CDD

RESEARCH REPORT

TRANSITIONAL JUSTICE IN NORTHEAST NIGERIA: REFLECTIONS ON THE TRIALLING OF A COMPLEX PROCESS

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Transitional Justice in Northeast Nigeria: Reflections on the trialling of a complex process[1]

BACKGROUND

Transitional Justice (TJ), a mechanism to help a society deal with a legacy of mass violation of human rights and violence by ensuring that victims get justice for the injustices they suffered while ensuring perpetrators are punished for the crimes they committed,[2] has been trialled in Nigeria's Northeast following the legacies of violence and discord that followed the Boko Haram insurgency and extremist attacks. An increasingly prominent tool in peacebuilding and conflict resolution, TJ is not new to Nigeria though its application has been limited and inefficient to date.

The federal government's 'No Victor, No Vanquish' policy after the Nigerian civil war (1967 – 1970) was one of the earliest forms of TJ manifestation in Nigeria. But ultimately, the way the war's aftermath was handled resulted in clear winners and losers. Its conceptualization as well as application was therefore superficial and not deep enough to obtain the overall goals of non-recurrence, healing, and forgiveness. Vestiges of the Nigerian civil war, through the secessionist struggles of Biafra, remain a reality up to now.

Nigeria would have to wait until its return to democracy in 1999 for a renewed focus on TJ to emerge. Although the Oputa Panel – which was mandated with investigating human rights abuses during the period of military rule from 1984 to 1999 – was unable to have its recommendations implemented, it did bring an increased focus on historical and current abuses. A proliferation of truth commissions emerged in the first decade and a half of the twenty-first century. In 2007 the Rivers State Truth and Reconciliation Commission was set up; in 2011 Osun State Truth and Reconciliation Commission; and in the same year the Ogun State Truth and Reconciliation Committee was created.[3] However, a commonality across all three has been the non-publication of the reports and/or non-implementation of the recommendations. The application of TJ in Nigeria has therefore been fraught with inconsistencies and superficiality that hinder any real change, healing, or forgiveness.

But beyond state-led commissions, policies, and panels, TJ mechanisms designed to help a community move forward after a violent and repressive past pre-date formal justice systems and continue to exist at a local level.[4] For instance, the Kabara traditional justice system practiced in Duhu district of Madagali in Adamawa state has been effective in reconciling people through the use of reparations, justice, and truth-seeking. Even though the application of these processes have sometimes been challenged by opaqueness - due to continued lack of documentation and record keeping - the mistrust of government-led

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[2]Lawther, C; Moffett, L and Jacobs D (2019), Research Handbook on Transitional Justice. Available https://www.e-elgar.com/shop/gbp/research-handbook-on-transitional-justice-9781788979900.html

[3]the most recent TJ experience in Nigeria is the Anambra state Truth, Justice and Peace Committee established in 2022.

[4]See appendix below, the findings found wide range of pre-existing indigenous traditional justice system mechanism across the 3 states are used by the communities for alternative dispute resolutions.

processes has brought to fore the need to leverage upon existing traditional justice processes in the bid to building sustainable peace, healing, and development in contexts of mass violation of human rights. Conversations around the necessity of TJ in reckoning with the crises caused by the Boko Haram/Islamic State in West Africa Province (ISWAP) insurgency in Nigeria's Northeast have also supported renewed impetus for local mechanisms and approaches that could be used to resolve grievances.

This paper takes a first look at how TJ as a peacebuilding tool has fared against the background of the Boko Haram conflict in Nigeria's Northeast. The focus of the analysis will be on government efforts as well as field research and programmatic interventions of the Centre for Democracy and Development (CDD).[5] Considering that they were the most affected by the Boko Haram/ISWAP led violent extremism and insurgency that commenced in 2009, the BAY states – Borno, Adamawa and Yobe – are the main focus. It is nonetheless important to note, as the report does, that beyond the government and CDD, there have been other civil society actors whose activities have also shaped the understandings and implementation of TJ in the Northeast.

Methodology

The study adopted a mixed method of qualitative and quantitative research design to assess the level of community perceptions on transitional justice across the BAY states. The fieldwork was carried out in 18 of the 65 Local Governments Areas (LGAs) in the three states. Structured interview responses were gathered through Key Informant Interviews (KIIs) and participation in Focus Group Discussion (FGD). Questionnaires were also administered in local languages notably Hausa and Kanuri and subsequently transcribed and translated into English. The target respondents for both KIIs and FGDs included community/traditional leaders, religious leaders and community members, women, youth, and people with disabilities. To ensure inclusion and cultural and conflict sensitivity in a socially heterogenous societies, the three states were divided into cultural zones, with the selection of targeted study areas based on cultural commonality, tribal differences, religion, security, and accessibility. The research process also involved observation methods and review of relevant literature and internal CDD documents.

The quest for justice

In Nigeria's Northeast, the government, as well as its partners have implemented TJ through both judicial and non-judicial elements. The federal government, through the Ministry of Justice, embarked upon criminal prosecutions of alleged Boko Haram soldiers and perpetrators. Thousands of alleged Boko Haram foot soldiers were arraigned in mass trials between 2017 and 2020.[6] The criminal prosecution of alleged Boko Haram fighters based on the rule of law has been key to the state's TJ response as they strengthen the legitimacy of the state and seek redress for victims. Furthermore, the prosecution served the purpose of

[5]Where I used to work as director
[6]New trials will commence in January 2024.

establishing individual accountability to determine guilt or innocence, and eligibility for admission into Operation Safe Corridor (OSC),[7] an amnesty styled deradicalization and reintegration program for low-risk offenders and perpetrators.

Nonetheless, this judicial component has also been fraught with challenges which have led to low conviction rates. In an interview with the lead prosecutor for the federal government during the 2017 and 2018 trials, it was noted that of the 5,000 prosecutions that took place, only 300 convictions were made, less than 10%. With limited resources and an increasing volume of cases, these conviction rates are unlikely to improve. Although the figure has been disputed by the Office of the National Security Adviser (NSA), there are currently an estimated 10,000 cases of suspected Boko Haram fighters awaiting trial. Available evidence of crime committed is limited and circumstantial, with trials also reflecting the fluid status of perpetrators and victims. It Is also important to note that the period for detention itself without trial or definite charges nor release is akin to interment, a gross violation of international human rights law.

As a response to these challenges, the government and its partners have also explored non-judicial components of TJ mechanisms as an alternative to prosecution and criminal investigation. The government's flagship program in this regard is OSC.It operates as a multi-stakeholder program comprising military and 15 other government agencies. It was conceived of as a counter-terrorism measure to reduce the rank and file of the insurgents. Former associates of Boko Haram/ ISWAP who defect successfully undergo the government-instituted program, and are reintegrated into society.

Those who surrender to OSC can be classified into four groups: those who lived under Boko Haram rule and supported them in some form; those who were conscripted to the Boko Haram insurgency against their will; those who felt disenchanted with the activities of the leadership of the group and those who surrendered voluntarily or under fire from the Nigerian Armed Forces (NAF). High risk associates are not allowed into the program and are transferred into the formal justice system for prosecution. But former associates of Boko Haram/ISWAP who defect and successfully undergo the government-instituted program can be reintroduced back to their communities. Reintegration and reconciliation with originating communities are the ultimate end goal but this is done carefully and in consultation with key community stakeholders.

But this approach has faced criticism. The investment that goes into the program remains a point of contention for Boko Haram survivors who have not received any form of support from the government. They decry the process as being perpetrator centric. Disinformation and misinformation are also being weaponised to discredit the program. This is further accentuated by the lack of knowledge on the program fuelling misinformation that suggests

[7]The Centre for Democracy and Development was the first non state actor included in Operation Safe Corridor (OSC) in 2016 even before declassification.

the OSC is a program where terrorists are being pampered. Similar peddled narratives falsely state that former Boko Haram members are being recruited into the military. While it must be acknowledged that the rate of recidivism on the OSC program is relatively low, the lack of proper monitoring remains a challenge to the program. Most times, the returnees are not monitored allowing for some to move to different parts of the country without supervision. There have also been limited instances where the reintegrated persons have been alleged of trading at the behest of the insurgents.

The Borno state government also introduced what is now known as the "Borno Model" in 2021, following an unprecedented mass exit of associated persons from the insurgents. These mass exits occurred because of the fractures within Boko Haram, with over 35,000 individuals consisting of fighters, their families and others largely linked to the *Jama'atu Ahlis Sunna Lidda'adati wal-Jihad* (JAS) faction presenting themselves to state authorities. These mass exits were unprecedented since the beginning of the insurgency leading to a depletion in active combatants and family members associated with both groups. The government was also able to retrieve some weapons and ammunitions being utilized by the group to wreak havoc on the state.

But its approach has faced criticism considering the mass exits are happening amidst an ongoing conflict, unaddressed grievances, internal displacement, and no discernible TJ mechanisms acceptable to the victims of the conflict. Another criticism associated with the Borno model is the inadequacy of the case management system, and those operating it, for receipts, processing and exits of program beneficiaries. Also lacking are discernible tools, system, and institutional arrangement to manage these associated persons and successfully reintegrate them back to their communities. For instance, while OSC had only around 2,900 individuals pass through the program, the Borno model claims to have received at least 90,000 persons. The deradicalization aspect of the program also seems opaque with no regular program on addressing the indoctrination of the beneficiaries. But the principal challenge is the perceived absence of an efficient and holistic approach in reintegration efforts. There continues to be animosity in receiving communities that the government is favoring the perpetrators at the expense of the victims, which stems from the provision of stipend and other materials for formerly associated persons to start their lives upon return to communities. Something that host communities feel they should have received instead.

The potential, and need, for TJ

In the face of the protracted nature of the Boko Haram conflict, the government observed that the sole use of military efforts in engaging with the violent extremists was not yielding the needed result of peace and restoration of communities. Hence, the implementation of demilitarized responses like OSC and the Borno model. These approaches sought a gradual

return to peace by disarming, rehabilitating, and reintegrating low-risk ex-combatants into society.

But the Northeast conflict is an extremely difficult one considering there is hardly any household that does not have either a victim or a perpetrator notwithstanding the fact that there is a thin line between victim and perpetrator in this conflict. While citizens claim to be the victims of the conflict, the men of the security agencies battling the insurgents also claim to have lost limbs, loved ones and even opportunities to be with their families. Members of the Civilian Joint Task Force (CJTF), a volunteer vigilante force, claim that they are victims of unlawful detention by security forces, subjected to arson and destruction of property by citizens whereas citizens also accuses them of assault and intimidation amongst other vices. This difficult nature of the conflict is forcing a choice between peace, reconciliation and justice.

Any TJ effort must recognise the complex and overlapping nature of the conflict dynamics and actors. An inclusive process must also recognise that victim and perpetrator identities are not static and change over time, both at the individual and the societal levels. Farmers suffered arson, destruction of their crops, internal displacement, extrajudicial killings, and sexual and gender-based violence. Herders suffered cattle rustling, sexual and gender-based violence, extrajudicial killings, arson and destruction of property, and displacement. Even Boko Haram fighters can be seen as victims in some instances. It is estimated that over 85% of Boko Haram's foot soldiers in the forests were forcefully conscripted. In designing a TJ mechanism for the Northeast, the issue of victimhood at an individual and collective level, as well as who is a perpetrator, must be addressed for sustainable peace.

Residents largely support accountability as a necessary mechanism to avoid impunity and decry blanket amnesty. Given the protracted nature of the crisis, societal relations and community cohesion along ethnic and religious lines have been significantly fractured. The need for societies to forge positive peace and a new future by forgiving, healing, and moving on made transitional justice an indispensable peacebuilding tool in the Northeast. But this should not come at the cost of accountability.

The justice residents want

The understanding of justice according to our study mostly depended on the interviewees' experiences of either statutory courts or customary justice system. Many restricted their thinking about justice to only the victims. For 62.5% of male respondents in Yobe state, accountability is synonymous with the prosecution of perpetrators and the enactment of judicial laws that will help curtail the ideology and circumstances that facilitated the emergence of the Boko Haram sect. Other issues that respondents believed should shape TJ programs are the prompt and adequate provision of intervention for victims, careful

investigation and prosecution of perpetrators, provision of governmental support through the adoption of strict security measures and local vigilante initiatives.

Despite these subjective understandings, there was a consensus regarding the need for a TJ styled tool as a viable model for peacebuilding, restoration, and healing post Boko Haram. Nonetheless, the highest level of divergence with existing TJ measures occurs on the point of recipients of reparations. For instance, fieldwork in Adamawa found that 41.7% of respondents perceived injustice as inequality in the distribution of relief materials. For most respondents, victims and the most vulnerable are the most neglected by state led TJ processes. NGOs and other international organizations are however credited with supporting victims displaced by the crisis. Fieldwork as well as programmatic function also revealed the need for processes to take religion and local communities into greater consideration.

Critics of the state-led TJ processes note that there is a hyper-focus on approaches to reintegration that focus on supporting individuals previously associated with terrorist groups, and that these fail to adequately consider the imperative of promoting reconciliation within the wider society. A continued focus in this direction may undermine a sustainable return to civilian life. One of the identified challenges across all three BAY states was the preferential treatment narrative which threatens to significantly undermine the progress that has been achieved by existing transitional justice efforts. In one FGD, a government official from Borno state noted that the government was making efforts to ensure that survivors of the conflict in communities with returnee ex-Boko Haram associates are also empowered. She noted the government is implementing a double ratio of interventions for survivors. Meaning that for every 500 former Boko Haram associates returned in the community, the government identifies 1,000 vulnerable people to empower.

An Islamic scholar from Borno also noted resistance to the TJ efforts in his community on the grounds that the government attempts to outsource the victims' prerogatives of forgiveness. In addition, they pose questions to know what type of forgiveness is being required of them. According to Islamic knowledge, a victims' right to forgive is on different levels - sulhu for life, sulhu for property, and sulhu for dignity. According to community members, forgiving perpetrators of the Boko Haram conflict on all levels is a challenging prospect. Furthermore, the tit-for-tat principle of Islamic criminal justice is evoked to underline that though God will be pleased with people who forgive those who wrong them, victims are not obligated to forgive if they are not convinced to. The foregoing challenges point to the tensions between peace and justice in TJ mechanisms, particularly when it comes to how the two concepts interact.

Informal justice mechanisms

In the Northeast, existing informal justice mechanisms were functioning organically prior to the Boko Haram violence. These mechanisms historically resolved low level disputes and conflicts but are now being repurposed to serve as some forms of TJ mechanisms in the Boko Haram insurgency. These structures are largely participatory and focus on mediation and arbitration by community leaders, religious leaders, elders and family members and community elders as interlocutors. For instance, in Ganye LGA of Adamawa state, there are three major ethnic groups: Chamba, Fulani, and Hausa. For each group, the customary justice approaches on addressing issues differ from the other groups based on their cultural practices. But all of these informal justice mechanisms encompass reparations, truth telling and seek to ensure guarantees around non-reoccurrence. According to the research, 78% of community members perceive justice as focused on dialogue, reconciliation, forgiveness, reparation and compensation, both material and non-material measures that include public apology and sympathizing with the victims to console them.

Respondents alluded that Sulhu a local approach to dialogue and reconciliation approach is key to rebuilding raptured relationships and reintegration of repentant Boko Haram members. During an interview with the Chief Imam of Damaturu Central Mosque he asserted that:

> *"We will forgive those that truly repent and accept them back into communities, however, the government should also provide some reparations to survivors. This is important to facilitate the reconciliation process and even their reintegration back to communities."*

Many respondents agreed with this notion of compensation as a form of restorative justice. Reparations may be material or non-material. Material reparation is usually paid for by government, community, family, friends, institutions and any other third party. Non-material reparation involves some measures of consolation in the form of words or action for restitution, spiritual intervention or otherwise. It is a restoration of truth-telling, reconciliation, public apology by perpetrators and some rehabilitation and reconstruction of full or part of the damaged property or the loss incurred.

According to the Traditional Head of Toungo LGA of Adamawa state,

> *"In my understanding, reparation is when all parties affected are assisted equally. Most community members demand settlements especially when their properties have been destroyed. And they don't mind whether it is in cash or kind to help victims come to terms with what happened to them."*

Therefore it is not a surprise that there are numerous pre-existing and functioning reparation measures in the BAY states which offer restorative and redistributive justice to compensate survivors or victims of conflicts and/or human right violations. Across Muslim communities, *Zakat* and *Sadaqah,* widely considered as charity for the poor and prescribed by Islam, is often used as religious form of reparation measures to respond to the needs of the poor or victims of armed conflict. In the Kabara traditional justice mechanisms practiced in Duhu district of Madagali in Adamawa state, blood money, or *Diyah*, is used as part of the reparation mechanisms, where offenders are asked to give money, title or provide services as form of reparation. Respondents across the three states are largely of the view that the payment of *Diyah*, as prescribed in the Quran, is extremely important for any form of TJ to be valid or accepted even though the Nigerian criminal law system does not recognise the right of victims of crimes to reparations. However, during fieldwork, respondents on all sides insisted that there must be some form of material benefit for the victims of the conflicts.

But a challenge militating against the informal justice system is the lack of institutionalisation and formal documentation or government backing. Most of the structures in existence and currently being implemented are either traditional justice approaches adapted to address the current situation or structures created and enabled by civil society to help adapt to the existing situation. They thus lack the force of the law and ability to sign off on any resolution reached. At times, the structures are also top down and lack inclusion of relevant stakeholders which can impact on people's trust in it. Importantly, these mechanisms are not designed to address the core institutional challenges and root causes of the conflicts and, in the worst-case scenario, they can even further exacerbate such challenges and causes. For example, in Southern Borno, which is predominantly Christian, and where religion is identified as a conflict driver, convening a peace meeting solely of clerics could threaten or widen the religious divides.

There is also the risk of non-adherence to human rights principles, considering the structures are local and led by men. Only 26.7% of women perceive religious institutions like the Muslim Council of Nigeria and Christian Association of Nigeria as being trusted with responsibilities of ensuring justice in the communities. This finding is especially relevant given the numerous cases of gender-based violence that have been recorded in the conflict. Youth too are largely absent from shaping conflict resolution in these forums. Furthermore traditional authorities are also viewed to be perpetrators in several instances.

Traditional justice approaches in Northeast Nigeria: Reflections on Kabara and Sulhu Alheri Ne

Traditional justice systems are increasingly seen as an integral mechanism through which to implement TJ.[8] Traditional systems are often referred to by other terms, such as customary, informal, community-based, grassroots, indigenous and local (Allen & Macdonald, 2013).[9]

[8]Triponel, A., & Pearson, S. (2010). What do you think should happen? Public participation in transitional justice. Pace International Law Review, 22(1), 103–44. http://digitalcommons.pace.edu/pilr/vol22/iss1/3

[9]Allen & Macdonald, (2013) Post Justice Traditional Justice- A Critical Review accessed https://assets.publishing.service.gov.uk/media/57a08a34ed915d3cfd000642/JSRP3-AllenMacdonald.pdf

Their appeal lies in their potential to resonate more with local populations and thus to be more effective in providing a sense of justice and restoring community relationships. They are more familiar to local populations and allow for local contexts to be incorporated into transitional justice processes. They can also be faster and more convenient to implement. The focus on traditional justice has gained momentum since the gacaca community courts were set up in Rwanda. In the context of the Northeast, the study found that there are numerous traditional justice systems used at the community level.[10]

Since 2012 traditional justice as a pathway to restorative justice, in the Northeast, leveraging on local justice and reconciliation mechanisms to foster dialogue and enhance community acceptance of reintegration of surrendered Boko Haram members has been a feature of civil society sponsored initiatives. Truth-telling at the community level is facilitated in selected communities to provide platforms for victims and repented Boko Haram associates to engage in ways crucial for healing. CDD has, for example, organized inter-religious dialogues between different faith groups divided by the conflict to promote inter-faith peaceful coexistence.

Case study: The Kabara Traditional Justice Mechanism

The Kabara traditional justice system is practiced by the *Marghi* people[11] who are the majority ethnic group in Duhu community – now one of the administrative districts of Madagali LGA in Adamawa state. The *Marghi* people are predominantly Christian with minority Muslims and traditionalists and largely an agrarian community with both farmers and herdsmen. The term Kabara is a *Marghi* term for the Hausa word *Sulhu,* meaning reconciliation. It has been used as a conflict management mechanism by the *Duhu* community for several hundred years.[12] It has worked in a way that someone who has been accused of committing a crime would determine their outcome. The Kabara mechanism was resuscitated to adapt to the fallout of the Boko Haram insurgency. *Duhu's* proximity to the Sambisa forest and the Cameroonian border means that it has been one of the communities where the insurgents hoisted their flags and ruled until they were ousted by the government forces.

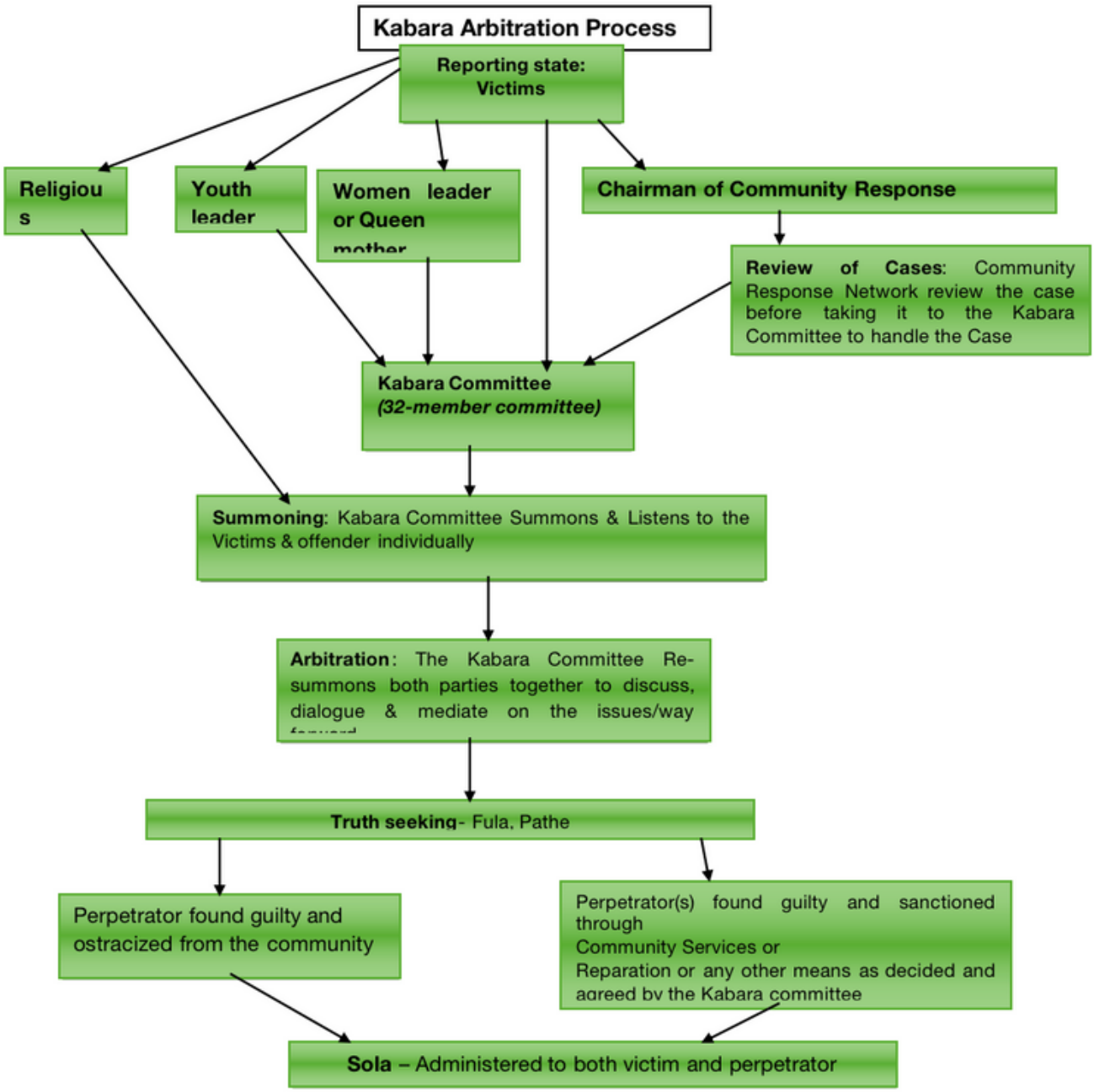
The Kabara system is under the leadership of the district chief/head who is elected by the six village heads who are also members of the Kabara committee. All are part of the Post-Insurgency Crisis Management mechanism (PICMC).[13] The PICMC committee comprises seven members: the District Head (DH) and the six heads from the six villages. The seven are at the apex of the committee and take final decisions in any conflict and crisis management in the community. Under the PICMC is the community response network (CRN) which comprises 16 members. In total, the Kabara Committee comprises 32 members drawn from the leadership of all groups in the district. This group sits regularly to hear cases.

[10]Centre for Democracy and Development (2018) After Boko Haram: Prospects for Transitional Justice in North East, Nigeria https://www.cddwestafrica.org/uploads/reports/file/After_Boko_Haram_Prospects_for_Transitional_Justice_in_the_North_East_.pdf

[11]Marghi is an ethnic group in the northeastern part of Nigeria, who are, historically, said to have been living as independent scattered clans without a unified leader until the 18th century.

[12]Interview with the Hakimi Duhu, Alh. Sanusi Mustapha/Tuesday 22, June 2022

[13]Before the committee got an office, they were using the district head office which made some community members uncomfortable airing out their problems.



Source: Fieldwork, March 2021

The diagram above captures the processes of the system as it relates to conflict prevention, countering-violent extremism, conflict management, and post-crisis/conflict management within *Duhu*. The Kabara system has undergone a dramatic change in recent years to account for new belief systems – the arrival of Islam and Christianity - and the influx of modern ideas relating to the United Nations Declaration of Human Rights.[14] Although the legitimacy of the system

[14]Interview with the Hakimi Duhu, Alh. Sanusi Mustapha/Tuesday 22, June 2022

still comes from the tradition and customs of the *Duhu* community, it has also evolved in its organisation and activities to accommodate modern ideas, especially in terms of its documentation and collaboration.[15] For example, the committee can write to courts, judges, the military, or the police to request that a case be transferred to them highlighting its overlaps with the formal justice system.

The Kabara arbitration process is carried out in six stages – reporting, reviewing, summoning, truth-seeking, arbitration, and final resolution (*sola*). In the reporting stage, victims or their family members can submit a formal complaint to any of the group leaders, the Chairman of the community, or directly to the Kabara committee. During the reviewing stage, responsibility lies on the community response network. There are occasions where cases are resolved during the review process before it proceeds to the Kabara committee. The summoning stage is where the accused and complainants are invited to hear and defend themselves. Here, the Kabara committee invites both parties to speak, in the presence of the community, with witnesses allowed to be called by all sides. Members then discuss together, dialogue and attempt to mediate on the issues and find a way forward. If the mediation is not successful, an arbitration stage follows. This can have multiple sittings before the case comes to an end. As part of the arbitration process, individuals are required to take an oath as an important part of the process using the holy books – Quran or the bible, or sacred leaves (*Shafa*[16] and *Barkeje*[17]). The *Barkeje* is feared by the Fulani as they strongly believed that once they swear by it, something will happen to them or their family, therefore it is mostly used in cases involving Fulani. This is designed to encourage truth-telling.

The Kabara system is adjudged useful by the community as the system is seen as accessible, convenient, and assures quick resolution of conflict with cases usually taking a maximum of two weeks to be resolved. The inclusive nature of the system has also been found useful with all sides, ages, ethnicity and gender included in the process. By using the Kabara justice system from 2016 to 2018, over 200 returnees from various Boko Haram camps were successfully reconciled and reintegrated across Duhu. This mechanism continues to address both criminal and civil issues within the community and commonly deals with issues of stealing, kidnapping, and sexual assault.

Case study: Sulhu Alheri Ne community-based dialogue and reconciliation

Sulhu is a preexisting Islamic system of dialogue and reconciliation practiced for decades in Northern Nigeria. [18]It is derived from the Quranic verse "*wa-sulhu khayr*" loosely meaning "*Sulhu is good*" in promoting peaceful coexistence and settling local-level disputes. Leveraging on Sulhu as an indigenous platform for healing and reconciliation, CDD began

[15]The committee members were trained by CDD on documentation and on how to report their cases. This has shaped the structure of the TJ and had made them more formal and organization.
[16]*Shafa* is said to have mystical powers that bring misfortune to the person who takes an oath with it while lying.
[17]The *Barkeje* leaf also has mystical powers, and it is said to be feared by the Fulani, as such it is mostly used for them during oath taking
[18]Sulhu is Hausa language word for reconciliation and peaceful resolution of disputes through mediation. It is derived from the Arabic word *Sulh* which connotes reighteous deeds and improvement.

implementation of Sulhu Alheri Ne programme by engaging religious and community leaders as Sulhu interlocutors.[19] It aimed to provide a platform for reengineering trust, to promote reconciliation, healing, forgiveness and to foster social cohesion and address grievances associated with the Boko Haram insurgency.

As a first step of the implementation of the Sulhu dialogue, CDD built the capacity of more than 2000 community stakeholders including Ulamas (Islamic scholars) and community leaders in a *training of the trainers* approach using *Sulhu Alheri Ne* manual designed for the truth telling sessions, which was written in a neutral Islamic language. CDD then set up the Sulhu Committee whose members were drawn from the trained community stakeholders and engaged them in step down community outreach Sulhu dialogue sessions across the BAY states. The major talking points in the Sulhu dialogue sessions, which have been both in-person and through local radio, center on repelling evil acts with something better[20]; peaceful resolution of conflicts; truth telling; patience amid trials and tribulations; overcoming pervasive mistrust and avoiding stigmatization of victims of sexual and gender-based violence; and the importance of Sulhu in the reintegration process of surrendered former Boko Haram associates.

The seven-member Sulhu Alheri Ne committee members, mostly religious and traditional leaders, drive the dialogue sessions in local languages using the CDD Sulhu manual. Participants are permitted and encouraged to use their voices and share experiences of community peace and reconciliation process and challenges. The radio programme is a weekly programme aired in Kanuri, Hausa, and Fulfulde languages. Phone-in lines are opened to listeners for questions, comments, and feedback. They have largely been well received and are seen by respondents as both rooted in local realities and in equipping listeners will skills to navigate conflicts in their communities:

> *"I'm an active listener of the program I now realized that if the government can set up the appropriate channels for negotiation, Sulhu is highly possible even with Boko Haram that are yet to surrender" – Bolori community, Borno state*
>
> *"The radio program has succeeded in convincing the community to accept the reintegration of surrendered Boko Haram members living in Hajj camp. Initially we all had this misconception that all that surrendered are real Boko Haram, but the radio program has educated us to understand the categories of people we generally call Boko Haram. There are among them women and children captured by the insurgents and those forcefully conscripted into the terrorist group. Similarly, the references given by Islamic scholars invited to speak during Radio program on Islamic history of war and the treatment given to prisoners of war by the Holy Prophet Muhammad brought to the fore the importance of forgiveness, reconciliation and accepting them back into the community."*

[19]From 2021 to 2023, CDD has implemented the Sulhu Alheri Ne community dialogue in 65 communities and more than 9000 participants benefited from the dialogue sessions across the three focal states.

[20]In the Sulhu dialogue session the Arabic term Al-hasana and al-sayyi'a were frequently used by the Ulamas and are important terms repeatedly emphasized in the Quran. Al-hasana is derived from hsn which has numerous interrelated meanings such as goodness, kindness, beauty, benevolence, favour and righteous deeds.

> *"The radio program has become a medium and platform for voicing out our concerns and issues affecting our peace. During the Phone-in Radio programme, we asked questions on how to resolve some peculiar problems and get answers from knowledgeable people invited to speak in the program. This helps us a lot in tackling local level conflicts."*

However some challenges have been encountered during its implementation. One of the key challenges encountered is in bridging the trust gap caused by Boko Haram insurgency and ongoing farmer-herder clashes, particularly in Adamawa state. In engagements for this research, communities pressed for the need to expand the Sulhu Alheri engagement to include facilitating dialogue on farmer-herder conflict that is driving chronic instability in the state. However, on the whole, and as one respondent from a community in Borno state contended, the program's focus on traditional means of settling disputes in order to address issues affecting our communities peacefully, "is laudable moving forward in that it can help resolve local problem without resorting to courts."

Conclusions

Nigeria has moved towards TJ in responding to the Boko Haram/ISWAP insurgency, but more robust transitional justice responses are needed to strengthen and embed the approach and impact. First, there are many national and international organizations working in the Northeast. However, collaboration and cooperation is minimal in some cases. Concerted efforts to address the humanitarian crises triggered by the mass surrender of ex-Boko Haram associates are needed to ensure that the humanitarian issues do not relegate the underlying and fundamental issues to the background. Secondly, given the religious origins of the crisis and the spiritual significance of forgiveness and healing in the different religious practices in the BAY states (Christianity, Islam and the traditional religion), religion should be leveraged responsibly in a way that does not inflame religious tensions or further create divides. Increased gender representation at the level of policy design and ensuring gender sensitive implementation of transitional justice efforts are also critical. Finally, effectively managing the delicate process of navigating accountability versus creating safe pathways for many more to leave the conflict is critical. An extensive community driven, community owned process of truth and reconciliation, healing, and social cohesion that supports effective transformation and prevents local conflict and recidivism and prevents pathways into insurgency in the future are ultimately the outcome that reformed TJ offerings can provide.

Appendix One

Existing Justice Mechanisms in Borno, Adamawa and Yobe States

Aradu	This is a customary traditional justice system for Chamba ethnic group in Yola South. It is used by the people to settle disputes in their community with traditional rulers as mediators. It is an alternative dispute resolution mechanism that has been in existence for centuries.
Damsangwu Shrine	This is a traditional justice practice in Yungur community of Girei and in Song LGA of Adamawa state where an individual can go and seek for justice spiritually against those that infringed his right. The shrine is believed to have the powers of a cast spell for perpetrators of crimes and injustice in the communities and ensuring justice for victims. Perpetrators of crimes publicly admits their wrongdoing for fear of the cast spell that will turn them into animals.
Gumai	A traditional practice is used to detect witchcraft and extract confession from criminal offenders in Michika community of Adamawa.
Kabara	A traditional justice system practiced by Marghi people in Duhu community of Adamawa state. It dates back to the 18th century and has been an alternative dispute resolution mechanism for the community.
Kwala kulounghe	an alternative dispute resolution practice particularly used to resolve farmer-herder conflict in Guyuk LGA of Adamawa state.
Kirankosko	A local pot filled with Garri where an offender's face appears when their name is called. It is also a customary justice mechanism found in Adamawa state.
Kona	Dwarf in Chamba tribe used to invoke God's wrath to scare perpetrators of crime in their community.
Langulun	meaning masquerade – The masquerade will also appear to the offender and disturb his peace. It is a customary justice mechanism practiced in Ganye LGA of Adamawa state.

Mbolon, Mbemti, Matadamre and Shafa	Traditional alternative dispute resolution practices in Demsa LGA of Adamawa. It involves summoning of disputants or conflicting parties by community and religious leaders for dialogue and reconciliation.
Jubi	A traditional justice practice also by the Chamba tribe in Adamawa where an offender's stomach is 'tyied' not to eat or even defecate until he/she make confessions of the crime committed.
Miyyeti Allah	A Fulani socio-cultural group committed to the welfare and resolution of conflict amongst its members.
Muslim Council	Mother body for Islamic groups in Adamawa (JNI also present there but superseded by Muslim Council). It is widely involving in resolving local and interfaith conflicts using Sulhu mechanism.
Ngarba	A traditional practice in Michika LGA of Adamawa state, involving dance is a social event organized for anyone who committed serious offence in the community at the market square singing the name of the offender as shame to prevent future reoccurrence.
Sulhu	Islamic dispute resolution
Wasa da zumunci	Meaning social event and cultural solidarity it is an annual cultural festival commonly found in Yola South organized to promote reconciliation and social cohesion among communities.
Zauren Gamazaki	A reconciliation platform which involves periodic reconciliation sessions for conflicting parties in Yola.
Al-Qunut	An Islamic way of praying f or peace and harmony in times of conflicts which is also a key element of traditional approach to restorative justice.
Hisbah	An Islamic council/committee for alternative dispute resolution
Ningwa/Nangwa/Kunya	locally meaning "avoiding shameful acts" are some mechanisms for conflict prevention.

Zauren Sulhu	It is a local reconciliation platform involving traditional institutions in Yobe state. Community leaders such as Bulama, Lawan and Ajiya as well as Muslim clerics are the key mediators and arbitrators in the local disputes and conflicts. It has record keeping office under the ownership and control of the Yobe Emirate Council and supported by Managing Conflict in Nigeria unit of the British Council. Cases resolved at community level by the interlocutors are reported to the record keeping office for record purposes.
Sadaqah	Voluntary charity in Islam given to the poor in order please God.
Zakat	Is an Islamic financial system that requires all Muslims to donate a portion of their wealth more specifically 1/40 of an individual total annual savings to charity and is considered as one of the five pillars of Islam.

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