rule are fearful of retaliation by local communities, the CJTF, and Boko Haram, particularly if they return home.³²

In interviews with the author, community members identified a fairly consistent vision of how people associated with Boko Haram *could* be brought back to their communities. First, they argue people who were displaced must return and see their lives, houses, and livelihoods rebuilt. Then, social workers and psychologists should be sent to communities to heal trauma. Following this, traditional leaders and religious ones, such as *bulamas* and imams, should be engaged to prepare the community for the arrival of those formerly associated with Boko Haram. Only later in the process should former Boko Haram members and those who lived under the group’s rule be brought back.

Despite this overwhelmingly consistent narrative of extreme rejection of those associated with Boko Haram – including victims who had no choice but to live under Boko Haram rule and in Boko Haram slavery – some 1,800 women and children, and uncounted others, have returned to their communities. They have done so via the formal rehabilitation process for low-risk associates and informally, as detailed below.

The Challenge of the CJTF

Anti-Boko Haram militias, such as the CJTF, remain an enormous challenge in the north-east. Controlling, disarming, and dismantling the militias will affect the success and failure of any future amnesty deal, conditional or otherwise, for Boko Haram and its breakaway groups. The CJTF already has a crucial impact on the effectiveness of the existing defectors program (Operation Safe Corridor) and the rehabilitation and reintegration of people who lived under Boko Haram rule. Many locals in Boko Haram-affected areas still see the CJTF as “heroes”, “saviours,”³³

and the only actors providing some protection against Boko Haram. Yet the militias have also become a source of insecurity, and the multifaceted threats they pose are likely to increase.

The CJTF estimates its numbers between 25,000 and 27,000 members.³⁴ It has now become stratified into three layers. One group of around 2,000 CJTF militiamen were trained and armed by the Nigerian military and are paid 20,000 naira per month (approximately \$56) by the government of Borno State. This group is now referred to as the Borno Youth Empowerment Programmes (BOYES). A second layer, numbering in the low thousands and called the Borno State Youth Vanguard, has been armed by the military but not trained, nor are they being paid. The remaining majority of the militias have not received arms or training from the state, nor are they being formally paid. Members of the two lower layers are growing resentful, feeling left out and ignored by the state. They seek to get on the government's payroll.³⁵

At the same time, the Nigerian federal or state governments simply do not have enough resources – financial, training, or otherwise – to put all these militias on its payroll. Some militia units already resort to predation, extortion, and criminality, such as cattle rustling, robberies, and the selling and consuming of drugs.³⁶

Although the Borno State attorney general nominally supervises the militias, few controls over the CJTF are in place. There is no formal leader of the entire CJTF, which is divided into geographic sectors with opaque leadership. Nominally, a village elder is supposed to approve any new CJTF member; but when one such village elder was questioned about the process, he said he had never rejected any candidate nor heard of rejections in other villages. The village elders themselves may be highly vulnerable to the CJTF's power of arms and influence, or susceptible to political and economic deals with them. In some places, CJTF members have started to gain power and influence, openly questioning the authority of traditional leaders.³⁷ Increasingly, the CJTF has taken it upon itself to enforce all kinds of social infractions, such as family code by flogging people, and to act against some forms of petty crime, such as the passing of fake bills. It has even held "trials" of violators.³⁸

Ominously, local politicians appear interested in appropriating CJTF units for political purposes, handing out money, goods, and drugs to its members.³⁹ As the 2019 general elections for president and parliament approach, the political usefulness of the CJTF in securing votes and donations for candidates, including in IDP camps, will only grow. A worrisome precedent took place during the 2015 presidential elections, when a strategy to disarm and demobilise the militias was shelved. It has not been resurrected since.⁴⁰

2. Overview of Current Approaches to Boko Haram

Although Nigeria's response to Boko Haram has been predominately a military one, the country is no stranger to the use of amnesties, political co-optation and financial buyoffs to attempt to reduce violence. When military repression produces incomplete results, or when political opposition mobilises against it, the Nigerian state at both the federal and sub-federal level has been quite willing to explore amnesties. Often they have been designed as very broad amnesties, accompanied by little accountability, enforcement, or restorative justice for victims. Such amnesties have failed to sustainably deliver even very narrow objectives for ending violence, let alone deeper goals such as healing, reconciliation, and the addressing of root causes.

This section details the military response, including the use of detention. It then reviews precedents and discussions of amnesty, the resulting policy framework and its legal context, and the criminal justice path. Subsequently, it analyses leniency measures, specifically, the defectors' program for low-risk repentant male combatants known as Operation Safe Corridor, and a rehabilitation program for low-risk women and children. Finally, it considers the broader accountability and victims' rights context.

The Military Response

The counterinsurgency policy of the Nigerian military and police have themselves been sources of insecurity, dislocation, suffering, and severe and widespread human rights abuses. Particularly before 2015, much of the counterinsurgency strategy involved collective punishment of entire villages suspected of harbouring Boko Haram militants or having fallen under Boko Haram rule. In the so-called clearing operations, which often amounted to violent reprisals by the Nigerian military, villagers who did not manage to flee to the bush were randomly killed on suspicion of being Boko Haram members. Others, including women and children, were dragged off to detention *en masse*.⁴¹ Cases of extrajudicial killings and torture by Nigerian military and police forces are also widespread. Between 2013 and 2014, the Nigerian forces extrajudicially executed more than 1,000 people, sometimes up to hundreds per day.⁴² As a result of Boko Haram attacks and the Nigerian military's counterattacks and clearing operations, entire communities have been wiped out, with people being kidnapped, detained, displaced, or killed. Those who were not detained in clearing operations have often been forcibly evicted from their homes by the military, without prior notice or an opportunity to take their belongings. The burning of houses, shops, cars, and other private property in villages and towns has been common, particularly before 2015. Many areas formerly controlled by Boko Haram remain decimated, emptied of residents. Land is often taken over by other actors, which prevents the return of the displaced or any reinsertion of people associated with Boko Haram. In cities, most government operations have involved the aggressive cordoning off and searching of houses, with young men frequently shot by the military during such operations.⁴³ Even those merely hanging around suspected Boko Haram members could be summarily killed by the Nigerian military or detained.⁴⁴

Since 2015, however, the level of the brutality from the Nigerian military seems to have decreased. This is for several reasons. One is the exposure of the violations by international human rights groups and local civil society NGOs. Another is that as territory has been retaken and clearing operations have decreased, the military has had fewer opportunities to commit violations.

The Nigerian military and police have come to rely on CJTF for intelligence, including as the basis for detention, even though this information carries enormous risks of arbitrariness, social cleansing, and economic self-interest. CJTF tip-offs are often motivated by a desire for further financial payments or revenge for previous perceived grievances against personal local rivals. CJTF denouncements of Boko Haram associates can also be motivated by a desire to take over the businesses or properties of the individuals being denounced. Yet, unverified CJTF claims are often the dominant, if not the sole, basis for raids and arrests.⁴⁵

Although signal intelligence from equipment provided by international military partners now also supplements information flows, acquisition of credible local human intelligence continues to be constrained by the fact that Nigeria does not permit the establishment of non-federal (local or state-level) military or police forces. However, while problematic, reprehensible, and in need of urgent revision, this process of tipoffs and signal intelligence does result in the military conducting fewer wide sweeps and kicking down of doors to apprehend Boko Haram as compared to before 2015. Indeed, many community members in Maiduguri contend that the Nigerian military was far more brutal before 2015 when “it didn’t have good intelligence.”⁴⁶ CJTF units are also allegedly very active in IDP camps, the access to which is tightly controlled by the Nigerian military. The military reportedly employs CJTF units as spies to identify Boko Haram associates within the IDP camps.⁴⁷

The CJTF also conducts operations independently, setting up checkpoints, patrolling streets, checking suspicious cars, and interrogating people.⁴⁸ As with arrests by formal Nigerian security forces, such interrogations may involve duress, torture, and human rights abuses. Those who do not satisfy CJTF questioning are then handed over to either the military or the police.⁴⁹ The CJTF keep no record of who they detain and hand over, or of the reasons why. Allegations of rape by the CJTF have emerged. And CJTF units themselves have killed people – during clearing operations, arrests, or fighting with Boko Haram – once again without any disclosure, reporting, or investigation into such deaths.⁵⁰ Yet, because of the lack of accountability of the CJTF and its close relations with the military and the police, many locals are afraid to report CJTF abuses and crimes to authorities. They fear they would be subsequently arrested on the basis of being Boko Haram members or detained and mistreated by the CJTF, who would receive information from the government authorities.⁵¹

Detention Practices

Those who survive but are rounded up in clearance operations most often find themselves in detention. There, they languish for months and often years, sometimes being interrogated, including under severe duress. In other cases, they are simply incarcerated without any evidence of a crime or prospect of a trial. According to Amnesty International, between 2009 and 2015, Nigerian military forces have arbitrarily arrested at least 20,000 people, including children as young as nine.⁵² Torture and extrajudicial killings of detainees have been widely documented.

In retaliation for a Boko Haram attack on the Giwa Barracks in Maiduguri - one of the largest detention centres - during which Boko Haram managed to liberate some detainees, the Nigerian military, in March, 2014, executed some 640 boys and men, most of them recaptured detainees.⁵³ No formal and centralised records appear to have been kept as to who has been arrested, detained or killed in detention.

Conditions in detention are poor, plagued by cell overcrowding, inadequate sanitary conditions, a lack of food and water supplies (sometimes reflecting a policy of deliberate starvation), and acts of pervasive torture, including beatings, shootings, nail and teeth extractions, rape and sexual violence.⁵⁴ Although the Nigerian military restricts access to detention centres, some of

which are alleged to be at secret locations, some details of conditions on the inside have come to light. Former detainees have reported to human rights groups that many detainees have died as a result of starvation, dehydration, torture, lack of medical care, and execution.⁵⁵ Between 2011 and 2015, Amnesty International documented the deaths of more than 7,000 men and boys in detention – their deaths were almost never officially recorded or investigated. In June 2013 alone, more than 1,400 corpses were delivered from Giwa Barracks to one of Maiduguri's mortuaries.⁵⁶ Many detainees are not informed of reasons for their detention, nor allowed access to lawyers, family, or the outside world.

No separate detention facility exists for children accused of Boko Haram association or who lived under Boko Haram rule in Nigeria. As a result, boys are locked up in the same detention facilities as adult Boko Haram combatants and other men associated with or alleged to be associated with Boko Haram. Girls are kept in women's sections of detention camps. The Nigerian military has long resisted engaging with UNICEF on the issue of minors associated with Boko Haram. The military has refused UNICEF requests that it comply with international treaties and obligations by handing over minors to UNICEF within 72 hours of encounter. Instead, the position of the military has been that this handover period is insufficient due to logistical challenges and inadequate time to screen, profile, and interrogate the minors. The military wants the period to be six months, and argues that approval from the Nigerian president for such transfers is legally necessary.⁵⁷ Although those children judged low risk are eventually supposed to be sent to the Bulunkutu Centre in Maiduguri, a rehabilitation facility for low-risk women and children, adequately addressing the needs of children has been particularly challenging as they are often highly stigmatised by local communities and perceived with great suspicion by the military.

Since 2015, Nigerian forces have continued to detain local populations *en masse* in new areas retaken from Boko Haram. However, as retaken areas are increasingly in more distant rural spaces, such operations are less visible. Moreover, other counterinsurgency policies undermine human security. In the community of Bazza, for example, the Nigerian military confiscated all weapons, including kitchen knives, to disarm Boko Haram. As a result, locals could not go about their daily essential-survival tasks, such as slaughtering animals, cooking, or farming. In various parts of north-eastern Nigeria, the military has prohibited planting tall crops to deny Boko Haram hiding opportunities. But in doing so, the military severely compounded food insecurity and famine. Curfews have similarly hampered access to food and subsistence related economic activities.⁵⁸

The Elusiveness of a Negotiated Deal

In the context of a brutal and often struggling counterinsurgency campaign, both the administrations of Goodluck Jonathan and Muhammadu Buhari repeatedly sought to negotiate a peace deal with Boko Haram, publicly offering unspecified amnesty as an incentive. The Jonathan administration in particular invested significant political capital in negotiations. Nevertheless, the approach to the negotiations has been *ad hoc*, reactive, frequently secretive, and highly controversial. And it has produced no tangible outcomes, despite repeated efforts.

During each of the at least five negotiating attempts during the Jonathan administration, Boko Haram immediately or eventually rejected the negotiations. It often responded to offers of amnesty and negotiations with mass attacks, slaughtering many. The group has repeatedly stated it rejects the Nigerian constitution and government, and that it would not stop fighting until an Islamic emirate was established in Nigeria.⁵⁹ It has also maintained that it does not need an amnesty, as it has done no wrong.⁶⁰ Rather the group maintains that it is the Nigerian government that should be pleading for amnesty and be held accountable for its crimes.

Complicating negotiations is a lack of clarity as to who leads Boko Haram. There have been repeated announcements that Shekau has been killed, only to be followed by undated videos of his declarations. Still, negotiations could be attempted with various sub-commanders, and perhaps some factional leaders could be incentivised to defect. A participant on several of the negotiation teams, and herself a frequent interlocutor with Boko Haram, maintains that the government of Nigeria gravely errs in prematurely announcing a deal, without its seriousness being ascertained or details worked out, and before either side has a chance to prepare its side to negotiate the deal.⁶¹ She also alleges that many members of the presidential negotiating teams have been interested mostly in the political and economic advantages accrued from being on such teams, rather than in striking a deal.⁶²

In fact, the limited deals that have had any degree of success so far have been purely transactional arrangements. Although the government of Nigeria and other involved mediators, such as the International Committee of the Red Cross, have repeatedly denied it, there is a widespread belief in Nigeria that hostage release negotiations – including for the Chibok girls – have been facilitated by substantial financial payments to Boko Haram.⁶³ Boko Haram commanders themselves have tried to deny that their hostage-taking strategy is linked to a desire for ransom. One factional leader even insisted that the release of French hostages in 2013 constituted “a good-faith gesture in the interest of the amnesty process.”⁶⁴ However, such statements are not really believed in Nigeria – a country where kidnapping for ransom by many criminal and militant groups is prevalent and where prior amnesties and peace deals have been based around financial payments to leaders of militant and criminal groups. Moreover, such statements add confusion as to Boko Haram’s views on negotiation, given other commanders’ rejection of any amnesty.

Buying Peace? The Niger Delta MEND Deal and Other Amnesties in Nigeria

“Money for peace”⁶⁵ is the nickname given to the 2009 amnesty deal with two insurgencies in Nigeria’s Niger Delta. Understanding its details and problematic outcomes is crucial since it profoundly shapes Nigerians’ views toward amnesty for Boko Haram.

Rich in oil, the Niger Delta has experienced multiple insurrections and insurgencies since Nigeria’s independence, as local minorities sought political empowerment and greater access to and more equitable distribution of the region’s resource wealth. Oil companies such as Mobil, Shell, and Chevron were accused of making vast profits, while contributing minimally to the region’s socio-economic development and poverty alleviation, also causing vast environmental degradation.⁶⁶ Powerful local politicians and federal elites in Abuja usurped revenues.⁶⁷ In the 1990s, two militant groups emerged – the Niger Delta Volunteer Force (NDVF), led by Asari Dokubo and The Movement for the Emancipation of the Niger Delta (MEND), led by Henry Okah. These groups repeatedly attacked oil facilities, kidnapped hostages, and bunkered oil.⁶⁸

Referring to Section 175 of Nigeria’s 1999 constitution, the government of Umaru Musa Yar’Adua declared an amnesty and unconditional pardon for the Delta militants in June 2009, following a debate over whether the Nigerian military should merely crush the militancy. This marked the first time since the Biafra Civil War that the government was willing to contemplate and adopt a non-repressive solution at a systematic level (i.e., going beyond mere individual buyoffs and co-option). As such, it was hailed as a major breakthrough in the political development of Nigeria’s post-military dictatorship.⁶⁹

Effective for a period of 60 days between June and October 2009, the Delta pardon demanded that militants surrender weapons and ammunition and publicly denounce violence. In exchange, they received extensive cash payments and a range of economic and educational benefits. Top leaders, including Dokubo and Okah, particularly benefited from the deal, enabling them to attain PhDs from prestigious Western schools. Former MEND leaders amassed vast riches, became multimillionaires, and joined the region's political elite, holding top offices.⁷⁰ They also strongly supported the 2015 re-election campaign of President Jonathan. His campaign was widely criticised for utilising the muscle of former MEND combatants and criminal groups to deliver contributions and votes for Jonathan.⁷¹

At first, the amnesty deal was described in glowing terms both in Nigeria and internationally. Militant attacks decreased significantly between 2009 and 2012.⁷² Oil production previously suppressed by the militants also rose from 700,000 barrels per day to between 2.4 million and 2.6 million per day.⁷³

Yet within a few years, public perceptions of the deal soured. Wide suspicions arose that the militants did not surrender many of their weapons⁷⁴ and used their remaining armed capacity to dominate local criminal rackets and undertake violent mobilisation for the benefit of Delta politicians. A significant rise in piracy in the Gulf of Guinea, the theft of oil and the kidnapping of sailors from ships was also linked to the former militants. From 2013 on, oil bunkering and pipeline attacks again increased, with about 20 percent of oil production stolen.⁷⁵

Moreover, the amnesty deal did not produce any significant socio-economic improvements in the lives of the Delta inhabitants who were not militants, but on whose behalf the militants had claimed to act. The presidential amnesty committee had recommended a range of socio-economic interventions for the region beyond the militants. Yet the Niger Delta Development Commission, the agency formed to deliver the benefits, was accused by many human rights advocates and legal experts of being a platform for corruption;⁷⁶ the Commission had a budget of \$450 million in 2012 alone.⁷⁷ Over time, the amnesty committee's wide-ranging recommendations were shrunk to mere buy-offs to the militants.⁷⁸ Beyond failing to benefit local populations in the Delta, the narrow implementation of the deal failed to address the root causes of the conflict.⁷⁹ Critics pointed out that the minimum civil service wage was less than what former low-level militants were receiving, resulting in moral hazard and communicating the idea that it was better to be a militant than a law-abiding civil servant.⁸⁰

In addition to being too militant-centred and neglecting the rights of victims, the amnesty deal has been criticised for lacking accountability in its drafting and implementation.⁸¹ Legal experts have pointed out that, while consistent with the Nigerian constitution, the amnesty was illegal under international law in that it failed to investigate and prosecute gross human rights violations, undermined rule of law, and violated the norms of justice, truth, judicial protection, reparations, access to court, and other rights of victims.⁸²

Moreover, not just criminality – but also formalised militancy – continues to plague the region. Groups and leaders who did not benefit from the financial payoffs have continued to attack oil installations and other targets. New groups, such as the Delta Avengers, have emerged. Tens of small militant groups are now believed to operate in the Niger Delta. The increase in militant activity picked up particularly after 2015, when the Nigerian government of the Muslim northerner Buhari discontinued the payments. The government argued that the 2009 amnesty specified payments only for five years, and that term had expired. The former and not-so-former militants alleged ethnic and religious discrimination. Yet the perception among Nigeria's human rights groups was that the amnesty deal failed. Thus, when the Buhari government subsequently contemplated restoring the financial payments to quell unrest, human rights activists in Abuja opposed it.⁸³

Discussions of Amnesty for Boko Haram

Proposals of amnesty for Boko Haram have been made to produce two effects: to incentivise negotiations with the group's leadership, and to induce defections among lower-ranking members. The main proponents of amnesty for Boko Haram have included some northern politicians, religious leaders, and youth groups, who are sceptical of the possibility of a full military defeat of Boko Haram. These proponents, who sometimes refer to the Delta amnesty as a precedent, include: Kashim Shettima, governor of Borno State, Alhaj iSa'ad Abubakar; the Sultan of Sokoto and spiritual leader of the Muslim community in Nigeria; and the Arewa Consultative Forum.⁸⁴ In 2013, for instance, the Sultan of Sokoto called for a "total and unconditional" amnesty for the group, and argued that a presidential offer of amnesty to just one member of Boko Haram could encourage defections.⁸⁵ Others have suggested that an amnesty would be morally appropriate for low-ranking individuals who only committed minor crimes.⁸⁶ Similarly, the Coalition for Women Advancement in Africa has argued those who joined Boko Haram involuntarily should be amnestied. Other Nigerian policymakers have supported amnesty, claiming that "prosecutions (including for alleged war crimes committed by the military) could be a waste of resources and that politically-charged trials could further destabilise the fragile democratic state."⁸⁷

On the other side of the debate, human rights' and victims' groups have argued that broad amnesties and deals based on financial co-optation will not bring peace, but rather encourage moral hazard and impunity.⁸⁸ For example, an anti-corruption NGO decried calls for amnesty as self-serving for northern politicians who have ties to Boko Haram, including those who have financed the group. They fear that these politicians will seek to exploit any amnesty as a way to appropriate the group's members for their own political muscle, and any financial transfers for their pockets.⁸⁹ Human rights advocates maintain that amnesties that include financial payoffs and lack accountability measures may: "foster resentments, making receiving communities more reluctant to reintegrate ex-combatants, and [that] they may also threaten post-conflict stability."⁹⁰ As the political analyst Atta Barkindo put it: "there are fears that a social principle is being established in Nigeria, [whereby] victims of violence are neglected while perpetrators are rewarded, like the declaration of 'amnesty for kidnapper'."⁹¹ These sentiments appear to be shared by broader Nigerian society. An online poll conducted in 2013 by the Nigerian news site, *Premium Times*, showed that 70 percent of Nigerians rejected an amnesty, with 40% calling for the prosecution of Boko Haram members for their crimes, and 20% arguing the government should put money intended for amnesty toward compensating victims instead.⁹² Many Christian groups also expressed doubts and rejections of an amnesty as ignoring victims' rights and needs, and encouraging impunity.⁹³ Some even called it "an act of wickedness."⁹⁴ The abduction of the Chibok girls also hardened some opposition to amnesty.⁹⁵ Some northern politicians, Islamic leaders, and community members have also opposed amnesty proposals, seeing such proposals as tantamount to the federal government reneging on its responsibility to protect Muslims in the north.⁹⁶

President Jonathan established a presidential committee in April 2013 to explore the idea of an amnesty, named "The Committee on Dialogue and Peaceful Resolution of Security Challenges in the North." The committee was established in an *ad hoc* manner, after rounds of scattered and failing attempts at negotiations and in the context of Boko Haram's expanding power.⁹⁷ The 26-member committee, which comprised political and military leaders, scholars and lawyers, assessed whether and how an amnesty process could induce the disarmament of Boko Haram's members.⁹⁸ The committee was given a three-month mandate to "constructively engage key members of Boko Haram and define a comprehensive and workable framework for resolving the crisis of insecurity in the country."⁹⁹ Beyond developing a framework for amnesty and disarmament, it was tasked with coming up with a victims' support program, and mechanisms

to address the root causes of the insurgency.¹⁰⁰ In practice, the mandate was interpreted as giving the committee three months to persuade Boko Haram to lay down arms in exchange for a state pardon and social reintegration.¹⁰¹ Yet, many were sceptical about the timeframe.¹⁰²

Within days of the committee's establishment, Boko Haram's leadership rejected the amnesty concept and burned down 13 villages, killing 53 people. It later conducted other large-scale attacks.¹⁰³ Yet in July 2013, the Committee chair announced that Boko Haram had agreed to a ceasefire. Boko Haram immediately denied this, with Shekau stating in a video: "We will not enter into any agreement with non-believers or the Nigerian government."¹⁰⁴ Once again, the Nigerian government looked weak, with its amnesty and negotiation attempts discredited.

Failing to succeed in brokering either a deal or sustained negotiations with Boko Haram, the committee ultimately submitted the following recommendations: continuing talks with Boko Haram through an advisory committee; creating a victims' fund;¹⁰⁵ granting amnesty to members of Boko Haram and Ansaru who renounce violence and agree to disarm and reintegrate; granting amnesty to those for whom evidence of crimes is lacking; and rehabilitating the CJTF and other vigilante groups to prevent their transformation into new security threats.¹⁰⁶

The Resulting Policy Framework

Perhaps the most significant tangible outcome of the 2013 Boko Haram amnesty debate was the establishment of an office of deradicalisation, rehabilitation, and reintegration for individual defectors, located within the office of the National Security Advisor (NSA). Headed by the widely respected Dr. Fatima Akilu, the office set out to design a comprehensive "counter-radicalisation and deradicalisation program."¹⁰⁷ This program, called the National Security Corridor, aimed to counter Boko Haram's mobilisation and recruitment, and facilitate defections. It employed many aspects of traditional disarmament, demobilisation, and reintegration (DDR) processes. A program to reintegrate IDPs under the President's Initiative for the North East (PINE) complemented this effort. Overall, these programs had three objectives: to halt Boko Haram recruitment, which in 2012 had reached large-scale proportions; to establish deradicalisation programs throughout Nigerian prisons, with a pilot project in the Koje prison; and to "thin the ranks of Boko Haram through a defectors program."¹⁰⁸

The National Security Program envisioned three categories of defectors: low-risk defectors would go to one camp, while medium-risk to another. High-risk defectors would be subject to court trials, but promised some yet-to-be-determined leniency for handing themselves in. Those captured in active combat would, unlike defectors, not be eligible for leniency, and would face regular trials and imprisonment. The National Security Program did not define exit criteria from the defectors' facilities, nor set a time limit on a defector's stay. Instead, "the defectors would have to be assessed [as] very low-risk for a very long time before they could be let go."¹⁰⁹ Weighing up the program's responsibilities to protect society, facilitate social healing and reconciliation, and protect the human rights of those who gave themselves up, emphasis was given to protecting society. This held true even for "defectors" who had not fought as members of Boko Haram, but had merely lived under Boko Haram.

After initially putting the effort on ice, the Buhari administration in August 2017 adopted the Policy Framework and National Action Plan for Preventing and Countering Violent Extremism (Policy Framework),¹¹⁰ and restarted the defectors program under the name Operation Safe Corridor (OSC). It did away with the medium-risk category, sorting individuals only as high- and low-risk. The Policy Framework provides overarching policy guidelines for the defectors program, as well as the Nigerian Prison De-radicalisation Programme. The document specifies that combatants captured in battle should be treated in accordance with the law – that is,

promptly prosecuted, with the Ministry of Justice in the lead. However, it also emphasises the need to “desig[n] and implemen[t] transitional justice programmes for reconciling victims and repentant perpetrators.” Yet this document has no statutory power. As is often the case in Nigeria, it is aspirational, rather than binding. Implementation remains a significant challenge, often with significant lags between formal policy rollouts and changes on the ground. A key challenge is the lack of coordination among Nigeria’s many security agencies and across federal-state-local levels, despite the declared recognition of the need for such coordination. In practice, this means that various agencies often work in secrecy and do not share information or work cross-purposes, sometimes deliberately.

The Legal Context

Nigeria’s domestic counterterrorism framework centres on the 2011 Terrorism Prevention Act,¹¹¹ the 2013 Terrorism Prevention (Amendment) Act,¹¹² and the 2004 Economic and Financial Crimes Commission (Establishment) Act.¹¹³ Under the 2011 Act, any person who commits, attempts to, threatens to, or assists in an act of terrorism commits a terrorist offence and is subject to a maximum penalty of life imprisonment. Any death resulting from terrorism triggers a mandatory life imprisonment. The expansive definition of terrorism and of material and non-violent support have been criticised by Nigerian legal experts.¹¹⁴ Crucially, mere membership in a terrorist group is criminalised, regardless of specific offences. Along with the problematic ways in which “membership” is determined in practice, such as on the basis of CJTF allegations or of having paid taxes to Boko Haram while living under the group’s control, this expansive criminalisation of terrorism significantly complicates how the state deals with defectors. Potentially, all who lived under Boko Haram rule could be found criminally liable in some way.

So far, no laws have been created in Nigeria for the defectors program to rectify this legal disjunction. Nor has an amnesty law been passed. Moreover, while it is generally accepted by lawyers in Nigeria that the president can pardon individuals convicted of crimes, some lawyers question whether he can provide amnesty to someone prior to court conviction.¹¹⁵ Nigerian courts have not annulled the 2009 Delta amnesty, but some Nigerian lawyers suggest that is only because the courts never explored it. If a court were to find that the president cannot declare amnesties prior to trials, that would significantly complicate the existing defectors program and potential amnesty-based peace negotiations.

At the same time, a set of international legal instruments exist pertaining to the response to Boko Haram members and the group as a whole. In November 2013, the US Department of State designated Boko Haram as a Foreign Terrorist Organization and a Specially Designated Global Terrorist, despite intense lobbying of the Nigerian government to the contrary. Subsequently, the US Department of Treasury also listed various Boko Haram leaders under Executive Order 13224 targeting terrorist leaders and those providing support to them. In May 2014, after Shekau proclaimed allegiance to Al-Qaida (before switching to the Islamic State), the United Nations Security Council followed suit. The Council’s Al-Qaida Sanctions Committee added Boko Haram to its sanctions list, as per Resolution 2083.¹¹⁶ That decision subjects the group to a travel ban, asset freeze, and arms embargo, and makes any individual or entity who provides material support to Boko Haram eligible to be added to the sanctions list. Subsequently, the European Union imposed its own sanctions. At the end of March 2017, the U.N. Security Council also adopted Resolution 2349,¹¹⁷ urging the Lake Chad Basin governments to promote defections from Boko Haram and deradicalise and reintegrate defectors, but to ensure no impunity for those responsible for terrorist attacks. That Resolution is consistent

with arguments of human rights and victims' groups and among others in Nigeria who oppose a broad, MEND-like amnesty for Boko Haram.

The broader lack of accountability in Nigeria's conflict with Boko Haram remains a major problem. Nigeria's 1999 constitution recognises a wide range of human and political rights, and the country has ratified an extensive range of global and regional human rights treaties. However, as Nigeria takes a dualist approach to international law, several key international treaty obligations have not yet been translated into domestic law, and as such, not implementable by Nigerian courts.

The International Criminal Court (ICC) – the Rome Statute of which Nigeria is a state party to – opened in 2010 a preliminary investigation into possible war crimes and crimes against humanity perpetrated by Boko Haram and the Nigerian military. This investigation may become a powerful mechanism for holding Nigerian military officers accountable for gross human rights violations. In December 2017, the ICC's investigation produced preliminary findings which could lead to the prosecution of some military officials.¹¹⁸ In the absence of such prosecutions by the Nigerian government, the ICC may offer the only way to start chipping away at Nigeria's culture of impunity. However, its investigation into Boko Haram's egregious atrocities could also significantly complicate any broad amnesty and amnesty-based negotiations with Boko Haram that do not result in the prosecution of – and at least some form of punishment for – the most egregious violators, such as top leaders.

Screening for Criminal Justice Path or Leniency Measures

In the absence of a group-level amnesty and peace deal, two policy tracks now exist for those associated with Boko Haram: a criminal justice path for high-risk individuals who are detained and will eventually be sent to trial, and a leniency path that has two components: the first is a deradicalisation and reintegration program, called Operation Safe Corridor, for “low-risk repentant male defectors.” Although this program is intended for male *combatants*, it does not *in practice* clearly distinguish among fighters and those who lived under Boko Haram rule. The second is a rehabilitation program in Maiduguri for low-risk women and children, that does not *in practice* distinguish between defectors and detainees. Although these leniency programs are not true individual-level amnesties, as they do not provide legal, explicit, and enforced guarantees against future prosecution, the Nigerian government, press, and public often call them “amnesty.”¹¹⁹

The screening and interrogation of those arrested in clearing operations is conducted by police, military officials, or the CJTF, often under duress. The vetting of male defectors for admission into Operation Safe Corridor is conducted by a joint presidential investigation commission headed by Nigeria's Defence Intelligence Agency, that includes other agencies and non-governmental representatives. The process remains opaque, with no independent oversight, records, nor public specification of the screening criteria. As a Western consultant involved with the defectors program put it, “The most difficult thing to understand is how the military sorts who is kept in detention, who gets sent to trial, and who is sent to Gombe [where Operation Safe Corridor programming takes place].”¹²⁰ International donors and organisations are engaging with the Nigerian government to improve the vetting process, increase predictability, consistency and speed of assessment, and to ensure adherence to human rights.¹²¹

In an interview with a member of the investigation and screening team, the following criteria were listed for categorising people: reasons for joining Boko Haram; having a stable family; having radical beliefs; the area from which the person came; and the activities performed for Boko Haram (such as being married to a Boko Haram fighter, farming, being a guard,

fundraising or proselytising, or being a fighter). It is not clear how the answers are aggregated and produce “three categories of people: those who were engaged deeply with Boko Haram”; “those who were peripheral” and “those who were not involved at all.”¹²² The “peripheral” group is defined as individuals who did not voluntarily join Boko Haram, but were coerced to perform some activity for the group: “They did not participate in the killings, but did work for [Boko Haram]. For example, a woman who was forced to marry a Boko Haram fighter, but also ended up doing activity for Boko Haram.”¹²³ Nor is it clear how these categories translate into the official two categories of high-risk and low-risk. Presumably, those who were not involved at all would be classified as low-risk. Even so, the interviewee explained that such a person would not simply be released, because if “they were under Boko Haram for a long time, they could be a risk. So they need to go to rehabilitation, either in the Gombe centre [for men] or in Maiduguri [for women and children].”¹²⁴

This interviewee, like some other Nigerian officials, also lamented that the Operation Safe Corridor leniency option is only open to men who defect: “We are told over and over during the interrogations that some detainees did not have an opportunity to surrender, because they could never manage to run away from Boko Haram and they lived in Boko Haram slavery. They should be eligible for Operation Safe Corridor. But right now, that program is only for ‘defectors.’”¹²⁵ Paradoxically, a strict adherence to the concept of a “low-risk male fighter defector” would mean that men who merely lived under Boko Haram rule without being fighters – for example, only paid taxes to Boko Haram under duress, or who did not have a chance to defect – would not be eligible for leniency. These individuals are either sent to trial, or informally released. Because of the lack of clarity and consistency in screening processes, a potential defector has no way of predicting whether he will be judged low- or high-risk. Thus, he must risk his life twice to defect, to escape Boko Haram and risk their retaliation and from the Nigerian military and courts if he is classified as high-risk.

Paradoxically, there is no facility and program for female Boko Haram *defectors*, though there are hopes for one in the future. Instead, low-risk women and children who were detained get released from detention either into the Bulunkutu rehabilitation centre in Maiduguri or are eventually let go without any formal rehabilitation process. But interviews conducted with women who went through the rehabilitation centre found at least one instance of a woman escaping from Boko Haram with her daughter and running for protection to the Nigerian military – which in the case of men, would be defined as “defecting.” She was arrested, spent 13 months in detention in Giwa Barracks, and then handed to Bulunkutu rehabilitation facility.¹²⁶

Criminal Justice Path: Trials and Prisons

Those who lived under Boko Haram rule or were allegedly associated with the group, but who do not qualify for leniency paths, are often rounded up *en masse* and thrown into detention facilities or prisons for years. A key challenge is that there is no prosecutable evidence for many detainees, as witnesses are often killed, confessions obtained through torture, and allegations based on CJTF denunciations. Even in cases in which evidence is lacking, Nigerian authorities believe detainees are dangerous and should not be released.¹²⁷ The weakness, dysfunctionality, and corruption of Nigeria’s judicial system compounds the problems,¹²⁸ with some bribing their way out of the detention centres, prisons, and police facilities. As a Western consultant for Nigeria’s police and correction systems put it: “Those who cannot bribe, they die in detention or are stuck in prison, subject to radicalising effects there or radicalising others.”¹²⁹

Trials of Boko Haram members have been prolonged and shrouded in secrecy. Between December 2010 and 2015, only 24 Boko-Haram-related cases were concluded, involving less than 110

people. The results of the trials were not publicly announced. In October 2017, the Nigerian government announced mass trials of some 2,540 Boko Haram suspects. The first to be tried were 1,669 suspects held at Wawa Barracks in the city of Kainji in Niger State. The government assigned high-level civilian judges to the facility, while the Legal Aid Council provided defence attorneys.¹³⁰ In some cases, the Department of State Security appears to have brought the charges, instead of the Office of the Attorney General. This is because of widespread fear that if many detainees were to have even moderately competent lawyers, they would be released since the military likely mistreated them during detention and did not gather admissible and adequate evidence.¹³¹

In their preliminary findings in judicial preparations for trials, the judges noted several problems, including: the prevalence of poorly investigated case files; overreliance on confession-based evidence; lack of forensic evidence; absence of cooperation between investigators and prosecutors; scarcity of trained forensic personnel; inadequate security for lawyers; and difficulties in converting military intelligence into admissible evidence.¹³² Indeed, some 220 Wawa detainees were to be released due to lack of evidence for any successful prosecution.¹³³ However, before their release, the court stated that they must undertake a deradicalisation program. Although there are plans for such deradicalisation and rehabilitation facilities for detainees, they do not yet exist. The Gombe centre, detailed below, is solely meant for low-risk defectors, not for Boko Haram detainees who did not voluntarily surrender. It is not clear what has happened to those the court ordered to be released.

The preparatory judicial processes for trials established three other categories of detainees: 1) suspects whose case files were recommended for further investigation, or who had no investigation conducted on them at all and hence no opinion by the judges could be formed; 2) those who may have been willing to plead guilty to lesser offenses; and 3) those deserving a full trial.

Since October 2017, the trials have been held in secret. Forty-five Boko Haram suspects were reportedly convicted of criminal offenses in the same month and sentenced to between three and 31 years imprisonment, but without disclosure of their offenses.¹³⁴ After the initial 1,669 suspects, the Nigerian government announced that another 5,000 would be tried in judicial proceedings that are expected to continue over years.¹³⁵ Trials were to begin in Maiduguri in February 2018, but their details remain unclear.

Nigeria's prison system is not equipped to hold the current numbers of detainees, nor dangerous high-risk militants harbouring extremist ideologies. As a result, the system continues to keep people who should be treated as civilians in military detention facilities. Even without Boko Haram detainees, in 2014, Nigeria had a prison population 56,785, with 38,743 awaiting trials, sometimes for ten or 15 years.¹³⁶ Nigerian criminologists and law enforcement experts have long pointed to prisons as places that foster crime.¹³⁷ This is due to very poor conditions, which include a lack of food and medical care, widespread human rights abuses, inadequate security, and the absence of rehabilitation opportunities.¹³⁸ Many also believe that mixing Boko Haram detainees with the general prison population risks turning prisons into recruiting grounds for terrorism.¹³⁹ The fact that Boko Haram has in the past successfully attacked prisons, liberating their fellow fighters, reinforces beliefs that prisons do not have adequate security to hold Boko Haram members and associates.¹⁴⁰

Both the Jonathan and Buhari administrations have envisioned providing deradicalisation and rehabilitation programs in prison. Between October 2014 and April 2016, a pilot program supported by the European Union Technical Assistance for Nigeria provided deradicalisation programming to 45 low-level male Boko Haram detainees and defectors in Kuje prison. Only one of these detainees had been previously tried and convicted. Some detainees had been

accused of raising funds or recruiting for Boko Haram; others had been accused of providing accommodation to Boko Haram, or operating as communications or logistical experts.¹⁴¹

The Office of the National Security Advisor defined the goals of the program as not only changing the behaviour of beneficiaries, but also their beliefs, including the renunciation of violence and rejection of extremist ideologies.¹⁴² A housing block separate from the general prison population was created within the Kuje prison for detainees undergoing deradicalisation. It was equipped with a mosque, teaching rooms, and sports facilities. Programming included: religious re-education by imams; education in English, Arabic, and literacy; vocational training, such as basic electrical work, carpentry, and bead-making; art therapy, and psycho-social therapy. Early results under the Jonathan administration seemed positive, and the administration of Buhari, in office since 2015, embraced the same model in principle.¹⁴³

Addressing the needs of detained children has been vexing, in light of the variety of roles that many have performed for Boko Haram.¹⁴⁴ While some may have committed serious offenses, they cannot (and should not) be sent to normal courts and tried there. However, family courts that would normally be handling issues of children do not have jurisdiction over terrorism issues.¹⁴⁵ The Nigerian government is still in the process of deciding on the appropriate legal procedures to be devised for them. Moreover, in Borno State, as the state legislature is yet to pass it, the Child Rights Act is not in operation.

Leniency Path: Defectors Program and Rehabilitation for Low-Risk Women and Children

Operation Safe Corridor: Low-Risk “Repentant” Male “Fighters” Who Defect

Much secrecy surrounds Operation Safe Corridor for low-risk “repentant” male defectors in the state of Gombe. This secrecy stimulates fears, resentments, and rejection of the program within local communities. Ninety-six male defectors have been at the Gombe camp for many months, with Nigerian officials at various times announcing their graduation, before pulling back. The pull-back is usually owed to the defectors’ home communities and IDP camps not being ready to receive them and/or threatening to kill them. Alternatively, the reason may be due to their home communities being wiped out by the fighting.¹⁴⁶ Nigerian authorities have privately stated that another 240 defectors could be admitted to the Gombe facility, which has a 500-person capacity.¹⁴⁷ In April 2016, the Nigerian military also announced that 800 Boko Haram militants had surrendered, shown remorse, and would subsequently be rehabilitated and reintegrated into society.¹⁴⁸ It is not clear what happened to them, or how many of them were deemed low-risk.

Operation Safe Corridor has been advertised on the radio, as part of a promotional effort judged by at least some defectors to be useful. As one defector said: “There are many people abducted from their home towns who don’t know the way back to their places of origin. They [Boko Haram leaders] preach to such people not to leave, as if it was divine for them to be there.”¹⁴⁹ Boko Haram leaders, for their part, have apparently sought to undermine the defector’s program by saying: “the promise of amnesty for any escapee was a ruse.”¹⁵⁰ Thus achieving credibility for the program is crucial in its efforts to induce defections and prevail against Boko Haram’s counter-messaging.

The beneficiaries of the program are screened and profiled upon arrival, with detailed information about them and their families recorded in databases. In theory, they are allowed controlled visits from their relatives during their stay. However, implementing partners believe there is a need to improve databases, and to better integrate families into the rehabilitation process.¹⁵¹

During their stay, defectors are supposed to receive vocational training, basic education, psycho-social therapy, and religious re-education. Depending on the interests of the defector, the vocational training opportunities may include carpentry, farming, plumbing, shoe-making, and perhaps other skills. Sports and recreation facilities are also supposed to be provided. In practice, however, most of the programming seems to be heavily skewed toward religious re-education, which seems easiest for Nigerian authorities to implement. Discussions are now under way to strengthen other aspects of the programming.¹⁵²

The maximum stay at the facility is supposed to be twelve weeks.¹⁵³ Some Nigerian military officials privately express disquiet about this, arguing that no one can be deradicalised in such a short stay, instead preferring an open-ended design.¹⁵⁴ The lack of clarity about exit policies compounds the risk that deradicalisation and rehabilitation centres will overlap with detention. Unlike in the case of the Niger Delta collective amnesty, Boko Haram defectors do not, under this program, receive extensive and long-lasting financial payments. They may however, receive a small amount of exit money.

Reinsertion and reintegration remain the most significant challenges. Little dialogue has taken place with communities about how to define justice and forgiveness, who should be sent to prison, and who should be granted leniency. Neither has there been much dialogue with local communities about how the defectors program is constructed, and how the reintegration phase should be designed, such as whether to include apologies and truth-telling. Nigerian and international support partners agree that involving traditional community elders and leaders, such as *bulamas*, *nawans*, *ajas*, and *amirs*, as well as local imams and Christian priests, is crucial for persuading communities to accept back defectors and those who lived under Boko Haram rule.

However, there is considerable disagreement as to the extent to which even these local authorities can convince communities to accept returning individuals. In some places, local authority structures remain very powerful. In others, many local authorities have been killed or victimised by Boko Haram, they themselves refusing to accept back Boko Haram associates.¹⁵⁵ Other local authorities may have been displaced from their homes and lost ties to their former communities. Sometimes, such elites view leniency and conciliatory efforts in transactional terms – that is, they ask what material benefits, authority and power would be in it for them.

In some cases, CJTF militias have been challenging the authority of traditional village elders. This can severely undermine efforts relying on traditional authorities to persuade communities to accept back those who lived under Boko Haram rule and Boko Haram members. CJTF members themselves vary in their willingness to accept these individuals back. Some absolutely reject such a return, brandishing defectors as spies. A repeated belief was that those who defected did not do so out of genuine “repentance,” but merely because “they were hungry in the bush” – a condition inadequate, in their view, for obtaining leniency.¹⁵⁶ Others, however, maintained that those who were taken by force by Boko Haram and were enslaved by Boko Haram should be allowed to return and should not be harassed.¹⁵⁷

In interviews, both CJTF and community members insisted that it was *too early* to accept Boko Haram associates, including those who lived under Boko Haram rule and in Boko Haram slavery. A frequently expressed position was that fighting would need to cease before such acceptance could be feasible, and that the houses and livelihoods of community members who fled would have to be rebuilt first. When told that peace may never materialise unless some leniency, forgiveness, and reconciliation measures start taking place, they insisted that at least their material conditions had to first be significantly improved.¹⁵⁸ Such material improvements would likely need to entail a more robust program than simply giving handouts to reinsertion communities, as some Borno officials and implementing partners seemed to assume would be sufficient.¹⁵⁹

Low-Risk Women and Children Detainees and Defectors

The Bulunkutu Transit Centre in Maiduguri, Borno (until recently called the Bulunkutu Rehabilitation Centre) is meant to provide deradicalisation and rehabilitation support for low-risk women and children who have been detained by the Nigerian military for some association with Boko Haram. In practice, association with Boko Haram could mean merely having lived under the group's rule. The Centre is administered by the government of Borno, specifically the Ministry of Women's Affairs, and is supported by international and bilateral partners, such as UNICEF and the International Red Cross.

The Centre does not formally cater to female "defectors." However, some of the women who end up there have undergone the same exit process out of Boko Haram areas that would have, if they were male, classified them as low-risk defectors. In practice, the Centre receives the women and children from the military, mixing those who were detained by the military when their areas were retaken, with those who were detained when they voluntarily surrendered. Some women at the Centre had been wives of Boko Haram fighters. Moreover, although the 600-person capacity Centre is today meant for women and children only, in practice it houses young and elderly men as well. The presence of young men was witnessed when the author visited the Centre in January 2018, at a time when 244 people were reported housed there. The young men are housed in separate quarters but can mix with the women and children in the common courtyard areas. Some service providers employed by the Centre to provide psycho-social counselling, educational services, or deliver humanitarian aid, also alleged that a few of the women they interacted with at the Centre struck them as fairly radical, raising doubts in their mind about their classification as low-risk.¹⁶⁰ Some interviewed women who had gone through the Centre said that they were victims of Boko Haram and of the military.

In April 2017, a formal protocol of entry and exit procedures, and programming inside the rehabilitation facility was established. It has been updated periodically. The protocol specifies that individuals should stay a minimum of 8 weeks in the Centre and a maximum of 12 weeks.¹⁶¹ In some cases, however, people stay for months. This can happen in cases of unaccompanied children, children rejected by their communities, people with difficult medical conditions, foreign nationals (e.g. from Cameroon), or men with mental health problems without a family.

Immediately upon arrival, incoming residents are supposed to be told that they can arrange for relatives to visit them while social workers are present. They are also temporarily given cell phones to make phone calls to relatives, also in the presence of social workers in order to prevent communication with Boko Haram (even though they were deemed low-risk to start with).¹⁶² Yet these procedures do not seem to have been adhered to consistently.¹⁶³ In the case of beneficiaries who do not seek to interact with their families, the staff at the Centre are still supposed to locate their families and interact with them. Handing the beneficiary over to some family members is a crucial element of exit from the Centre. If no family members can be located because they were displaced, killed, or still live under Boko Haram, elders from the person's community are contacted. They are asked to receive the beneficiaries in their original communities or in the IDP camps, which are organised according to village origin.

Programming inside the Centre is conducted by specialised NGOs and contracted implementing partners. For children, it includes some literacy, numeracy, and other schooling. For men and women, there is vocational training, such as soap-making, sewing, bead-work, shoe-making, and preparing drinks and snacks that can be sold in local markets. Religious re-education is considered a vital part of the programming since Centre staff do not know "how hardened in their ideology"¹⁶⁴ the beneficiaries are, even though they were assessed as low-risk. The Centre is also supposed to provide psychosocial support.

The voluntary nature of entry into and exit from the program is questionable. Many of those detained by the military likely had little choice as to whether they wanted to go to the facility.¹⁶⁵ Nor does it appear to be an option for beneficiaries to quit the program. After beneficiaries complete twelve weeks at the Centre, the governor of Borno State is informed by staff that they have completed their program, and their families or village elders are traced for handover. This process is said to respond to a Nigerian law that specifies that only the Nigerian president can “release” people. Yet, it contradicts the Centre’s own terminology that beneficiaries are “not released,” but instead “exit”, since they had already been cleared and released from detention by the Nigerian military.¹⁶⁶ Even if necessary to satisfy existing Nigerian laws, requiring the governor’s approval raises uncomfortable questions about the clarity and voluntariness of exiting the Centre. What would happen if one day, a governor refused to release those who completed their twelve-week program? What kinds of appeal and recourse would be available to them?

Still, the governor is apparently yet to reject anyone’s release. Five hundred and sixty-six people exited the Centre through the above-described process in September 2016; 482 in April 2017; and 755 in October 2017¹⁶⁷ (the gaps between release dates suggest stays longer than twelve weeks, at least for some). In practice, the exit procedures have varied. Especially in the fall of 2017, the Borno governor released groups of beneficiaries earlier than normal, due to pressure and lobbying by relatives or community leaders.¹⁶⁸ In some cases, the military also released women and children directly from detention, without first placing them into the rehabilitation Centre.¹⁶⁹ Yet some support partners of the Bulunkutu Centre have objected to direct releases of women and children. They argue that such individuals should first receive support at Bulunkutu, such as for medical and psychological problems, to receive vocational training and deradicalisation programming, to maintain their traceability, and for consistency of treatment.¹⁷⁰

Upon exit, women and children are given some money by the governor’s office to cover immediate needs, with the amount varying according to the number of children. Bilateral programming and financial support for these individuals remains highly constrained by US laws and international declarations against terrorism financing and material support for terrorists. This is the case even though the beneficiaries of the program were often innocent victims of Boko Haram enslavement and Nigerian military detention, were assessed as low-risk prior to entering the Centre, and have, once in the Centre, completed deradicalisation and rehabilitation programming. United States government agencies, for example, have assessed they cannot provide any kind of support that beneficiaries could take out of the Centre.¹⁷¹ At the same time, the United States has been at the forefront of efforts to encourage the development of deradicalisation and reintegration in Nigeria, including Operation Safe Corridor and its previous incarnation, the National Security Corridor.

As in the case of male defectors, reinsertion and reintegration remains a critical weakness of the rehabilitation process for women and children. There have been documented cases of severe ostracism and rejection of returning children and women by their home communities. They have reportedly been denied access to food and shelter (including their previous homes). Several weeks after returning home, many have reportedly left their communities and relocated to Maiduguri or other towns, sometimes because they were told to do so.¹⁷² There is no clear idea of how many children have been rejected in this way. Other children have overcome an initial period of ostracism, and then been accepted back to their communities. There have also been multiple cases of people being released from the Centre and subsequently re-arrested by CJTF and handed back to the military, again having to spend prolonged time in detention.¹⁷³ Cases of lynching of those released from detention have also been reported.¹⁷⁴

Further, there is systematic buck-passing of responsibility between the federal government and Borno State officials, and between military and civilian leadership, regarding the preparation and sensitisation of communities that will be receiving released and rehabilitated individuals.¹⁷⁵ This applies both to the reinsertion of low-risk women and children, and of repentant male defectors.

The secrecy in which the Nigerian government cloaks the Centre fuels rumours, such as that the CJTF has disappeared beneficiaries.¹⁷⁶ Even prominent local Maiduguri journalists could not fully distinguish between the Bulunkutu Rehabilitation Centre and the detention facility in Giwa Barracks, nor did they understand differences between the two in terms of purpose, programming, and selection of people.¹⁷⁷ The secrecy around the Centre, and the resulting fact that many CJTF and local community members believe it is a detention centre and failing to understand it houses only those judged low-risk, also compounds the physical risks to those who exit. These include risks of CJTF re-arrest or community retaliation. These risks of physical persecution and re-arrest are compounded by the absence of a certificate of rehabilitation being issued to those who exit. In the absence of a clarified and explicit legal framework for the leniency measures they may also be vulnerable to future prosecution.

Nigerian NGO Reintegration, Reconciliation, and Peace-Building Efforts

Some Nigerian NGOs have managed to overcome the overwhelming fear and rejection of individuals who lived under Boko Haram rule and provide a model for how reinsertion and reintegration could be designed. One example is a Maiduguri school for children whose fathers (or both parents) died in Boko Haram-related fighting. The school has won numerous international and Nigerian awards. Run by Barrister Zannah Bukar Mustapha, in 2017 the school was supporting 500 children, including those whose fathers were Boko Haram or CJTF members, and those who are partial or full orphans in affected communities. The school teaches these children Islam and other basic subjects, and provides food.

At night, the school offers vocational training to mothers of the children, including widows of CJTF and Boko Haram members, widows from affected communities who were not associated with either, and internally displaced women. This initiative, which takes place under the umbrella of The Future Prowess Cooperative Association, has provided programming to more than 600 women, with 110 having “graduated.”¹⁷⁸ The death or disappearance of a husband, regardless of political affiliation, generally results in a sharp loss of income for widows, who find it very hard to survive economically. The Future Prowess Cooperative Association thus seeks to provide them with some livelihood training. The women meet once a month, are given a small stipend of 200 naira (US\$0.56) and are taught skills such as tailoring, bead-making, soap- and perfume- making, beautician skills, and computer use. School officials report that due to joint vocational training, Boko Haram widows who were rejected by their communities two years ago have now been accepted. Still, the women face other challenges. Some had their houses demolished, while others their properties seized, sometimes by their relatives. Barrister Zana has successfully advocated in court to have at least some of their properties restored to them. The expropriation and theft of properties of those who had lived under Boko Haram rule underscores the possibility that community rejection can at times be motivated by economic opportunism and desire for extra-legal economic advantages.

Since 2015, other NGO efforts in the northeast have focused on creating community response networks and early warning systems. These response networks involve traditional elders, opinion leaders, imams, and prominent women within local communities, such as wives of *bulamas* and *lawans*. They are intended to develop capacities to communicate with local and

state government officials, including line ministry representatives, as well as the CJTF, the police and the military.¹⁷⁹ Such structures, if they take off, could also become platforms of community engagement with Boko Haram returnees.

Accountability for All and Justice for Victims

Although the Nigerian military and not only Boko Haram, has violated key human rights principles, no military commanders have faced Nigerian civilian courts. Nigerian elites, and society more broadly, have long given the military and government officials an almost free pass for severe human rights violations related to the Boko Haram counterinsurgency. This remained the case even as a bill to punish perpetrators of war crimes, crimes against humanity, and genocide was making its way through the Nigerian parliament in 2017; that bill had not yet been passed as of the writing of this report.¹⁸⁰

In August 2017, then-acting President Yemi Osinbajo (in office while President Buhari was ill) established a Judicial Commission to Review Compliance of Armed Forces with Human Rights Obligations and Rules of Engagement. While meeting with Nigerian military officials, the committee was shown rosters of at least a hundred soldiers whom the military had supposedly court marshalled for alleged human rights crimes in the context of the Boko Haram counterinsurgency. Some had been sentenced to death and supposedly executed, while others had been retired or demoted. However, the Nigerian military has not been willing to make the indictments and court marshals public, or even acknowledge their existence, so as not to undermine morale.¹⁸¹ That rationale, however, not only contradicts the imperative of delivering justice to victims, but also fails to create adequate deterrence against future gross human rights violations by soldiers. Nor is it clear that any of the soldiers prosecuted thus far were of sufficiently high rank to be the officers most responsible for ordering or permitting violations. Like military forces, police in Nigeria have also long been guilty of and not held accountable for “arbitrariness, ruthlessness, brutality, vandalism, incivility, low accountability to the public, and corruption.”¹⁸²

Victims’ rights groups however, are starting to mobilise, demanding accountability for the military’s and CJTF’s crimes, such as extrajudicial killings, rapes, and poor detention conditions.¹⁸³ They also call for family reunification, truth telling and compensation. Such demands for justice for victims – of both Boko Haram and Nigerian forces – are fundamental for the legitimacy of Operation Safe Corridor and any future group-level amnesty or peace deal. Yet Nigeria’s criminal justice system is focused on offenders and geared toward penal approaches. It does not, for instance, recognise the right of victims to reparations.¹⁸⁴

In a first step toward rectifying shortcomings with respect to reparations, in September 2016, the Nigerian government set up the Foundation for the Support of Victims of Terrorism (Victims Support Fund). By December 2016, the Fund was said to have attracted more than \$47.5 million in pledges from the private sector.¹⁸⁵ However, despite this effort, many victims still languish in displacement, living in unsatisfactory conditions, without any reparations.

Furthermore, Nigeria has a poor track record with regards to truth-telling. Since the country’s return to democracy in 1999, multiple attempts have been mounted to deliver justice for past crimes, facilitate reconciliation, and address grievances for severe human rights violations during the military dictatorships era. For example, former President Obasanjo set up the Human Rights Violations Investigations Commission, known as the Oputa Panel, tasked with investigating the causes of gross human rights violations committed between January 15, 1966 and May 28, 1999, identifying perpetrators and making recommendations. Running between June 1999 and May 2002, the Commission received over 10,000 submissions, but openly

heard only 200 cases. Its report argued that “[m]ilitary rule has left, in its wake, a sad legacy of human rights violations, stunted national growth, a corporatist and static state, increased corruption, destroying its own internal cohesion in the process of governing, and posing the greatest threat to democracy and international integration.”¹⁸⁶ Yet, the final report was never officially released, as a result of Nigeria’s Supreme Court decision in *Fawehinmi vs. Babangida*.¹⁸⁷ This decision held that, under the 1999 Constitution, the federal government of Nigeria has no power to set up a tribunal of inquiry, and that only individual states can do so. The ruling was widely perceived as seeking to obfuscate the truth and minimise the chance of accountability of government and military officials.¹⁸⁸ This ruling complicates the potential for designing an amnesty for Boko Haram which include truth-telling and other conditions that could help enhance its legitimacy among victims.

3. Overall Assessment of the Current Approaches to Counterinsurgency and Leniency Approaches

Nigeria's anti-Boko Haram counterinsurgency efforts have failed to achieve significant progress since at least 2017, with Boko Haram continuing to conduct attacks, kidnap hostages, and sometimes even retake previously cleared territories. Large-scale areas remain unsafe for civilian populations. Worse still, the Nigerian counterinsurgency campaign itself has been the source of severe and prevalent human rights violations, dislocation, victimisation, and stigmatisation of people. This is primarily due to the policy of rounding up *en masse* men, women, and children during clearing operations who lived under Boko Haram rule, and subsequently consigning them to lengthy detention. This approach further victimises those who have already suffered tremendous hardships, exacerbating societal suspicion and rejection of them.

Moreover, the process of detention is not only arbitrary, opaque, and frequently unjust, but is also potentially dangerous. The detention centres mix perpetrators with significant bloodshed and gross human rights violations on their hands with people they have enslaved. The poor treatment and overcrowding in detention may not only create intense grievances, but also willingness in individuals with no prior history of violence to engage in retaliatory violence. That risk rises when detainees are brutalised by Nigerian forces or the CJTF during arrest and detention. Despite these risks, as the member of the interrogation and screening team put it: "The detention facilities are badly overstretched. Yet we keep arresting more and more people. And then they are stuck in detention for however long."¹⁸⁹

The defectors program for low-risk "repentant" male fighters (Operation Safe Corridor), and deradicalisation and rehabilitation program for low-risk women and children, are crucial programs. The latter is currently the only mechanism by which at least some people who had lived under Boko Haram rule can get out of detention and perhaps also reduce the stigmatisation that surrounds them. The defectors program is currently the only mechanism by which low-risk fighters can disengage from the battlefield and abandon armed struggle. These programs thus play important roles in reducing the intensity of conflict and paving the way for eventual peace and reconciliation.

However, they are too narrowly conceived, and major problems pervade their design and implementation. They operate within an existing legal framework that too broadly defines material support for terrorists and criminalises membership of Boko Haram. This framework does not make exceptions for minimal cooperation under survival-driven or other conditions of duress, despite the threat of execution by Boko Haram as a result of non-compliance.

The eligibility criteria are also too restrictive. For example, restricting eligibility to low-risk male "defectors" who are "repentant" and who are "fighters" excludes men who had to live under Boko Haram rule and did not have the chance to escape (or were not willing to take the risk), or who were not complicit in any crimes beyond, for example, paying taxes. These individuals are victimised twice – first by Boko Haram, and then by the Nigerian state – and potentially three times, by local communities and the CJTF, who distrust and reject them. Meanwhile, they are triply excluded by the existing leniency criteria: by not having "defected," by not being "fighters," and by not being "repentant," as they have nothing to be repentant for. They were victims. Conversely, lack of clarity on the aggregation of screening questions and other definitional deficiencies raise the question of how anyone who was a fighter could ever be classified as "low risk". The opaqueness of the screening process further exacerbates problems of arbitrariness.

The lack of clarity and consistency in screening processes also means that a potential male escapee or defector has little way to predict whether he will be classified as low-risk or high-risk if he turns himself in. As a former official of a Western embassy in Abuja put it, “a potential defector still has a 99% chance that he will end up dead or in endless detention.”¹⁹⁰ A 99% chance of such an outcome is perhaps too high, but certainly the risks are substantial. This potentially undermines the effectiveness of the defectors’ program, as it can generate fears among potential defectors that defecting entails risking their lives twice – first, by running away from Boko Haram and risking its violent retaliation, and second, as a result of mistreatment by the Nigerian military. The lack of an amnesty law, and hence the possibility of future arrest and prosecution, creates a third risk. Some low-risk women and children who have gone through the rehabilitation program have already experienced this third risk, having been re-arrested by the CJTF and/or police, and handed over to military detention all over again.¹⁹¹

Underdeveloped reinsertion and reintegration programming creates a fourth risk for those who have completed the low-risk defectors and rehabilitation programs. In the case of defectors, exit from the program is unpredictable, with the first group of participants having languished for months beyond the stated length of the program for fear that reinsertion communities would lynch them. At worst, those who do end up exiting these programs face violent retaliation from the CJTF and local communities. Problems with societal ostracism have emerged in the case of low-risk women and children, although their only “crime” may have been their inability to run away from Boko Haram when it gained control of their localities. As for the state, it will need to do more than merely give communities handouts for accepting those who have completed defectors’ or rehabilitation programming. The material compensation packages will need to be far more robust, and include not only effective utilisation of community leaders, but also psychosocial therapy for reinsertion communities.

The lack of separate rehabilitation programs for women and men who merely lived under Boko Haram rule perpetuates the already intense societal stigmatisation of such individuals. Moreover, both for defectors and those who merely lived under Boko Haram rule, as well as for those sentenced to prison, support and rehabilitation programming will be of limited effectiveness if it is too heavily skewed toward religious re-education. It will also need to provide meaningful education, vocational training, and psychosocial therapy.

Eventually, the existing leniency programs may pave the way toward broader negotiated peace deals, perhaps after a more effective and discriminating military campaign has further degraded the still-potent military capacity of Boko Haram, Ansaru and the Islamic State. Prospects for such peace deals remain distant, and premature announcements of success can be extremely costly for the government. The inevitable disappointment from inflated expectations, often as the result of Boko Haram attacks, discredit negotiations and create social resistance to the leniency approach. Poorly designed amnesties with other armed groups and criminal actors that set harmful precedents also undermine broad confidence in such processes.

It remains to be seen if and when reconciliation and a deeper peace can be achieved, even if a top-level political deal based around some conceptualisation of leniency and amnesty is eventually struck. This uncertainty will be all the greater if the Nigerian military and anti-Boko Haram militias remain outside of a framework of accountability, continue to perpetuate severe human rights violations, and, in the case of the CJTF, become politicised.

4. Conclusions and Policy Recommendations

Leniency options that are well-balanced with victims' rights, that do not perpetuate impunity or encourage moral hazard, can improve prospects for eventual peace, reconciliation and justice. Their design will need to be carefully considered to ensure legitimacy and effectiveness. By significantly improving its existing defectors program and rehabilitation programs for low-risk and victimised individuals, and correcting its deeply-flawed counterinsurgency strategy toward Boko Haram, Nigeria has a chance to move toward reconciliation and durable peace. It also has the chance to become a leader in undertaking demobilisation, deradicalisation, and rehabilitation during and after conflict. To that effect, this report recommends that the following strategies and policy measures be adopted:

Organise a Broad-Based Societal Conversation about Justice and Reconciliation: Such dialogues should discuss how to balance reconciliation with justice, victims' rights, and societal protection. They should also consider the potential role of judicial and non-judicial forms of accountability, such as truth-telling, with the aim of understanding the range of mechanisms most acceptable to Nigerian society, while complying with the country's international obligations. The dialogues should include Nigerian government officials, elders and religious authorities, victims, women, minorities, civil society members, and rehabilitated individuals formerly associated with Boko Haram. Outreach into Boko Haram-dominated areas should be built into the dialogues. Further, Nigerian authorities should stop shrouding the amnesty, defectors program, and rehabilitation measures in secrecy.

Robustly Recognise and Address the Rights of Victims: There is a need to acknowledge that the category of "victims" in this conflict encompasses a wide range of individuals, including those who may have developed some association with Boko Haram, committed minor offenses (such as paying taxes) out of the need to survive, or those victims to more than one group (such as the CJTF and Boko Haram). Recognising their rights will require reparations, through the form of robust socio-economic packages and psycho-social therapy. Giving a community or an IDP camp a small handout as compensation for accepting back individuals formerly associated with Boko Haram will not be adequate. (Re)construction efforts in towns and villages destroyed by the fighting need to focus attention on infrastructure, clinics, housing, and schools. Victims of the CJTF and military and police abuse need to be equally recognised and robustly protected. If no new legislation is passed to overcome the federal government's inability to initiate tribunals of inquiry and truth-and-reconciliation commissions, then the federal government must work diligently with civil society and state governments to set up such commissions. The rights of victims to truth should not be denied.

Stop Mass Arrests and Detentions, Move Screening to Liberated Villages, Improve COIN: Nigerian security forces need to stop being the source of human rights violations and grievances. The tactics of mass arrests and detention should be stopped. The objective needs to be emptying the detention camps, not to enlarging them. To that effect, screening should move to liberated villages and take place within 72 hours. Only those assessed to be high-risk should be detained. Improving the capacity of the Nigerian military and police to hold cleared areas is key. Legally-binding and publicly available rules of engagement for COIN and counter-terrorism operations and actors need to be developed, and violations systematically punished.

Improve Evidentiary Bases of Detention, Screening, and Trials: Relying solely on hearsay, such as from the CJTF (let alone from torture during interrogation) to determine Boko Haram association should no longer be permitted. In retaken areas and in detention facilities, teams

of screeners, including military, intelligence, and police officials trained in the gathering of evidence, as well as human rights experts, should be deployed in sufficient numbers. Improving the evidentiary basis for arrests, and developing prosecutable evidence, is vital for ensuring trials of detainees adhere to human rights and legal norms. High-risk detainees should be kept in facilities or quarters separate from low-risk detainees.

Pass an Amnesty Law for those who Participated in Non-Violent Boko Haram Activities under Duress: Women and men who had to endure Boko Haram rule and who undertook non-violent support roles under duress or survival-driven conditions (such as paying taxes or cooking) should be legally pardoned. Such legal and policy action should be accompanied by robust information campaigns explaining to Nigerian society that these individuals are victims – not “bad victims” or offenders, as they are widely perceived – because they could not run away. They should also be accompanied by proactive measures to protect them from mob lynching or other forms of retaliation.

Expand Eligibility of Existing Leniency Programs: Until such a law is passed, a program should be developed for low-risk detainee men who did not have the chance to defect and who did not commit terrorism crimes beyond the unavoidable ones, such as paying taxes. It should be analogous to the rehabilitation program for low-risk women and children, which currently does not distinguish between detainees and defectors.

Develop Separate Programs and Housing Facilities for those Who Had to Live Under Boko Haram Rules and for Low-Risk Offenders: Leniency programs should move away from conflating men and women who lived under Boko Haram rule and whose only offenses were minimal nonviolent support, from those who more actively supported Boko Haram. Separate housing facilities – with different names – should be developed for them. Rehabilitation programming for those who complied with Boko Haram demands under duress, but who did not engage in violence, should be made strictly voluntary. Rather than being brought to centres, such as the rehabilitation centre in Maiduguri for women and children, they should be given a choice as to whether to participate. The benefits, such as medical support and vocational training, should be explained to them, but they should be allowed to quit at any point.

Improve Transparency and Predictability of Reception and Screening: Eligibility and screening criteria for all categories need to be made consistent, predictable, and transparent. Appeals processes and external oversight mechanisms need to be developed. Systematic records of those who give themselves up or those detained must be kept and made available to external auditors, including a combination of judicial authorities, human rights representatives, and perhaps international monitors. Potential defectors and those eligible for leniency measures must be better informed as to what will make them low-risk or high-risk – judgements that profoundly affect their fate.

Children and Women: Children in detention need to be kept with their mothers (if they were also detained) or in facilities separate from men. They need to be handed over to UNICEF in a much shorter period than six months and ideally as close to the internationally-accepted 72-hour period as possible.

Expand International Legal Tools for Supporting Conditional Amnesties, Transitional Justice, and Defectors Programs: New additions and amendments, along with increased flexibility need to be developed to ensure that international counter-terrorism laws, such as those against material support for terrorists, do not prevent crucial programming for: rehabilitation of ex-combatants and populations who lived under the control of groups such as Boko Haram; peace-building and reconciliation; and countering and preventing violent extremism. The international community must also work with national governments and provide guidance to

ensure that over-expansive counter-terrorism laws do not perversely generate discrimination and new grievances.

Expand Reinsertion, Reintegration, and Reconciliation Programming: Psycho-social therapy and healing processes should not be provided solely to defectors and other beneficiaries of leniency measures, but also to the communities to which they return. The efforts of Nigerian NGOs described in this report can provide lessons for such programming. Informed by societal dialogues, reinsertion needs to come with an informational campaign among the receiving communities to help them understand who they are accepting back, how, and why. Disclosure and truth-telling processes may have a role in facilitating reinsertion. Traditional leaders and women should be mobilised as important vectors of reconciliation and peacebuilding, with support from government and NGOs. Vocational training and job-creation opportunities also need to be rolled out among receiving communities to mitigate resentment. Such resentment will grow if those who became associated with Boko Haram receive education, training, and jobs, while those who resisted Boko Haram or were displaced when the group arrived continue to live in dire conditions. Creating jobs in far-flung communities may be extremely difficult, however, some public works or vocational training, such as in agriculture, can almost always be delivered in such communities. Economic empowerment initiatives that purposefully bring together and mix women associated with Boko Haram, the CJTF and security forces, as well as displaced women, to foster cooperation and reconciliation should be developed. These initiatives could teach leadership and entrepreneurial skills, provide a basic livelihood and facilitate reconciliation. Traditional development actors need to become more systematically and deeply involved in the reinsertion processes.

Provide Systematic and Robust Rehabilitation and Deradicalisation Support for High-Risk Defectors and Detainees Awaiting Trial or Sentenced to Imprisonment: If such support is not provided, defectors and detainees may radicalise others whilst in detention or prison, or become a source of danger after release. Avoiding these negative developments requires extensive training of police personnel in deradicalisation and rehabilitation processes.

Strengthen Post-Release Monitoring of Low-Risk Defectors Who Exit Rehabilitation Facilities and Released Prisoners: It is crucial to expand and improve such monitoring. In cases of recidivism, it may be necessary to provide further rehabilitation assistance or undertake law enforcement measures. But dialogue with receiving communities is needed to inform how visible Nigerian intelligence, police, and military authorities should be in areas of reinsertion, so as not to create safety risks.

Do Not Structure Any Future Peace Deal as an Unaccountable Excessively Broad Financial Payoffs-Based Amnesty: Any negotiated deal must be cognisant of and pre-emptively counter the problems that arose with the Delta Amnesty. Any amnesty design must be careful not to encourage violence as a tool for extorting rents and financial payoffs. Indeed, no large financial payoffs should be part of the deal. Top-level leaders of Boko Haram should be subjected to some accountability for their crimes against humanity and other egregious human rights violations.

Develop Disarmament, Demobilisation, Justice, Accountability, and Reconciliation Processes for Armed Actors beyond Boko Haram, including for CJTF: Lessons learned from the existing individual-level leniency deals for Boko Haram and any future broader amnesty deals should be incorporated into strategies for dealing with groups such as the Islamic State, a long-term insidious threat, and Ansaru. Nigerian NGOs and bilateral and multilateral actors must expose and oppose tendencies of Nigerian politicians to appropriate the CJTF for their electoral and patronage purposes.

Insist on Accountability for Nigerian Military and Police and CJTF: Both international actors and Nigerian NGOs should demand that egregious violations of human rights, such as extrajudicial killings and rapes, need to be prosecuted, regardless of the perpetrator. Court marshals must be transparent and any amnesty for formal security actors or for militias should not violate victims' right to truth.

Address Underlying Root Causes of Conflict, Such as Corruption and Lack of Accountability of Political Leaders and Underdevelopment of Nigeria's Northeast: Such measures include: preventing corruption and abuse of existing humanitarian and reconstruction aid; improving the delivery of public services and education; and improving the availability and quality of dispute resolution and judicial processes. The motivating goals should be to reverse the abuse and neglect by the Nigerian state and government officials. The Nigerian government must be willing to address the legitimate grievances of those associated with Boko Haram, and not dismiss the phenomenon as merely one of distorted radical religion. Otherwise, the violence will be replicated, perhaps by an expanding Islamic State in Nigeria.

Increase Transparency and Expand Monitoring and Evaluation of All of These Processes: Programs for low-risk defectors or reinsertion efforts require diligent monitoring. So do programs to bring accountability to all of Nigeria's armed actors as well as reconstruction programs. Training Nigerian monitors and evaluators is useful so that Nigerians themselves can own, adapt, and improve such processes; a side benefit is that such an effort would create jobs.

Endnotes

1. Lake Chad Basin – Complex Emergency, United States Agency for International Development (USAID), <https://www.usaid.gov/crisis/lake-chad>.
2. Given this pervasive conceptualisation of “those associated with Boko Haram” within Nigeria, this report also uses the term “those associated with Boko Haram” as individuals associated in a range of roles, including combatants as well as those who only lived under Boko Haram rule.
3. Author’s interviews with UN development officials, Abuja, January 2018.
4. Author’s interviews with military officers, Abuja and Maiduguri, January 2018.
5. It has caused many fewer deaths in 2017 compared to the peak year of 2015 when over 11,500 were attributed to the group, yet the 3,329 people it reportedly killed last year is only slightly down from the 3,484 deaths in 2016. Moreover, the number of “violent incidents” caused by the group in 2017 was up to 500 from 417 in 2016. “More Activity but Fewer Fatalities Linked to African Militant Islamist Groups in 2017,” Africa Center for Strategic Studies, January 26, 2018, <https://africacenter.org/spotlight/activity-fewer-fatalities-linked-african-militant-islamist-groups-2017/>.
6. Author’s interviews with Nigerian NGO representatives, journalists, academics, school teachers, and businessmen, Maiduguri, January 2018.
7. Roland Oliphant, “More than 100 Girls Feared Kidnapped after Boko Haram Storms School,” *The Telegraph*, February 22, 2018, <http://www.telegraph.co.uk/news/2018/02/21/100-nigerian-girls-feared-missing-boko-haram-storms-school/>
8. Author’s interviews with Nigerian military officials, Maiduguri and Abuja, January 2018.
9. “MENA Shuts Down 6 IDP Camps in Adamawa,” *Daily Post*, May 12, 2016, <http://dailypost.ng/2016/05/12/nema-shuts-down-6-idps-camps-in-adamawa/>.
10. Author’s interviews with representatives of bilateral donor governments, the United Nations, and humanitarian NGOs, and with political analysts and international consultants, Abuja, January 2018. See Beth Ellen Cole, Alexa Courtney, Erica Kaster, and Noah Sheinbaum, “Breaking Up Boko Haram and Ramping Up Recovery: US Engagement in the Lake Chad Region, 2013-2016,” United States Institute of Peace (USIP), 2017, <https://www.usip.org/sites/default/files/3D-Lessons-Case-Lake-Chad-Region.pdf>.
11. Kevin Sieff, “A Famine Unlike Any We Have Ever Seen,” *Washington Post*, October 13, 2016, www.washingtonpost.com/sf/world/2016/10/13/they-survived-boko-haram-now-millions-in-nigeria-face-a-new-threat-starvation/?utm_term=.b7f590941ace; and “Hunger Games,” *Economist*, September 1, 2016.
12. U.S. Department of State, USAID, “Nigeria: Country Development Cooperation Strategy,” September 30, 2015, <http://www.usaid.gov/sites/default/files/documents/1860/Nigeria-CDCS-9-30-15v6.pdf>.
13. Author’s interviews with Nigerian and international NGOs delivering programming in IDP camps and having conducted surveys in IDP camps, Abuja and Maiduguri, January 2018; and focus group interviews in IDP camps commissioned for this study and conducted in the Maiduguri IDP camp, January 2018.
14. Author’s interviews with civil society representatives of minority communities from southern Borno, Maiduguri, January 2018.
15. International Crisis Group (ICG), “Cameroon’s Far North: Reconstruction amid Ongoing Conflict,” Africa Briefing No. 133, October 25, 2017, <https://www.crisisgroup.org/africa/central-africa/cameroon/b133-extreme-nord-du-cameroun-le-casse-tete-de-la-reconstruction-en-periode-de-conflit>.
16. For comparisons with governance by other insurgent groups, see Vanda Felbab-Brown, *Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-building in Afghanistan* (Washington, DC: The Brookings Institution Press, 2013); Vanda Felbab-Brown, Harold Trinkunas, and Shadi Hamid, *Militants, Criminals, and Warlords: The Challenge of Local Governance in an Age of Disorder* (Washington, DC: The Brookings Institution Press, 2017); and Vanda Felbab-Brown, “The Hard, Hot, Dusty Road to Accountability, Reconciliation, and Peace in Somalia: Amnesties, Defectors’ Programs, Traditional Justice, Informal Reconciliation Mechanisms, and Punitive Responses to al Shabaab and Populations Under Its Control,” United Nations University, May 2018, forthcoming.
17. See, for example, James Adewunmi Falode, “The Nature of Nigeria’s Boko Haram War, 2010-2015: A Strategic Analysis,” *Perspectives on Terrorism*, 10(1), 2016, <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/488/html>.
18. ICG, *Cameroon’s Far North*: 3.
19. See, for example, an interview with a Boko Haram defector in “Nigeria: Confessions of a Boko Haram Defector,” *Voice of America*, August 28, 2017, <http://allafrica.com/stories/201708290751.html>.
20. Author’s interviews with NGOs who have interviewed women and men liberated from Boko Haram areas, Abuja, January 2018.

21. Author's interviews with local journalists, representatives of civil society and business community, academics, and NGOs who conducted surveys of liberated and displaced populations, Maiduguri and Abuja, January 2018.
22. See, for example, [Kimairis Toogood](#), "Bad Blood: Perceptions of Children Born of Conflict-related Sexual Violence and Women and Girls Associated with Boko Haram in Northeast Nigeria," *International Alert*, http://www.international-alert.org/sites/default/files/Nigeria_BadBlood_EN_2016.pdf; and Zuri Linetsky, "Nigeria after Boko Haram: Rethinking Reeducation and Reintegration," *The American Prospect*, September 1, 2016, <http://prospect.org/article/nigeria-after-boko-haram-rethinking-reeducation-and-reintegration>.
23. Author's interviews with community members and representatives, families of Boko Haram victims, NGO representatives, local journalists, Maiduguri and Abuja, January 2018.
24. Toogood.
25. Jason Warner and Hilary Matfess, "Exploding Stereotypes: The Unexpected Operational and Demographic Characteristics of Boko Haram's Suicide Bombers," *Combating Terrorism Center*, August 2017, <https://ctc.usma.edu/v2/wp-content/uploads/2017/08/Exploding-Stereotypes-1.pdf>.
26. Idayat Hassan, "What Is Justice? Exploring the Need for Accountability in the Boko Haram Insurgency," *Harvard Human Rights Journal*, 29, Spring 2016, <http://harvardhrj.com/what-is-justice-exploring-the-need-for-accountability-in-the-boko-haram-insurgency/>.
27. Author's interviews with representatives of several Western and Nigerian NGOs specializing in reconciliation, early warning, and violence prevention, Abuja and Maiduguri, January 2018.
28. Author's interviews with community members and representatives, families of Boko Haram victims, NGO representatives, local journalists, Maiduguri and Abuja, January 2018.
29. *Ibid.*
30. Author's interviews with former Nigerian officials tasked with reintegration, local journalists, representatives of civil society and business community, academics, and NGOs who conducted surveys of liberated and displaced populations, Maiduguri, Abuja, and Ibadan, January 2018.
31. Author's interviews with former Nigerian officials tasked with reintegration, local journalists, representatives of civil society and business community, academics, and NGOs who conducted surveys of IDPs, Maiduguri and Abuja, January 2018.
32. Authors interviews with three people who lived under Boko Haram rule, Maiduguri, January 2018.
33. Author's interviews with community and civil society representatives, local journalists, and members of the business community, Maiduguri, January 2018.
34. Author's interviews with CJTF commander and three members, Maiduguri, January 2018.
35. Author's interviews with a Western consulting group providing services to CJTF widows, Abuja, January 2018 and with representatives of NGOs interacting with CJTF, Maiduguri, January 2018.
36. Author's interviews with Nigerian journalists, civil society and business community representatives, Maiduguri and Abuja, January 2018.
37. Author's interviews with a traditional leader and with representatives of NGOs that conducted village leadership surveys, Maiduguri, January 2018.
38. Author's interviews with military and police officials, CJTF members, relatives of people detained by CJTF, local journalists, and business community and civil society representatives, Maiduguri, January 2018.
39. Author's interviews with NGO representatives, local journalists, and local academics, Maiduguri, January 2018.
40. Author's interviews with representatives of the Western consulting group, Abuja, January 2018.
41. See, for example, Dionne Searcey, "In Nigeria, Killing Civilians in Hunt for Terrorists," *New York Times*, February 28, 2017.
42. *Ibid.*: 6.
43. Hussein Solomon, "Counter-Terrorism in Nigeria: Responding to Boko Haram," *The RUSI Journal*, 157, 2012: 9.
44. Author's interview with a high-ranking police official, Maiduguri, January 2018; and Sampson (2015): 55.
45. Author's interviews with military officials, police officers, and commanders and members of the Civilian Joint Task Force, Maiduguri and Abuja, January 2018.
46. Author's interviews with Nigerian journalists, NGO representatives, academics, and businessmen, Maiduguri, January 2018.
47. Author's interview with a prominent human rights activist and with representatives of NGOs that conducted surveys of IDPs in the camps, Abuja and Maiduguri, January 2018.
48. The author herself was pulled out of her car by CJTF and interrogated about her activities in Maiduguri. Author's interviews with relatives of people who were arrested by CJTF, Maiduguri, January 2018.
49. Author's interviews with military and police officials and CJTF members, Maiduguri, January 2018.
50. Author's interviews with police officials in Maiduguri and Abuja, and with civil society members

and relatives of those detained by CJTF, Maiduguri, January 2018.

51. Author's interviews with relatives of people detained by CJTF, human rights activists, business community members, and NGO representatives, Maiduguri and Abuja, January 2018.

52. Amnesty International, *Stars on Their Shoulders, Blood on Their Hands: War Crimes Committed by the Nigerian Military*, June 2015, <https://www.amnesty.org/download/Documents/AFR4416572015EN-GLISH.PDF>: 4.

53. *Ibid.*

54. Amnesty International, 'Welcome to Hell Fire': Torture and Other Ill Treatment in Nigeria, September 2014, <https://www.amnesty.org/en/documents/AFR44/011/2014/en/>.

55. Amnesty International, "Nigeria: More Than 1,500 Killed in Armed Conflict in North-Eastern Nigeria in Early 2014," March 31, 2014, https://www.amnesty.org.uk/files/nigeria__more_than_1500_killed_in_armed_conflict_o.pdf.

56. *Ibid.*: 6.

57. Author's interviews with military officials and UNICEF staff, Abuja, and Maiduguri, January 2018.

58. *Ibid.*

59. "Boko Haram Statement," Daily Trust, April 25, 2011.

60. Idayat Hassan, "What Is Justice? Exploring the Need for Accountability in the Boko Haram Insurgency," *Harvard Human Rights Journal*, 29, Spring 2016, <http://harvardhrj.com/what-is-justice-exploring-the-need-for-accountability-in-the-boko-haram-insurgency/>.

61. Author's interviews with her, Maiduguri, January 2018.

62. *Ibid.*

63. Author's interviews with several members of the presidential committee on Chibok girls and of past negotiating teams, Abuja and Maiduguri, January 2017. For such allegations, see, for example, Tony Ezimakor, "Release of Chibok Girls: How Swiss Agent, Govt Officials Stole Millions of Dollars," *The Independent*, February 21, 2018, <https://independent.ng/swiss-agent-govt-officials-stole-millions-dollars/>. See also, Ahmed Kingimi, "Boko Haram Militants Hand over 13 Hostages," *Reuters*, February 10, 2018, <https://www.reuters.com/article/us-nigeria-security/boko-haram-militants-hand-over-13-hostages-to-nigerian-government-idUSKBN1FUoZW>.

64. Alexis Okeowo, "Terror and Amnesty in Nigeria." *The New Yorker*, *The New Yorker*, 18 June 2017, www.newyorker.com/news/news-desk/terror-and-amnesty-in-nigeria.

65. Alex Thurston, "Amnesty for Boko Haram: Lessons from the Past." *African Futures*, 20 May 2013,

forums.ssrc.org/african-futures/2013/05/20/amnesty-for-boko-haram-lessons-from-the-past/.

66. Jędrzej George Frynas, "Corporate and State Responses to Anti-Oil Protests in the Niger Delta," *African Affairs*, 100(398), January 2001: 27-54; and Ike Okonta and Oronto Douglas, *Where Vultures Feast: Shell, Human Rights, and Oil* (New York: Verso, 2003).

67. Abdul Raufu Mustapha, "Nigeria since 1999: A Revolving Door Syndrome or the Consolidation of Democracy?" in Abdul Raufu Mustapha and Lindsay Whitfield, eds. *Turning Points in African Democracy* (New York: James Currey, 2009): 71-93.

68. See, for example, Dele Babalola and Caleb Ayuba, "Youth Unemployment and Armed Insurrection in Post-Military Nigeria: The Contending Issues," *The Journal of Social, Political, and Economic Studies*, 40(3), Fall 2015: 263-288.

69. Author's interviews with legal experts and human rights representatives, Abuja.

70. In March 2013 Okah was sentenced to twenty-four years in prison on terrorism charges by a South African court for his involvement in a 2010 Abuja bombing that left 12 people dead.

71. Author's interviews with legal experts and human rights representatives, Abuja, and academics and think tank experts, University of Ibadan, Ibadan, January 2018.

72. Michael Nwankpa, "The Politics of Amnesty in Nigeria: A Comparative Analysis of the Boko and Niger Delta Insurgencies," *Journal of Terrorism Research*, 5(1), Special Issue, February 2014: 71.

73. E. Alike, "Nigeria Produces 2.5MBPD of Crude Oil," *This Day*, July 23, 2013; and Jamestown Foundation, "No End in Sight: Violence in the Niger Delta and Gulf of Guinea," *Terrorism Monitor*, 11(5), March 8, 2013.

74. Lysias Dodd Gilbert, "Youth Militancy, Amnesty, and Security in the Niger Delta Region of Nigeria," in Victor Ojaborotu and Lysias Dodd Gilbert, eds., *Checkmating the Resurgence of Oil Violence in the Niger Delta of Nigeria*, http://www.iags.org/Niger_Delta_book.pdf: 47:66.

75. Jamestown Foundation.

76. Author's interviews with legal experts and human rights representatives, Abuja, and academics and think tank experts, University of Ibadan, Ibadan, January 2018.

77. See, for example, Oscar Edoror Ubhenin, "The Federal Government's Amnesty Programme in the Niger-Delta: An Appraisal," *YonetimBilimleriDegrisi*, 11(21), 2013, <http://dergipark.gov.tr/download/article-file/46280>: 179-2013.

78. *Ibid.*

79. Oluwatoyin Oluwaniyi, "Post-Amnesty Programme in the Niger Delta: Challenges and Prospects," *Conflict Trends*, 4, 2011: 46-54.
80. Author's interviews with legal experts and human rights representatives, Abuja, and academics and think tank experts, University of Ibadan, Ibadan, January 2018.
81. Ubhenin.
82. Nwankpa.
83. Author's interviews with legal experts and human rights representatives, Abuja, and academics and think tank experts, University of Ibadan, Ibadan, January 2018.
84. Alex Thurston, "Amnesty for Boko Haram: Lessons from the Past." *African Futures*, 20 May 2013, forums.ssrc.org/african-futures/2013/05/20/amnesty-for-boko-haram-lessons-from-the-past/.
85. "Afenifere, Others Oppose Amnesty for Boko Haram." *Naija.ng - Nigeria News*, March 7, 2013, www.naija.ng/26569.html.
86. Ameh Comrade Godwin, "Tinubu Wants Amnesty for Boko Haram, Says They Are Not Ghosts," *The Daily Post*, March 21, 2013, dailypost.ng/2013/03/21/tinubu-wants-amnesty-for-boko-haram-says-they-are-not-ghosts/.
87. Barkindo (October 2, 2013).
88. Ibid.
89. Author's interviews with human rights, anti-corruption, and accountability NGOs and legal experts, Abuja, January 2018.
90. Hassan.
91. Atta Barkindo, "The Vanishing Amnesty for Boko Haram." *Conflict Perspectives*, October 4, 2013, conflictperspectives.imtd.org/index.php/regions/africa/90-the-vanishing-amnesty-for-boko-haram.
92. Amina Mohammed, "Nigerians Reject Amnesty for Boko Haram," *Premium Times*, May 16, 2013. <https://www.premiumtimesng.com/news/134537-nigerians-reject-amnesty-for-boko-haram.html>.
93. "Jonathan Sets Up."
94. Yusuf Alli, "Boko Haram Amnesty Act of Wickedness, Says Oritsejafor," *The Nation Nigeria*, April 6, 2013, thenationonline.net/boko-haram-amnesty-act-of-wickedness-says-oritsejafor/.
95. Tarila Marclint Ebiede, "Amnesty and Disarmament, Demobilization and Reintegration for Boko Haram? – By Tarila Marclint Ebiede," *African Arguments*, 11 June 2015, africanarguments.org/2015/06/11/amnesty-and-disarmament-demobilization-and-reintegration-for-boko-haram-by-tarila-marclint-ebiede/.
96. Author's interviews with Borno politicians, human rights NGOs, civil society members, Maiduguri, and with political analysts, human rights NGOs and activists, and political analysis consulting groups, Abuja, January 2018.
97. Thurston.
98. Talatu Usman. "Boko Haram Amnesty Committee: Jonathan Approves Inclusion of New Member." *Premium Times Nigeria*, April 23, 2013, www.premiumtimesng.com/news/top-news/130909-boko-haram-amnesty-committee-jonathan-approves-inclusion-of-new-member.html, and Alexis Okeowo, "Terror and Amnesty in Nigeria," *The New Yorker*, June 18, 2017, www.newyorker.com/news/news-desk/terror-and-amnesty-in-nigeria.
99. "Jonathan Sets up Committee on Granting Amnesty to Boko Haram," Kabiru Tanimu Turaki (SAN) Official Website, October 16, 2017, kabirutanimumturaki.org/jonathan-sets-committee-granting-amnesty-boko-haram/.
100. "Jonathan Sets."
101. IRIN, "Nigerians on the Run as Military Combat Boko Haram," May 22, 2013, <http://www.irinnews.org/analysis/2013/05/22>.
102. Author's interviews with political analysts and human rights advocates, Abuja, January 2018.
103. "Nigeria: Goodluck Jonathan Declares Emergency in States," *BBC*, May 15, 2013, "Nigeria: Goodluck Jonathan Declares Emergency in States," *BBC*, May 15, 2013; Ty McCormick, "Boko Haram Offers Nigerian Government Amnesty," *Foreign Policy*, April 12, 2013, foreignpolicy.com/2013/04/12/boko-haram-offers-nigerian-government-amnesty/; and Daniel Agbiboa, "(Sp)oilng Domestic Terrorism? Boko Haram and State Response," *Peace Review*, 25(1), 2013: 431-438.
104. "Boko Haram Denies Ceasefire with FG, Threatens to Burn More Schools," *Sahara Reporters*, July 13, 2013, <http://newsrescue.com/boko-haram-denies-ceasefire-with-fg-threatens-to-burn-more-schools/>.
105. Ibid.
106. Michael Nwankpa, "The Politics of Amnesty in Nigeria: A Comparative Analysis of the Boko Haram and Niger Delta Insurgencies," *Journal of Terrorism Research*, Centre for the Study of Terrorism and Political Violence, University of St Andrews, 10 Feb. 2014, cvir.st-andrews.ac.uk/articles/10.15664/jtr.830/.
107. Author's interview with a former top Nigerian official involved in the program, Abuja, January 2018.
108. Ibid.
109. Ibid.
110. Federal Republic of Nigeria, Policy Framework and National Action Plan for Preventing and Countering Violent Extremism, (PFNAPPCVE), August 2017, <http://ctc.gov.ng/pcve-nsa-book/>.

111. National Assembly, 7th Parliament, 1st Session, Nigeria, Terrorism (Prevention) Act, 2011, <http://www.nass.gov.ng/document/download/5944>.
112. National Assembly, 7th Parliament, 3rd Session, Nigeria, Terrorism (Prevention) (Amendment) Act, 2013, <http://www.nass.gov.ng/document/download/5951>.
113. National Assembly, 5th Parliament, 2nd Session, Nigeria, Economic and Financial Crimes Commission (Establishment) Act, 2004, <http://www.nass.gov.ng/document/download/5762>.
114. Sampson: 30. See also Isaac Terwase Sampson, "Legal Framework for the Punishment of Terrorism in Nigeria: A Critique of the EFCC Establishment Act," *The Nigerian Army Quarterly*, 4(3), 2008: 314; and Isaac Terwase Sampson and Freedom Onuoha, "Forcing the Horse to Drink or Making It Realise Its Thirst? Understanding the Enactment of Anti-Terrorism Legislation (ATL) in Nigeria, Perspectives on Terrorism, 5(3-4), 2011: 34-35.
115. Author's interviews with prominent Nigerian lawyers, Abuja, January 2018.
116. United Nations Security Council, Resolution 2083 (2012), Adopted by the Security Council at its 6890th meeting, on 17 December 2012, S/RES/2083 (2012)*, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2083%282012%29.
117. United Nations Security Council, Resolution 2349 (2017), Adopted by the Security Council at its 7911th meeting, on 31 March 2017, S/RES/2349 (2017)*, http://digitallibrary.un.org/record/863830/files/S_RES_2349%282017%29-EN.pdf.
118. Samuel Ogundipe, "ICC Concludes Preliminary Investigation into Shiites Massacre; Continues Probe into IPOB Killings," *Premium Times*, February 11, 2018, <https://www.premiumtimesng.com/news/headlines/258299-icc-concludes-preliminary-investigation-shiites-massacre-continues-probe-ipob-killings.html>.
119. See, for example, Rafiu Ajakaye, "Nigeria Mulls Boko Haram 'Amnesty' to End Hostilities," *Anadolu Agency*, February 26, 2018, <https://aa.com.tr/en/africa/nigeria-mulls-boko-haram-amnesty-to-end-hostilities/1074541>
120. Author's interview with said Western consultant, by phone, January 2018.
121. Author's interview with officials of Western embassies and multilateral organizations and potential implementing partners, Abuja, January 2018.
122. Author's interviews with a civilian member of the joint presidential investigation and screening committee for Boko Haram defectors, Abuja, January 2018.
123. Ibid.
124. Ibid.
125. Ibid.
126. Author's interview with said woman and her daughter and relatives, Maiduguri, January 2018.
127. Ibid.
128. Author's interview with a prominent lawyer and human rights advocate, Abuja, January 2018.
129. Author's interview with said Western consultant, by phone, January 2018.
130. Author's interviews with prominent Nigerian legal experts, Abuja, January 2018.
131. Ibid.
132. "Nigeria: Govt Begins Trial of 2,540 Boko Haram Terrorists Oct 9," *AllAfrica.com*, September 25, 2017, <http://allafrica.com/stories/201709250072.html>.
133. Ibid.
134. "Dozens of Boko Haram Members Convicted in Mass Secret Trial in Nigeria," *The Guardian*, October 14, 2017, <https://www.theguardian.com/world/2017/oct/14/dozens-of-boko-haram-members-convicted-in-mass-secret-trial-in-nigeria>.
135. Ibid., and "Boko Haram Suspects on Trial in Nigeria's Kainji Town," *BBC.com*, October 9, 2017, <http://www.bbc.com/news/world-africa-41556957>.
136. L. Baiyewu, "Prison: Inmates Increase to 53,100," *Punch*, December 3, 2014, <http://www.punchng.com/news/prison-inmates-increase-to-53100/>.
137. See, for example, Bashir Taminu, "Nigeria Convicts and Prison Rehabilitation Ideals," *Journal of Sustainable Development in Africa*, 12(3), 2010: 140-152.
138. For general background on the state of Nigerian prisons, see, for example, Abeed Olufemi Salaam, "'Locked Up but Shouldn't be Forgotten': Basic Education Training and Career Placement as Potential Tools for the Reintegration and Rehabilitation of Former Prisoners in Nigeria," *Journal of Offender Rehabilitation*, 52, 2013: 438-450. See also Chibueze Adindu Akunesiobike, "The Role of Religious Groups in Offender Reformation: A Study of the Port Harcourt Prison in Rivers State, Nigeria," *Africology: The Journal of Pan African Studies*, 9(10), December 2016: 104-121.
139. Author's interviews with Nigerian military officials and police officers and with human rights and legal experts, Maiduguri and Abuja, January 2018.
140. Ibid.
141. Atta Barkindo and Shane Bryans, "De-Radicalising Prisoners in Nigeria: Developing a Basic Prison Based De-Radicalisation Programme," *Journal of Deradicalization*, No. 7, Summer 2016: 1-25.
142. Ibid: 6.
143. PFNAPPCVE: 28.
144. Hilary Matfess, Graeme Blair, and Chad Hazlett, "Beset on All Sides: Children and the Landscape

- of Conflict in North East Nigeria,” in Siobhan O’Neil and Kato Van Broeckhoven, *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, United Nations University, https://www.alnap.org/system/files/content/resource/files/main/Cradled_by_Conflict.pdf: 178-209.
145. Author’s interviews with legal experts and human rights advocates and with a member of the presidential committee on screening detainees and defectors, Abuja, January 2018.
146. Author’s interviews with Nigerian human rights and NGO representatives providing various support and contract work for the Gombe Camp and international implementing partners, Abuja, January 2018.
147. Author’s interviews with Nigerian human rights representatives with knowledge of the Gombe Camp and a member of the presidential screening committee who designates which individuals would be eligible to be sent there.
148. “Nigeria: Boko Haram Militants Offered Olive Branch by Army,” BBC.com, April 7, 2016, <http://www.bbc.com/news/world-africa-35989401>.
149. Defector cited in Voice of America, August 28, 2017.
150. Ibid.
151. Author’s interviews with Nigerian and international implementing partners and representatives providing legal and programmatic assistance to the Gombe Camp, Abuja, January 2018.
152. Author’s interviews with representatives of Western embassies and international implementing partners in discussions with the Nigerian government about potential programming assistance, Abuja, January 2018.
153. “Nigerian Govt Promises to De-Radicalise,” Nigeria Today, August 22, 2017, <http://www.nigeriatoday.ng/2017/08/nigerian-govt-promises-to-de-radicalise-repentant-boko-haram-members/>.
154. Author’s interviews with Nigerian military officials, Abuja and Maiduguri, January 2018.
155. Author’s interviews with representatives of Nigerian NGOs who have conducted surveys of affected communities, Nigerian academics, and representatives of Nigerian and international implementing partners, Abuja and Maiduguri, January 2018.
156. Author’s interviews with members and a commander of CJTF, Maiduguri, January 2018 and author’s interviews with community members, Maiduguri, January 2018.
157. Author’s interviews with members and a commander of CJTF, Maiduguri, January 2018.
158. Author’s interviews with community members, Maiduguri, January 2018.
159. Author’s interviews with community members, international and Nigerian implementing partners, and Borno officials, Maiduguri and Abuja, January 2018.
160. Author’s interviews with implementing partners, service providers, and consultants for the Bulunkutu center, Maiduguri and Abuja, January 2018.
161. Author’s interviews with representatives of multilateral organizations supporting the center and implementing partners supporting the center, Maiduguri and Abuja, January 2018.
162. Author’s interviews with Bulunkutu Center staff, Maiduguri, January 2018.
163. Author’s interviews with a woman who had gone through the Bulunkutu Transit Center, her 10-year-old daughter who had also been there, and her sister, Maiduguri, January 2018.
164. Author’s interview with Bulunkutu Center staff members, January 2018.
165. Ibid.
166. Author’s interviews with Centre staff and implementing partners, Maiduguri and Abuja, January 2018.
167. Author’s interviews with representatives of multinational organizations supporting the center and implementing partners, Abuja and Maiduguri, January 2019.
168. Author’s interviews with a member of the Borno Emirate Council who had engaged in such efforts and claimed to have secured the release of people both from Giwa Barracks and the Bulunkutu Transit Center, Maiduguri, January 2018.
169. Author’s interview with said boy, Maiduguri, January 2018.
170. Author’s interviews with representatives of several supporting and implementing partners, Abuja and Maiduguri, January 2018.
171. Author’s interviews with officials of Western embassies and Western implementing partners, Abuja, and Maiduguri, January 2018.
172. Author’s interviews with representatives of a Western implementing partner and a UNICEF officer, Maiduguri, January 2018.
173. Author’s interviews with representatives of bilateral donors and implementing partners, Abuja and Maiduguri, January 2018.
174. Author’s interview with a top police official, Maiduguri, January 2018.
175. Author’s interviews with Nigerian military officials, police officers, Borno government officials, and representatives of donors and implementing partners, Maiduguri and Abuja, January 2018.
176. Author’s interview with a director of a NGO operating in Maiduguri, January 2018.
177. Author’s interview with local journalists, Maiduguri, January 2018.

178. Author's interviews with staff of the school, Maiduguri, January 2018.
179. Author's interviews with representatives of NGOs involved in such efforts, Abuja and Maiduguri, January 2018.
180. "Nigeria Pushes Bill to Punish Crimes against Humanity," Premium Times, February 28, 2017, <https://www.premiumtimesng.com/news/more-news/224894-nigeria-pushes-bill-punish-crimes-humanity.html>.
181. Author's interview with a member of the judicial committee, Abuja, January 2018.
182. E.E. Alemika, "Policing and Perceptions of Police in Nigeria," *Police Studies*, 11(4), 1988: 161.
183. Hassan.
184. Idayat Hassan and Benson Olugbuo, "The Justice versus Reconciliation Dichotomy in the Struggle Against Gross Human Rights Violations: The Nigerian Experience," *Africa Development*, 40(2), 2015: 123-42.
185. C. Obiangwu, "Judicial and Institutional Developments in Nigeria against Atrocity Crimes and the Protection of Victims," Nigerian Coalition on the International Criminal Court (NCICC), March 6, 2017: 4.
186. Paragraph 89 of the Oputa Commission report cited in *ibid*.
187. Supreme Court of Nigeria, 1. Chief Gani Fawehinmi, 2. Hon. Mr. Justice Chukwudifu Oputa, 3. Human Rights Violations Investigation Commission v 1. General Ibrahim Babangida (Rtd), 2. Brigadier-General A.K. Togun (Rtd), 3. Brigadier-General Halilu Akilu (Rtd), SC. 360/2001, January 31, 2003, <http://lawreport.allfwlr.com/index.php/cases/detail?tokz=1302>.
188. Author's interviews with human rights advocates and legal experts, Abuja, January 2018. See also Hakeem Yusuf, "Travails of Truth: Achieving Justice for Victims of Impunity in Nigeria," *International Journal of Transitional Justice*, 1(2), 2007: 268-283.
189. Author's interview with member of presidential screening committee, Abuja, January 2018.
190. Author's interview with former official of a Western embassy in Abuja, by phone, January 2018.
191. Author's interviews with international implementing partners of the leniency programs, Maiduguri and Abuja, January 2018.