



Peace in North Eastern Nigeria requires justice for military crimes not just Boko Haram atrocities

Idayat Hassan

One day the Boko Haram insurgency will come to an end. When it does, there will be a painful time of reckoning. But for lasting peace to come to northeastern Nigeria, one important fact must be acknowledged from the start: there are perpetrators and victims on many sides.— writes Idayat Hassan.

BOKO HARAM



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After eight and a half years of conflict, no one knows when the guns will fall silent. Government declarations of victory are still routinely followed by the jihadist group committing yet another violent outrage.

Boko Haram is proving hard to defeat. It has survived a split between Abubaker Shekau (the ranting leader seen on the YouTube videos) and a rival faction led by Abu Musab al-Barnawi that is aligned with so-called Islamic State. It has weathered the food shortages that have affected rural communities across Borno State. And it has resisted a sustained offensive by the Nigerian military targeting its strongholds in the Lake Chad region and the Sambisa Forest, further south.

The brutality of Boko Haram – its killings, torture, rapes, and abductions – are well known. But the Nigerian military and a pro-armed forces vigilante group called the Civilian Joint Task Force, or CJTF, are also accused of committing human rights violations – well documented by [Amnesty International](#).

The Office of the Prosecutor of the International Criminal Court [has identified](#) eight possible cases of crimes against humanity in relation to the conflict in northeastern Nigeria. These include six possible cases against Boko Haram and two against the Nigerian security forces.

There have been various negotiation efforts between the government and elements within Boko Haram. This has involved talking to both factions of the insurgency, and has resulted in the release of two batches of the [Chibok school girls](#).

Justice for whom?

If these negotiations were to go a step further and result in a ceasefire and peace agreement, or if somehow the Nigerian military finally found the skill and commitment to “win” the war – what would peace look like? There would certainly be a demand for accountability and justice, but justice for whom?

The challenge of transitional justice in Nigeria is illustrated by a scoping paper by the [Centre for Democracy and Development](#). It identifies the several categories of victims and perpetrators – and the issue is complicated.

Appearing on both sides of the ledger – as both victims and perpetrators – are the Nigerian military, the CJTF, Boko Haram ex-combatants, government officials, and civilian collaborators.

Within the military, for example, the rank and file see themselves as not only victims of Boko Haram, but also of corrupt government officials and senior officers who have lined their pockets with the resources that should have been spent on fighting the insurgency.

In researching the report, I asked a lot of people in the three northeastern states of Borno, Yobe, and Adamawa what transitional justice should entail on the day peace returns.

Can't trust Boko Haram

What was clear is that there is a great deal of anger towards Boko Haram. That includes those the government is trying to reintegrate through its Operation Safe Corridor demobilisation programme.

The overwhelming opinion was that all insurgents – even those who have surrendered – should be prosecuted.

It's a powerful emotion, especially among the displaced. The sentiment commonly heard amounts to this: “we are suffering in IDP camps, with little food and only basic services, while the perpetrators are in a rehabilitation camp, drinking bottled water and sleeping under mosquito nets.”

Many believe the ex-combatants are not at all repentant: they surrendered merely out of hunger, or to save their lives – because they had run afoul of their Boko Haram commander or been out-gunned by the military.

The common denominator was: “Boko Haram can never change, they cannot be trusted.”

Army crimes

The armed forces and the CJTF are also clearly seen as complicit in rights violations and should be held to account, although in this regard opinion is less unified.

Their perceived crimes range from extra-judicial killings, sexual violence, cruel and unlawful detention, to simple theft.

Take the Knifar Movement. This group of displaced women from Bama in northern Borno have organised themselves to fight for the release of their husbands, detained by the military on the alleged grounds they belong to Boko Haram – charges the women deny.

In a petition to a [judicial commission on human rights abuses by the military](#), they named 466 people they alleged were killed by the military in Bama, and another 1,229 currently held in Giwa Barracks in Maiduguri, the capital of Borno State. They also accused the military and CJTF of raping women and girls in government-run IDP camps, even releasing a [YouTube video](#) to press their case.

Another victims' group is Jida Dole [Justice by Force]. It comprises Giwa Barracks detainees but also includes Maiduguri residents protesting the military's conduct at the height of the insurgency, before Boko Haram was expelled from the city.

Most people see justice as holding members of the military and Boko Haram to account, but others are more focused on financial compensation for their material loss.

Others still want the “truth” in a conflict where conspiracy theories are rife. Common questions: Who funds Boko Haram? Are the politicians and the military complicit in the continuation of the war?

The problem with amnesty

Operation Safe Corridor is about to release the second batch of supposedly deradicalised ex-Boko Haram fighters back into the community.

But a good deal of controversy surrounds the programme. Very little work has been done to prepare communities for the returns, and it is unclear under what legal framework it operates.

Granting a blanket amnesty in this insurgency – without taking note of the victims – will make peace and justice more difficult to achieve.

Furthermore, it doesn't actually prevent the perpetrators from being tried for war crimes under international law. This implies that amnesty is insufficient as the sole transitional justice mechanism.

Instead, groups like the Centre for Democracy and Development want a system that can deal with both perpetrators and survivors responsibly. This would be a welcome development in Nigeria, where historically such issues have been handled in an ad hoc political way – never holistically – with accountability swept under the carpet.

Since the country's return to democracy in 1999, there have been various attempts to address grievances.

The Human Rights Violations Investigation Commission – popularly known as the Oputa Panel – was set up by former president Olusegun Obasanjo to look into crimes committed between 1966 and 1999.

The commission sat for five years, received over 10,000 submissions, but heard just 200 cases publicly. The glaring omission was that the final report of the panel was never officially released to the public – names were not named; there was no truth, no justice, no real reconciliation.

In addressing the Niger Delta militancy, where youths took up arms to protest exploitation and environmental degradation in the oil-rich region, a **blanket amnesty** was also adopted as a means of post-conflict peacebuilding.

But experience has shown this is only an interim solution and there is no accountability to the victims. The resurgence of militancy in the Niger Delta is proof that impunity stores up trouble.

These lessons must be learnt in the case of northeaster Nigeria.

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