Meeting at the UN CTED

September 9, 2016

Client Representatives:

* Samia Ladgham - Head of Africa Section
* Deborah Ayis - Associate Political Affairs Officer, Nigerian
* Marc Porret - Legal Officer, Nigeria & Africa
* Kelly - Legal Officer
* Cecilia - Human Rights Officer, CVE Agenda, Latin America & Transitional Justice Issues
* Rebecca Brattskar - Political Affairs Officer, Political Analysis & Research Unit, Prosecution, Rehabilitation & Reintegration

Meeting Notes

* First exploratory meeting to identify common areas of interest and collaboration
* Deborah - UN CTED Presentation
  + UN Counter Terrorism Committee
    - All 15 Security Council members
    - Monitors implementation of Resolution 1373 (2001)
    - Not a sanctions committee
    - No list of designated terrorists
  + CTED - assists CTC
  + Monitors implementation by MS of SEcurity Council Resolution 1373 (2001) and 1624 (2005)
    - Identify shortfalls, facilitate provision of assistance
    - Promote cooperation and awareness of international human rights
  + CTED’s mandate (missed slide)
  + SC Resolution 2178 (2014) - important resolution on FTFs
    - Deals with APIs, training, travel
  + CTED’s activities
    - Examine country reports
    - Onsite visits to MS
    - Convene meetings
    - Reach out to MS agencies to assist in gap analysis and legislation
    - Work closely with 1267 MOnitoring Team
      * Does keep designated list
      * Conducts threat analysis
    - Resolution 2129 - supports CTED activities with think tanks and CSOs
  + Global Recommendations
    - Criminalization of terrorist and FTF acts
    - Prevent inter-state travel
    - Prevent CTF
    - Human rights and rule of law
    - Prosecution
    - CVE
    - International cooperation
* Questions on Presentation
  + CTED relationship with CT Implementation Task Force
    - Task Force established to oversee General Assembly strategy on CT
    - CTED works for SC
    - UN CCT - established for capacity building for CT
      * Saudi fund
      * Under CT ITF
    - Sanctions Committees & WMD Committees also exist as subsidiaries of the SC
  + How do mandates work for member countries of the SC?
    - Conduct desk and institute assessments
      * Desk assessments - 200 questions methodology for assessing compliance and capabilities
    - Then take assessment and visit country to verify
    - Build recommendations for member states
    - Facilitate technical assistance
    - “It’s a dialogue”
  + Do you find that your assessment is the same as the country's assessment/vision?
    - Difficult for a country to recognize gaps and deficiencies
    - “It’s a cooperation. We go there and explain we are there to help build and not put them on a list.”
    - “We do not have the capacity to provide technical assistance, only to facilitate”
  + Case of Nigeria
    - Good relationship and cooperation
    - Good understanding of needs for improvement, “especially this administration”
    - Keen on improving capacity of criminal prosecution
      * Building criminal investigation skills and having prosecution involved in investigations
    - This is the context in which rehabilitation and reintegration came about
    - Request came from the Office of the National Security Advisor
  + How to choose between countries with requests?
    - List of priority countries from FTF reports (hot button issue)
    - But this issue of deciding between countries has not arisen
  + Does reintegration extend beyond detainees?
    - Still in discussion with authorities about scope
    - Would have more impact if we really focused on one area
  + Monitoring & Evaluation Tools
    - Technical guide for methodology - public
    - Norms and standards of other governing bodies
    - Took resolution 1373 and provided a technical interpretation
    - Follow-up visits to countries
* Rebecca - Presentation of Rehabilitation & Reintegration Models
  + After Resolution 2178 (2014) - looks at rehabilitation, reintegration, prosecution for FTFs
  + February 2016 - Global Findings
    - Look at best practices
    - Only ½ of states most impacted by FTF problem have developed prosecution, reintegration, rehabilitation programs
    - Since then - boom in efforts/improvements
    - Challenges
      * Tend to be very resource intensive
      * Difficult to systematically compare and measure
      * Reintegration has worked in countries where there is already less tension
        + Returning to peaceful communities
        + Have to have something to return to (e.g. not destroyed villages)
      * Good practices in rich countries
  + Nigeria
    - Want help, want to see what other MS are doing
    - Lift criminal justice system
    - Despite efforts, criminal justice remains overwhelmed
    - Rehabilitation, reintegration - some promising efforts but need to be improved
    - Criminal justice problems - serious criminals fall through the cracks; imprisonment of the wrong person
    - Need criminal measures during reintegration process (ex: travel bans)
      * but can't do it without a prosecution
    - Young people
    - Motivations for participation vary
      * Kidnapping, abduction
        + But some have some level of culpability in later actions
      * Some may not have been forced, but afraid of retribution
      * Some joined because of debts
      * Difficult to determine most proportionate and appropriate response
    - Need judicial supervision over implementation of strategies
* Questions on Rebecca’s Research + beyond
  + Demographic profile?
    - Only looked at research by others
    - No typical demographic profile - huge variety
    - Motivation to join varies - anger with government, loans, belief in BH agenda
    - Government started project on profiling of detainees apparently
    - Communities - no one community, but many
  + The numbers - wide various: 800-900 - 6,000-8,000
    - Where are they?
  + No central place for information in Nigeria
  + Have not been judged - legality of detention unclear
  + Have a model prison - but only holds 40
    - “Drop in the ocean for the number of detainees”
  + The role NGos are playing
    - Fatima Keeluh (sic?)
  + Helpful for us to think about numbers, where, role of NGOs, external models, metrics for efficiency
  + Problem of preferential treatment to former-BH with “good metrics”
  + Other external models to look at:
    - Look at different challenges
    - Denmark - Aarhus program
      * Uses existing Danish welfare system to reintegrate foreigners
      * Go to prison then reintegration programs
        + Also used as an alternative to imprisonment in cases where nothing can be proven
      * Media - misunderstood by public - “buying a criminal a palace”
      * Seen as being soft on CT
      * Lesson learned - cannot ensure public support
      * And Denmark does have relative wealth, security, public access to welfare
    - Use of interlocutors
      * Want government involved but not all government
      * Use of religious leaders, former terrorists
    - Economic incentives
      * Don’t want participation just for economics
      * Not long-term
      * CTF risk
  + Armed conflict context in Nigeria very different
  + Questions for consideration: What is most relevant, most needed, most effective in Nigeria?
  + Afraid to take former BH back - some instances in which children are taken back and they blew themselves up
  + Community reintegration problems in Nigeria:
    - 1. Fear
    - 2. Ability/resources to reintegrate
    - 3. Community support for BH; communities benefitted from BH membership
  + More comparative models
    - UN Peacekeeping in Mali - DDR program
      * A lot of the same issues
      * Cantonment camps + community projects
    - Somalian initiatives
      * Community violence reduction + DDR
      * One of the biggest issues - women who come back with children of their abductors
    - Afghanistan
      * Economic incentives - gave communities money to reintegrate former terrorists
      * Reviews are mixed
      * Approach that could lessen “jealousy” factor
    - Algeria (1990’s)
      * Early terrorist and FTF experience
      * Peace and reconciliation program
      * Came with amnesty, but only for those who did not have blood on their hands
      * Also had a program to rehabilitate combatants
      * Criticized because army was not a participant, but the army also had a lot of blood on their hands
      * Problems remain, but numbers were hugely reduced
    - Sri Lanka - peace process
      * Issue of accountability?
  + Q&A
    - Nigerian Legal Framework?
      * Nigerian CVE Program, National CT Strategy
      * Policy documents not legal documents
      * Legal: CT Law (new adoption, third form, soon)
        + Nothing there in terms of transitional justice and amnesty
      * International law: juvenile justice and women
    - Operation Safe Corridor
      * Relationship between any new reintegration program and Operation Safe Corridor unclear
      * Told UN CTED about military camps with detainees but painted a skeptically idyllic picture, did not hear about Operation Safe Corridor
    - Model Prison
      * 40 very young detainees
      * Psychologic courses, religious courses, educational courses
      * University program there
        + Also open to children of prison employees
      * Nice facilities - dentist
      * UK funded (?)
      * Little explanation about detainees
      * Not just BH
      * No plan for reintegration
* Scope?
  + Looking at all Lake Chad basin countries
  + Talking to ECOWAS - has CT regional strategy but not sure about state strategy/implementation
  + Primary beneficiary is Nigeria
* Deliverables
  + Short run - Nigeria
    - Also have discussion with Cameroon for longer term
    - Project could be exportable to other countries
    - Reminder that UN CTED has a convening role
    - “Although one size does not fit all”
  + Program is a sovereign decision that needs to be made by Nigeria
* Meeting in Abuja - December 13-15
  + Meeting with technical experts from a series of countries
  + Brief high-level Nigerian official on 3rd day with decisions/recommendations
* Create self-reflecting questions for Nigeria
* Our role is to provide a possible legal framework
* What are the no-no’s?
* Different from a normal engagement
  + Less international framework, more of a policy discussion with the Nigerian government
* Nigeria’s Big Issues
  + IDPs
  + Food crisis in North
  + Oil prices and oil revenue crash
  + Keep these dire issues in mind
* In addition: Old precedent of Niger Delta and current deterioration of situation in Niger Delta
* Considerations
  + First, hope and dreams
  + Second, constraints
* Budget proposal?
  + What are the economic and human costs of inaction?
    - Link to development agendas of donor communities
  + Would rehabilitation/reintegration save money?
    - Social return on investment
* “Amnesty” - do not mention the term “amnesty” with the Nigerian government
  + Too loaded of a term
* Samia Ladgham - “but we need to promote reconciliation. They are thinking about defeating BH with the military which is not going to happen. We are looking at transitional justice.”
* Legal Issues
  + Adopted CT law in 2011
    - 200 charged with terrorism since - very low
    - Reducing number of special prosecutors - does not bode well
* Deborah - comparison between Niger Delta and BH needs to acknowledge how very different the issues are
  + NIger Delta - about power dynamic issues
  + BH - promotion of Sharia law
* Question of the NIgerian military - a question to bring up
* The UN message: promote rule of law and humanitarian law
  + No prosecution
    - Prosecutors don’t have a case
    - Bags just picked up by military
    - No information on source, no information on custody
    - Collection and preservation of evidence is a huge issue
* Casey King - be bold and expansive
  + Should certain military be punished in order to regain the trust of the community?
  + 2-state solution?
  + Response: be creative, but with the objectives of the meeting in mind
* Military training on evidence collection
* Voluntary nature of reintegration program - allows for BH and military to participate
* Facilitating meeting, draft agenda for meeting
* Civilian role on JTF
  + Civilian agencies not represented
  + Prosecutorial coordination between civilian agencies
* This activity is a spinoff of bigger projects on criminal justice
* Logistics
  + Email by next week with deliverables
  + Follow-up phone call
  + Another meeting?
  + Final deliverables meeting - week of December 5
    - Written materials due last week of November
  + First - agenda
  + Meeting - international experts and foreign government officials
    - Can share draft list of invitees and/or countries
* Questions for Deborah on NGOs
  + Northern NGOs very active - have stepped up
  + Look at whether they have relationships with the government
  + If they have best practices that the government can adopt