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THE STATE OF PLAY

Process and Procedures for Screening,
Prosecution, Rehabilitation and Reintegration
in the Lake Chad Basin Region



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The Regional Stabilization Facility is a UNDP contribution, anchored in the Regional Strategy for the Stabilization, Recovery, and Resilience (RS-SRR) of the Boko-Haram affected areas for the Lake Chad Basin, a ground-breaking initiative led by the Lake Chad Basin Commission (LCBC) and adopted by its Member States in August 2018 and endorsed by the African Union Peace and Security Council in December 2018.

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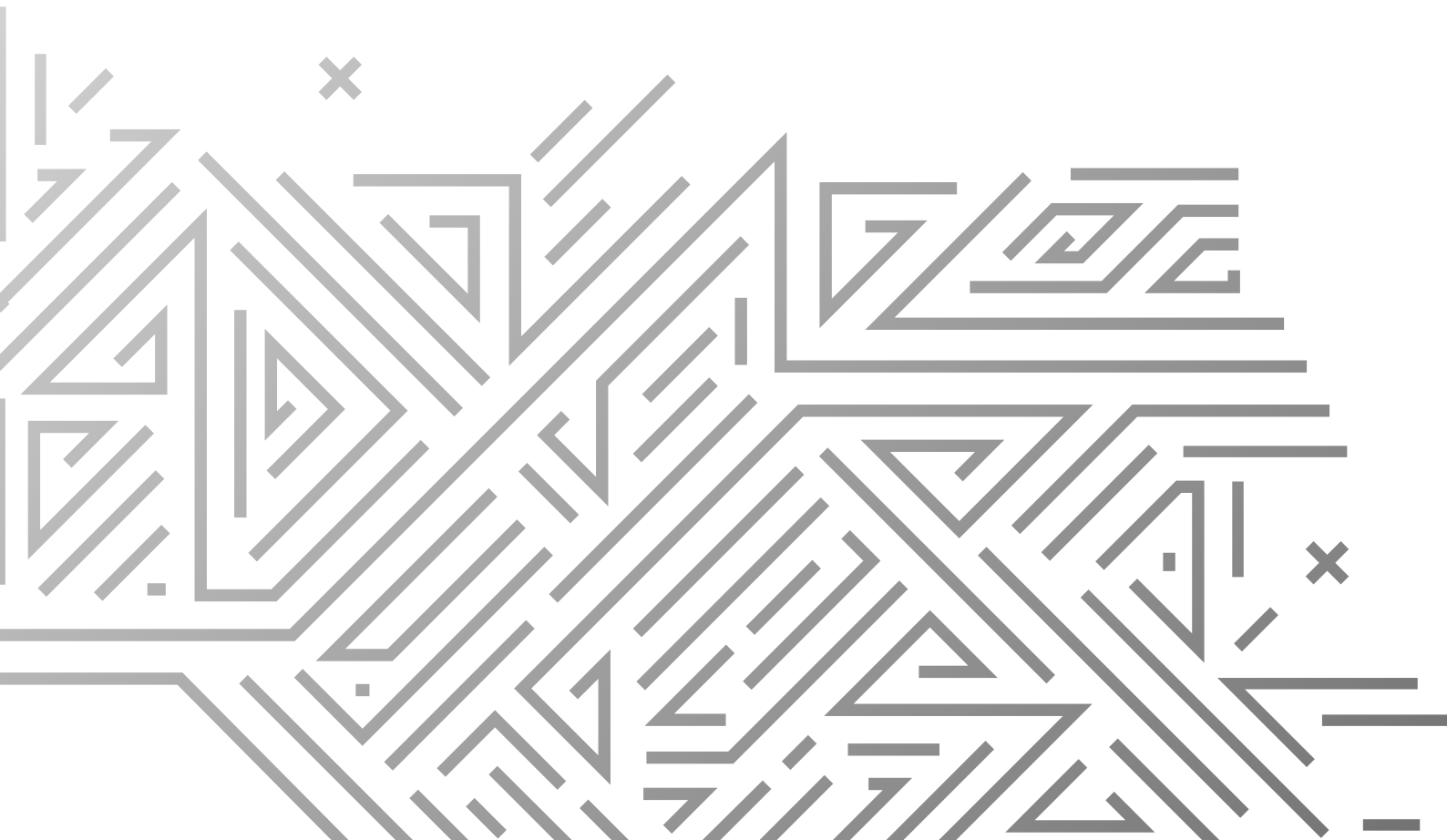


Acronyms

CTED	United Nations Counter-Terrorism Committee Executive Directorate
DDR	Disarmament, Demobilization and Reintegration
DDRR	Disarmament, Demobilization, Rehabilitation and Reintegration
IDP	Internally Displaced Person
IOM	International Organization for Migration
ISIL	Islamic State in Iraq and the Levant
ISWAP	Islamic State West Africa Province
JAS	Jama'atu Ahlis-Sunna Lidda'Awati Wal-Jihad (a faction of Boko Haram)
LCBC	Lake Chad Basin Commission
MNJTF	Multinational Joint Task Force
NDDRC	National Disarmament, Demobilization and Reintegration Committee (Cameroon)
RSS	Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected areas of the Lake Chad Basin Region
SPRR	Screening, Prosecution, Rehabilitation and Reintegration
UNODC	United Nations Office on Drugs and Crime
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council

Chapter 1: Structure of the Background Study Report

1. The introduction of the Background Study Report (Chapter 2) clarifies some of the terms and abbreviations used in Lake Chad Basin countries when referring to processes related to screening, prosecution, rehabilitation, and reintegration (SPRR). Next international and regional SPRR frameworks are discussed. Following this, the Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected areas of the Lake Chad Basin Region (RSS) is described. The introduction concludes with an update on the impact of Boko Haram in the Lake Chad region.
2. Chapter 3 provides a brief analysis of the most salient issues of the SPRR process in the Lake Chad basin.
3. This is followed in Chapter 4 with an analysis of the 'state of play' of SPRR in each of the four study countries, Cameroon, Chad, Niger, and Nigeria. This analysis has been essential input for the draft "Lake Chad Basin Commission Policy on Community-based Reconciliation, Rehabilitation and Reintegration."
4. The Annex reviews important United Nations documents that have terms relevant for SPRR.



Chapter 2: Introduction

Clarification of the use of terms and abbreviations related to SPRR

5. Nigeria, Niger, and Chad have good experiences with demobilizing and reintegrating members of armed forces and groups not designated as terrorist organizations by the Security Council. For example, Nigeria conducted an amnesty and post-amnesty programme from 2008 to 2017 for armed groups operating in the Niger Delta. Niger supported the reintegration of former members of armed groups within the Peace Consolidation Project in Air and Azawak from February 2006 to August 2007. Chad conducted a national programme for the demobilization and reintegration of armed forces and groups between 1992 and 1997 and 2005 and 2010.
6. These efforts yielded valuable practices relevant to the development of SPRR approaches and explain why these governments tend to use “disarmament, demobilization and reintegration” (DDR) terminology for the treatment of Boko Haram associates. At the international and regional levels, United Nations Security Council Resolutions, Lake Chad Basin Commission (LCBC) countries and practitioners use different terms when referring to the process in which persons formerly associated with Boko Haram transition to civilian life.
7. In Nigeria, for example, national documents refer to “disarmament, demobilization, rehabilitation and reintegration” (DDRR) of former Boko Haram associates. In a recent publication (2018), “The reintegration enigma: interventions for Boko Haram deserters in the Lake Chad Basin.” the Institute for Security Studies (ISS) uses the abbreviation DDRR to refer to desertion, incentivization, rehabilitation and reintegration. Cameroon plans for SPRR in the North and Far North Regions, but a recent decree (also written with the situation in the Northwest and Southwest regions in mind) establishes a National Disarmament, Demobilization and Reintegration Commission.
8. Security Council Resolution 2340, refers to “disarmament, demobilization and reintegration.” At times the terminology used in the context of foreign Boko Haram associates is “disarmament, demobilization, repatriation, reintegration and resettlement,” for example as per MONUC documents on the Democratic Republic of the Congo, Rwanda and Uganda.
9. The Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected areas of the Lake Chad Basin Region (RSS) uses DDRRR to mean “disarmament, demobilization, rehabilitation, reinsertion and reintegration” of persons associated with Boko Haram. From page 29 onwards, traditional DDR and more recent SPRR terminology is combined, leading to strategic objectives on “screening and disarmament,” “transitional justice,” “rehabilitation and reconciliation” and “reinsertion and reintegration.”
10. Traditional DDR, which is of a voluntary nature¹ and takes place in the context of a peace agreement, and SPRR processes differ in the ‘DD’ and ‘SPR’ chains. Currently, and importantly in the context of this report, there is broad agreement that the reintegration ‘R,’ which takes place at the community level, is not fundamentally different under processes defined as either DDR or SPRR.
11. In the absence of formal agreements between Boko Haram factions and governments and the listing of Boko Haram as a terrorist organization by the United Nations Security Council, this report will use the terminology “screening (or individual assessment), prosecution, rehabilitation and reintegration” (SPRR) in the context of the return to civilian life of persons formerly associated with non-state armed groups,

¹ DDR participants enrol in DDR processes of their own accord and stay in DDR processes voluntarily. In other words, they are not detained, interned or otherwise deprived of their liberty.

such as Boko Haram (and its Bakura, JAS and ISWAP factions), designated by the United Nations as a terrorist group.

Screening, prosecution, rehabilitation, and reintegration (SPRR) frameworks

International and regional frameworks

12. The international legal framework for SPRR is comprised of several United Nations Security Council (UNSC) Resolutions and 19 international counterterrorism instruments and conventions widely ratified by United Nations Member States.
13. Earlier UNSC Resolutions, such as 1373 (2001), mostly focusing “association with” or the provision of “support” or “services” to groups or individuals designated as terrorists. A more recent set of resolutions (after 2014) includes 2178 (2014) on Foreign Terrorist Fighters² which introduces language on “developing and implementing prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters” (Paragraph 4), underscoring that “countering violent extremism, which can be conducive to terrorism, including preventing radicalization, recruitment and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters is an essential element” (Paragraph 15) and encouraging Member States to “adopt tailored approaches to countering recruitment to this kind of violent extremism and promoting social inclusion and cohesion” (Paragraph 15).
14. Of essence for SPRR programmes is that, through Resolution 1373 (2001), the United Nations Security Council decided that all States shall “prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons” (Paragraph 1d).
15. In 2015, a series of letters to the President of the United Nations Security Council, the Chair of the Security Council Committee, established pursuant to Resolution 1373 (2001):
 - noted that “the employment of rigid prosecution policies and practices against foreign terrorist fighters can be counterproductive to the implementation of comprehensive strategies to combat foreign terrorist fighters and violent extremism. Member States should consider alternatives to incarceration, as appropriate, as well as the rehabilitation and possible reintegration of returnees, prisoners and detainees into a positive work and social environment” (Paragraph 14, S/2015/975);
 - put forward as a guiding principle that “Member States should consider appropriate administrative measures and/or rehabilitation and reintegration programmes as alternatives to prosecution in appropriate cases. Such measures should be used in a manner compliant with applicable international human rights law and national legislation and should be subject to effective review” (Principle 31, S/2015/939); and
 - warned that “even for those fighters who may return disillusioned with violent extremism, the emotional and psychological scars may persist and those individuals may not easily reintegrate into normal life” and underlines the “value of developing screening and rehabilitation programmes for returning foreign terrorist fighters” (Paragraphs 42 and 58, S/2015/358).
16. At the occasion of the ten -year review of the Global Counterterrorism Strategy, the United Nations General Assembly urged “Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups” and called upon them “in accordance with their obligations under international law, to cooperate in efforts to address the threat posed by foreign terrorist fighters, including by preventing the radicalization to terrorism and recruitment of foreign terrorist fighters, including children, preventing foreign terrorist fighters from crossing their borders, disrupting and preventing financial support to foreign terrorist fighters and developing and implementing

² Defined as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.”

prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters and in this regard encourages all Member States to develop effective strategies to deal with returnees, including through repatriation, in accordance with relevant international obligations and national law” (Paragraphs 18 and 44, A/RES/70/291).

17. Since 2017, the Council has been more specific about rehabilitation and reintegration strategies, notably in Resolution 2396 (2017) which “calls upon Member States, emphasizing that they are obliged, in accordance with Resolution 1373, to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, to develop and implement comprehensive and tailored prosecution, rehabilitation and reintegration strategies and protocols, in accordance with their obligations under international law, including with respect to foreign terrorist fighters and spouses and children accompanying returning and relocating foreign terrorist fighters, as well as their suitability for rehabilitation and to do so in consultation, as appropriate, with local communities, mental health and education practitioners and other relevant civil society organizations and actors and requests United Nations Office on Drugs and Crime (UNODC) and other relevant United Nations agencies, consistent with their existing mandates and resources and other relevant actors to continue providing technical assistance to Member States, upon request, in this regard” (Paragraph 30).
18. This same resolution also “emphasizes that women and children associated with foreign terrorist fighters returning or relocating to and from conflict may have served in many different roles, including as supporters, facilitators, or perpetrators of terrorist acts and require special focus when developing tailored prosecution, rehabilitation and reintegration strategies and stresses the importance of assisting women and children associated with foreign terrorist fighters who may be victims of terrorism and to do so taking into account gender and age sensitivities” and “underscores the importance of a whole of government approach and recognizes the role civil society organizations can play, including in the health, social welfare and education sectors in contributing to the rehabilitation and reintegration of returning and relocating foreign terrorist fighters and their families, as civil society organizations may have relevant knowledge of, access to and engagement with local communities to be able to confront the challenges of recruitment and radicalization to violence and encourages Member States to engage with them proactively when developing rehabilitation and reintegration strategies” (Paragraphs 31 and 32).
19. Importantly, Resolution 2396 (2017) “encourages Member States to develop appropriate legal safeguards to ensure that prosecution, rehabilitation and reintegration strategies developed are in full compliance with their international law obligations, including in cases involving children,” to develop and implement risk assessment tools to identify individuals who demonstrate signs of radicalization to violence and develop intervention programmes, including with a gender perspective” and “to ensure participation and leadership of women in the design, implementation, monitoring and evaluation of these strategies for addressing returning and relocating foreign terrorist fighters and their families” (Paragraphs 37-39).
20. Similar language is found in Resolution 2349 (2017) on the Lake Chad Basin which includes a specific section entitled “Disarmament, demobilization, rehabilitation and reintegration and accountability” (Paragraphs 29-32) that “encourages Governments in the Region, in collaboration with regional and sub-regional organizations, relevant United Nations entities and other relevant stakeholders and, in the context of this resolution, to develop and implement a regional and coordinated strategy that encompasses transparent, inclusive, human rights-compliant disarmament, demobilization, de-radicalization, rehabilitation and reintegration initiatives, in line with strategies for prosecution, where appropriate, for persons associated with Boko Haram and ISIL.” It also “stresses the need to pay particular attention to the treatment and reintegration of women and children formerly associated with Boko Haram and ISIL” and “urges Governments in the Region to develop and implement consistent policies for promoting defections from Boko Haram and ISIL and for de-radicalizing and reintegrating those who do defect and invites the international community to extend its support to the Governments in the Region in developing and implementing their disarmament, demobilization, rehabilitation and reintegration strategies and policies” and “calls upon concerned governments

to urgently develop and implement, consistent with international law, in particular international human rights law, international refugee law and international humanitarian law as applicable, vetting criteria and processes allowing for the prompt assessment of all persons who have been associated with Boko Haram and ISIL in the custody of authorities, including persons captured or surrendered to authorities, or who are found in refugee or IDP camps.” It encourages governments in the region, “to develop both rehabilitation programmes in custodial settings for detained terrorist suspects and sentenced persons and reintegration programmes to assist persons either released from custody having served their sentence or those who have completed a rehabilitation programme in an alternative setting, in order to facilitate reintegration into their communities.”

21. The twin resolutions on sustaining peace by the United Nations General Assembly (A/RES/70/262) and the Security Council (S/RES/2282) as relevant to “at all stages of conflict and in all its dimensions” also stress the need for “a comprehensive approach to transitional justice, including promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to consolidation of peace and stability, promoting poverty reduction, rule of law, access to justice and good governance, further extending legitimate state authority and preventing countries from lapsing or relapsing into conflict.”
22. Summarizing, the main takeaways from the relevant resolutions by the United Nations Security Council and the General Assembly for SPRR guidance are that:
 - Member States have a legal obligation to bring terrorists to justice and criminalize the provision of material support or services to groups or individuals designated as terrorists, while increasingly recognizing the need for a comprehensive approach to transitional justice and the importance of both rehabilitation and reintegration strategies and tailored approaches to countering recruitment (in addition to or as an alternative to prosecution

and incarcerations, in accordance with relevant international obligations and national law) as part of comprehensive strategies to combat foreign terrorist fighters and violent extremism;

- in the case of the Lake Chad Basin, disarmament, demobilization, de-radicalization, rehabilitation and reintegration initiatives are mentioned, as well as policies for promoting defections, for persons associated with Boko Haram and ISIL.
- Member States recognize the importance of assisting women and children associated with foreign terrorist fighters;
- Member States recognize the role civil society organizations can play;
- Member States insist on the importance of screening/risk assessment and appropriate legal safeguards; and
- Member States foresee a role for various United Nations entities, consistent with their existing mandates and resources, to continue providing technical assistance to Member States, upon request, in the development of such rehabilitation and reintegration strategies.

Towards a Lake Chad Basin framework

23. The Lake Chad Basin Commission (LCBC) and the four countries affected by the Boko Haram crisis, Cameroon, Chad, Niger, and Nigeria, are actively working on the implementation of these resolutions, supported by the African Union and United Nations departments, agencies, funds and programmes.³
24. The United Nations Counter-Terrorism Committee Executive Directorate (CTED) and UNODC convened technical and high-level consultations in Abuja, Nigeria, in December 2016. Supported by the European Union and upon the request of the Office of the Nigerian National Security Adviser (ONSA), the high-level consultations agreed on the first steps towards a comprehensive approach to deal with persons formerly associated with Boko Haram.
25. The work continued during a Senior Officials Meeting of the Oslo Consultative Group on Prevention and Stabilization in the Lake Chad Region, held in Berlin on 6 September 2017, at which country representatives, donors and development partners and regional organizations addressed the structural causes of

3 Among others CTED, UNOCT, UNODC, UNICEF, UNDP, IOM and OHCHR.

the crisis, community stabilization, restoration of basic services, local governance systems and the prevention of violence in Nigeria and the region.

26. From 2— 4 November 2017, the African Union and the LCBC hosted a conference in N'Djamena, Chad. Titled "Supporting the Development of a Framework for a Regional Stabilization Strategy for Areas Affected by Boko Haram." The conference marked the first step towards the development of a comprehensive regional strategy intended to drive and rationalize stabilization efforts in the Lake Chad Basin. Importantly, the conclusions drawn from the N'Djamena conference emphasized the need for the regional strategy to include recommendations on the handling and treatment of persons formerly associated with Boko Haram. The four-pillar approach concerns the screening, prosecution, rehabilitation and reintegration (SPRR) of Boko Haram-associated persons. Overall, the conference reaffirmed the need to develop common elements and, when possible, common standards, to incorporate them into their national approaches.
27. The stakeholders achieved further progress in N'Djamena from 10— 13 April 2018 during the regional conference "Towards a Regional Strategy for the Screening, Prosecution, Rehabilitation and Reintegration of Boko Haram Associated Persons in the Lake Chad Basin Countries." The conference was co-organized by the African Union and LCBC, with technical support from CTED, the International Organization for Migration (IOM), the United Nations Development Programme (UNDP) and UNODC. Participants observed different national practices that could undermine the efficacy and sustainability of a regional approach and could be exploited by persons associated with Boko Haram.
28. Following the SPRR framework discussion in N'Djamena, CTED and UNODC convened a sub-Regional Workshop for Lake Chad Basin Countries on proposing "Coherent Approaches to the Screening and Prosecution of Boko Haram-Associated Persons." Held on 5 June 2018, the workshop primarily focused on screening and the role of prosecution in support of the relevant pillar of the Regional Stabilization Strategy for the Lake Chad Basin.
29. In August 2018, the Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected areas of the Lake Chad Basin Region (RSS) was validated in Abuja, Nigeria.⁴ The RSS is intended to fulfil the second phase of the Multinational Joint Task Force (MNJTF) mandate, as highlighted in the Strategic Concept of Operations of the Force, namely to "facilitate the implementation of overall stabilization programmes by the LCBC Member States and Benin in the affected areas, including the full restoration of state authority and the return of IDPs and refugees." The RSS seeks to establish a common approach and an inclusive framework for all stakeholders to support a timely, coordinated, and effective transition from stabilization to medium- and longer-term recovery, peacebuilding, and development processes.
30. One of the nine pillars of the RSS, although not titled "SPRR" (instead the drafters agreed upon the title "Disarmament, Demobilization, Rehabilitation, Reinsertion and Reintegration"), deals directly with SPRR (see the earlier section on the use of terms related to SPRR). The pillar provided the basis for the elaboration of the RSS Annex, titled "Regional Strategy for the Screening, Prosecution, Rehabilitation and Reintegration of Boko Haram Associated Persons in the Lake Chad Basin Countries."
31. The overall strategic objective of the RSS is "to develop a common overall approach to the screening, prosecution, rehabilitation and reintegration of persons associated with Boko Haram, including the relationship between different components in line with international standards." The RSS also defines the objectives for each of the SPRR components, as follows:
 - **Screening** – Persons associated with Boko Haram are received and screened according to a common regional approach, in line with international standards.

The Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected areas of the Lake Chad Basin Region (RSS)

⁴ A complete version of the Strategy can be found at this link: [Pillar Paper for the Screening, Prosecution, Rehabilitation and Reintegration, Lake Chad Basin Region.](#)

- **Prosecution** – National criminal justice systems in the Lake Chad Basin countries are strengthened and enabled to undertake the criminal investigation and prosecution of persons associated with Boko Haram.
 - **Rehabilitation** – Persons associated with Boko Haram are rehabilitated according to a common regional approach linked to later reintegration activities and including psychosocial support, health, nutrition (in a first phase) and vocational training and income-generating activities (in a second phase).
 - **Reintegration** – Persons associated with Boko Haram, members of vigilante groups/vigilance committees, returnees (including former prisoners), youth at risk and victims of Boko Haram receive community-based reintegration support, following a harmonized regional approach.
32. The community-based rehabilitation and reintegration approach is an integral component of the SPRR process, focused on accompanying ex-combatants and other individuals formerly associated with Boko Haram from the point at which it is determined that no further enquiries or measures relating to past offences should be pursued and that the individuals concerned should be allowed, encouraged and supported to return to productive roles as members of the wider civilian population.
- ### Boko Haram in the Lake Chad region
33. Jama'atu Ahlis-Sunna Lidda'Awati Wal-Jihad, which in Arabic means "People Committed to the Prophet's Teachings for Propagation and Jihad" (generally better known as Boko Haram), was founded in 2002 in Maiduguri, Nigeria, by the Nigerian Mohammed Yusuf to support Islamic education and establishing an Islamic state in Nigeria. In 2009, the group turned violent and carried out a series of attacks on police stations and other government buildings in Maiduguri, which resulted in Nigerian government raids on the group's headquarters. Yusuf died in 2009 in police custody after he was arrested by soldiers and handed over to the police.
34. In March 2015, Abubakar Shekau, who became leader of the movement after the death of Yusuf, pledged allegiance to the Islamic State in Iraq and the Levant (ISIL), changing the group's name to Islamic State West Africa Province (ISWAP). In August 2016, ISIL leadership recognized and appointed Abu Musab al-Barnawi as the de facto leader of ISWAP, which Shekau refused to accept. Boko Haram subsequently split into two factions, ISWAP and the faction led by Shekau keeping the initial name of the movement (Jama'atu Ahlis-Sunna Lidda'Awati Wal-Jihad, or JAS).
35. More recently, a group from the area north of Lake Chad with primarily ethnic Buduma militants, known as Bakura, is growing in strength. Contrary to positions tending to make Bakura a faction, it is rather a sub-faction within JAS, and its leader, Bakura Doro, has always been faithful to Shekau.
36. Although precise information is sketchy and at times contradictory, sources repeatedly mention the following *areas of operation* of the two main factions⁵ in the four Lake Chad Basin countries (see Map 1):
- **Islamic State West Africa Province (ISWAP):** The northwest and a small stretch of the west (along the border with Borno State) of Yobe State, Nigeria; the littoral zone of Lac and Hadjer Lamis regions in Chad; and the Diffa Region in Niger.
 - **Jama'atu Ahlu as-Sunnah Lidda'Awati Wal Jihad (JAS):** The southwest of Borno and the northern tip of Adamawa States in Nigeria; the northeast of the Far North Region in Cameroon; the south of the Diffa Region of Niger and the littoral zone of Lac Region of Chad.
- With the confirmation of Shekau's death in May 2021, this configuration changed again on the ground. ISWAP took control of the Sambisa Forest and part of the territories where JAS operated on the border with Cameroon. Bakura Doro, who was joined by Bakura Sa'alaba, Shekau's former military leader who escaped from Sambisa after his death, is taking the fight to ISWAP (on the islands around the Barwa area of Niger which is under his control). Inter-factional fighting continues while government armies continue offensives, notably the Nigerian Air Force.

⁵ Ansaru, a dormant Islamic fundamentalist Jihadist militant organization based in the northeast of Nigeria, also known as The Vanguard for the Protection of Muslims in Black Africa (Jama'atu Ansāriil Muslimīna fī Bilādīs Sūdān), is not included in this list as the organization has stopped its insurgent activities in 2015 (Wikipedia, accessed on 8 April 2020). Its members continue to spread propaganda for their cause.

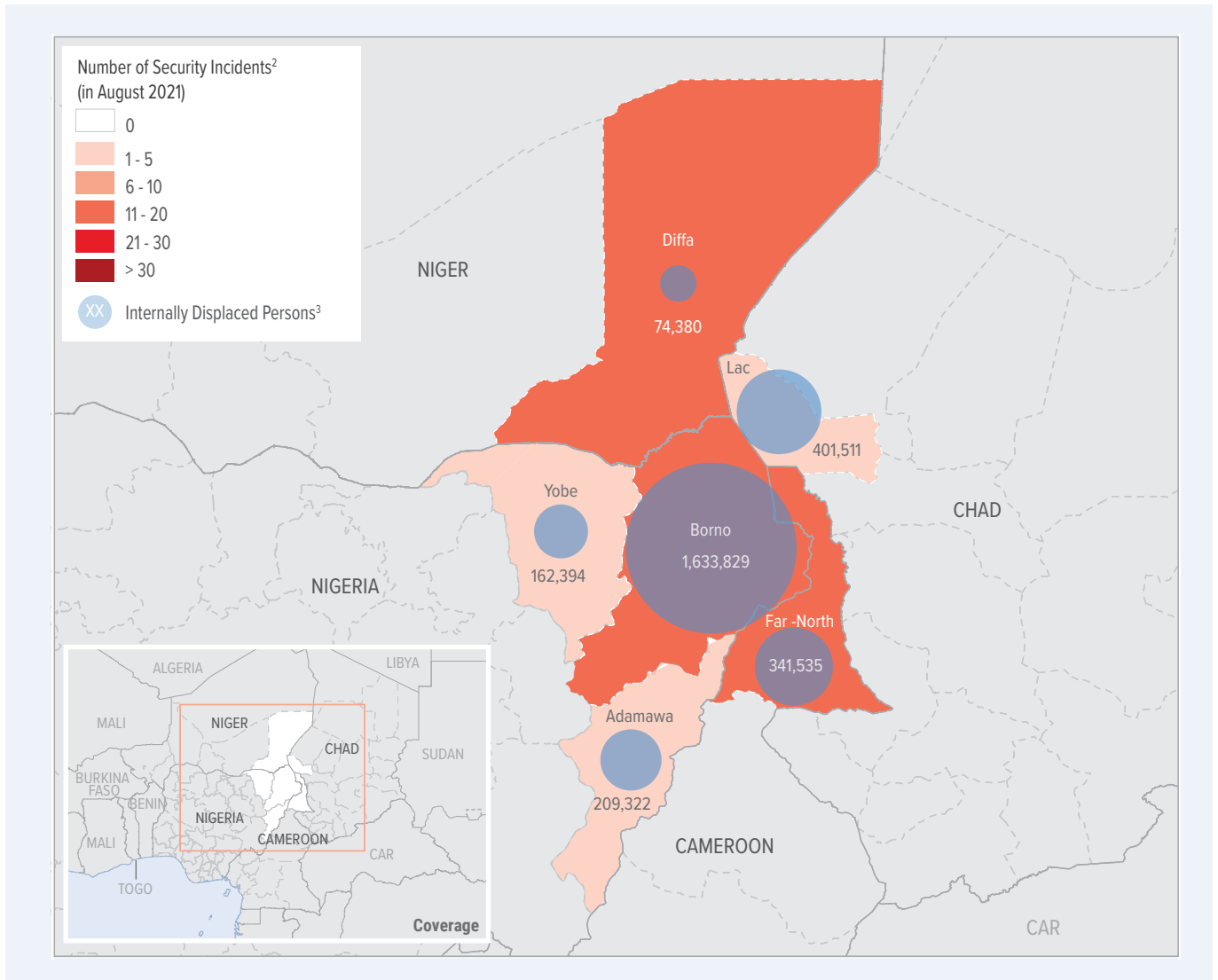
- The situation on the ground therefore remains very dynamic and volatile.
37. Since 2016, ISWAP has differentiated itself from JAS through the development of strategy and tactics that mark ISWAP as potentially a more sophisticated and formidable opponent. Unlike JAS, ISWAP seeks to avoid unnecessary violence and exploitation against civilian populations and has introduced a level of governance, including administration of justice, control of commodities and provision of social welfare.
 38. A Global Initiative for Civil Stabilisation (GICS) 2019⁶ report identifies the main success of ISWAP as its ability to effectively appeal to and co-opt local networks, while blending a globalist caliphate messaging with local grievances, competently using the messaging to establish legitimacy in the eyes of local communities.
 39. The recognition of Abu Sa'alaba as the new JAS leader by the fighters who remain loyal to Shekau's ideology is an advantage, as is the presence of local elements, notably Kanuri and Buduma, in its ranks. Furthermore, the location on the islands is also an advantage for economic resilience, while limiting the access of armed forces who have very little amphibious equipment. The weakness will remain the difficulty of winning the hearts of communities through a softer approach, sparing their lives and property and offering them alternative contracts and a minimum of basic services, in return for collecting taxes.
 40. The consequences for the populations in the regions most affected by the Boko Haram conflict, Cameroon (North and Far North Regions), Chad (Hadjer Lamis and Lake Regions), Niger (Diffa Region) and Nigeria (Adamawa, Borno and Yobe States), have been devastating. A high number of internally displaced persons and refugees in the four countries and a significant amount of people need humanitarian assistance to survive (refer to Figure 1 and Table 1).
 41. The outcome of the current factional confrontation and leadership instability on the one hand and the pressure of the Nigerian air force on the other, are very crucial for the future of the entire sub-region. With Islamic State's determination to make Africa one of the main strongholds of its maintenance and expansion, as well as the status that ISWAP has steadily gained using its propaganda apparatus, the time is certainly ripe to increase more coordinated regional pressure on both factions without losing focus, of course, on non-military responses.

Table 1: People displaced in Lake Chad Basin

	People displaced	People in need
Nigeria	2,000,000	8,700,000
Cameroon	342,000	1,200,000
Niger	74,000	300,000
Chad	402,000	400,000
Total	2,800,000	10,200,000

Source: OCHA in Lake Chad Basin website, September 2021.

FIGURE 1: People in need of humanitarian assistance to survive



Source: OCHA in Lake Chad Basin website, September 2021.

Chapter 3: SPRR processes in the Lake Chad Basin countries: Overview

Introduction

42. The governments in the Lake Chad Basin countries face a series of common issues and challenges in their SPRR processes, some of which are summarized in this introductory section.

Weakening the Boko Haram factions while accommodating victim's needs and rights

43. A number of conflicting goals are at play during the screening process. On the one hand, there is a need to encourage defections and weaken Boko Haram by offering incentives for associates to defect or surrender. On the other hand, there is a legal requirement to prosecute known or suspected violators of human rights. Determining whether or not to prosecute or to recommend another course of action, such as rehabilitation, is neither straightforward nor without risks.
44. Alternatives to prosecution may be perceived as unfair by victims and may jeopardize justice objectives and reintegration initiatives. International human rights law equally obliges authorities to address the rights of victims. Insufficient consideration of victims' needs and rights undermines the legitimacy of SPRR approaches and their effectiveness in practice.

Capture versus defection or surrender

45. The distinction between defection or surrender and capture does not reflect the nuances of many (former) Boko Haram associates. For example, an abducted girl who was forced to marry a Boko Haram member and captured years later during a military operation may very well be a Boko Haram victim and may not support the Boko Haram ideology and poses no security risk;

- instead of prosecuting the adult woman, she should be eligible for rehabilitation and reintegration support.
46. The differing treatment between captured and surrendered Boko Haram (former) associates is grounded in the intention to weaken Boko Haram militarily. This differing treatment does not have a basis in criminal law and in the availability of evidence for prosecution.

Victim-offender spectrum

47. Further to the examples given in the previous paragraphs, many Boko Haram associates are somewhere along the victim-offender spectrum and their relations with Boko Haram cannot be neatly categorized. A person may have become associated with Boko Haram as a result of his or her abduction but subsequently committed an offence. Another person may have provided a nonviolent support function under duress, or merely lived under Boko Haram rule, having been unable or unwilling to flee. Criminal law does not explicitly provide ways to address these complexities, except for general provisions concerning offences committed under duress.
48. Any effort to establish systematic screening criteria must grapple with the complexity of people's relationships to extremist groups, as well as the difficulties of collecting and corroborating information in a context of ongoing conflict.

Gendered decision-making

49. Decisions during screening and prosecution are often strongly gendered. In simplified terms, the practice on the ground, particularly that of military authorities, is to consider women, girls and young boys as victims and adolescent boys and men as likely offenders. This is

notwithstanding Boko Haram's ability to recruit women for numerous support roles in logistics, recruitment and to carry out attacks.

The broad scope of counterterrorism legislation in all four countries

50. In all four countries, most adults associated with Boko Haram have arguably committed a terrorist offence, even where they have not directly participated in acts of violence against civilians. This means that the vast majority of thousands of adults associated with Boko Haram, including those who collaborated with Boko Haram while their village was occupied by the group, have arguably committed a serious criminal offence and should – under domestic criminal law – be “brought to justice.”
51. However, the United Nations Security Council in Resolutions 2349 (2017) OP 32, 2396 (2017) OP 30-32 and the RSS in Pillar III urge authorities to take a comprehensive approach. A comprehensive PRR approach, articulated in Resolution 2396 (2017), reinforces the inter-connectedness of key decision-making. Decisions to prosecute, rehabilitate or to reintegrate should not be taken independently of each other. In the Lake Chad Basin, due to the pressure of the violence and high numbers of persons implicated, institutions separately formulated initial responses, grappling with huge caseloads, limited resources and a lack of specialized expertise, among other things.

Criminal and non-criminal justice-based rehabilitation programmes

52. A big challenge for the legal systems in the four countries is how to distinguish those who should be criminally investigated or prosecuted from those who may be eligible to participate in non-criminal justice-based rehabilitation programmes.
53. Rehabilitation interventions outside a criminal justice context raise some complex legal and human rights issues, such as the voluntariness of the participants in the programme, situations of de facto deprivation of liberty and whether participation in rehabilitation entails some sort of immunity from prosecution.⁷

The legal status related to eligibility for rehabilitation programmes

54. In December 2018, Niger introduced provisions into its penal code expressly providing that persons who voluntarily surrender can be exempted from prosecution and rehabilitated, except when they have committed genocide, crimes against humanity, war crimes or other serious crimes. No corresponding provisions exist in the laws of the other three countries. These and other factors create ambiguity surrounding the legal status of persons associated with Boko Haram.
55. Concern among donors, financial institutions and implementing organizations that humanitarian or development action could be construed as support, financial or otherwise, to terrorists requires an added level of due diligence that some say has led to a “chilling” effect on the provision of support. Typical rehabilitation and reintegration activities, such as transportation home and vocational/education training, would trigger concerns if the (former) members continue to have links or cooperate with Boko Haram.

Voluntariness

56. Voluntary participation in rehabilitation programmes implies that the beneficiary can leave both the rehabilitation programme and the facility where it is delivered at any time. Otherwise, the participation must be considered involuntary and safeguards should be in place to ensure that participation (and presence at the facility) has been decided based on an appropriate legal framework. This framework could be structured in a way that participation is offered as an alternative to prosecution or prison for persons identified as eligible by authorities. The duration of participation in a rehabilitation or transition centre should also be specified.
57. Conversely, authorities could explicitly include options in their legislation mandating the participation of certain former associates in such programmes, for example, as a result of a judicial order. The domestic legislation of the Lake Chad Basin countries currently does not address these considerations.

⁷ The principle of legality sets out that a person can only be arrested or detained on grounds clearly established in domestic legislation.

The question of double jeopardy

58. As many Boko-Haram associates have crossed borders and are detained in a country different from their nationality, the question of whether or not decisions to rehabilitate are recognized in the other countries is critical. To date, none of the Lake Chad Basin countries have agreements with each other to address the treatment of their nationals or recognize respective programmes. Technically this means, for example, that Nigerian graduates of the Goudoumaria Reception Centre in Niger could be prosecuted by Nigeria and Cameroonian graduates of Operation Safe Corridor in Nigeria could be prosecuted by Cameroon.

Readiness of the communities of return

59. An essential component of any SPRR process is the work with communities of return whose concerns and needs should be addressed for the reintegration process to be sustainable. In some communities, rejection of the idea that persons associated with Boko Haram can be rehabilitated is prevalent and many express a reluctance to welcome back such persons. The fact that some communities continue to experience ongoing Boko Haram violence further reduces community readiness for reintegration.

Reintegration

60. A wide range of individuals may benefit from reintegration: those assessed in screening as victims (including children and others); those prosecuted and acquitted (or who have served their sentence); persons who may be ordered to undertake an alternative sentence; and persons who have completed their sentence.
61. The legal status of the individuals is important to determine eligibility for reintegration support under a given strategy, policy or programme. Since Boko Haram is a designated terrorist organization, eligibility for reintegration support is dependent on a person being “released” from the custody of authorities and “cleared” by security actors or the criminal justice system to return to communities in accordance with the law and prosecutorial strategies that have been adopted. Graduating from the Goudoumaria Reception Centre (Niger) and Operation Safe Corridor (Nigeria)

are examples of the former process. In Nigeria, release from Giwa Barracks into the Bulunkutu Transition Centre or into IDP camps following a screening by the Joint Investigation Centre is an example of the latter.

Safety of former associates

62. The safety of former Boko Haram associates who have defected or surrendered is a continuing source of concern. Some former associates fear reprisal attacks by Boko Haram and in their community of origin. While most reintegration programmes take place in communities of origin through reconciliation ceremonies coupled with community recovery programme, reintegration must also ensure the safety of individuals for it to be successful. In view of the existing risks of retaliatory violence, discretion and confidentiality should be ensured during the reintegration phase.

SPRR in numbers

This section presents existing and accessible statistics on individuals formerly associated with Boko Haram currently in detention, convicted, acquitted or reintegrated. On the ground the reality is varied, depending on the country, and statistics are not up to date and often inaccessible.

Cameroon

- In detention – no official figures, but Amnesty International estimates that at least 1,000 people are being detained for association with Boko Haram in Maroua Central Prison⁸
- Convicted – no official figures, but the same source estimates that around 100 individuals, including women, were convicted through military trials
- Acquitted – no official figures
- Reintegrated – no official figures as these people went directly into communities and IDP camps without going through the National Disarmament, Demobilization and Reintegration Committee (NDDRC); their number could be estimated at around 500 individuals
- At least 1,590 in NDDRC centres in Meri as of April 2022

8 www.amnesty.org/fr/latest/news/2016/07/cameroun-conditions-de-detention-effroyables-voire-tortures-a-mort-pour-plus-de-1-000-personnes-accusees-de-soutenir-boko-haram/.

Chad⁹

- In detention – a round 750 to 900
- Convicted – a round 210 sentenced to death and executed after the August 2015 trial
- Acquitted – no official figures
- Reintegrated – around 6,000 disengaged, returned to Lake Chad communities

Niger

- In detention – a bout 1,200 in four prisons across the country¹⁰
- Convicted – no official figures
- Acquitted – no official figures
- Reintegrated – at least 200 integrated after spending time in the Goudoumaria Reception Centre

Nigeria

- In detention – about 5,000¹¹
- Convicted – at least 205¹²
- Acquitted – at least 475¹³
- Reintegrated – at least 1,200¹⁴

It is very clear that for all four countries, the issue of statistics remains very important. Indeed, the figures that circulate are very fragmented and do not give a clear idea of the extent of the needs and therefore the appropriate measures to be taken.



9 Figures received from the Ministry of Justice which is leading DDR Steering Committee.
 10 RFI (8 September 2016)? *Prisons surpeuplées au Niger: vers un transfèrement des membres de Boko Haram*. Available at: www.rfi.fr/fr/afrique/20160908-niger-prisons-surpeuplees-boko-haram-transferement-nigeria.
 11 Kayode, Idowu (25 February 2021). FG begins 5,000 suspected Boko Haram fighters' trial soon. Punch NG. Available at: <https://punchng.com/fg-begins-5000-suspected-bharam-fighters-trial-soon/>.
 12 Reuters (19 February 2018). Nigeria convicts 205 Boko Haram suspects in mass trials. Available at: www.reuters.com/article/us-nigeria-security-idUSKCN1G3253.
 13 BBC (19 February 2018). Nigeria's Boko Haram crisis: Court frees 475 suspects. Available at: www.bbc.com/news/world-africa-43111860.
 14 F. Akum, R. Hoinathy, M. Samuel (2021). Managing the journey out of violent extremism in the Lake Chad Basin. *Institute for Security Studies*. Available at: <https://issafrica.org/research/west-africa-report/managing-the-journey-out-of-violent-extremism-in-the-lake-chad-basin>.

Chapter 4: SPRR processes by country

Cameroon¹⁵

Legal and policy framework

Legal framework

63. Cameroon's penal code generally treats any form of participation in or support to "hostilities against the Republic" as an act of treason and any citizen who is guilty of this is liable to the death penalty. The code does not formally address punishment of acts of terrorism. Therefore, a law was passed in 2014 that stands as the major body of law dealing with the fate of those associated with Boko Haram. However, in the perspective of reducing extremist violence, the President of the Republic has reached out to fighters in the North west Region, South west Region and Boko Haram insurgents through a decree¹⁶ that opens the way for a DDR process. The laws and regulations that can be used in this process are the following:
- Constitution (Law N° 96/06 of 18 January 1996);
 - Law No. 2016/007 of 12 July 2016 on the Penal Code;
 - Law No. 2005/007 of 27 July 2005 on the Code of Criminal Procedure;
 - The counterterrorism law (No. 2014/028, promulgated on 23 December 2014, on the repression of terrorist acts);
 - Law n° 2017/012 of 12 July 2017 code of military justice;
 - Decree n° 2018/719 of 30 November 2018, establishing the National Disarmament, Demobilization and Reintegration Committee (NDDRC).
64. With respect to counterterrorism, the penal code, the code of criminal procedure and the code of military justice remain applicable in their provisions that are not contrary to the 2014 counterterrorism law under its Article 1, Paragraph 2.
65. The counterterrorism law (No. 2014/028, promulgated on 23 December 2014, on the repression of terrorist acts) and a Presidential Decree to establish the NDDRC (No. 2018/719 of 30 November 2018), provide the most relevant legal and regulatory framework designed to tackle the Boko Haram crisis generally and deal with persons associated with Boko Haram.
66. The **counter terrorism law** stipulates the death penalty on all forms of participation (including direct planning, complicity, financing, supplying, recruiting, training and sharing of benefits) in all acts that not only result in, and are also likely to result in, loss of life and property damage and whose intent is said to either:
- "intimidate the public, provoke a situation of terror or force their victim, the government and/ or a national or international organization to carry out or refrain from carrying out an act, adopt or renounce a particular position;"
 - "disrupt the normal functioning of public services, the delivery of essential services to the public or create a crisis situation among the public," or
 - "create widespread insurrection in the country."
67. Life sentence is applied solely when the "predictable damage" is limited to animal disease and destruction of plants. The sentence is 10 to 20 years in prison for "whoever deliberately joins or undergoes training in a terrorist group abroad with the intent to commit acts of terrorism within the country." Any perpetrator or accomplice that helps put an end to an act already

¹⁵ This section takes most of its content from "A stock-take of screening, prosecution, rehabilitation and reintegration of persons associated with Boko Haram in Cameroon, in the context of a harmonised LCBC approach for countries affected by the Boko Haram crisis (2020)."

¹⁶ Decree n° 2018/719 of 30 November 2018.



set in motion is equally sentenced to 10 to 20 years in prison in lieu of death penalty.

68. Under the counterterrorism law, exemption from prosecution may apply when a Boko Haram associate reports to public officials or forestalls the accomplishment of a willingly planned act of terrorism, or else denounces and helps identify his or her accomplices before any reprehensible act is committed. Most of the alleged members of Boko Haram that were arrested by the military were prosecuted by the military courts under the assumption that they had willingly joined or provided support to a terrorist group.
69. The law on the repression of terrorism in Cameroon does not seem to respect the principle of legality in criminal matters in general and in criminal law in particular. The law is characterized by the absence of a definition of the offence, as supported by the right to legal certainty and individual freedom, principles that are based on international¹⁷ and national texts.¹⁸
70. The decree on the **National Disarmament, Demobilization and Reintegration Committee (NDDRC)** makes the Committee responsible for the management and supervision of all cases of surrender from Boko Haram (and armed groups in the Southwest and Northwest Regions). The decree sets in motion a process that deals with Boko Haram associates otherwise than through judiciary prosecutions under the auspices of the Ministry of Defence. The State of Cameroon had previously privileged a repressive stand in its efforts to curb the advances of Boko Haram in the country and non-military interventions were secondary.
71. The decree was adopted in the framework of the “offre de paix”¹⁹ launched by the president of Cameroon to incentivize members of Boko Haram (and of armed groups in the Northwest and Southwest Regions) to leave the group. While the decree itself establishes the NDDRC and remains silent on exemptions from prosecution, presidential statements made around the decree show that initial

expectations behind the creation of the NDDRC were to invite people to surrender by offering a favourable treatment. In contrast to the DDR processes of the other countries of the Lake Chad Basin, which are based on countering violent extremism (CVE), Cameroon has opted for “peace building.”

72. The decree is a clear step away from the predominantly repressive stipulations in the law in a context where peaceful solutions are sought to undermine people’s support to Boko Haram and foster a transition to a post-conflict era.

Policy framework

73. UNDP is currently working on a national strategy intended to take into account the differences between the crisis in the Far North and the Northwest and Southwest Regions with tailored solutions and approaches for each of the crises. The current position of the NDDRC is clear: “the terms of the decree instituting DDR are the same for both crises,” which means that there can be no special treatment of one crisis over the other. The Head of State’s “call for peace” that joins the two crises creates confusion between anti-terrorism CVE (Far North) and peace building (Northwest and Southwest). A joint NDDRC-IOM workshop held in July 2019 on the management of persons associated with Boko Haram highlighted concerns of military and civilian magistrates about the cohabitation of the anti-terrorism law and the special treatment of surrenders, as they seem to be promoted by the NDDRC. The question is whether the decree creating the NDDRC contains adequate legal responses to the need to exempt Boko Haram elements from the strict application of the anti-terrorism law. Accordingly, the workshop made the below recommendations,
 - Conduct a review of the anti-terrorism law to re-establish judicial information, redefine offenses so that they are in line with international, regional and sub-regional legal instruments and integrate the objectives of DDR, which the workshop participants would like to grasp through the

17 The principle is contained in Articles 5 and 8 of the Declaration of Human Rights of 1789 and in Articles 11-2 and 22-2 of the Universal Declaration of Human Rights of 1948.

18 The Constitution of 18 January 1996 provides that “no one may be prosecuted, arrested or detained except in the cases and according to the forms determined by law. Article 17 of the Penal Code states that “penalties and measures shall be determined by law and shall be imposed only for legally prescribed offences.”

19 The decree is seen by some as a harbinger of a peace process that would encourage defections by snatching away those who disarm voluntarily from the scope of the characteristically drastic law on acts of terrorism.



prism of the LCBC Regional Strategy, which is much broader and more appropriate for the fight against terrorism.

- Create a legislative framework for the organization and operation of DDR in the Far North Region, particularly for the screening of people who voluntarily go to the community.
- Allow a number of ministries, organizations and the United Nations system to participate in the implementation of the DDR programme.

74. Following the creation of the NDDRC, on 16 January 2020, the National Coordinator signed an act that defined the process for handling ex-associates who had surrendered and were being held at the MNJTF in sector one, Mora, prior to the creation of the NDDRC. The **terms of reference for the transfer of repentant(s) from the Multi-national Joint Task Force Military Camp in Mora** (*Cahier de charge pour le transfert des repentis présent dans le camp militaire de la FMM à Mora*) set out the various steps (according to international standards) that should be implemented for the treatment of these ex-associates awaiting care. The 2007 Paris Principles on the treatment of children associated with armed groups, their registration, triage and transfer to the Méri Transitional Centre, profiling and conditions of stay at the Centre are taken into account. However, these terms of reference, although signed by the NDDRC Coordinator, have unfortunately not been implemented. The ex-associates kept at the MNJTF were transferred on 11 June 2020 to Meri without this process being respected.

75. In February 2019, the United Nations established an **Inter-Agency Working Group on DDR (IAWG-DDR)** to support the Government of Cameroon with the design and future implementation of the DDR national strategy and programme.

Challenges

76. While good progress has been made, several challenges remain to ensure a comprehensive and coherent legal and policy framework. Below are some of the challenges.

- The parallel tracks of the two legal instruments are subject to debate, resulting from a lack of specific language and understanding on how the decree and the law relate to each other. The decree, for example, is silent about prosecutions or exemption from prosecution as it creates the NDDRC tasked with organizing the DDR of those who surrender without precluding prosecutions for some of them.²⁰ The law, on the other hand, criminalizes terrorist offenses without making prosecution mandatory. Any prosecution would have to be supported by sufficient evidence and prosecutors can elect not to prosecute based on prosecutorial discretion. A recommendation made at the end of the legislative assistance workshop organized by Cameroon's National School of Administration and Magistracy, the Global Centre on Cooperative Security and the United States Embassy in December 2019 was to acknowledge the existence of the DDR decree via an amendment in the counter terrorism law. This law would stipulate that those individuals associated with Boko Haram who are not prosecuted²¹ will be dealt with according to the process outlined in the DDR decree.
- The parallel tracks have also created a situation in which persons arrested under the counter terrorism law prior to 2018 who have collaborated with Boko Haram have been convicted and received harsh sentences, while former Boko Haram combatants, who defected after the President issued the decree may not be punished and instead be 'rewarded' with rehabilitation and reintegration support.
- As a consequence of the law, hundreds of alleged Boko Haram members spent years in detention; several were tried and condemned.
- The decree does not build on the African Union – LCBC Regional Strategy for SPRR that calls for a harmonized SPRR process in areas affected by Boko Haram. This is why the NDDRC, which is responsible for implementing the DDR process, considers that screening and prosecution is not part of its mandate.
- The decree refers to former combatants only, leaving out the various categories of persons

20 The Decree does not clarify who is eligible for DDR, which has led some specialists to conclude all Boko Haram associates who surrender voluntarily are eligible, which is problematic from a legal point of view as this could imply associates who have committed genocide, war crimes, crimes against humanity and gross violations of human rights would not be prosecuted.

21 It would be useful to also clarify that the recommended amendment stipulates the inclusion of arrested individuals and not just individuals who surrendered to guide prosecutors in deciding which cases to prosecute and which to refer to rehabilitation and reintegration.



associated with Boko Haram (for example, family members who have not committed crimes, Boko Haram survivors and ex-hostages who have sympathized in some way with the group).

77. However, the technical support provided to the NDDRC by IOM, its main United Nations partner, shows that it is possible to apply the decree as it stands without excluding the elements of the regional strategy. An analysis of the presidential decree creating the NDDRC shows that the option of a DDR process without reference to the prosecution is intended to respect the sacrosanct principle of the separation of powers between the executive and the judiciary. This deduction is supported by the fact that among the members of the Committee mentioned in Article 2, Paragraph 2 of the decree, the Minister of Justice is not associated. This choice does not imply that Cameroon has deliberately chosen to exclude the judiciary from the process, but rather the will and the need to leave the judiciary free to act independently of the political actions that create DDR. The silence can therefore be understood as a desire not to obstruct the judiciary because its missions are guaranteed by the constitution of the Republic. More concretely, the omission of the prosecution from the decree is not exclusive of the prosecution in the procedure. The concern of the public authorities is above all to leave the judiciary free to act and not to be constrained by a political process. Also, the prosecution is parallel to the DDR process to guarantee the independence of the judiciary. The two processes will be articulated in such a way as to guarantee a holistic treatment of each case, in accordance with the principles mentioned above. Thus, a functional dependency exists between the NDDRC and the judiciary. The latter, inserted in the triage committee, can take over cases deemed to be serious crimes. Strategic consultation meetings between the IOM technical team and the NDDRC have not yet led to the adoption of this option.

Institutional framework

78. Several institutions are involved in the implementation of DDR in Cameroon. While the main institution is the NDDRC, the decree creating the NDDRC has associated several other state institutions with this body to enable effective and efficient implementation

of the process. The most important in the implementation of the DDR process in Cameroon are the following:

79. **Ministry of Defence and the role of military justice.** Captured Boko Haram associates are processed within the framework of the 2014 counter terrorism law, under the authority of military justice. The security and defence forces involved are the 4th Inter-armed Military Region, the National Gendarmerie, the General Delegation to National Security and the General Delegation for External Research. The Government Commissioner is the highest judicial authority in the region, in charge of prosecution of criminal charges for which military tribunals are competent. For ex-associates who have surrendered, it is the MNJTF that carries out the preliminary investigations before being sent to the NDDRC. However, cases of surrendered ex-associates who were found to have committed serious crimes after the security vetting were brought before the military court. To not discourage surrender cases, the prosecution of these few cases has been kept secret.
80. **The Multinational Joint Task Force (MNJTF).** The first sector of the MNJTF in Mora, at the request of the Governor, handles the detention of the escapees and defectors deemed potentially dangerous for themselves or their community. It is also at the MNJTF that the first security vetting is done, a sort of preliminary screening, before being transferred to the Meri camp for the rehabilitation process.
81. **Administrative and traditional authorities.** The traditional and administrative authorities²² are the first points of contact of Boko Haram escapees and **defectors**. Because these authorities are on the front lines in the north-western borders of the Far North Region of Cameroon, they act as the gateway to the helping hand process of the President of the Republic. The administrative and traditional authorities make the first registration, ensuring that candidates for the DDR process are truly Cameroonians. If the candidates are not known in the locality where they have gone, information is transmitted to the administrative unit of origin, which confirms their membership of the said community. The identified and registered ex-associates are then transferred to the Multinational Joint Task Force (MNJTF) for security vetting.

22 These authorities fall under the Ministry of Territorial Administration which at the regional level is headed by the Governor.



82. **The NDDRC.** The NDDRC is, among other things, responsible for:
- receiving and disarming former Boko Haram associates;
 - setting up and managing cantonment sites for former Boko Haram associates;
 - providing multifaceted assistance to former associates to prepare them for a return to civilian life;
 - taking the necessary steps to de-radicalize former associates; and
 - sensitizing and providing multifaceted assistance to home communities to facilitate the reintegration of former associates.”
83. The Prime Minister is the statutory chairperson of NDDRC and is in charge of defining the strategy of the government. Since its creation, the Prime Minister has already chaired two management boards. The NDDRC’s Board of Management is a joint ministerial body that works as a consultative and advisory board for the chairperson. The board brings together the security and defence forces involved in the two counter-insurgency situations and civil administration bodies that provide institutional, technical and material support to the government response to the crises.²³
84. The NDDRC National Coordinator is in charge of implementing government laws and policies regarding Boko Haram associates who have surrendered. The National Coordinator is supported by three Regional Centre Heads, based in Bamenda, Buea and Mora, and responsible for the operationalization of the decree in the regions concerned. The Regional Centre in Mora is currently in charge of detained Boko Haram associates.²⁴
85. **Sub-technical Committee.** At the regional level in the Far North Region, stakeholders, under the leadership of the NDDRC Regional Centre Head, collaborate in a DDR Sub-technical Committee that addresses the crisis in the Far North Region. Its major tasks are to identify stakeholders, clarify their roles and responsibilities, seek funding opportunities and secure compliance with the African Union-Lake Chad Basin Commission Regional Strategy for the stabilization, recovery and resilience of areas affected by Boko Haram in the Lake Chad Basin.
86. The Sub-technical Committee makes recommendations to the NDDRC through the Regional Centre Head base in Mora. The Technical Sub-Committee (TSC) advises the Head of Centre on the direction of the DDR process. The TSC is composed of representatives of the below statutory and invited entities.
87. **Statutory entities of the TSC are:**
- Ministry in charge of territorial administration;
 - Ministry in charge of external relations;
 - Ministry in charge of the economy, planning and management;
 - Ministry in charge of finance;
 - Ministry in charge of youth;
 - Ministry in charge of secondary education;
 - Ministry in charge of employment and professional training;
 - Ministry in charge of agriculture;
 - Ministry in charge of livestock and fisheries;
 - Ministry in charge of defence;
 - Secretariat of State to the Minister of Defence in charge of the national gendarmerie;
 - General Delegation for National Security;
 - General Department of External Research; and
 - National Commission for Bilingualism and Multiculturalism.
88. **Guest entities of the TSC are:**
- Ministry of Social Affairs;
 - Ministry of Justice;
 - United Nations system partners; and
 - invited civil society organizations and NGOs.
89. **United Nations partners.** The main United Nations partner supporting the NDDRC is IOM. Under its project “Disengagement, Disassociation, Reintegration and Reconciliation: Conflict Dissolution
- 23 The statutory members of the Board of management are the Minister of Territorial Administration; the Minister of External Relations; the Minister of the Economy, Planning and Regional Development; the Minister of Finance; the Minister of Youth Affairs; the Minister of Secondary Education; the Minister of Employment and Vocational Training; the Minister of Agriculture; the Minister of Livestock and Fisheries; the Minister of Defence; the Secretary of State at the Ministry of Defense in Charge of the National Gendarmerie; the General Delegate for National Security; the General Delegate for External Research; the Chairperson of the National Commission on Bilingualism and Multiculturalism; and regional centre heads. The Ministry of Social Affairs and Ministry of Justice are not included at the national level.
- 24 As written above, the associates are currently in the custody of the MNJTF at the behest of the NDDRC.



and Peacebuilding in the Lake Chad Region,” IOM is assisting the government of Cameroon in the implementation of the DDR programme on four pillars. These pillars are: context analysis and national planning; technical ‘upstream’ government support; individual case management; and community-based reintegration and reconciliation. The United Nations Children’s Fund (UNICEF) is addressing the issues of ex-associated children, in collaboration with the Ministry of Social Affairs. To this end, UNICEF has equipped the Institution Camerounaise de l’Enfance (ICE) in Maroua to receive ex-associated children. However, the NDDRC has not yet responded to the need to transfer these children to ICE. UNDP, UNFPA and other agencies are interested in supporting the DDR process in Cameroon. However, these organizations intervene within the IAWG-DDR and cannot go further due to a lack of a duly validated legal framework. UNDP, in view of the drafting of the national DDR strategy in Cameroon, has produced a paper on “The attempts and impacts of formulating a rehabilitation programme for former Boko Haram fighters within the Far North DDR Sub-technical Committee.”

Child specific legislation

90. **Policy and strategy documents.** In Cameroon, there are no documents specific to children linked to violent extremism, apart from the “Cahier de charge pour le transfert des repentis present à la FMM de Mora” and international texts, such as the Paris Principles. Indeed, the “Cahier de charge” is based on the Paris Principles and make the principle of the best interests of the child a leitmotif of its action. Thus, given the vulnerability and innocence of this category of people, international conventions prescribe that any action carried out in the DDR process must respect the principle of considering the best interests of the child, which must never be subordinated to any other consideration. For this reason, since no DDR exists for children, the “Cahier de charge” provides for the transfer of children to the Cameroon Institution for Children.

SPRR process

91. The inventory drawn up by the LCBC with UNDP support in February 2020 shows that, apart from the anti-terrorism law which takes precedence over any other internal legal arrangement and the decree

creating the NDDRC, very little legal support exists to underpin the components of the SPRR process.

92. Besides administrative and traditional authorities, members of vigilance committees, relatives and acquaintances of Boko Haram associates play an instrumental role in the first steps of disengaging from Boko Haram. A Boko Haram associate wanting to defect and surrender typically reaches out (directly or via a trusted intermediary) to the traditional authorities, who, in turn, contact the security forces or take the person directly to the Division Officer (the highest administrative authority in every subdivision).
93. From there, and since 2017, **screening** of Boko Haram associates takes place in Mozogo and Mora. In Mozogo, a divisional screening committee was formally constituted in February 2017 by the Mayo-Tsanaga Senior Divisional Officer (SDO). The committee was put under the supervision of the First Deputy SDO and had as members the Special Commissioner of Police, the Police Commissioner in charge of Homeland Security and the Commander of the gendarmerie company.
94. In Mora, as part of the screening process of ex-combatants, the MNJTF contacts local vigilance committees and traditional leaders as well as acquainted individuals. Persons suspected of association with Boko Haram are classified into one of three possible categories (although not all individuals suspected of association with Boko Haram in Cameroon easily fit into one of these categories):
- combatants: those individuals who have participated in battles and know how to use and handle weaponry.
 - believers: individuals who are committed to Boko Haram but who did not participate in combat; and
 - former hostages: individuals who have been rescued as a result of military operations.
95. The screening of persons associated with Boko Haram in Cameroon has shown a lack of formalization, systematization and standardization. To date, the outcome of the screening has resulted in the:
- release of women and some children;



- release of those who have been categorized as ex-hostages and who have family members or hosts that reside in secure areas;
 - referral to the Zamay camp of those ex-hostages whose villages have been deserted (which is the case for the majority of ex-hostages) or whose presence in their village of return is either unwanted or deemed by themselves very risky; and
 - detention of former combatants at the MNJTF base in Mora, now transferred to the Meri Transition Centre.
96. Some of the **challenges** in the screening process are:
- the premature categorization of persons without a proper judicial investigation into allegations.
 - an absence of information sharing among government institutions and with other international and non-governmental stakeholders; and
 - a lack of a formal regulatory text that codifies the screening process.
97. **The code of military justice of 29 December 2008.** According to Article 8 of the code of military justice, the military court alone has jurisdiction over crimes of an international nature, namely war crimes, genocide, and crimes against humanity. This court has no jurisdiction over crimes committed by minors. Also, the court has jurisdiction over crimes committed by foreigners. According to Article 13, the Government Commissioner is competent to initiate the action on condition that he refers to the minister in charge of defence. These provisions make the Government Commissioner the official that makes the decision on whether former associates will have the opportunity to go through the DDR process.
98. **Prosecuted** Boko Haram associates are those who have been captured in combat or during other military operations. They are treated in the same vein as suspected Boko Haram associates who are arrested on charges of acts of terrorism and detained awaiting trial. The lawful period of detention time runs up to 15 days but remains indefinitely renewable under the express authorization of the Government Commissioner holding office in Maroua. Due to a lack of facilities, suspected Boko Haram members are detained in penitentiary institutions alongside common law inmates before and after trial.
99. Suspected Boko Haram members that are **acquitted** after prosecution are released. Most return to their communities while the rest find refuge in safe areas after the devastation of their villages or after losing their property as a result of imprisonment.
100. Some **convicted** Boko Haram associates have been condemned to the death penalty, although no former associate has been executed. Most associates have been sentenced to 10 to 20 years in prison. There are no cases of a life sentence. As of today, no former associate has served his sentence and been released from prison.
101. As far as **in-prison rehabilitation** is concerned, prison authorities have held that the approach of mingling suspected and convicted Boko Haram members with common law inmates in the same penitentiary institutions contributes to their de-radicalization.²⁵
102. The NDDRC rehabilitation programme intended for former combatants is still in the making. The first group admitted to the Meri Rehabilitation Centre since 11 June 2020 are the first surrender cases that were kept at the Mora MNJTF. In fact, in December 2018, the secondary prison of Meri, in the Diamare Division, was turned into a temporary transition centre for the rehabilitation of former Boko Haram combatants. The plan for the Meri Transit Centre is to support the deradicalization of former combatants through civic education, psychosocial support and practical training in income generating activities. The Centre will also target the communities of return with the aim of ensuring a safe reintegration after graduation.
103. Former Boko Haram associates, either categorized as former combatants (in the Meri Transit Centre) or ex-hostages (camped in Zamay), have not received **centre-based rehabilitation** support. Former associates who have returned to their village have not received **community-based rehabilitation** support.
104. UNICEF has been working since 2014 with national civil society organizations and international NGOs for the protection of children. Most, with the exception of some boys, are immediately released.

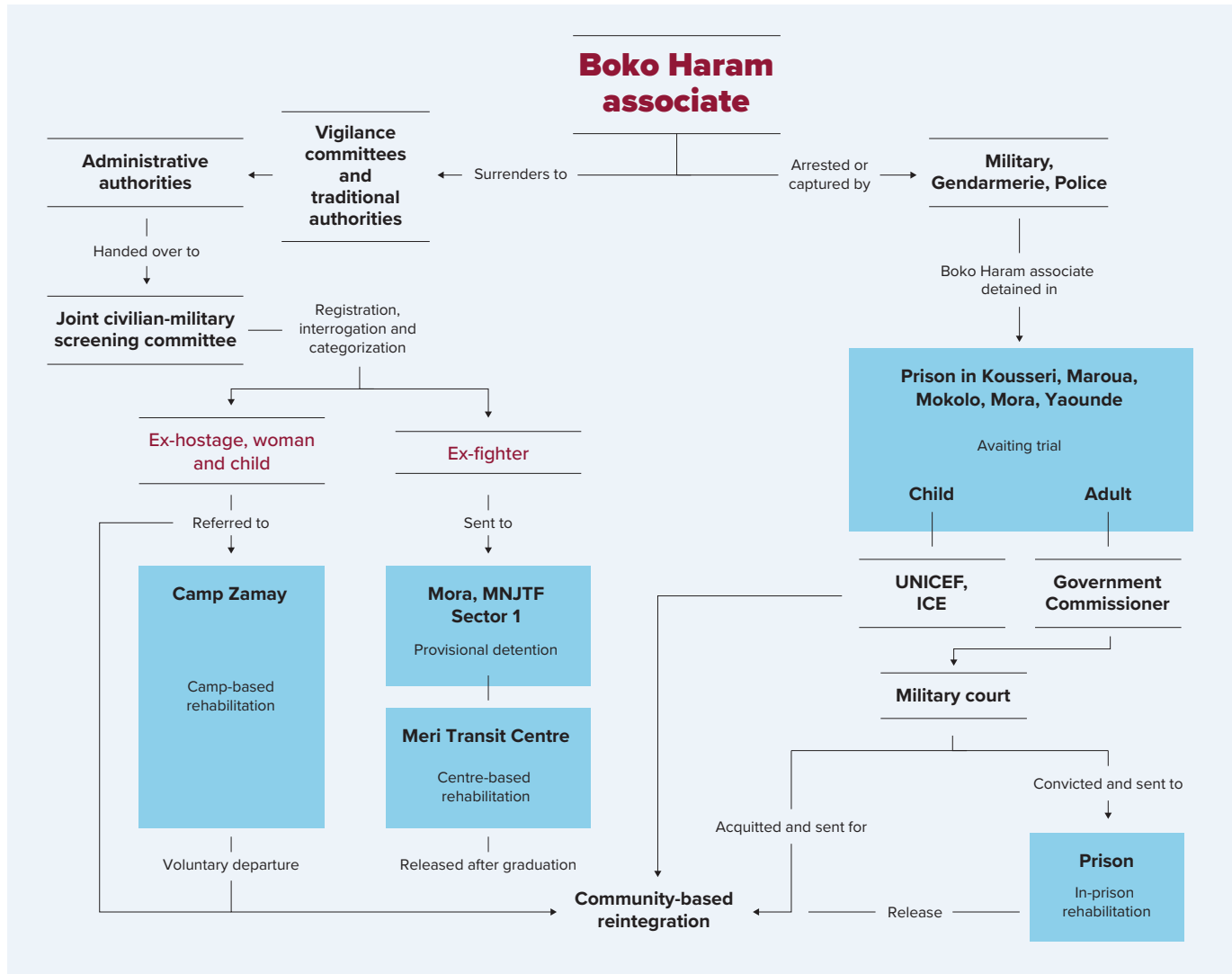


105. The MNJTF has been handling the case of foreign nationals by sending them back to their country of citizenship through its network. After registration and identification, Nigerians are always taken back to their country, often by airlift, to enter the DDR process in Nigeria.
106. To date, no formal **reintegration** programme exists for former Boko Haram associates, although many agencies provide ad-hoc support with limited coordination, as detailed below.
107. Persons associated with Boko Haram who have reintegrated include women and children who were separated from their husbands and fathers, detained at the MNJTF headquarters in Mora and sent off either to their community of origin or to host communities.
108. Ex-hostages residing in the Zamay Camp alongside IDPs are considered to be reintegrated even though they could not return to their community due to a lack of security. Zamay Camp residents have freedom of movement, unlike those former associates detained for rehabilitation purposes in Mora. Both categories have benefitted from temporary and multifaceted assistance and support provided by government services, United Nations agencies, humanitarian organizations and civil society organizations. This support included ensuring returning former Boko Haram associates can secure accommodation, afford food and non-food items, access basic community services (health, schooling, official documentation), have access to community resources (water points, arable lands, wood and forest products) and benefit from early recovery undertakings (community works, short term training and development of income generating activities).
109. On the other hand, support and assistance providers work with communities of return and host communities towards the acceptance of returning Boko Haram associates. Several surveys have been carried out to assess the needs of communities and to understand people's perceptions of returning Boko Haram associates, while micro-projects are implemented for the benefit of the whole community (boreholes, road repairs, school supplies, among others).
110. Apart from activities carried out within the framework of the UNDP regional stabilization project, the United Nations Women's project of reintegrating the victims

of gender-based violence in the Far North Region (among which are women forcefully married to Boko Haram members or used as comfort women for Boko Haram fighters) and IOM technical support and construction of infrastructures in the Meri Centre and the NDDRC offices in Mora, most of the support for former Boko Haram associates comes as an extension of emergency relief interventions of humanitarian organizations. The lack of a clearly defined status of the ex-associates at the Meri transitional centre does not encourage partners to really support the NDDRC's actions. As a result, it is difficult to start rehabilitation activities.



FIGURE 2: Simplified SPRR process in Cameroon



Chad

Legal and policy framework

111. Regarding a strategy for the social reintegration of former combatants from armed groups and movements, Chad has a set of regulations consisting of international texts to which the country is a signatory, as well as an internal social reintegration mechanism based on national texts and structures involving multiple actors. This system includes a legal and political framework consisting of various national policies and strategies relating to the issue, as well as the various institutions involved in this process. Specific legislation on the treatment of children determines the child protection regime and the reintegration process for children involved in armed conflict.
112. These legislative and institutional mechanisms are based on international and regional recommendations, such as the Lake Chad Basin Regional Strategy for the Stabilization, Recovery and Resilience of Lake Chad Basin Areas Affected by the Boko Haram Crisis. The latter strategy is common to all Lake Chad Basin countries. This legal framework intends to ensure the reconciliation, rehabilitation and community reintegration of people formerly associated with armed groups, particularly the extremist group Boko Haram. However, during implementation of the process, other problems arise related to alignment with the international legal framework, international standards on SPRR and the need to respect human rights.
113. As part of the fight against terrorism, Chad adopted a national strategy to combat radicalization and violent extremism in 2017 which was revised in 2021. Chad also adopted a law on the suppression of terrorist acts and signed conventions with other countries. These documents reflect the political will to deal with the thorny issue of terrorism while accounting for the issue of respect for human rights.
114. **The National Strategy for the Prevention of Radicalization and Violent Extremism (NSPREV) 2022-2030.** In August 2021, Chad revised its National Strategy for the Prevention of Radicalization and Violent Extremism for the period 2022 – 2030. The previous strategy developed in 2017 was harmonized with the reference framework of the G5 Sahel countries. In Chad, so far, the emphasis has been on combatting terrorism directly and work remains to be done to better define prevention measures and ensure respect for the human rights of those captured, surrendering or otherwise coming out from under the control of extremist groups. Hence the need to take into account de-radicalization and socio-professional reintegration aspects. The issue of reintegration of Boko Haram ex-associates and victims in compliance with human rights principles is the main concern of the revised strategy's Axis 1 entitled: Inclusive governance, human security and human rights. Specifically, the fourth strategic objective of this axis aims to ensure the rights of victims of violent extremist acts by setting specific legislation to recognize victims and to provide them with financial and psychological support. It is also proposed that a mechanism be put in place for the supervision and socio-professional reintegration of these victims of terrorism. Lastly, the new strategy recommends the establishment of centres for the de-radicalization and care of repentant members of violent extremist groups.
- Law No. 034/PR/2015 on the repression of acts of terrorism in the Republic of Chad, revised by Law No. 003/PR/2020 of 28 April 2020** provides for the application of the death penalty for crimes related to terrorism. Articles 14-17 of the Act provide for the death penalty for anyone who commits acts of terrorism personally or as an accomplice. Any material or financial support is punishable by the same death penalty.
115. While Chad announced in 2014 its intention to abolish the death penalty, the punishment was included in the country's July 2015 counterterrorism law. The Penal Code was revised in 2017 abolishing the death penalty, except for cases of "terrorism." Articles 16-20 of the new Penal Code under Law No. 001/PR/2017 do not provide for the death penalty for other crimes, but only for cases of "terrorism."
116. By revising Law 034 through Law 003 of 28 April 2020, Chad enshrines the abolition of the death penalty for acts of terrorism. This new law also revised the jurisdiction over terrorism. Thus, according to Article 26, the Prosecutor of the Republic attached to the Tribunal de Grande Instance of N'Djamena has exclusive jurisdiction to "initiate and prosecute" acts of terrorism. This law grants Public Prosecutors at the



- High Court competence for urgent investigations to establish the act of terrorism, gather evidence and search for perpetrators (Article 27). Under the former Terrorism Act, which has been repealed, jurisdiction over acts of terrorism was conferred on a Special Criminal Court composed of seven judges chosen from among members of the N'Djaména Court of Appeals (Article 35).
117. Decree No. 1759/PR/2015 set up an anti-terrorist judicial pool. This judicial pool, based in N'Djaména, with jurisdiction over the entire territory, is responsible for prosecuting terrorism offences and other related offences. Composed of the High Court of N'Djaména, the investigating offices, the Public Prosecutor's Office at the Court of Appeals of N'Djaména and the Court of Appeals of N'Djaména, the judicial pool is coordinated by the Keeper of the Seals, Minister of Justice and Human Rights, assisted by the Inspector General and the Director General of the Prison Administration.
118. In addition, there are decrees setting up various committees and coordination in charge of the DDRR process in Chad, namely:
- Order N°0016/PR/2019 of 24 July 2019 establishing a coordination in charge of the DDRR programme;
 - Joint Order N°0149/PR/MJCDH/MFPSN/2019 of the Minister of Justice, in charge of Human Rights and the Minister of Women, Early Childhood Protection and National Solidarity, appointing the members of the Steering Committee; and
 - Joint Order N°0149/PR/MJCDH/MFPSNE/2019 of 8 October 2019 designating the members of the DDRR programme steering committee.
119. In addition, a draft decree on the creation, functioning and powers of the Steering Committee has been proposed to the government and is currently being revised.
- ### Institutional framework
120. For the implementation of the SPRR process in Chad, an inter-ministerial committee, called Coordination in charge of the Demobilization, Disassociation, Reintegration and Reorientation (DDRR) programme has been set up under the leadership of the Ministry of Justice with the involvement of the Ministry of National Defence and the Ministry of Social Action. Technical and financial partners, such as IOM and UNICEF, are also involved, especially in cases involving children. The committee's mission is to design and implement a DDR programme in Chad.
121. The DDRR programme was already on the agenda of a conference held in November 2017 with the aim of reflecting on the establishment of a national strategy to enable implementation of the regional strategy of the Lake Chad Basin countries.
122. Therefore, in 2018, with the support of IOM, a workshop was held on strategies to facilitate the community reintegration of former associates of terrorist groups.
123. In this regard, in April 2019, the Ministry of Justice and Human Rights organized, in partnership with the International Institute for Justice and the Rule of Law, a workshop to reflect on the reintegration and rehabilitation of former terrorist combatants in Chad and envisaged the training of actors in the criminal justice chain and administrative staff in the handling and management of terrorism-related cases. The Ministry of Justice also set up an anti-terrorist judicial pool.
124. In July 2019, a workshop was held around the methods of prosecuting people associated with the extremist group Boko Haram. This workshop brought together the ministry in charge of justice and human rights with partners such as IOM and UNODC. The objective of the meeting was to contribute to the harmonization of methods between the Chadian government and its partners. At this workshop Chad officially launched the DDRR programme as a way for members of violent extremist groups to leave the groups.
125. DDRR coordination was established by Order N°0016/PR/2019 of 24 July 2019. The purpose of this coordination is to create the necessary preconditions for a reliable, effective, and accountable mechanism for the identification and reintegration of former associates of the Boko Haram group, especially those who do not pose a danger to society, to reduce recruitment and promote reconciliation (Article 2).
126. The DDRR Coordination Committee, chaired by the Ministry of Justice, includes representatives of the Ministries of Foreign Affairs, Territorial Administration, National Defence, Economy and Development



Planning, National Education, Public Health, Social Action, Environment, Water and Fisheries and the Public Prosecutor.

127. The implementation of DDDR activities is to be carried out by IOM according to the provisions of this order.
128. To ensure follow-up of these activities, a Steering Committee was also created by joint Order N°0149/PR/MJCDH/MFPESN/2019 of the Ministry of Justice and the Ministry in charge of social action. Chaired by the Deputy Secretary General of the Ministry of Justice, this Steering Committee is composed of the police coordination (rapporteur) and the focal points of the Ministries of Territorial Administration, Economy and Development Planning, Defence and the N'Djamena Public Prosecutor's Office. The committee's mandate is to establish a national reintegration strategy.
129. However, in practice, the treatment of issues related to terrorism is very complex with some ambiguity in the definition of acts that could be qualified as such. This is the case, for example, of armed rebel groups who are qualified as terrorists and subjected to the same treatment as members of the Boko Haram extremist group. This raises the issue of respect for human rights in regard to alleged terrorists.
130. In addition, despite the existence of the National Human Rights Commission (CNDH), which is mandated to contribute to the respect of human rights in Chad, civil society organizations denounce irregularities related to the treatment of ex-combatants. Civil society also questions the neutrality of the CNDH, while demanding its reform to enable it to rule objectively on questions relating to acts of terrorism in accordance with universal human rights principles.

Child-specific legislation

131. The legislative framework for the protection of children is based on the mapping and evaluation of the child protection system in Chad, which defines the conditions for the development and implementation of child protection policies and strategies and the process of social reintegration of children associated with armed conflict, particularly those from violent extremist groups.
132. The Ministry in charge of social action created by Order N°114/PR/PM/MASSNF/SE/SG/DE/2013 of 10 October 2013, a steering committee for the process of mapping and evaluating the child protection system. The steering committee's mission is to guarantee information sharing, forge synergies among the actors working on the different components of the child reintegration process and ensure government ownership to improve the results of the mapping and evaluation of the child protection system in Chad.
133. The steering committee includes the ministries responsible for social action, justice, public security and national defence, along with UNICEF and civil society. The committee's tasks include making recommendations to the government on national child protection policies and programmes and adopting the terms of reference of the thematic working groups responsible for implementing the process of mapping and evaluating the child protection system.
134. Unfortunately, the thematic groups set up by Order No. 115/PR/PM/MASSNF/SE/SG/DE/2013 of 10 October 2013 do not take into account the situation of children from violent extremist groups and only concern justice, birth registration and protection for orphans and vulnerable children.
135. To enhance effectiveness and take account of decentralization, the Ministry of Women, Family and National Solidarity established child protection committees in all provinces of Chad by Order No. 04/PR/PM/MFFSN/DGASSN/DE/2016 of 5 September 2016. These child protection committees are designed as community mechanisms and constitute a framework for consultation, coordination and intervention in the area of protection against abuse, exploitation, neglect and violence against children throughout the national territory. Chaired by the provincial delegates responsible for social action, these committees include as members the heads of provincial services, the mayors of communes and representatives of civil society organizations in each province.
136. In addition, in 2019, the Ministry of Social Action established a national coordination body of the child protection system in Chad (CONASPET) with the aim of providing strategic and technical guidance on child protection, ensuring the sharing of information, developing synergy between actors involved in the child protection sector and facilitating ownership for greater effectiveness and efficiency in the actions undertaken. Among other tasks, CONASPET is



responsible for facilitating the development and implementation of policies and strategies for the protection of children's rights in Chad and for making related recommendations.

Status of children with respect to SPRR

137. On 10 October 2013, the President of the Republic signed a presidential directive by decree No. 08/PR/EMP/2013 setting the age requirements for recruitment into the Chadian national army. This act comes after Chad was included in the list of "shame" that indicates countries with children in their armies. At present, Chad is no longer on that list, thanks to the efforts it has made, and officially there are no longer children in the Chadian army.
138. On 10 September 2014, the Chadian government signed a memorandum of understanding with the United Nations system represented by UNICEF to define the conditions for the transfer of children associated with armed forces or groups. In this agreement, the Chadian government committed to coordinate the verification and transfer of children who have been associated with armed forces and groups, who have been captured at the front, arrested, wounded or found alone at the scene of operations or still on its national territory. This work is done in collaboration with UNICEF and other partners, especially those specializing in family care and reintegration.
139. The framework established by the protocol includes the Ministries of National Defence, Social Action and Justice. In addition to these ministries, other technical and financial partners are UNICEF, the International Committee of the Red Cross (ICRC) (for transport and family reunification) and the NGO World Vision (responsible for handing over minors to the authorities).
140. The need to set up this mechanism arose following the events of 13 April 2006 when armed rebel groups of the United Front for Change (FUC) made an incursion into the city of N'Djamena. During this battle, many children were captured by the regular army at the scene of the operations. This led the Chadian government and its partners to create Transit and Orientation Centres (CTO) for children.
141. These centres replaced the Koundoul Social Reintegration Centre near N'Djamena, which accommodated children for up to three years. However, at the CTO level, reintegration takes place over a period of three to six months at most, given the high cost. This is why the Chadian authorities gave up using the Koundoul Social Reintegration Centre, which had been ransacked by children rescued during armed conflicts who refused to allow the military to be present with them. There is no military presence in the CTOs and security is privatized. One CTO is located in N'Djamena and the other is found in Bol in Lac Province, established in 2016, to accommodate children associated with the Boko Haram terrorist group.
142. By way of illustration, at the Bol CTO, when a child is received, the CTO staff concretely proceeds to carry out the:
- verification of the child's identity;
 - documentation of the child's situation;
 - training or literacy for children according to their age (recreational games, direct training, training in small trades (carpentry, sewing, etc.) and psychosocial support;
 - search for parents or close relatives (filming the child, going to the village to look for the parents, then if the parents are found they are filmed to be identified by the child)
 - setting the date of reunification; and
 - accompanying the child (and donating clothes, blankets, soap, etc.).
143. The CTOs are temporary centres in which the children stay only for the time needed before they are reintegrated into their families. From 2007 to 2012, 1,105 children withdrawn from the armed forces and groups have benefited from food, psycho social, educational, medical and socio-professional care and have been reintegrated into their original environment with the support of CARE, ICRC, UNICEF and other organizations.
144. In reality, however, most of the CTOs, including the one in Bol, are not highly functional due to a lack of resources and appropriate technical staff.



SPRR process

145. The SPRR process in Chad is governed by the various texts mentioned above and takes place in several stages with the intervention of several actors in the social reintegration chain. The process is different for adults than for children.

Social reintegration of adults

146. For adults, the social reintegration process is managed by the social reintegration services of the prison administration of the Ministry of Justice. Social reintegration activities were officially launched on 17 November 2018 following a tripartite agreement that allows the ministries involved to assign supervisors: these are the Ministries of Public Health for health care and hygiene, the Ministry of Social Action for psychosocial care and the Ministry of Vocational Training for trades.

147. The tripartite agreement provides each penitentiary with a literacy centre and workshops in sewing, woodwork and metalwork. These vocational training courses are provided thanks to the support of the Chad Justice Support Project (PRAJUST), funded by the European Union. Workshops have been set up in 12 prisons (Abéché, Amtiman, Ati, Bongor, Doba, Kélo, Koumra, Mongo, Moundou, Moussoro, N'Djaména and Sarh).

148. It is important to recall that this social rehabilitation concerns prisoners in general and does not particularly involve detainees from extremist groups. At present, no special care is provided for extremist group detainees. The conditions of detention of fighters from extremist groups often raises controversy.

149. Following an ambush by the terrorist group Boko Haram on 23 March 2020 in Bohoma in Lac Province, a military operation called “Bohoma Anger” resulted in the capture of 58 Boko Haram members. A few days after their arrest, the authorities announced the death of 44 of these detainees. After an autopsy ordered by the public prosecutor, a “lethal” substance was discovered on the bodies of the victims. The Minister of Justice mentioned the possibility of a “collective suicide” during imprisonment.

150. Apart from this formal process put in place, it must be recognized that disengagement of ex-Boko Haram fighters has been taking place since 2016, even if it is difficult to find precise figures of the number who have repented.

151. In Lac Province, social reintegration takes place through local mediation. Ex-Boko Haram fighters who decide to abandon the group contact the local populations who put them in touch with traditional and customary authorities. The latter are responsible for handing the ex-fighters over to the local administrative or security authorities for profiling. This filtering work makes it possible to identify those who have committed crimes and those who do not represent a great danger. The former are subject to legal proceedings and the latter begin a process of family or community reintegration through collaboration between administrative and traditional authorities. Other ex-combatants may be directly apprehended by the military in the field of operations but are also profiled to determine their background and follow the same process depending on whether they represent a danger or not.²⁶

152. However, regarding voluntary surrender, Order N°0164/PR/MJCDH/DG/DLCI/2019 creates and defines the mission and functioning of a “reception centre for persons associated with the Boko Haram terrorist group who have voluntarily surrendered.” This centre is to fulfill the following tasks:

- welcoming and registering people in voluntary surrender;
- proceeding with their profiling and sorting;
- organizing social and economic rehabilitation through vocational training; and
- preparing the people for reconciliation with and reintegration into their communities.

153. Headed by a director appointed jointly by the Ministry of Justice and the Ministry of Security, the centre is expected to collaborate with the prosecutor specializing in terrorism.

154. However, the existence of such a centre has not yet materialized, which further complicates the care of former Boko Haram associates. Currently, neither

26 See Fonteh Akum, Remadji Hoinathy and Malik Samuel (2021). Exiting Violent Extremist Groups in the Lake Chad Basin. *West Africa Report* No. 32, ISS.



- a socio-professional reintegration programme for returnees exists, nor recognition of the legal status of former terrorist group affiliates.
155. In the absence of structures dedicated to rehabilitation and reintegration, Chad adopts an approach that consists of reuniting individuals with their community after a variable length of time in Bagasola. The traditional authorities are then given responsibility for the reintegration of individuals deemed not to be dangerous to the communities. The others are directed into the penal system. To date, some 6,000 people have been reintegrated into communities in Lac Province, while between 750 and 900 are incarcerated, notably in the high-security prison of Korotoro.
 156. Despite progress made on the legislative front, implementation of SPRR actions in favour of the ex-associates and their communities are rather slow. However, the steering committee has commissioned a profiling and triage study of ex-Boko Haram associates to serve as a basis for calibrating support to them.
 157. Local NGOs and international partners have set up several projects in communities in which ex-combatants have returned. These projects cover several areas, namely:
 - psychosocial and legal accompaniment in the Lake Province by the Association des Femmes Juristes du Tchad (AFJT);
 - reconciliation and reduction of community violence by the Association for the Economic and Social Development of the Lake (ADESOL) in the departments of Mamdi and Kaya; and
 - establishment or rehabilitation of basic infrastructure, such as human powered boreholes, schools, etc.
- ### Reintegration of children
158. Regarding the treatment of children, the process begins with a referral to the Ministry of National Defence's "disarmament and social reintegration" focal point. The focal point is informed when children are found in the field of operations. The children are then recovered and entrusted to a verification mission to determine ages. This expertise makes it possible to document the situation of each child before they are officially handed over to the Ministry of Social Action.
 159. At the Ministry of Social Action, children who are recovered and identified are eligible for a "minimum social reintegration package. "As this is a very costly step for the State, the children are placed in a programme lasting only three months at the level of the CTOs. During this period, the children are taught small trades, such as sewing, mechanics or carpentry. Supervisors are recruited for this purpose. In addition to these activities, psychosocial care is provided.
 160. At the end of the three-month vocational training and psychosocial support phase, the children are given a court-issued release order and are ready to return to their families for a fresh start. Family reintegration is facilitated by UNICEF and NGOs.
 161. The issue of reconciliation, rehabilitation and social reintegration of ex-combatants associated with terrorist groups is governed in Chad by international conventions as well as national texts. These texts guarantee strict respect for the rights of presumed terrorists and former combatants of extremist movements in accordance with international human rights requirements.
 162. For several years, with the support of its United Nations partners in particular, Chad has been working to align itself with international standards of PRSPs by strengthening its legislative framework and putting in place the institutions that should lead the process. What is lacking is a general strategy and an action plan to implement it. As a result, the concretization of actions in favour of the people concerned and their communities is not systematic. For example:
 - no socio-professional reintegration programme exists for former soldiers who have returned to their communities;
 - no transit centre exists to support the DDRR process;
 - former affiliates of armed groups do not have a clear legal status;
 - at the national level, resources are lacking for the implementation of activities in support of the DDRR process; and
 - finally, communities in the affected areas lack basic services.

Moreover, the application of texts poses a problem in Chad in that persons classified as terrorists or accomplices of terrorists do not benefit from



the conditions of treatment provided for them by legislation. The term “terrorist” is applied to the members of a broad spectrum of armed opposition groups, not simply those associated with Islamist-led ideologies, such as Boko Haram.

163. The reintegration of persons involved in extremist movements, therefore, requires greater involvement of the main actors, in particular civil society organizations and technical and financial partners, to compel public authorities to apply the texts in force.
164. As it stands, the DDRR programme does exist, and has achievements to its credit, including the creation of an anti-terrorism unit, the revision of the anti-terrorism law and the adoption of Act No. 003/PR/21 of 9 March 2021 that establishes and determines the organization and functioning of a judicial pool specializing in the suppression of acts of terrorism.
165. In practice, however, Chad lags behind in implementing the DDR process and is struggling find a balance between the need to ensure that justice is meted out to those found guilty of serious crimes and the need to respect of the human rights of ex-combatants and repentant members of violent extremist groups.
166. Chad is, therefore, called upon to formalize and institutionalize the DDRR programme throughout the reintegration process to strengthen the capacities of the administrative and traditional authorities in the management of the DDRR process and to master the management of the database on reintegrated former associates of extremist groups. It would also be desirable for the country to harmonize its judicial police profiling system.
167. The examination of the legal and institutional frameworks has resulted in the below recommendations.
 - Take medium- and long-term action to strengthen the legal and institutional framework and consult with and capacity build state and non-state actors for the management of the PRSP process in Chad. This includes formalizing an SPRR strategy which is based on international standards and is aligned with regional policy within the framework of the CBLT, as well as preparing an action plan for its implementation.
 - Work to mobilize resources at national and international levels to start giving substance to the structures already provided for in the texts adopted and make them functional. This includes ensuring that CTOs and other transit or reception structures deploy concrete reintegration actions.
 - In the immediate future, an urgent need exists to implement concrete actions in communities where former associates have been reintroduced. The National Steering Committee’s profiling study will serve as a basis for calibrating reintegration activities, taking into account the specific needs of the different groups concerned. These actions should promote cohesion and acceptance by the communities, psychosocial recovery and socio-economic recovery (such as support for traditional production, professional and practical training, material support and structuring). Host communities must not be left out of these projects.

Niger²⁷

Policy and legal framework

Policy framework

168. In response to attacks by Boko Haram on the Diffa Region of southeast Niger, the government adopted a twofold approach. In parallel to intensification of military operations, the government entrusted the High Authority for Peacebuilding (HACP) with the mission of proposing a Crisis Exit Plan and leading a reflection on the human and social consequences of the security crisis (cf. Order N°0187/PM, 30 October 2015).
169. This led to the production in 2018 of a document entitled “Draft Strategy for Exiting the Terrorism Crisis in the Diffa Region.” In 2019, this draft document was upgraded to keep it in line with the regional strategy framework document for stabilization adopted by the Lake Chad Basin countries.
170. The National Programme for the Management of the Surrender of Boko Haram Elements (National Programme 2019), adopted in February 2019 describes a process that encourages surrender of those associated with Boko Haram. It also describes, in detail, the pathways of former associates to community reintegration, including the stages of reception, screening, transfer and rehabilitation in the Goudoumaria Reception Centre and then transfer and reintegration into a community of choice for sustainable reintegration.
171. In 2021, with the advent of a new president in Niger and drawing lessons from the implementation of the National Programme 2019 to deal with the surrender of former Boko Haram elements, the Prime Minister’s Office tasked the HACP to revisit the initial crisis exit project, simplify it and align it with the vision of new national and regional policies.
172. The results obtained from implementation of the surrender management programme for Boko Haram elements in the Diffa Region were used for the

development and adoption of a National Surrender Management Programme in Niger (PNPCR) in July 2021.

173. The July 2021 version of the Diffa Region crisis exit strategy has three phases that focus on the immediate, medium and long-term needs of conflict-affected areas in the Diffa Region.

- Phase I focuses on the return of displaced Nigeriens to their places of origin.
- Phase II focuses on post-conflict reconstruction; and
- Phase III addresses Diffa’s development issues, i.e., local and regional economic development, access to quality basic services and strengthens the presence and legitimacy of the state.

In addition to these phases, and as an indication, all interventions will be articulated around:

- Axis 1: support to territorial administration, technical services, justice and security;
- Axis 2: strengthening intra and inter-community social cohesion; and
- Axis 3: strengthening the economic resilience of communities.

Legal framework

174. Since December 2018, four decrees have been promulgated to establish a legal framework to implement the requirements contained in UNSCR 2349 (2017) and subsequent resolutions to address the treatment of persons formerly associated with Boko Haram who have surrendered to authorities, thus considered to have defected from Boko Haram. (These persons are referred to in Niger as Boko Haram “repentant.”) These decrees are listed below.
- Amendments to the Penal Code, Law No. 2018-86 of 19 December 2018: These amendments provide for reintegration for

27 Main sources of the section, besides Government of Niger SPRR-related documents, decrees and laws, are: a) Peace Building Fund documents and reports (particularly the project review report Socio-economic reintegration of Boko Haram ex-combatants, victims and released detainees in Diffa region, Niamey, October 2019); and b) Programme insight: The screening process of disengaged Boko Haram associates, Florian Morier, 2019 in the *Journal for Deradicalization and c) Etat des lieux du Profilage, de la Poursuite, de la Réhabilitation et de la Réintégration des personnes associées à Boko Haram au Niger, dans le contexte d’une approche harmonisée de “SPRR” (PPRR) de la Commission du Bassin du Lac Tchad (CBLT) pour les pays affectés par la crise de Boko Haram, Mars 2020.*



individuals associated with Boko Haram who voluntarily surrender to the state and the right to compensation for victims.

- Order No. 00172 of 4 February 2019 creating a ‘reception centre’ in Goudoumaria (Arrêté Goudoumaria).
- Order No. 000003/MPF/PE/SG/DGPE/DL of 18 January 2017 on the creation, attributions and functioning of the Provisional Transit and Orientation Centre (CTO) for children presumed to be associated with armed groups and victims of migration (Children’s Order).
- Decree No. 2019-246 of 10 May 2019 on the organization and powers of the Central Service for Combating Terrorism and Transnational Organized Crime (*Service central de Lutte contre le Terrorisme et la Criminalité*, or SCLCT; SCLCT Decree).

175. In 2011, a series of anti-terrorism laws were passed, including an amnesty law for deserters stipulating that:

- a member of a terrorist group or organization who plans a terrorist act is exempt from prosecution if he or she has notified the authorities and allowed the terrorist act to be stopped; and
- any person who participates in a terrorist act and provides the authorities with information necessary to identify the perpetrators of the offence may benefit from Articles 53 and 54 of the Criminal Code and receive a reduced sentence.

176. The 2018 amendments to the Penal Code create a new Article 399-1.20 which provides, inter alia, that persons who have voluntarily surrendered to the authorities after participating in a terrorist act may be exempted from prosecution by the Public Prosecutor, with the exception of those who have allegedly committed the crime of genocide, war crimes, crimes against humanity and all “other serious crimes.”

177. In addition, a new Article 399-1.25 of the Criminal Code provides that victims of terrorist acts are entitled to reparation (compensation) under the conditions set by decrees adopted by the Council of Ministers.

178. The Penal Code, including its 2018 amendments, the Goudoumaria Decree in February 2019, the decrees of the Central Service for the Fight Against Terrorism

– SCLCT (2011 and 2018) and the Children’s Order (2017), constitute the national legal framework for the screening, prosecution, rehabilitation and reintegration (SPRR) of persons associated with Boko Haram who voluntarily surrender to administrative or traditional authorities.

179. The above legal framework does not apply to adults detained or arrested during military or law enforcement operations. This category is investigated by the SCLCT (while associates are in detention in the Kollo, Koutokale and Niamey Centres) and will then be prosecuted by the Pôle Judiciaire Spécialisé en Matière de Lutte Contre le Terrorisme et la Criminalité Transnationale. Those who have been convicted may, towards the end of their sentence, participate in a prison rehabilitation programme.

(See Figure 1 for a summary of the above.)

Child-specific legislation

180. The applicable legal framework for the treatment of all children presumed to be associated with armed groups is distinct, established by the Children’s Order (2017), which creates temporary transit and orientation centres (CTOs) for children presumed to be associated with armed groups. The CTOs are under the management of the Ministry of Women’s Promotion and Child Protection (Article 1) and UNICEF covers the operating costs of the CTOs (Article 12). In accordance with Articles 3 and 6 of the Children’s Order, the CTOs are responsible for assessing the needs of each child and providing them with:

- accommodation, food, health, and medical care.
- psychosocial support, preparation for reunification with families, reintegration (including education and economic opportunities); and
- joint social, educational, and recreational activities.

181. It should be noted that the Children’s Order does not define the term “associated with armed groups.” The exact length of time a child will spend in a CTO depends on the circumstances of the child; however, the average is estimated at three months (Article 6). A judge specializing in juvenile justice and social workers meet every two months to assess cases and decide whether a child should be released from the CTO to return to his or her parents or to another



person identified by the judge and social workers (Article 7).

Challenges

182. Despite significant progress made in the legal framework, a series of human rights and other legal problems remain, as described below.
- There is a lack of clarity in the scope of the term “other serious crime” in Articles 399.1.20 and 399.1.25 of the Criminal Code. The lack of clarity allows for a very broad interpretation in the selection process of Boko Haram “reportees,” with some interpretations potentially conflicting with United Nations Security Council requirements for prosecution, rehabilitation and reintegration under Resolutions 1373, 2178 and 2396.
 - Prolonged detention of former associates in the Kollo, Koutokalé and Niamey prisons raises concerns.
 - Issues are outstanding related to the legal status of Boko Haram “repentants” currently detained in the Goudoumaria Reception Centre.
 - Compensation for victims is not specified by law; instead, compensation is provided for in a decree.

Institutional framework

183. The National Programme 2019 describes the formal coordination structure from the national to the local level. At the national level, a Steering Committee, led by the Ministry of Interior, ensures coordination between ministries and national and international partners involved in the process. The Steering Committee’s main objective is to validate the National Programme and to provide guidance for each phase. The National Programme also provides for the establishment of a National Coordination Unit under the authority of the Ministry of Interior, responsible for implementing the recommendations of the Steering Committee.
184. The Central Counterterrorism Service (*Service Central de Lutte Contre le Terrorisme*; SCLCT) is the law enforcement unit in charge of terrorism cases and issues recommendations to: a) prosecute; b) rehabilitate; or c) further investigate to the Specialized Anti-Terrorism Judicial Unit (PJS) composed of prosecutors and judges in charge of terrorism cases.

The PJS prosecutors then decide on a course of action between these three options for each former Boko Haram repentant, based on criteria that include the likelihood that the person may have committed genocide, a war crime, a crime against humanity or any other serious crime.

185. In line with the SPRR framework for surrendered persons, the following practice has developed:
- Boko Haram repentants are transferred to the Goudoumaria Reception Centre.
 - each person at the Goudoumaria Reception Centre is registered and their information is collected by the SCLCT and uploaded into a database to create files for each person; and
 - based on a recommendation from the SCLCT, the designated prosecutor of the Specialized Anti-Terrorism Judicial Pole (PJS) reviews the files of each person and performs a triage that leads to the decision to: (a) transfer the person and their file to the PJS; or (b) recommend the person for rehabilitation at the Goudoumaria Reception Centre, in accordance with Article 399 – 1.20, Subparagraph 2 of the 2019 Amendments to the Criminal Code.
186. At the local level, the Governorate of Diffa, through its regional coordination committee, implements the National Programme. This regional committee comprises all relevant regional actors, including ministries, NGOs and United Nations agencies.
187. The regional coordination committee works with four departmental committees, one for each department that is affected by the Boko Haram crisis: Bosso, Diffa, Mainé Soroa and Nguigmi. The departmental committees coordinate all activities that take place in their respective zones. The committees are the main actors in charge of the communication, reception, reconciliation, reintegration and monitoring phases of the National Programme. The departmental committees, in turn, coordinate with the community peace and security committees established or to be established.
188. Significant challenges remain regarding coordination of the PRRO process. At the time of writing, Niger did not have a steering committee, a national coordinator or a technical director at the Goudoumaria Reception Centre, as envisaged in the National Programme.



These three functions and roles are essential for the proper functioning of the SPRR process.

Goudoumaria Reception and Rehabilitation Centre

189. Section 1 of the Goudoumaria Order of 4 February 2019 established a Goudoumaria Reception and Rehabilitation Centre for persons associated with the Boko Haram terrorist group who voluntarily surrendered to the authorities. Voluntary surrender is defined in the order as placing oneself under the control of an administrative or customary authority with the unequivocal aim of renouncing violence and resuming a normal life in society.
190. Article 2 specifies that the Goudoumaria Reception Centre aims to receive all persons associated with Boko Haram who surrender voluntarily and to enrol them in a rehabilitation process with a view to their social reintegration, including:
 - reception and registration of former Boko Haram associates who surrender voluntarily;
 - profiling and screening of these individuals;
 - organizing the social and economic reintegration of associates through rehabilitation and vocational training; and
 - preparing for reconciliation and reintegration of associates into their communities of origin or other communities of their choice.
191. The Goudoumaria Reception Centre is run by the Ministry of Interior. The Ministry of Interior has appointed a colonel with a National Guard (GNN) team under the Ministry of Interior. The colonel is assisted by a technical director specializing in rehabilitation who is responsible for operational planning and implementation of activities in the camp. Officers from the Anti-Terrorist Police Unit are responsible for profiling and triaging defectors or persons who surrender to the authorities.
192. To date, all former Boko Haram associates who have defected or surrendered have received reintegration support at the Goudoumaria Reception Centre, i.e., no associate has reintegrated without going through the Goudoumaria Reception Centre.
193. The length of stay at the Centre for the first residents was around 29 months (1/06/2017 to 30/11/2019). The proportion of Niger nationals residing at the

Goudoumaria Reception Centre is around 53 percent, while 29 percent are Nigerians. The proportion of male residents at the centre is 41.6 percent, while women make up 8 percent and children 21.6 percent.

SPRR process

194. The National Programme consists of six components: the institutional framework (described above); communication; reception; registration and screening; rehabilitation; and reconciliation and reintegration.
195. The communication component focuses on the need to inform communities and stakeholders about the National Programme to encourage a wave of defections that would weaken Boko Haram. To this end, the National Programme includes plans to assess cultural and community perceptions and to develop a communication strategy, including the design and delivery of messages to different audiences.
196. The reception of surrendered former Boko Haram associates is handled by the security forces, administrative officials and traditional leaders. A standard operating procedure outlines the different stages of the reception process, including the duration, location and specific tasks of the actors involved. During this phase, weapons (if any) are collected, and unaccompanied minors are identified and transferred to the CTO.
197. The screening process includes the registration, profiling and triage of former Boko Haram associates. The main objective is to separate those adults who should be exempt from prosecution and are eligible for the rehabilitation programme from those who should be prosecuted (former associates who are suspected of being perpetrators of genocide, war crimes, crimes against humanity or other serious crimes). The outcome of the review determines whether the person is recommended for:
 - further investigation (leading to a recommendation for prosecution or rehabilitation);
 - prosecution (leading to conviction and imprisonment or acquittal and rehabilitation); or
 - rehabilitation (and possibly “certification” and reintegration into society).



198. A standard operating procedure details the different stages of the screening phase and the role of the SCLCT in registration and profiling and the prosecutor's office in the screening process. It includes specific provisions for people with special needs.
199. The reintegration component comprises two categories (both of which can be pursued at community level if necessary):
- social rehabilitation (religious training and dialogue, life skills training, civic education, literacy, cultural activities, mental health support, sports, and team building, among others); and
 - economic rehabilitation (vocational training in nine different trades).
200. The rehabilitation programmes at the Goudoumaria Reception Centre are implemented by NGOs (such as COOPI and Search for Common Ground) in close collaboration with the local and Centre authorities.
201. The reintegration component also details the modalities related to the exit procedure from the Goudoumaria Reception Centre ("certification"). After certification, the former associate receives a reintegration package (consisting of start-up funds and tools) to facilitate the reintegration process.
202. For the first batch of Nigerian former associates, high-level Nigerian government officials participated in the certification ceremony at the Goudoumaria Reception Centre. Subsequently, a Nigerian delegation travelled to Diffa to agree on the repatriation of Nigerian former associates who wished to return to Nigeria.
203. The National Programme covers reconciliation and reintegration as one component, on the basis that one cannot work without the other. The process is led by the Diffa Regional Committee and four departmental committees in Bosso, Diffa, Mainé Soroa and Nguigmi, in close consultation with the traditional leaders of the returning villages.
204. Among other partners, the NGO Dialogue Humanitaire provides support for reconciliation and reintegration, both in terms of support to former associates and community preparation activities. The latter consist of community social cohesion activities, rehabilitation of social and productive infrastructure and income-generating activities with a focus on youth who have remained in the village. The (perceived) lack of community preparedness activities continue to be a bone of contention in the returning communities.
205. The perception of the community towards those being reintegrated varies greatly. In some cases, the community has pushed for the immediate return of former associates, while in other cases, significant support for reconciliation is needed because of negative perceptions in the community. Reintegration support provided targets both former associates and community members (dual targeting, in a 1:5 relationship) to promote reconciliation. A survey conducted in October 2019 by UNDP, in collaboration with the Diffa Governorate and the Centre National d'Etudes Stratégiques et Sécurité (CNESS), concluded that 62 percent of respondents in 11 communities had a favourable opinion of the reintegration of former Boko Haram associates.
206. Although some monitoring is currently underway, with the establishment of community committees, a comprehensive monitoring system involving community and district leaders and implementing partners, will need to be developed as more former associates reintegrate.
207. Other key lessons learned from the DDDR programme in Niger are below.
- The political will that led to the official call for surrender in December 2016 and the upgrading of certain articles of the penal code and the code of criminal procedure (new Article 399.1.20 and the time limit for police custody was changed from 24 hours to 5 days and then 15 days) and the clarification of the status of the Goudoumaria Reception Centre;
 - There is strong involvement of customary chiefs.
 - The experiences of Nigeria and Chad have strengthened popular conviction because in these countries testimonies of recidivism are rare.
 - However, some believe that the exclusion of real Boko Haram fighters from the surrender programme by law is a major limitation.
 - A major weakness of the programme is that it is almost entirely funded by partners.
 - The normal length of stay at the Goudoumaria Reception Centre is often exceeded: the first

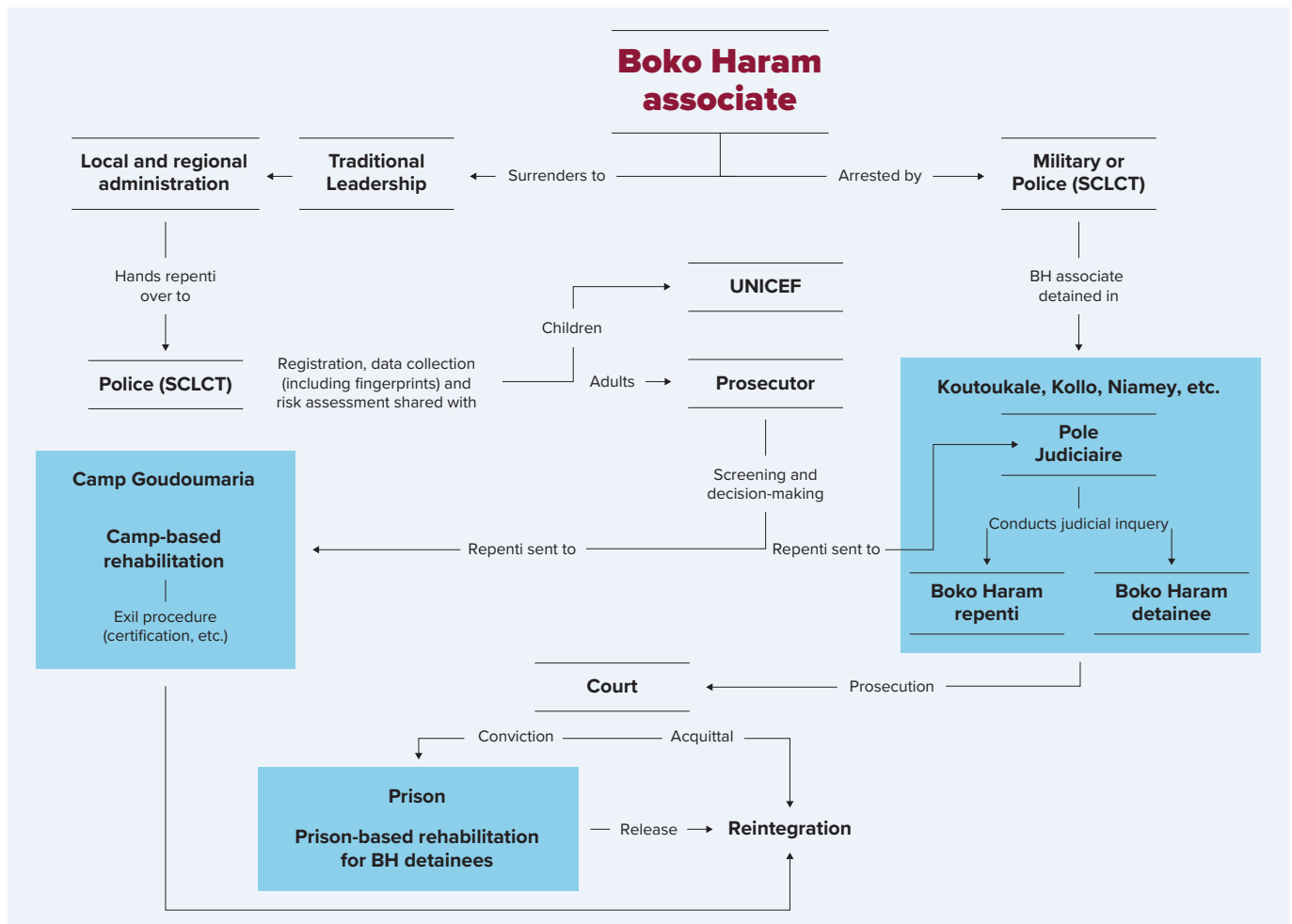
wave stayed more than 24 months at the Goudoumaria Reception Centre and the case of the 13 returnees from the Tillabéry Region who are still waiting more than 16 months on the premises of the national police school in Niamey.

- Reception centres require working tools and adequate personnel.
- A data collection and archiving system should be set up.
- In view of the large number of non-Nigeriens, it is necessary to strengthen the collaboration and coordination mechanism at the regional level (between states).
- There is a need to identify an adequate mechanism or method to establish the age of candidates for the surrender programme, especially for unaccompanied minors.

208. The examination of the legal and institutional frameworks brings to light the below recommendations.

- Niger should follow the example of the other countries of the Lake Chad Basin and put in place an integrated strategy for SPRR and upgrade its institutional and legal framework in line with regional and international requirements.
- A mechanism is needed for closer monitoring of the beneficiaries of the Goudoumaria Reception Centre to ensure real social and economic integration takes place.
- National funding efforts for SPRR activities must increase to reduce dependence on external funding.

FIGURE 3: Summary of the SPRR process in Niger



Nigeria²⁸

Legal and policy framework

Legal framework

209. The Nigerian counterterrorism framework centres on a provision on terrorism in the Economic and Financial Crimes Commission (Establishment) Act of 2004, the Terrorism (Prevention) (Amendment) Act of 2013 and the National Security Strategy of 2019.

Economic and Financial Crimes Commission Act, 2004

210. The second section under Part IV of the Economic and Financial Crimes Commission (Establishment) Act passed in 2004 deals with offences related to terrorism. While expressly criminalizing the act of providing or collecting money meant for an act of terrorism, sub-section (2) goes on to generally prohibit terrorist acts and their facilitation, stipulating life imprisonment as the punishment for the offences. In addition to providing for penalties in case of prosecution, the Act does not make any other provision relevant to the SPRR process.²⁹

Terrorism (Prevention) Act, 2011

211. Nigeria passed the Terrorism (Prevention) Act in 2011, two years after the Boko Haram insurgency broke out. For the first time, it gave legal force to an extensive definition of acts of terrorism. Section 2(1) of the Act was relied on to proscribe the secessionist organization, Indigenous People of Biafra, in September 2017.³⁰

212. Under the Act, terrorism and terrorist financing occurs when any person, directly or indirectly, provides or

collects funds with the intention or knowledge that the funds will be used, in full or in part, to:

- commit an offence in breach of an enactment specified in the schedule of the Act; or
- do any other act intended to cause death or serious bodily injury to a civilian or any other person not taking active part in the hostilities in a situation of armed conflict, when the purpose of such act by its nature or content is to intimidate a group of people or to compel a government or an international organization to do or abstain from doing any act.

213. An ongoing debate exists on the expansive definition of terrorism and material and non-violent support. Crucially, mere membership in a terrorist group is criminalized, regardless of specific offences. Along with the ways in which membership is determined in practice, such as on the basis of Civilian Joint Task Force allegations or of having paid taxes to Boko Haram while living under the group's control, this expansive criminalization of terrorism complicates how the state deals with defectors.

214. The Terrorism (Prevention) Act covers topics ranging from international terrorism to terrorist funding, requests for extradition, intelligence gathering, etc, but does not make provisions for the SPRR process, except for prosecution. Before this Act, Nigeria's criminal and penal codes prohibited certain violent acts but had no specific provisions for counterterrorism.³¹ The Economic and Financial

28 The content of the Nigeria section is, among other sources, based on: 1) "The limits of punishment, transitional justice and violent extremism. Nigeria case study, Vanda Felbab-Brown, 2018;" and 2) National policy framework on DRRR – National policy framework, implementation strategy, policy brief – The Kukah Centre, 2018.

29 The Act's interpretation section defines terrorism as: "(a) any act which is a violation of the Criminal Code or the Penal Code and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public property, natural resources, environmental or cultural heritage and is calculated or intended to (i) intimidate, put in fear, force, coerce, or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act or to adopt or abandon a particular standpoint, or to act according to certain principles, or (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency, or (iii) create general insurrection in a state; (b) any promotion, sponsorship of, contribution to, command, aid incitement, encouragement, attempt threat, conspiracy, organization or procurement of any person, with the intent to commit any act referred to in Paragraph (a) (i), (ii) and (iii)."

30 The subsection provides that: Where two or more persons associate for the purpose of or where an organization engages in - (a) participating or collaborating in an act of terrorism; (b) promoting, encouraging or exhorting others to commit an act of terrorism: or © setting up or pursuing acts of terrorism, the judge in Chambers may on an application made by the Attorney General, National Security Adviser or Inspector General of Police on the approval of the President declare any entity to be a proscribed organization and the notice should be published in official gazette.

31 United Nations Office on Drugs and Crime (2018, May). Final Independent Project Evaluation of the "EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism," p. 3. Retrieved from www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2018/GLOR35-Nigeria_Final_Independent_Project_Evaluation_2018.pdf.



Crimes Commission (EFCC) Act of 2004 also contains terrorism-related provisions but lacks details.

215. Part VI (Sections 30 to 34) of the Terrorism (Prevention) Act is about prosecution and bestows on the Attorney-General of the Federation the power to delegate prosecutorial responsibilities to any agency charged with investigating terrorism. The proceedings may be held privately, or other steps may be taken to ensure the safety of witnesses. The court with jurisdiction to adjudicate on matters raised by the Act is the Federal High Court and penalties range from two years to life imprisonment and/or fines. Further, Section 25 states that the court may grant an ex parte application to detain a suspect for a period not longer than two months. Detainees are, however, to be granted access to legal counsel and medical personnel, if necessary, within the first 24 hours.
216. Meanwhile, the Terrorism (Prevention) (Amendment) Act of 2013 makes additional provisions relevant to the SPRR and the institutional framework guiding the process. For instance, the ONSA is stated as the coordinating body for all security and enforcement agencies under the law while the Attorney-General ensures conformity of local laws and policies with international standards, maintains international cooperation and sees to the effective prosecution of terrorism matters.
217. Law enforcement agencies are empowered by the 2013 Amendment Act to adopt measures to prevent and combat terrorism, facilitate the detection and investigation of acts of terrorism, conduct research to improve preventive measures and partner with civil society organizations and the public to prevent and eliminate terrorism through education, support, information, awareness and sensitization.
218. These may be severally construed to fall under the Screening and Rehabilitation components of the SPRR. The Terrorism (Prevention) Act is being considered for further amendment by the country's parliament.
219. The 2013 Terrorism (Prevention) (Amendment) Act provides measures for the prevention, prohibition and combating of acts of terrorism and the financing of terrorism in Nigeria, prescribes penalties for

violating any of its provisions and is geared towards the effective implementation of international instruments, such as the African Union Convention on the Prevention and Combating of Terrorism and the International Convention for the Suppression of the Financing of Terrorism. Section 1 of the Act criminalizes terrorism, while sub-section 3 defines an "act of terrorism."

220. However, gaps and unanswered questions still exist in the available legal and policy frameworks in the country. For instance, it remains unclear which documents clearly stipulate how to distinguish low risk from high-risk militants and the various rules guiding them when it comes to rehabilitation programmes.

International instruments

221. Some of the international laws applicable in Nigeria and referenced in some of the country's policy documents include the OAU Convention on the Prevention and Combating of Terrorism and the United Nations Global Counter-Terrorism Strategy and African Charter on Human and Peoples' Rights.
222. The OAU Convention, which went into force in 2002, contains its own definition of terrorism, which is almost exactly what is provided under the EFCC Act of 2004. Under it, state parties commit to establishing criminal offences for terrorist acts.³² The OAU Convention focuses on the international dimensions to counterterrorism, such as cross-border movements and transactions, exchange of information and expertise, asylum applications, extradition of suspects, state jurisdiction and cooperation between domestic security forces. It also supports extraterritorial investigations and assistance with the administration of criminal justice. This may come in the form of witness examination, initiation of investigation processes, conducting inspections, collection of documents and so on. The OAU Convention is completely silent on the topics of rehabilitation and reintegration.
223. The United Nations Counter-Terrorism Strategy (seventh review), adopted through a June 2021 [General Assembly resolution](#), emphasizes the need for human rights to be respected in the fight against terrorism. The Strategy calls for developing and implementing risk assessments on returning

32 OAU Convention on the Prevention and Combating of Terrorism, p. 4. Retrieved from https://au.int/sites/default/files/treaties/37289-treaty-0020_-_oau_convention_on_the_prevention_and_combating_of_terrorism_e.pdf.



terrorist fighters and their families, prosecution, and rehabilitation and reintegration efforts consistent with applicable domestic and international law.³³

Policy framework

National Counterterrorism Strategy, 2016

224. The National Counter Terrorism Strategy (NACTEST) was first developed in 2014 by the Office of the National Security Adviser (ONSA) as a holistic methodology to guide the country's approach to the war on terrorism. The Strategy was [reviewed and updated](#) in 2016.³⁴ It [elaborates](#) in detail how the Terrorism (Prevention) (Amendment) Act is to be implemented.³⁵
225. The strategy recognizes the definitions of terrorism provided by United Nations Security Council Resolution 1566 of 2004³⁶ and the Terrorism (Prevention) (Amendment) Act.³⁷ It goes a step further to distinguish terrorism from insurgency and counterterrorism from counterinsurgency.
226. NACTEST has five work streams. These include forestalling terrorism through public enlightenment, engagement and de-radicalization programmes; securing lives and properties; investigating acts of terrorism and identifying and bringing sponsors to justice; preparing the populace for the consequences of terrorist incidents; and designing and implementing a framework for cross-governmental, inter-agency efforts. The streams are summarized as FSIPI (Forestall, Secure, Identify, Prepare, Implement).
227. One of the objectives of the Forestall stream is de-radicalization of people before they reach the tipping point, using trained professionals in the health and education sectors. For detained violent extremists, it recommends the establishment of a de-radicalization centre to aid their reintegration and for those serving jail terms, "a comprehensive programme will be developed to not only get them de-radicalized but ensure they are introduced to sustainable vocational training that would prepare and rehabilitate them for reintegration into mainstream society."³⁸
228. The Forestall stream additionally recommends a de-radicalization programme that features prison reform with a focus on Post Traumatic Stress Disorder (PTSD) counselling, education, sports, art, music, culture and religion.
229. The screening anticipated by NACTEST is the identification and profiling of groups and individuals whose actions promote terrorism (through intelligence gathering), not necessarily the screening conducted during the arrest of suspected terror group members as is found in the SPRR protocol of the Regional Strategy.
230. NACTEST emphasizes that prosecution is the preferred way of responding to people involved in terrorism. The Strategy adds that prosecution should be done through efficient evidence-gathering and the conduct of thorough investigations. However, the Strategy concludes that "where prosecution is not possible, effective use will be made of a number of other security measures designed to make Nigeria a more hostile environment for terrorists to operate in,"³⁹ which might be viewed as tacit approval of instances of prolonged detention of terrorism suspects without trial and the use of dubious techniques.
231. NACTEST has been [described](#) as having "gaps that question its suitability as a counterterrorism policy document for Nigeria."⁴⁰ Some shortcomings identified include that it encourages rivalry among different

33 The United Nations Global Counter-Terrorism Strategy (A/RES/75/291), p. 6. Retrieved from <https://undocs.org/en/A/RES/75/291>.

34 Office of the National Security Adviser Counter-Terrorism Centre. National Counter Terrorism Strategy 2016. Retrieved from <https://ctc.gov.ng/national-counter-terrorism-strategy-2016/>.

35 United Nations Office on Drugs and Crime (2018, May). Final Independent Project Evaluation of the "EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism," p. 3. Retrieved from www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2018/GLOR35-Nigeria_Final_Independent_Project_Evaluation_2018.pdf.

36 Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act.

37 An act deliberately done to harm or cause damage with the intent to intimidate, destabilise or negatively influence a group of people, organization or government to achieve a political, religious, economic or social goal.

38 The National Counter Terrorism Strategy (NACTEST) 2016 (Revised), p. 20.

39 Ibid, p. 28.

40 Eme O.I. (2018). Inter-Security Agency Rivalry as an Impediment to National Counter Terrorism Strategy (NACTEST). AfriHeritage Research Working Paper Series, p. 1. Retrieved from <https://media.africaportal.org/documents/Inter-Security-Agency-Rivalry.pdf>



organs of government, tends to lay sole emphasis on Boko Haram, does not state government's disposition to negotiate with terror groups, is silent on Nigeria's interests abroad and responses to state-sponsored terrorism and is ambiguous and unclear about the roles and responsibilities assigned to different implementing ministries, departments and agencies.

Policy Framework and National Action Plan for Preventing and Countering Violent Extremism, 2017

232. Unlike NACTEST, the Policy Framework and National Action Plan for Preventing and Countering Violent Extremism released in August 2017 is the product of consultative meetings between government agencies, NGOs, labour, media, academia, faith-based organizations, women's groups and youth organizations.⁴¹ It is meant to guide the handling of persons linked to violent extremism, institutionalize mechanisms for countering violent extremism in different government circles and encourage engagement with various groups to address violent extremism. The Policy Framework and National Action Plan is, as it introduces itself, a "broad policy framework to provide direction and coordination for the various initiatives that have been launched to tackle the menace of violent extremism in the country" based on research, global practices and the knowledge of root causes.⁴² Though it was scheduled for review after three years, no update has been released.

233. The Policy Framework and National Action Plan defines various concepts, adopting the United Nations definitions for terrorism⁴³ and violent extremism. According to the document, preventing and countering violent extremism (PCVE) includes "policies and activities that aim to prevent and counter individuals and groups from committing or materially supporting ideologically motivated violence against innocent targets by discrediting the messages and propaganda of the extremists, disrupting their plans and activities and challenging their actions."⁴⁴ These include attempts to rehabilitate and reintegrate offenders.

234. Part II discusses the roles of different people and groups, including youth and students, women and girls, family members, schools, community leaders, faith-based organizations, health and social workers, civil society organizations, media and social media influencers, artists and social mobilizers, political leaders, the private sector, police and armed forces. Civil society groups and police officers are particularly noted as relevant to reconciliation, rehabilitation and reintegration efforts.

235. Part III, which centres on the national action plan, contains four priority components. The second component deals with strengthening the rule of law, access to justice and human rights approaches. It recognizes alternative dispute resolution mechanisms, such as mediation and restorative justice. The second component encourages that violent extremist militants who are arrested are treated according to law and swiftly prosecuted. "Ministries of Justice are expected to lead the efforts in the prompt and fair prosecution of unrepentant perpetrators, while also designing and implementing transitional justice programmes for reconciling victims and repentant perpetrators," it states.⁴⁵ Towards the end, it encourages government agencies and civil society groups to come up with inclusive programmes for demobilization, rehabilitation and reintegration of former violent extremist militants.

National Security Strategy, 2019

236. Another creation of ONSA, the National Security Strategy was first developed in 2014 "to guide, organize and harmonize the nation's security policies and efforts."⁴⁶ The document was updated in 2019 and is scheduled for revision every five years to remain relevant given new security threats and trends.

237. The National Security Strategy acknowledges that the splintering of Boko Haram into different factions has further complicated the crisis. Much, however, has changed in the group's structures and behaviour since 2019.

41 Office of the National Security Adviser Counter-Terrorism Centre. PCVE National Framework and Action Plan. Retrieved from <https://ctc.gov.ng/pcve-national-framework-and-action-plan/>.

42 PCVE National Framework and Action Plan 2017, p. 10.

43 United Nations Security Council Resolution 1566 of 2004.

44 PCVE National Framework and Action Plan 2017, p. 1.4

45 Ibid, p. 28.

46 Office of the National Security Adviser Counter-Terrorism Centre. Nigerian National Security Strategy 2014. Retrieved from <https://ctc.gov.ng/nigerian-national-security-strategy-2014/>.



238. Like NACTEST, the National Security Strategy emphasizes the need for effective intelligence gathering and data collection as a means of strengthening internal security. In terms of prosecution, the Nigerian government states in the document its plan to build the capacity of the criminal justice system to fast-track trial processes in line with the provisions of the 2015 Administration of Criminal Justice Act (ACJA), bring terrorists to justice and reduce recidivism.
239. The National Security Strategy repeatedly favours a whole-of-government and whole-of-society approach to tackling violent extremism and acknowledges government programmes put in place to encourage defections from terror groups and rehabilitation and reintegration of former members. “We will continue to strengthen these initiatives in addition to reinvigorating strategic communication to prevent and counter violent extremism through the media,” the document states.⁴⁷
- International documents**
240. Relevant international policy frameworks and strategy documents include the Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected Areas of the Lake Chad Basin Region (also known as the Pillar Paper for Screening, Prosecution, Rehabilitation and Reintegration), the United Nations Disarmament, Demobilization and Reintegration Standards (IDDRS) Framework, the African Union Operational Guideline on National DDR Frameworks and the African Union Operational Guideline on Reintegration.
241. The Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected Areas of the Lake Chad Basin Region, released in 2018 by the Lake Chad Basin Commission and the African Union Commission, is one of the most comprehensive guidelines for SPRR in the region.
242. The document applies to the Lake Chad Basin countries (Cameroon, Chad, Niger and Nigeria), highlights the similarities and differences in how the various countries handle people associated with Boko Haram and proposes a series of strategic outcomes.
- It sets out four objectives in line with the activities and defines each of the terms: Screening, Prosecution, Rehabilitation and Reintegration.
243. The Regional Strategy recommends the use of a risk assessment method to measure how much risk a violent extremist might pose in the future during screening.⁴⁸ The result of the screening might determine if a person qualifies for amnesty, should be additionally monitored, should be separated from others in prison, should be prosecuted, is eligible for rehabilitation and reintegration and so on. The Regional Strategy provides a screening form template and recommends that a common screening method and minimum set of common criteria are established in line with international standards.
244. In terms of prosecution, the Regional Strategy recommends that the Lake Chad Basin countries strengthen or adopt national criminal justice policies in terrorism cases, adopt common regional procedures for children, elaborate national amnesty laws, improve capacity for criminal investigations and adopt effective measures for victim and witness protection.
245. The Regional Strategy advises that gaps in the capacity of countries to provide rehabilitation services are addressed and information from the screening process is used to tailor rehabilitation plans to the needs of each individual in both prison and non-prison environments.
246. Finally, the Regional Strategy recommends the identification and harmonization of reintegration opportunities in the region, the preparation of communities for the return of persons associated with Boko Haram and the counselling of participants pertaining to community-based reintegration.
247. The African Union Operational Guideline on National DDR (Disarmament, Demobilization and Reintegration) Frameworks was [published](#) in 2014. The Guideline states that participation in DDR processes should be based on choice and a set of clear criteria. It suggests that prior consultation and a clear communication effort are required to limit tensions that may arise from

⁴⁷ National Security Strategy (December 2019), p. 24. Retrieved from <https://ctc.gov.ng/national-security-strategy-2019/>.

⁴⁸ African Union Pillar Paper for Screening, Prosecution, Rehabilitation and Reintegration (2018, August), p. 14. Retrieved from www.peaceau.org/uploads/annex-3-lcbc-strategy-pillar-paper-screening-prosecution-rehabilitation-and-reintegration.pdf.



reintegrating ex-combatants when formerly displaced people are returned to the same communities.⁴⁹

248. The African Union Operational Guideline on Reintegration, also published in 2014, contains different reintegration models (ex-combatant-focused and community-focused), dynamics, scenarios and programme implications.
249. Other relevant international policy documents include the United Nations Secretary-General's Plan of Action to Prevent Violent Extremism issued in December 2015 and the African Union Plan of Action on the Prevention and Combating of Terrorism.

Institutional framework

250. The primary source of information on the institutional framework guiding counterterrorism and counterinsurgency programmes is the final section of the National Counter Terrorism Strategy (NACTEST), which states the roles and responsibilities of various ministries, departments and agencies towards implementing the document's policies.⁵⁰ This covers 12 ministries, 34 departments and agencies and civil society organizations. Nigeria's Policy Framework and National Action Plan for Preventing and Countering Violent Extremism has similar information for institutions, such as the Justice Ministry, Counter-Terrorism Centre (CTC) and PCVE National Action Plan Steering Committee.
251. **Ministry of Communications and Digital Economy:** While NACTEST does explicitly mention this ministry, it includes recommendations for various agencies under it. The Nigerian Communications Commission helps with monitoring through SIM card registrations and disseminating information to remote communities. The Federal Radio Corporation of Nigeria likewise helps to enlighten the public on counterterrorism initiatives and create awareness. The Nigerian Communications Satellite company supports security operations through information collation and analysis.
252. **Ministry of Defence:** According to NACTEST, the role of the ministry is to support the Armed Forces in facing contemporary security challenges. It suggests, "in the event of an attack that may exceed the capacity of civil response, the Ministry can support the Forestall aspect of NACTEST through Military Operations Other Than War (MOOTW)."⁵¹ Under a different section dedicated to the Defence Headquarters (DHQ), the strategy document provides that the ministry is to establish a robust counterterrorism unit and coordinate the counterterrorism efforts of the Armed Forces. It adds that the "DHQ is to coordinate and implement the mandate of the Multinational Joint Task Force (MNJTF) involving the Armed Forces of Nigeria, Niger, Chad, Cameroon and Republic of Benin."⁵²
253. **Ministry of Health:** Among other things, NACTEST suggests that the Ministry of Health can "set up institutions to develop skills for the identification and counselling of vulnerable persons who are at the threshold of being radicalized, including facilities for PTSD nationwide."⁵³
254. **Ministry of Labour and Employment:** NACTEST states that the ministry could help with creating job opportunities as well as avenues for skill acquisition to reduce exposure to radicalization; but this responsibility could also be extended in the support of rehabilitation efforts that make ex-combatants able to sustain productive civilian lives.
255. **Ministry of Justice:** The Policy Framework and National Action Plan for Preventing and Countering Violent Extremism states that this ministry is "expected to lead the efforts in the prompt and fair prosecution of unrepentant perpetrators, while also designing and implementing transitional justice programmes for reconciling victims and repentant perpetrators."⁵⁴
256. NACTEST adds to this the responsibilities of improving the capacity of the criminal justice system to deal with terrorism cases, ensuring the criminalization of incitement and recruitment at places of worship and providing "leadership in the development of a seamless and coordinated approach to investigation

49 African Union Operational Guideline on National DDR (Disarmament, Demobilization and Reintegration) Frameworks (2014), p. 30. Retrieved from www.peaceau.org/uploads/au-operational-guidance-note-on-national-frameworks.pdf.

50 The National Counter Terrorism Strategy (NACTEST) 2016 (Revised), p. 39.

51 Ibid, p. 40.

52 Ibid, p. 48.

53 Ibid, p. 42.

54 Ibid, p. 42.



and prosecution of terror cases” with the support of the Director of Public Prosecutions (DPP), the Police, the State Security Services (SSS), Nigeria Prisons and other law enforcement agencies.⁵⁵

257. **Ministry of Women Affairs and Social Development:**

The federal ministry has a key role to play in rehabilitation and reintegration efforts. NACTEST recommends that it collaborates with counterparts at the state level and other stakeholders to “ensure proper provision, coordination and regulation of Psychosocial Support Services to all categories of women, children, persons with disabilities, families and other vulnerable groups to prevent imbibing terrorist ideologies and help them develop resistance in handling/managing social welfare services for victims in welfare centres/institutions for rehabilitation, reunification and proper reintegration into the society.”⁵⁶

258. **Ministry of Youth and Sports:** The ministry’s job, NACTEST states, include developing a framework to meet the needs of underage children and coordinate empowerment programmes such as vocational studies and skill acquisition as well as provide counselling. It can introduce sporting activities in collaboration with Nigerian prison authorities through which Designated Interested Clients (DICs) and young inmates can be engaged to desist from violent extremism. It will also work towards building community cohesion and resilience through town hall meetings.

259. **Central Bank of Nigeria:** Just like the Nigerian Communications Commission, Nigeria’s apex bank also has a role to play in screening and intelligence gathering by monitoring suspicious movement of funds that may be connected to terrorism financing.

260. The **Counter-Terrorism Centre (CTC)** was established in 2012, following the enactment of the Terrorism (Prevention) Act in 2011, which gives the Office of the National Security Adviser the mandate to formulate and implement a comprehensive counterterrorism strategy. The Policy Framework and National Action Plan for Preventing and Countering Violent Extremism, “shall provide strategic expertise, research and

support to State Governments in developing locally relevant strategies.”⁵⁷

261. The CTC has [various branches](#) dedicated to joint terrorism analysis, developing and updating the national counterterrorism strategy, explosive device analysis, liaising with local and international partners, preventing and countering violent extremism, training and support and strategic communication.⁵⁸

262. NACTEST institutionalized the position of the CTC within ONSA’s structure to coordinate the implementation of the national counterterrorism strategy and oversee security and intelligence operations in the country.

263. The **Defence Intelligence Agency (DIA)** leads the collation of military-related intelligence both within and outside the country, coordinates counterterrorism efforts with the various intelligence arms of the military and provides a system for obtaining military intelligence for the Armed Forces and Ministry of Defence.

264. The **State Security Service (SSS)** is the lead agency in gathering intelligence related to internal security as well as detecting and preventing terror-related activities. NACTEST adds: “The agency is to reactivate/resuscitate the crime registry for the storage of digital information and collaborate with the Ministry of Information and National Orientation Agency to develop public enlightenment programmes that will sensitize the public. It will also liaise with religious bodies and relevant departments in academia to develop de-radicalization programmes.”⁵⁹ One programme currently being operated by the agency is the Sulhu programme that encourages defections by high-ranking members of terror groups.

265. The **Economic and Financial Crimes Commission (EFCC)**, according to NACTEST, is tasked to “investigate financial crimes, money laundering and terrorist financing” in collaboration with other agencies.

55 Ibid.

56 Ibid, p. 41.

57 PCVE National Framework and Action Plan 2017, p. 32.

58 Counter-Terrorism Centre Strategic Report 2018, p. 10.

59 The National Counter Terrorism Strategy (NACTEST) 2016 (Revised), p. 44.



266. Similar to the above, is the role of the **Nigerian Financial Intelligence Unit (NFIU)** which, domiciled under the Central Bank of Nigeria, carries out counterterrorism financing activities and is “responsible for the receipt and analysis of financial disclosures and currency transactions.” It is to “report suspicious transactions and disseminate financial intelligence to competent authorities.”⁶⁰ The NFIU is designed as an essential tool for cutting off funds for terror activities and preventing the abuse of the financial system in support of such activities.
267. The place of the **National Identity Management Commission (NIMC)** has gotten more important with the government’s inclination towards increasingly centralizing the country’s data collection system. The agency’s mandate is to register persons covered by the Act establishing it and issue identity cards to eligible nationals and residents and maintain a database for all categories of people. The agency is a component of the Rehabilitation and Reinsertion Programme, capturing and storing data of inductees.
268. The **National Intelligence Agency** is the lead agency in gathering external intelligence in conjunction with relevant Ministries, Departments and Agencies. The agency’s operations include the prevention and countering of terrorism.
269. In collaboration with counterparts at the state level, the **National Emergency Management Agency (NEMA)** manages humanitarian disasters and emergencies. “NEMA is to provide appropriate leadership and direction to other relevant agencies on CT response matters to ensure resilience,” states NACTEST.⁶¹ NEMA’s involvement in providing relief materials to internally displaced people, including former militants, is important in aiding the rehabilitation of people formerly associated with terror groups.
270. The **National Orientation Agency (NOA)** disseminates information on behalf of the government and, with offices in all corners of the country, helps to sensitize citizens on various issues. NACTEST stipulates that it develops security consciousness and situational awareness through concerted media campaigns, engages with the communities to ensure better security and civic education, promotes activities that would engender social inclusiveness and community cohesion and identifies signs of radicalization early and flags these into an early warning machinery.
271. The **Nigerian Immigration Service (NIS)** monitors and controls activities at Nigeria’s borders and guards major entry points. It partners with other agencies to monitor and ensure the control of refugees and refugee camps in the country. For ex-combatants who cross the border from a foreign country into Nigeria, the NIS is ideally the first point of screening.
272. The role of the **Nigerian Correctional Service**, formerly known as the Nigerian Prison Service, is placed squarely within the context of rehabilitation and reintegration by NACTEST, which states that it shall “develop capacity for prison personnel and institutions to tackle the issue of de-radicalization of convicted terrorists and those awaiting trials.”⁶² The Correctional Service is to develop a mechanism for an aftercare system that will aid the reintegration of ex-convicts into society.
273. The **Nigerian Police Force** is a critical component in both kinetic and non-kinetic counterterrorism. It is the lead agency in maintaining law, order and internal security. NACTEST describes the Police Force as the first responder in all its five strands, with support from other security agencies. According to the National Security Strategy, the Police Force is to keep and update a crime registry, which would be crucial during screening processes. The Police Force is a key player in the prosecution of arrested suspects, their arraignment and the presentation of evidence against them in the courtroom.
274. The **Office of the National Security Advisor (ONSA)** plays a central role in the management of Nigeria’s counterterrorism operations. In addition to providing leadership and driving the implementation of NACTEST, ONSA responsibilities, according to the National Security Strategy, include ensuring synergy among the various intelligence, military and law enforcement agencies, creating a comprehensive database for inter-agency information sharing, using the media to educate the public on threat levels and formulating modalities for joint border patrol activities with neighbouring countries in the Lake Chad Basin

60 Ibid, p. 45.

61 Ibid, p. 48.

62 Ibid, p. 46.



region. “It will also develop a benchmarking framework for the evaluation of the implementation and review of NACTEST,” the strategy concludes.⁶³

275. ONSA has the responsibility of aligning counterterrorism efforts between security and law enforcement agencies, including the Attorney General of the Federation, which, in turn, ensures that Nigeria’s counterterrorism framework is in line with international counterterrorism legal instruments.
276. ONSA falls under the supervision of the Federal Ministry of Interior and serves the President as the chief advisor on national security issues, particularly in terms of counterterrorism. ONSA’s primary responsibility is to harmonize and ensure synergy among security forces operating in the realm of counterterrorism – the SSS, NIA, Police, Armed Forces and other government authorities.
277. Nigeria’s Policy Framework and National Action Plan for Preventing and Countering Violent Extremism makes provision for a steering committee to be constituted by the National Security Adviser that will drive its implementation. The **PCVE National Action Plan Steering Committee** has representatives from both the government and civil society and will engage with state and local governments for awareness creation and effective dissemination of information. The Steering Committee will create a detailed plan of programmes and will have a functional secretariat that provides technical support in the discharge of its duties.

Child-specific legislation

278. Local policies and laws, while containing substantial information about the welfare and rights of children, rarely address the issue of children directly within the context of countering violent extremism. As a result, it is important to resort to and study international instruments and frameworks for guidance in this area.
279. Chapter five of the 2019 National Security Strategy talks about giving children access to quality education,

including free and compulsory universal basic education, as a way of preventing radicalization. “Formal and non-formal education plays critical roles in our approaches to Preventing and Countering Violent Extremism,” the document states.⁶⁴

280. NACTEST only mentions children when highlighting the responsibilities of the Ministries of Women Affairs and Social Development,⁶⁵ Youth and Sports⁶⁶ and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP)⁶⁷ and how their roles intersect in terms of providing psychosocial support, empowerment programmes and preventing child trafficking and exploitation.
281. The 2017 Policy Framework and National Action Plan for Preventing and Countering Violent Extremism acknowledges the need for safe spaces for learning and a strong curriculum featuring critical thinking, logical reasoning, comparative religious studies and cultural awareness.⁶⁸
282. In its second chapter focusing on core constituencies, the Action Plan discusses how violent extremism affects young people, who can be both victims and vulnerable recruits for the drivers of conflict. The dignity of girls who are caught in the web of terror will be protected, it adds, whether the girls are victims of abduction or perpetrators. The section, however, stresses how to prevent the country’s youth from falling into violent extremism rather than what steps to take following their arrest or surrender. The third part of the Action Plan states that in responding to violent extremism, including following arrests, the rights of women and children and the gravity of the offence will inform the approach to be adopted.
283. International and regional documents and policy frameworks include more elaborate provisions pertaining to the needs and welfare of children in relation to rehabilitation and reintegration programmes.
284. The Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram-affected Areas

63 Ibid, p. 49.

64 National Security Strategy (2019, December), p. 41.

65 The National Counter Terrorism Strategy (NACTEST) 2016 (Revised), p. 41.

66 Ibid, p. 42.

67 Ibid, p. 48.

68 PCVE National Framework and Action Plan 2017, pp. 17-18.



of the Lake Chad Basin Region recommends that countries in the region adopt a common set of procedures for dealing with children regarding (diversion away from) prosecution, after consultations with UNICEF.⁶⁹ It also recommends the establishment of separate rehabilitation facilities for women and children.

285. The 2014 African Union Operational Guidelines on [National Disarmament, Demobilization and Reintegration](#) Frameworks recommends that member states provide for the needs of special groups in their programmes, including children associated with armed forces or armed groups.
286. According to the 2014 African Union Operational Guidelines on [Reintegration](#), it is essential for the family and community to be involved during the reintegration of former child combatants. The support given to the child should be inclusive, avoid stigmatization and may include the provision of health services, youth groups, counselling and mentoring.
287. Module 5.3 of the United Nations Disarmament, Demobilization and Reintegration Standards (IDDRS) Framework [talks extensively](#) and entirely about DDR as it concerns children.⁷⁰ The Module confirms that the use of children under the age of 15 for armed conflict constitutes a war crime, while the recruitment of children under 18 years of age is illegal child labour. Child and adult DDR programmes should not depend on each other, it recommends, as this may have negative consequences for children associated with armed groups. More importantly, the reintegration of children, the document says, should feature access to education, livelihoods, life skills and a meaningful role in the society, satisfying both socio-economic and psychosocial needs.
288. As a way to domesticate the provisions of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child,

Nigeria enacted the Child's Rights Act in 2003 and it is the most comprehensive body of law concerning the needs, wellbeing and rights of children.

289. The central principle validated by the Child's Rights Act is that "the best interest of the child [anyone below the age of eighteen years⁷¹] shall be the primary consideration" in all matters concerning the child.⁷² Part II details the rights enjoyed by children, including the right to survival and development, privacy, thought, conscience and religion, freedom from discrimination, health and health services, parental care and protection and free and compulsory primary education.
290. Section 26 of the Child's Rights Act outlaws the use of children in criminal activities and Section 34 prohibits the recruitment of children into the Armed Forces while mandating the government to ensure children are not directly involved in military operations and hostilities. Part 20 of the Act deals extensively with how children are to be treated within the criminal justice system. Section 204 states that children are only to be subjected to the "child justice system and processes" set out by the Act. A child suspect or offender has a right to privacy; that is not to be identified and to have their records kept strictly confidential.⁷³ The law further provides that judges, magistrates, supervisors, members of a Specialised Children Police Unit and everyone dealing with child offenders are to be specially trained and instructed to ensure professional competence.⁷⁴ The law encourages alternative means of resolution, such as supervision, guidance, restitution and victim compensation.⁷⁵ The child offender additionally has the right to the presumption of innocence, to be notified of charges, to remain silent, to have their parent or guardian present, to legal representation and to a fair hearing and a swift trial.⁷⁶ Child suspects who are not granted bail are to be remanded at a state government accommodation with or without extra

69 African Union Pillar Paper for Screening, Prosecution, Rehabilitation and Reintegration (2018, August), p. 19.

70 Children and DDR; Integrated Disarmament, Demobilization and Reintegration Standards (2006, August). Retrieved from www.unddr.org/modules/IDDRS-5.30-Children-and-DDR.pdf.

71 Section 277.

72 Section 1.

73 Section 205.

74 Section 206.

75 Section 209(1)(a).

76 Sections 210 and 215.



security requirements depending on the gravity of the charges and possible history of absconding.⁷⁷

291. Section 221 of the Child's Rights Act stipulates that no child shall be ordered to be imprisoned, subjected to corporal punishment, or subjected to the death penalty. But a child can be detained on conditions directed by the court for certain crimes, such as treason, murder, robbery or manslaughter.⁷⁸ The Act also provides for corrective orders⁷⁹ that allow for rehabilitation exercises featuring accommodation, education or vocational training, employment and any other practical assistance.⁸⁰
292. It is important to note that the Child's Rights Act [has not](#) been passed into law by all 36 states of the federal republic.⁸¹ As it stands, the law is [not recognized](#) in 11 states, all in the northern region, including Adamawa, Borno and Yobe States that are most affected by violent extremism.⁸²
293. Meanwhile, the seventh review of the United Nations Counterterrorism Strategy encourages state members to "enhance cooperation in the development of gender- and age-sensitive rehabilitation and reintegration programmes and strategies to manage offenders."⁸³ In other words, such programmes should anticipate the peculiar needs of offenders across all age brackets, including children. The United Nations resolution further mentions the need for fair trials within the context of the rights and needs of children. It states that children are particularly prone to recruitment and radicalization and may need psychosocial support, such as post-trauma counselling. It adds that children should be treated with dignity and in accordance with applicable laws.
294. Other relevant international laws guiding the rights of children, including during warfare, are the Convention on the Rights of the Child, the African Charter on the

Rights and Welfare of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and the Accra Declaration on War-Affected Children in West Africa.

The SPRR process

295. The processes of SPRR in Nigeria, though important to the government's counterinsurgency-counterterrorism and stabilization objectives in the Northeast and Lake Chad Basin regions, are highly contentious and misunderstood. The process and activities of coordinating bodies are based on national guidelines provided by the Terrorism (Prevention) Act and the National Action Plan for Preventing and Countering Violent Extremism⁸⁴ spearheaded by the Counter-Terrorism Centre under the Office of the National Security Adviser. The process is also backed by a regional approach to screening, prosecution, rehabilitation and reintegration.⁸⁵

Screening

296. The screening, vetting and confinement processes are the primary component of the state punitive and non-punitive counterterrorism approach. At this stage, persons associated with Boko Haram groups (including JAS and ISWAP) are kept at a transit or holding facility where they are checked by medics, profiled and designated by the Joint Investigation Committee for the next course of action (i.e. release, rehabilitation or prosecution.)
297. This critical phase of managing persons of interest has been shadowed by flaws, including wrong classification and detention, human rights violations and prolonged and inhumane conditions of confinement, which impact other components of the process. An improvement in the managing of

77 Section 218.

78 Section 222.

79 Section 227.

80 Section 234.

81 Usan M.A. (24 September 2020). Why the Child's Rights Act still doesn't apply throughout Nigeria. *The Conversation*. Retrieved from <https://theconversation.com/why-the-childs-rights-act-still-doesnt-apply-throughout-nigeria-145345>.

82 *Premium Times* (11 May 2019). UPDATED: 11 states in northern Nigeria yet to pass child rights law — UNICEF Official. Retrieved from www.premiumtimesng.com/news/more-news/329511-12-states-in-northern-nigeria-yet-to-pass-child-rights-law-unicef-official.html.

83 The United Nations Global Counter-Terrorism Strategy (A/RES/75/291), p. 14.

84 Office of the National Security Adviser Counter-Terrorism Centre (10 March 2020). PCVE National Framework and Action Plan. Retrieved from <https://ctc.gov.ng/pcve-national-framework-and-action-plan/>.

85 Lake Chad Basin Commission (August 2018). African Union Pillar Paper for Screening, Prosecution, Rehabilitation and Reintegration. Retrieved from www.peaceau.org/uploads/annex-3-lcbc-strategy-pillar-paper-screening-prosecution-rehabilitation-and-reintegration.pdf.



defectors and recurring lapses was visible during the handling and preliminary classification in the third quarter of 2021 of combatants and non-combatants surrendering to Nigerian military personnel⁸⁶ and their subsequent movement to a transit camp run by state officials.

298. The process was, however, characterized by the blanket description of defectors as Boko Haram without appropriate categorization that recognizes the presence of civilians and conscripts. The initial documentation was manually done, which could lead to loss of crucial data required during the prosecution or transfer stages.

Prosecution

299. In 2017, the Nigerian government initiated and activated mechanisms to fast-track the trial and conviction of terrorism suspects, with vetted or screened detainees going through the court process at Wawa military cantonment located in the remote north-western town of Kainji, New Bussa, Niger State and a correctional facility in Maiduguri, Borno State.^{87, 88}
300. The judicial process brought the possibility of closure for thousands of persons held up in a complex and slow process after surrender or arrest. At least 20,000 men and boys were arrested by the Nigerian military after the 2009 uprising, with more than 7,000 reported to have died of suffocation or torture while in military custody, particularly at the notorious Giwa Barracks, known for having a brutal management system for detainees.⁸⁹

301. The prosecution of suspects spotlighted the impact of lapses associated with the procedure of screening and verification, including indiscriminate detention habits of security forces and weak investigation and evidence gathering. The judicial process was marred by poor case preparation, the hastened nature of court proceedings, the low number of judges and the use of vague charges by prosecutors.^{90, 91} The court has released detainees for rehabilitation and reintegration due to the absence of sufficient evidence against them and others have been freed from military detention partly for similar reasons.^{92, 93}
302. These flaws begin at the point of arrest, surrender, custody, documentation and profiling by the military officers responsible for most primary contacts. The flaws extend to the intelligence officers and prosecutors under the Joint Investigation Committee involved in the process of investigation and establishment of cases against terrorism suspects.

Rehabilitation

303. The disengagement and rehabilitation process of terrorism suspects and persons acquitted of terrorism charges is an important aspect of the government's non-punitive counterterrorism and counter-radicalization strategy conducted through the demobilization programmes of the Nigerian Correctional Service (in charge of prisons), military and intelligence service.
304. Sulhu, a secret de-radicalization programme run by the country's domestic intelligence agency, the State Security Services, uses former combatants and commanders to encourage defections, notably of high-value members. About 150 individuals have

86 *Reuters* (2 September 2021) Almost 6,000 Boko Haram fighters have surrendered, Nigerian army says. Retrieved from www.reuters.com/world/africa/almost-6000-boko-haram-fighters-have-surrendered-nigerian-army-says-2021-09-02/.

87 *Premium Times* (23 May 2021). FG set for trial of 800 Boko Haram suspects – Official. Retrieved from www.premiumtimesng.com/news/headlines/463350-fg-set-for-trial-of-800-boko-haram-suspects-official.html.

88 *Punch* (2017, September 24). FG to prosecute 1,670 Boko Haram suspects in Niger. Retrieved from <https://punchng.com/fg-to-prosecute-1670-boko-haram-suspects-in-niger/>.

89 Amnesty International (June 2015). Blood on their hands. Retrieved from www.amnesty.org/en/latest/news/2015/06/nigeria-military-report/.

90 Human Rights Watch (17 September 2018). Nigeria: Flawed trials of Boko Haram suspects. Retrieved from www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects.

91 Allan N. and Akinola O. (21 May 2020). Institute for Security Studies. Mass terror trials test Nigeria's criminal justice system. Retrieved from <https://issafrica.org/iss-today/mass-terror-trials-test-nigerias-criminal-justice-system>.

92 *The Guardian* (19 February 2018). Court frees 475 Boko Haram suspects. Retrieved from <https://guardian.ng/news/court-frees-475-boko-haram-suspects>.

93 *Vanguard* (15 July 2021) We released 1009 cleared suspects to Borno, not Boko Haram terrorists — Army. Retrieved from www.vanguardngr.com/2021/07/we-released-1009-cleared-suspects-to-borno-not-boko-haram-terrorists-army/.



- surrendered their weapons and defected since 2019.⁹⁴ The [secret programme](#) is independent of the controversial Nigerian military-led Operation Safe Corridor programme based in Mallam Sidi, Gombe State⁹⁵ for low-ranking combatants and civilians associated with Boko Haram who have been intercepted by security forces or the support militia's Civilian Joint Task Force.
305. At Mallam Sidi run by Operation Safe Corridor, inductees undergo a series of de-radicalization and rehabilitation activities for six months, including psychosocial support, literacy, vocational education and religious ideology classes. However, only an estimated 20 to 25 percent of those who spent time in the programme were Boko Haram fighters. And though conditions at Mallam Sidi are considered much better than Giwa, problems around the availability of food and transparency still exist.⁹⁶
306. A prison-based de-radicalization including at the Kuje facility in the Federal Capital Territory is mostly opaque with limited information on the programme and the support system for detainees after discharge.
307. Women and children are moved through the Bulumkutu Transit Centre in Maiduguri, which is managed by the Borno State Ministry of Women Affairs and Social Development with support from UNICEF. Women are mostly viewed from the prism of gender dynamics and stereotypes in terms of their participation and treatment as victims and often considered rescued persons during military raids,⁹⁷ while children have been arrested and trapped in the system.
308. The plight of the thousands of children and teenagers apprehended by security forces and the inhumane conditions these children face have been a contentious affair, with authorities frequently releasing children held up in military detention and family contact tracing organized through a process assisted by UNICEF and the Nigerian Ministry of Women Affairs and Social Development.⁹⁸
309. In one instance a formerly detained teenager became mentally ill as a result of the torture and condition in detention, without medical or social support to the teenager and his family.⁹⁹ The use of child soldiers and propaganda materials showing Boko Haram children conducting weapon handling and indoctrination programmes increases the risks faced by children and the need for a better response.
310. In April 2021, ONSA, the European Union and UNODC launched the STRIVE Juvenile project in Nigeria to prevent and respond to violence against children by violent extremist groups.¹⁰⁰

Reintegration

311. Upon completion of the de-radicalization, rehabilitation and skill acquisition phase or discharge from detention, persons associated with Boko Haram or freed of terrorism allegations are reintegrated into communities and displaced person camps.
312. In the Operation Safe Corridor programme, the country's National Identity Management Commission (NIMC) carries out data capture and registration exercises that could be utilized for contact tracing,¹⁰¹ security and humanitarian purposes. It is critical that

94 Obi Anyadike (19 August 2021). *The New Humanitarian*. Exclusive: Nigeria's secret programme to lure top Boko Haram defectors. Retrieved from www.thenewhumanitarian.org/news/2021/8/19/nigerias-secret-programme-to-lure-top-boko-haram-defectors.

95 Audu B.B. and Rachel B. (30 April 2019). Tony Blair Institute for Global Change. Dealing With Boko Haram Defectors in the Lake Chad Basin: Lessons from Nigeria. Retrieved from <https://institute.global/policy/dealing-boko-haram-defectors-lake-chad-basin-lessons-nigeria>.

96 International Crisis Group (19 March 2021). An Exit from Boko Haram? Assessing Nigeria's Operation Safe Corridor. Retrieved from www.crisisgroup.org/africa/west-africa/nigeria/b170-exit-boko-haram-assessing-nigerias-operation-safe-corridor.

97 Elizabeth P. and Chitra N. (2020). Understanding Boko Haram's Past, Present and Trajectory, *African Conflict and Peacebuilding Review*, Vol. 10, No. 2, pp. 108-140. Retrieved from www.jstor.org/stable/10.2979/africonfpeacrevi.10.2.06?seq=1.

98 Human Rights Watch (8 March 2020). Nigeria Releases More Children and Youth from Military Prison. Retrieved from www.hrw.org/news/2020/03/08/nigeria-releases-more-children-and-youth-military-prison

99 Kunle A. (14 March 2021). Seven Years On, Blood from Giwa Barracks Massacre Yet to Dry, *HumAngle Media*. Retrieved from <https://humanglemedia.com/seven-years-on-blood-from-giwa-barracks-massacre-yet-to-dry/>.

100 United Nations Office on Drugs and Crime (15 April 2021). Launch in Nigeria of the new STRIVE action. Retrieved from www.unodc.org/nigeria/en/launch-in-nigeria-of-the-new-strive-action-strive-juvenile_-preventing-and-responding-to-violence-against-children-by-terrorist-and-violent-extremist-groups.html.

101 *TheCable* (15 June 2020). NIMC: We've registered 900 repentant Boko Haram members. Retrieved from www.thecable.ng/nimc-weve-registered-900-repentant-boko-haram-members.



the exercise is routine of nature and safeguards are in place to prevent abuse and breaches.

313. Operation Safe Corridor inductees pass through another phase at the Shukuri transit camp in Maiduguri, a facility managed by Borno State with external support from partners to prepare graduates for reinsertion and reintegration. The transition process for low-risk defectors and individuals expected to be reabsorbed into communities is supported by partners, such as IOM and the United States Agency for International Development (USAID). Individuals released from prison or military detention after a long period of limbo often do not have access to state support to assist transition back to society.¹⁰²
314. The lack of a robust community reconciliation and restorative justice system serves as a hurdle to the absorption of terrorism suspects outside their immediate family. This situation is exacerbated by weak communication and the limited extent of participation of these low-risk individuals and wrongful imprisonment. Returnees are trapped in a politically charged atmosphere with some officials indicating their opposition to the programme or making comments that further weaken public trust and confidence in the returnees and the de-radicalization programme.¹⁰³
315. Boko Haram members adopt unofficial channels, particularly former members and families, to silently disengage and reintegrate into cities far away from the epicentre of the crisis or possible identification from their community.¹⁰⁴ These individuals are not necessarily leaving because of self-de-radicalization but push factors such as discontent or the commission of punishable infractions within the groups.
316. The examination of the legal and institutional frameworks has resulted in the following recommendations:

Screening

- Better categorization of defectors and detainees based on participation, willingness or coercion is essential for building a strong foundation for fair prosecution and public confidence in both the judicial and DDRR processes. The filtering system will conserve resources and prevent the incarceration of people not within the target groups.
- More efforts are required from the Counter-Terrorism Centre under the ONSA and Ministry of Justice to build the capacity of military interrogators and intelligence officers on screening procedures, evidence gathering and recording for future legal proceedings.

Prosecution

- The success of prosecution is connected to the effectiveness of the screening and investigation processes and the capacity of prosecutors to charge individuals according to offences committed and evidence available. Prosecution has the potential of enabling the identification of crucial witnesses among affected communities.
- The building of the capacity of judicial officers and prosecutors on the intricacies of filing and establishing terrorism charges is important. Similarly, the gathering of evidence on Boko Haram suspects before their arrest or defection through human and technological capabilities is useful for assisting the prosecution process.
- The proper management of detainees and defectors has the potential to help the State gain the support of detainees for setting up cases and acquiring vital intelligence that could support security operations to counter terrorism.
- The adoption of technologies for biometric registration and documentation of defectors and detainees decreases the risk of losing crucial evidence needed for trials.
- The identification and prosecution of individuals responsible for recruiting child soldiers or

102 Kunle A. (26 July 2021). Insurgency: Nigeria Releases Detainees After 6 Years but Leaves them Stranded, *HumAngle Media*. Retrieved from <https://humanglemedia.com/insurgency-nigeria-releases-detainees-after-6-years-but-leaves-them-stranded/>.

103 *TheCable* (12 August 2021). Ndume to troops: End insecurity quickly — but don't pamper repentant insurgents. Retrieved from www.thecable.ng/ndume-to-troops-end-insecurity-quickly-but-dont-pamper-repentant-insurgents.

104 Ahmad S. (27 September 2020). Ex-Boko Haram Fighters, Eluding Detection, Start A New Life in Kaduna, Kano and Abuja, *HumAngle Media*. Retrieved from <https://humanglemedia.com/ex-boko-haram-fighters-eluding-detection-start-a-new-life-in-kaduna-kano-and-abuja/>.



indoctrinating children indicate seriousness and could help deter such activities.

- Strategic communication and transparency on prosecution will ease suspicions of the rehabilitation programme and improve public perception.

Rehabilitation

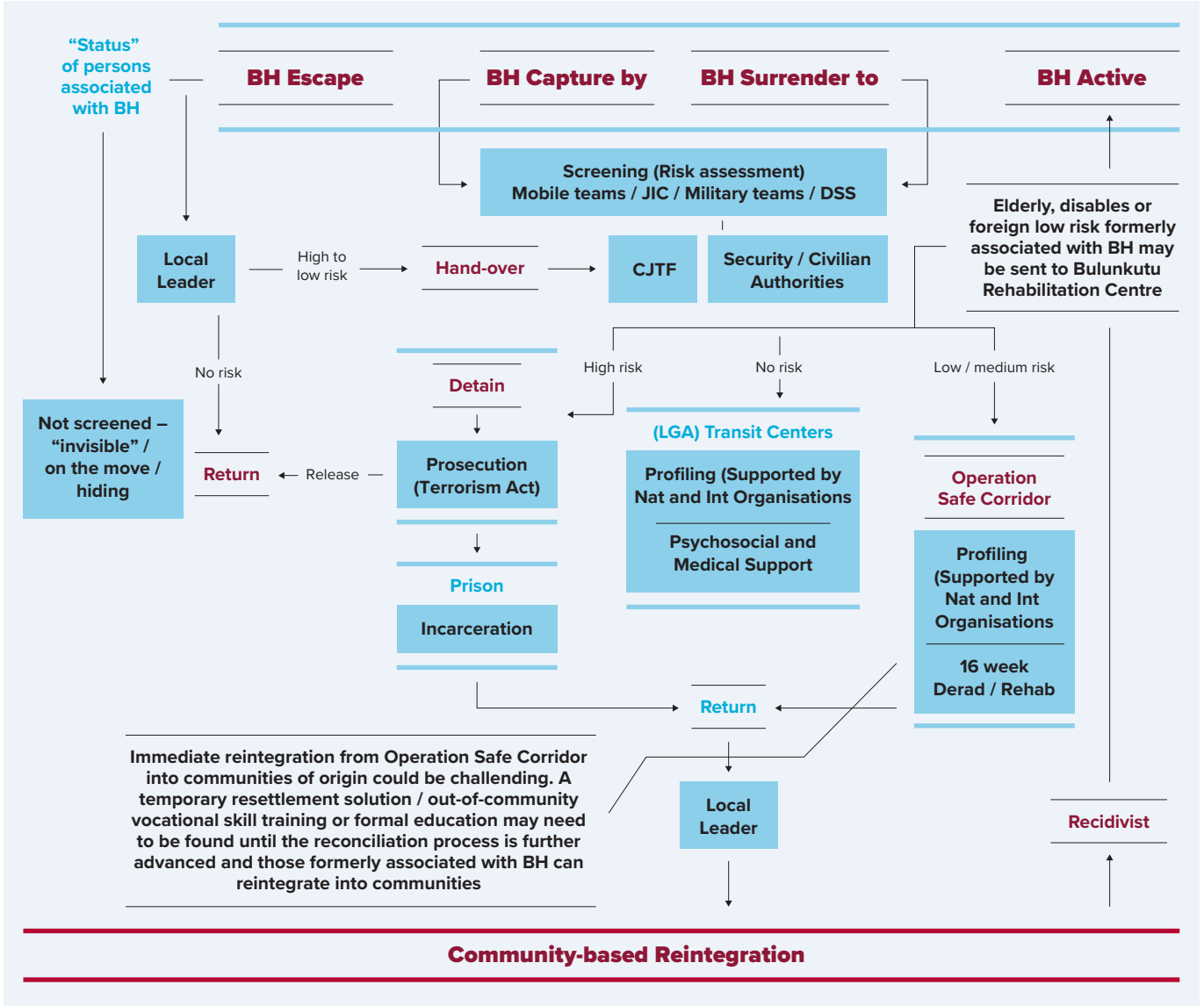
- Disengagement, de-radicalization and rehabilitation programmes are controversial but important tools for countering terrorism and violent extremism. As such, bottom-to-top communication and engagement on the de-radicalization and rehabilitation process is vital for public trust and buy-in.
- The role of religious and traditional leaders from or familiar with the indigenous culture and language of the region is essential for bridging the gap and facilitating acceptance of the religious components of the programme and subsequent reinsertion.
- Training is required for military personnel in human rights and criminal procedures. Furthermore, military personnel should be mandated to collaborate and cooperate with civilian law enforcement.
- Improving the conditions of confinement and streamlining the programme, and offering psychosocial support, will help address abuses and uncertainty
- Handling of children should be primarily the responsibility of the appropriate authorities and facilities.
- The processing of women should be such that officials treat the concerns related to them based on their level of involvement while taking into account the sensitivity towards the culture of the people or communities.

Reintegration

- The implementation and protection of the biometric data collected from inductees is important for monitoring and easing the provision of psycho social support.
- Political and traditional leaders in or from the region are central to public perception of the programme and should be part of a broader campaign to provide clarity and influence local and national behaviour towards restorative justice and reintegration.
- The reinsertion and transit process could be impacted positively if communities are prepared through the provision of incentives, physical and radio engagements and programming designed around reconciliation.
- The media in the country are critical partners. As such, capacity building in terms of reporting on DDDR is important. Capacity building can help improve the use of language (avoiding harmful usage), such as when referring to individuals kept in custody and using appropriate references to the amnesty process.
- Management of returnees should be a continuous and flexible process with social workers and security officials collaborating to provide psycho social care, livelihood assistance and to counter extremist narratives.
- Local religious scholars should be trained and utilized as partners assisting reintegration and countering violent extremism.
- The provision of a legal framework for Operation Safe Corridor will provide the necessary backing for the programme, help improve coordination across stakeholders and strengthen its demilitarization.



FIGURE 4: Summary of the SPRR process in Nigeria



Annex: Compilation of SPRR relevant references in United Nations General Assembly and Security Council resolutions



Introduction

This annex compiles relevant paragraphs of United Nations General Assembly and Security Council Resolutions to enhance UNDP's understanding of global guidance on the SPRR process, as reintegration without proper SPRR will highly likely not succeed.

The compilation is based on a keyword search in relevant United Nations General Assembly and Security Council Resolutions, the Madrid Guiding Principles and Key Principles for the Protection, Repatriation SPRR of Women and Children with links to United Nations-listed Terrorist Groups.

The keywords are:

- screening;
- prosecution;
- rehabilitation;
- reconciliation;
- transitional justice;
- reintegration;
- women;
- children;
- and (persons/people) associated (with United Nations designated terrorist groups).

The United National General Assembly and Security Council Resolutions are:

- S/RES/1373 (2001)
- S/RES/2178 (2014)
- A/69/968 – S/2015/490 (2015) – Identical letters from the Chair of the Advisory Group of Experts on the Review of the PB architecture
- A/RES/70/647 (2015) – Plan of Action to prevent violent extremism
- S/RES/2282 (2016)
- A/RES/70/262 (2016) – Review of the United Nations PB architecture
- S/RES/2349 (2017)
- S/2017/764 – Report of the SG on the situation in Lake Chad Basin region
- S/RES/2395 (2017)
- S/RES/2396 (2017)

- A/RES/72/284 (2018) – United Nations Global Counter-Terrorism Review
- 2018 Addenda to the 2015 Madrid Guiding Principles.
- S/2019/103 – Eighth Report of the Secretary-General on the threat posed by ISIL

The number of selected paragraphs of the preambles and main texts is reduced by: a) avoiding (to some extent) repetition; b) excluding the at times detailed text on screening and prosecution; c) omitting consistent references to “in compliance with international law / international conventions,” etc.; and d) only including that part of the paragraph directly relevant to SPRR or required to understand the context of the paragraph.

Further to the previous point, inserting all relevant texts on women would turn this compilation into a 30-page document. Most reference is important but repetitive, referring to women in terms of: a) the need for meaningful participation in decision-making, planning and implementation of the SPRR process; b) the need to integrate women's special needs in SPRR programmes; c) the economic empowerment of women; and d) designing, planning and implementing in line with international conventions and resolutions.

S/RES/1373 (2001)

No link of keywords to “SPRR process relevant” text.

S/RES/2178 (2014)

Preamble page 2: Recognizing that addressing the threat posed by foreign terrorist fighters requires comprehensively addressing underlying factors, including by [...] facilitating **reintegration** and **rehabilitation**.

Para 4: Calls upon all Member States, in accordance with their obligations under international law, to cooperate in efforts to address the threat posed by foreign terrorist fighters, including by [...] **rehabilitation** and **reintegration** strategies for returning foreign terrorist fighters.

A/69/968 – S/2015/490 (2015) – Identical letters from the Chair of the Advisory Group of Experts on the Review of the PB architecture

Summary page 5: Lastly, sustaining peace — which, fundamentally, concerns **reconciliation** and building a common vision of a society — must be understood as a task that only national stakeholders can undertake. United Nations and international actors can accompany and facilitate the process, but not lead it.

Summary page 5: Building national leadership is an integral part of a **reconciliation** and nation-building agenda.

Para 7.j: Conflict and peace have an impact on every single person in a society. Reaching **reconciliation** and sustainable peace requires broad and inclusive participation, involving State and civil society stakeholders all the way to the grass-roots level;

Para 27: [...] Without strong institutions, a society lacks the channels that can peacefully manage the tensions that naturally arise and that can swiftly turn — or return — to violence. Historically, therefore, efforts to engender a broad enabling environment for **reconciliation** have been accompanied by a focus on rebuilding and reinforcing the resilience of key institutions.

Para 29: The case studies for the present report reflect the successes and failures associated with such institution-building. The relapse in the Central African Republic hinged considerably on the failure to institutionalise dialogue and to advance security sector reform and **disarmament, demobilization** and **reintegration**. [...].

Para 54: **Reconciliation** efforts do not always take into account the long-term trauma of both women and men, the young in particular. In many cases, domestic violence has also increased, reflecting a social propensity for violence and a failure to heal trauma. Access to justice for women, especially those from excluded communities, is always a problem and traditional justice can reinforce patriarchal norms and strengthen discrimination.

A/70/647 (2015) – Plan of Action to prevent violent extremism

Para 29: In addition, more attention needs to be paid to devising efficient gender- and human rights-compliant **reintegration** strategies and programmes for those who

have been convicted of terrorism-related offences as well as returning foreign terrorist fighters.

Para 36: [...] Faith and community leaders are critical in mentoring vulnerable followers so as to enable them to reject violent ideologies and in providing opportunities for intra- and interfaith dialogue and discussion as a means of promoting tolerance, understanding and **reconciliation** between communities. [...].

Para 50.g: Introduce disengagement, **rehabilitation** and counselling programmes for persons engaged in violent extremism which are gender-sensitive and include programmes for children to facilitate their **reintegration** into society. [...].

Para 54.f: Invite the private sector and other civil society actors to contribute to post-conflict **reconciliation** and reconstruction efforts, especially job creation, facilitation and training opportunities.

Para 58.b: Integrate preventing violent extremism into relevant activities of United Nations peacekeeping operations and special political missions in accordance with their mandates, as well as into relevant activities of United Nations country teams to build the capacity of Member States through such mechanisms as the United Nations Development Assistance Frameworks, the United Nations common country assessments, youth advisory Boards, the Global Focal Point for Police, Justice and Corrections and **disarmament, demobilization** and **reintegration** and security sector reform programming.

S/RES/2282 (2016)

Para 12: Stresses that a comprehensive approach to **transitional justice**, including promotion of healing and reconciliation, [...] and inclusive and effective **demobilization, disarmament** and **reintegration** programmes, including the transition from **demobilization** and **disarmament** to **reintegration**, are critical [...]. [Paragraph also included in A/RES/70/262 (2016) Paragraph 12].

A/RES/70/262 (2016) – Review of the United Nations Peacebuilding architecture

See S/RES/2282 (2016).

S/RES/2349 (2017)

Preamble page 2: Recognizing that security, development, and human rights are interlinked and mutually reinforcing and are vital to an effective and comprehensive approach to countering terrorism, stabilization and **reconciliation**.

Para 13: [...] calls on Governments in the Region to provide rapid access for survivors of abduction and sexual violence to specialised medical and psychosocial services, and community **reintegration**, to prevent stigmatization and persecution, and encourages the international community to extend its support in this regard [...].

Para 29: Encourages Governments in the Region, in collaboration with regional and sub-regional organizations, relevant United Nations entities and other relevant stakeholders, and, in the context of this resolution, to develop and implement a regional and coordinated strategy that encompasses transparent, inclusive, human rights-compliant **disarmament, demobilization, de-radicalization, rehabilitation and reintegration** initiatives, in line with strategies for prosecution, where appropriate, for persons associated with Boko Haram and ISIL, drawing upon regional and international best practice and lessons learned; and urges relevant national and through them local actors, to develop and implement appropriate plans for the **disarmament, demobilization, reintegration**, and where appropriate **prosecution** of the Civilian Joint Task Force and other community-based security groups.

Para 30: Stresses the need to pay particular attention to the treatment and **reintegration** of women and children formerly associated with Boko Haram and ISIL, [...].

Para 31: Urges Governments in the Region to develop and implement consistent policies for promoting defections from Boko Haram and ISIL and for deradicalizing and **reintegrating** those who do defect, and to ensure that there is no impunity for those responsible for terrorist acts, and abuses and violations of international human rights and violations of humanitarian law; and invites the international community to extend its support to the Governments in the Region in developing and implementing their **disarmament, demobilization, rehabilitation and reintegration** strategies and policies.

Para 32: Calls upon concerned governments to urgently develop and implement [...] vetting criteria and processes allowing for the prompt assessment of all persons who have been **associated** with Boko Haram and ISIL in the custody of authorities, including persons captured or surrendered

to authorities, or who are found in refugee or IDP camps [...] and encourages Governments in the Region, within the context of this resolution, to **prosecute** those responsible for terrorist acts, where appropriate, and to develop both **rehabilitation** programmes in custodial settings for detained terrorist suspects and sentenced persons, and **reintegration** programmes to assist persons either released from custody having served their sentence or those who have completed a **rehabilitation** programme in an alternative setting, to facilitate **reintegration** into their communities.

S/2017/764 – Report of the Secretary-General on the situation in Lake Chad Basin region

Para 90: In line with Security Council resolutions 1373 (2001) and 2178 (2014), the United Nations will continue to support national efforts to bring to justice any person who participates in the financing, planning or preparation of terrorist acts or in supporting terrorist acts. The support will include the development and implementation of a regional and coordinated strategy, pursuant to Council resolution 2349 (2017). This would encompass assistance to develop approaches to address the full range of persons who have been **associated** with or otherwise affected by Boko Haram and other terrorist groups, including victims as well as potential perpetrators, and to develop and implement gender-sensitive and human rights-compliant programmes for their **rehabilitation**. This also encompasses support for programmes for **disarmament, demobilization and reintegration**, where appropriate, as well as improving the capacity of authorities, including law enforcement, to prevent and investigate terrorist acts, while also respecting human rights.

S/RES/2395 (2017)

No link of keywords to “SPRR process relevant” text.

S/RES/2396 (2017)

Preamble page 2: Underlining the importance of strengthening international cooperation to address the threat posed by foreign terrorist fighters, including on [...] **prosecution, rehabilitation and reintegration** efforts [...].

Preamble page 5: Recognizing that a comprehensive approach to the threat posed by foreign terrorist fighters requires addressing the conditions conducive to the spread of terrorism, including [...] facilitating investigation, **prosecution, reintegration and rehabilitation**.

Preamble page 6: Recognizing, in this regard, that foreign terrorist fighters may be travelling with family members brought with them to conflict zones, with families they have formed or family members who were born while in conflict zones, underscoring the need for Member States to assess and investigate these individuals for any potential involvement in criminal or terrorist activities, including by employing evidence-based risk assessments, and [...] considering appropriate **prosecution, rehabilitation, and reintegration** measures, and noting that children may be especially vulnerable to radicalization to violence and in need of particular social support, such as post-trauma counselling [...]

Para 4: Further calls on Member States to assess and investigate individuals who they have reasonable grounds to believe are terrorists, including suspected foreign terrorist fighters, and distinguish them from other individuals, including their accompanying family members who may not have been engaged in foreign terrorist fighter-related offenses, including by employing evidence-based risk assessments, **screening** procedures, [...],

Para 29: Calls on Member States to assess and investigate suspected individuals whom they have reasonable grounds to believe are terrorists, including suspected foreign terrorist fighters and their accompanying family members, including spouses and children, entering those Member States' territories, to develop and implement comprehensive risk assessments for those individuals, and to take appropriate action, including by considering appropriate **prosecution, rehabilitation, and reintegration** measures [...].

Para 30: Calls on Member States, emphasizing that they are obliged, in accordance with resolution 1373, to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, to develop and implement comprehensive and tailored **prosecution, rehabilitation, and reintegration** strategies and protocols, [...] including with respect to foreign terrorist fighters and spouses and children accompanying returning and relocating foreign terrorist fighters, as well as their suitability for **rehabilitation**, and to do so in consultation, as appropriate, with local communities, mental health and education practitioners and other relevant civil society organizations and actors [...].

Para 31: Emphasizes that women and children **associated** with foreign terrorist fighters returning or relocating to and from conflict may have served in many different roles, including as supporters, facilitators, or perpetrators of

terrorist acts, and require special focus when developing tailored **prosecution, rehabilitation and reintegration** strategies, and stresses the importance of assisting women and children associated with foreign terrorist fighters who may be victims of terrorism, and to do so taking into account gender and age sensitivities.

Para 36: Recognizes the particular importance of providing, through a whole of government approach, timely and appropriate **reintegration and rehabilitation** assistance to children associated with foreign terrorist fighters returning or relocating from conflict zones, including through access to health care, psychosocial support and education programmes that contribute to the well-being of children and to sustainable peace and security.

Para 37: Encourages Member States to develop appropriate legal safeguards to ensure that **prosecution, rehabilitation and reintegration** strategies developed are in full compliance with their international law obligations, including in cases involving children.

A/RES/72/284 (2018) – The United Nations Global Counter-Terrorism Review

Preamble page 3: Underlining the importance of strengthening international cooperation to address the threat posed by foreign terrorist fighters, including on [...] **prosecution, rehabilitation and reintegration (PRR)** efforts [...].

Para 39: Calls upon all Member States [...] to cooperate in efforts to address the threat posed by foreign terrorist fighters, including by [...] developing and implementing **prosecution, rehabilitation and reintegration** strategies, taking into account gender and age dimensions, [...] underscores in this regard the importance of a whole-of-government approach, recognizes the role that civil society organizations can play as these organizations may have relevant knowledge of, access to and engagement with local communities, to be able to confront the challenges of recruitment and radicalization to terrorism, notes that children may be especially vulnerable to radicalization to violence and in need of particular psychosocial support, such as post-trauma counselling [...].

Para 77: Reiterates that [...] all children alleged to have, accused of having or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with their rights, dignity

and needs, [...] and urges Member States to take relevant measures to effectively **reintegrate** children formerly **associated** with armed groups, including terrorist groups.

Madrid Guiding Principles, United Nations Security Council Counter-Terrorism Committee (2016)

Page 8: Guiding Principle 2. Because local stakeholders often have the best understanding of the nature and sources of the foreign terrorist fighter phenomenon, States should create space for civil society and develop innovative mechanisms for dialogue between the Government and local communities, youth, families, women, religious, cultural and education leaders and all other concerned groups in civil society. Constructive dialogue between the Government and communities is a crucial factor in building community resilience, identifying and addressing grievances and identifying persons targeted for recruitment by terrorists. Possible forms of dialogue include community-awareness briefings, town halls, the creation of an independent ombudsman's office, platforms for communities to express grievances and other gatherings to discuss community concerns and the creation of policy committees to counter violent extremism involving governmental and non-governmental actors. It is important that such mechanisms be put in place at the local and national levels.

Page 16: Many of the challenges involved in bringing foreign terrorist fighters to justice are addressed in the Counter-Terrorism Committee Executive Directorate report entitled "Bringing terrorists to justice: challenges in prosecution related to foreign terrorist fighters" (S/2015/123, annex).

Page 18: The employment of rigid prosecution policies and practices against foreign terrorist fighters can be counterproductive to the implementation of comprehensive strategies to combat such fighters and violent extremism. Member States should also consider alternatives to incarceration, as well as the reintegration and possible rehabilitation of returnees, prisoners and detainees. The adoption of a comprehensive, multidisciplinary approach that involves all branches of Government, as well as community and civil society stakeholders, can be a more effective way to bring terrorists to justice and can represent an effective long-term response to the risks posed by foreign terrorist fighters.

Page 19: Guiding Principle 30. Member States should ensure that their competent authorities are able to apply a case-by-case approach to returnees, on the basis of risk assessment, the availability of evidence and related factors. Member States should develop and implement strategies for dealing with specific categories of returnees, in particular minors, women, family members and other potentially vulnerable individuals, providers of medical services and other humanitarian needs and disillusioned returnees who have committed less serious offences. Prosecution strategies should correspond to national counterterrorism strategies, including effective strategies to counter violent extremism.

Page 19: Guiding Principle 31. Member States should consider appropriate administrative measures and/or rehabilitation and reintegration programmes as alternatives to prosecution in appropriate cases. Such measures should be used in a manner compliant with applicable international human rights law and national legislation and should be subject to effective review.

2018 Addenda to the 2015 Madrid Guiding Principles (Draft)

Preamble page 1: An effective response to this phenomenon requires that States strengthen international cooperation, including on [...] **prosecution, rehabilitation and reintegration** (PRR) efforts [...].

Para 27: Women and children associated with Foreign Terrorist Fighters returning and relocating from conflict may require special focus and assistance, as they may have served in many different roles, including as supporters, facilitators, or perpetrators of terrorist acts, and may be victims of terrorism. [...].

Para 30: In the Madrid Guiding Principles, the Committee notes that Member States should consider alternatives to incarceration, as well as the **reintegration** and possible **rehabilitation** of returnees, prisoners and detainees. In its resolution 2396 (2017), the Security Council calls on Member States to assess and investigate individuals (including suspected Foreign Terrorist Fighters and their accompanying family members, including spouses and children) whom they have reasonable grounds to believe are terrorists and who enter their territories; to develop and implement comprehensive risk assessments for such individuals; and to take appropriate action, including by considering appropriate **PRR** measures, taking into account that some individuals may be victims of terrorism. [...].

Box page 17 – 18: Guiding Principle 11. In undertaking efforts to develop and implement **PRR** strategies and protocols, Member States should: [...]

- Consider ways to ensure that **PRR** strategies correspond to national counterterrorism strategies, including effective methods to counter violent extremism conducive to terrorism;
- Consider ways to ensure that **PRR** strategies are timely, appropriate, comprehensive and tailored, taking into account gender and age sensitivities/factors, comprehensive risk assessments, the severity of the crime(s) committed, available evidence, intent and individual culpability, the support network, the public interest, and other relevant considerations or factors, as appropriate [...]
- Engage proactively with civil society when developing **rehabilitation** and **reintegration** strategies for returning and relocating Foreign Terrorist Fighters and their families, as civil society organizations may have relevant knowledge of, access to, and engagement with local communities; [...]
- Monitor, evaluate and review the effectiveness of **prosecution, rehabilitation** and **reintegration** strategies.

Box page 18: Guiding Principle 12. In cases involving children, Member States should ensure that **PRR** strategies:

- Make the best interests of the child a primary consideration.
- Are implemented in compliance with criminal legislation, taking into account the gravity of any crime that may have been committed, while considering the age of the child and recognizing that such child may also be a victim of terrorism.
- Include access to health care, psychosocial support and education programmes that contribute to the wellbeing of children, and grant access to regular education whenever possible.
- Are age- and gender-sensitive.
- Enable the involvement of child-protection actors and the social sector, as well as their effective coordination with the justice sector.

S/2019/103

Para 53 [On States in the LCB region]: The Executive Directorate stressed the need for a holistic approach, noting the tendency for States of the region to adopt a piecemeal approach, with **rehabilitation** and **reintegration** strategies developed separately from **prosecutorial** strategies. Continual monitoring and evaluation of newly introduced **prosecution, rehabilitation** and **reintegration** strategies to identify good practices and challenges was encouraged. Such strategies should be tailored to the gender- and age-specific needs of men, women and children.

Para 54: West African States continue to face significant challenges in establishing effective **screening** mechanisms for individuals detained in connection with terrorist groups and terrorist offences, including lack of capacity and of a comprehensive approach that includes common **screening** criteria and processes. Some States of the region are considering initiatives that would exempt members of terrorist groups from **prosecution** if they surrendered to authorities and had not committed serious crimes, including genocide, war crimes or crimes against humanity.

Para 55: In its engagement with Member States, the Executive Directorate has continued to emphasize the need for multi-agency, comprehensive approaches to **prosecution, rehabilitation** and **reintegration** that deny impunity to those responsible for terrorist acts (in accordance with the relevant Security Council resolutions) and facilitate the **reintegration** of former members of terrorist groups into their communities. States should use a **screening** process to determine whether an investigation or **prosecution** is warranted before considering alternative approaches. States should also ensure that exemptions from **prosecution** for surrendered individuals are not applied systematically and that the right of victims to a remedy have been addressed.

Para 69: I urge all Member States to **prosecute** ISIL operatives for their crimes, including crimes of sexual violence and trafficking in persons [...] Any State hosting refugee populations who are victims of ISIL should also ensure that local **prosecution** services provide those individuals with access to formal justice in a victim-sensitive manner.

Key principles for the protection, Repatriation, PRR of women and children with links to United Nations-listed terrorist groups, United Nations (2019)

Page 3: The situation facing women and children with links to United Nations listed terrorist groups is increasingly untenable. There is an urgent need to identify and implement solutions, which must acknowledge the distinct profiles of the individuals concerned and be specific to the immediate, medium- and longer-term challenges facing the countries and communities involved. The solutions needed go well beyond the immediate response to humanitarian needs and cannot be provided by humanitarian actors alone. Necessary measures include political engagement; repatriation; justice; prosecution (where appropriate), rehabilitation and reintegration; access to psychological expertise and support services; and consideration of security issues. This requires the engagement of Member States and other relevant actors, including civil society.

Page 4: All measures taken by Member States for the protection, prosecution, repatriation, rehabilitation and reintegration of women and children should be in compliance with their obligations under international law, including international human rights law, international humanitarian law, and international refugee law, as well as international standards and relevant Security Council resolutions. Relevant General Assembly resolutions must also be taken into consideration.

Page 4: Member States have primary responsibility for their own nationals. They should ensure that their citizens suspected of having committed crimes on the territory of another Member State are treated in accordance with international law, including international human rights law, international humanitarian law, and international refugee law, including through the provision of consular assistance.

Member States should also ensure that their nationals who are family members of suspected foreign terrorist fighters and do not face serious charges are repatriated for the purposes of prosecution, rehabilitation and/or reintegration, as appropriate.

Page 5: There must be individual assessment and screening to appropriately assess each case and determine each person's affiliation and/or victimhood, while taking into account age and gender considerations. The Counter-Terrorism Committee Madrid Guiding Principles and its Addendum provide practical and policy guidance in this regard.

Page 6: Rehabilitation and reintegration of children linked with United Nations listed terrorist groups must be prioritised, in line with the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. This includes access to age and gender appropriate services, including mental health and psychosocial support, education and legal assistance.

Page 7: Women survivors of violence, abuses and other human rights violations must be provided with all possible support. The rehabilitation and reintegration of women requires tailored strategies to address their specific needs and minimise risks leading to stigmatization and exclusion.

Page 7: There should be a presumption against the prosecution of children, and they should be treated primarily as victims. Children should not be detained or prosecuted solely for their association with or membership in any armed group, including designated groups. Nonjudicial measures should be preferred in relation to children accused of any crimes in relation to terrorist groups. Children's best interests require prioritization of rehabilitation and reintegration in any contact they have with the law.



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