

The Utility of Truth and Reconciliation Mechanism As A Compass For Peace Building In Northeast Nigeria/Chad Basin

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Received 16 July 2024; revised 30 August 2024; accepted 10 September 2024

Abstract

South Africa faced an intractable conflict that engulfed almost every strata of its society and led to a destructive stalemate with a vicious cycle of violence. Utilization of a transitional justice tool like the Truth and Reconciliation Commission as a navigational compass led to some evidence of reconciliation, reintegration and peace building. In Northeastern Nigeria and areas around Lake Chad Basin have been faced with a simmering and intractable conflict. This paper explores whether there is adaptability of this instrument to this situation. The methodology employed here is qualitative, using case study with some level of interpretation from secondary data being previous truth and reconciliation commission reports, the ensuing debates and analyzing the trends. It examines the global shifts in transitional justice mechanisms from the perception as a political compromise to a 'holistic' compass for social and political reconstruction associated with multiple democratizing effects. The paper will explore how in the Northeast of Nigeria such a compass will not be perceived as a 'weaker alternative' to the judicial system but will assume complementarity and that this can lead to utilization, and its consequent institutionalization as a norm.

Key words: Transitional Justice, Truth Reconciliation Commission, Legitimacy, Conflict.

Introduction

Transitional Justice is the approach, which allowed the space for the consideration of Truth and Reconciliation Commissions as a form of utility according to the (International Centre for Transitional Justice, 2009; Sarkin, 2019). Where it described as a response to systematic or widespread violations of human rights and seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. The approach emerged in the late 1980s and early 1990s, mainly in response to political changes in Latin America and Eastern Europe. At the time, human rights activists sought justice without jeopardizing the political transformations already in motion. At the time, human rights activists and others wanted to address systematic abuses by former regimes but without endangering the political transformations that were underway. Since these changes were popularly called "transitions to democracy," people began calling this new multidisciplinary field "transitional justice." Then it developed with

governments adopting the following, which became basic approaches and now include the following initiatives:

(1) Criminal prosecutions, (2) Truth Commissions, (3) Reparation programmes, (4) Gender justice (Suleiman, 2024), (5) Security System Reform, and ()

The paper agrees with the argument posited by (United Nations, 2016) that the many problems that flow from past abuses are often too complex to be solved by any one action and experience suggests that to be effective, transitional justice should include within it several measures that complement one another. For no single measure is as effective on its own but when combined with others it is more effective.

Several countries, including Rwanda and South Africa have utilized transitional justice mechanisms like Truth and Reconciliation Commissions to foster reconciliation and peacebuilding. Rwanda presents one of the attempts at utilizing the Transitional Justice tool using the establishment of the Gacaca court system to address the fact that there were thousands of accused still awaiting trial in the national court system, and to bring about justice and reconciliation at the grassroots level.

In 1994 the Rwandan Patriotic Front set up a government after taking power and implemented an innovative initiative known as Gacaca which gained international attention. The initiative sought to guarantee accountability for the genocide, to promote the rule of law, and to speed up the prosecution of those accused of genocide crimes, the government developed a novel court system, based loosely on a traditional Rwandan dispute resolution mechanism. Commencing in 2002, elected panels of lay judges in each local community in the country began to hold public hearings to determine what crimes were committed in the community, and then to hold trials for all but the most serious genocide crimes. This was described as a creative attempt to implement transitional justice in a locally specific manner, in other words it was adapted to suit Rwanda, *Gacaca* received considerable attention from the international community to the extent that discussions started in Northern Uganda, Burundi, the Democratic Republic of Congo, and other post-conflict societies about adapting other local community-based institutions as instruments of transitional justice.

Yet it is reported that the *gacaca* process in Rwanda has not been a complete success. Whilst more than 12,000 community-based courts tried more than 1.2 million cases throughout the country and thousands of individuals were held accountable for crimes against humanity, allowing communities to develop accounts of the past, and encouraged dialogue about what went wrong in 1994, it is argued that *gacaca* has also been used by the government to assert its authority and to guarantee the dominance of its main constituency. That *Gacaca* has tended to reinforce ethnic divisions, while the exclusion from *gacaca* of crimes committed by the Rwandan Patriotic Front (RPF) and its supporters has created an impression of victors' justice. It is accepted by Longman (2009) that the idea of a culturally adapted popular judicial mechanism has considerable merit, but the actual implementation of *gacaca* raised considerable concern over whether such popular courts can contribute effectively to promoting reconciliation and building peace. Its concern focused on the claim that the effectiveness of the *gacaca* courts was undermined by government interference. That the decision to focus *gacaca* proceedings exclusively on genocide crimes undermined their ability to provide accountability and promote rule of law. Subtle government intimidation compromised the integrity of the courts, leading to the convictions of thousands of individuals on erroneous charges and limited evidence. In the end, *gacaca* served not so much to bridge the gap between perpetrators and victims as to reinforce the very ethnic divisions that were at the heart of the genocide. It is, however, argued that similar to South Africa's Truth and Reconciliation Commission, *gacaca* courts was designed to allow communities to confront the past and develop a collective account of the violence that had occurred.

The Gacaca courts officially closed on 4 May 2012, (United Nations, 2016; Svärd, 2024) had earlier provided in the edited book *Documentation from Truth and Reconciliation Commissions* a detailed and

broad range of the utility of various commissions. It focused on its value in providing validation of human rights violations and helping to promote an understanding of the causes of conflict.

The paper proceeds from a brief analysis of both the South African and Rwandan context in the use of and adaptability of transitional justice instruments to examine possibilities in the search for an enduring peace and re-building in the prevailing case of the Northeast of Nigeria and the Chad Basin. In order to pursue this effectively, the paper draws from recent body of work which focuses on some of the key principles that reinforced truth and reconciliation process as an adaptable navigational tool of transitional justice.

Ojedokun (2023) in *Speaking Truth to Power: South African Truth and Reconciliation Commission and the work of Justice Albie Sachs*, opens up in an interview with the author on more about the conflictual situation faced in South African and provided some necessary historical context. It traced the initial political success of the South African National Party's domination from the second half of the 20th century and attributed the conflictual situation that developed to the fact that many of its activities and policies did not represent a major break with the past of apartheid. He suggested this was noticed particularly in the handling of inter-group relations. He explained that the National Party did not invent segregation, which was a hallmark of the reconstruction era under Milner and had already found expression in the land and urban residential legislation of 1910 to 1924 and (for Natal Indians) of 1943 to 1946. Nor did it invent the colour bar, which dated from before Union and had been regularised by Hetzog in 1926, (Davenport, 1978). The same also applied to pass laws, though it held on to them in spite of the Sharpeville revolt of 1960 and need to arrest over 600,000 people yearly in the late 1960s in order to enforce them. Davenport (1978) argued that it was, however, the National Party that after 1948 bonded itself to the apartheid ideology, which had been refined in the Broederbond's conclaves, these organisations which had one main aim: to further Afrikaner nationalism in South Africa - to maintain Afrikaner culture, develop an Afrikaner economy in their various conclaves. This bond Davenport (1978) argued plunged South African politics into a dark age, arising out of the conviction of a few prominent leaders, some of them ideologues and others amoral pragmatists who were not really united.

(Badawi, 2024; Welsh, 2000) and earlier details from Onafhanklik (2019) provides a further historical account from the 1960s, which marked an important watershed in South Africa's struggle against apartheid. This account was linked to the aftermath of the Sharpeville Massacre where the signal of the beginning of a far more brutal phase of state repression to crush internal resistance became apparent. The African National Congress (ANC) and the Pan Africanist Congress (PAC) became the first casualties and were forced underground. This led to the adoption of new tactics.

The Origin of Boko Haram in Northeastern Nigeria

(Comoli, 2017; Salkida, 2016) and in Bukarti's work (2025) forthcoming book narrates events leading up the emergence of Boko Haram (who now prefer to be known as Islamic State of West African Province - (ISWAP)) since their linkage to the Islamic State in the Middle East, and some of the unique intricacies the conflict presents. Bukarti argues that as someone who grew up in the same towns as the movement's leaders, and who speaks all the local languages, Bulama he is uniquely qualified to write on Boko Haram. Many of his friends and neighbours went on to join the group or became its victims. He argues that he was personally targeted for recruitment by the infamous Abubakar Shekau, then repeatedly threatened by him. They traced its emergence as a violent group to June 2009, where security operatives shot 20 followers of Muhammed Yusuf the leader of Boko Haram in Maiduguri over a minor traffic infraction and the subsequent mismanagement by state government leading to the extra-judicial killing of Muhammed Yusuf. They argued that the origins of the insurgency actually lie in an unnecessary intervention, which escalated into a viciously destructive force. This they further postulated was compounded by President Musa Yar'adua's decision to resort to military force in 2009. He suggested that evidence reveals an obvious reduction in violence in the Northeast at this time due to the militarisation of the region, however, he argued that the intelligence and non-military interventions required to complement such efforts are currently non-existent

and therefore and predicted a resurgence. Mellgard (2015) writing under the Tony Blair Faith Foundation website provided some corroboration and additional details of the emergence of Boko Haram where she stated:

“Boko Haram began [in the 1990s](#) in northeast Nigeria, in a very different form. The group eventually settled in Maiduguri, the capital of Borno state. Mohammed Yusuf was the founding leader and ideologue. He emphasised the need to isolate Muslims from secular society, to purify Islam of Western and secular influences and to implement Sharia law in its entirety. Yusuf’s group was one among many at the time that believed that if Sharia law was implemented, corruption and inequality would be eliminated. In 2009, tensions between Yusuf’s followers, local politicians including Borno’s governor [Ali Modu Sheriff](#), and the security services erupted into full-blown conflict to which security services responded violently. An estimated [800 of Yusuf’s followers were killed](#). Yusuf was captured and extra-judicially killed by the police. Surviving members melted back into the community. In 2010 the group reemerged under the leadership of Yusuf’s deputy Abubakar Shekau and launched a violent campaign against the security services and those perceived to be opposed to Boko Haram’s ideology, aims and methods. Boko Haram has been involved in [at least 26,287 deaths](#) between May 2011 and September 2015, and directly responsible for at least 14,226 over the same period.”

She also provided information on the leadership structure:

*“[Mohammed Yusuf](#) was the founding leader of Boko Haram. He was a charismatic malam (Islamic teacher) who taught a vision of Islamic purity similar to Wahhabi teachings, but did not advocate violence in the beginning. Yusuf’s deputy, Abubakar Shekau, replaced him as Boko Haram’s leader in 2010. Shekau is a much more thuggish character. Under Shekau’s leadership the group has acquired a more ethnic quality, at times prioritising Kanuri tribal issues. He has not been seen in public since 2009, sparking periodic [rumours that he is dead](#), and that ‘Shekau’ has become something of a *nom de guerre* for multiple people or Boko Haram’s leadership council collectively. However, there are periodic video and audio messages released by the group purporting to show Shekau. [he leadership structure of the group](#) remains murky and amorphous. It is likely that Shekau has spiritual influence over the group, but that members and cells do not necessarily feel beholden to follow Shekau’s orders or seek his approval for their own operations. More likely, the dual pillars at the centre of Boko Haram’s ideology (social justice and implementing Sharia), which resonate widely in the region, connect the disparate components of Boko Haram.”*

On the explanation in relation to their ideology which presents obstacles to the acceptance of western shaped processes Mellgard (2015) provided some explanation detail:

“Boko Haram’s formal name is Jamaat Ahl as-Sunnah lid-Dawah wal-Jihad, meaning ‘People of the Ways of the Prophet for Proselytisation and Jihad.’ The large following attracted to Yusuf was centred at a mosque in [Maiduguri’s Railway Quarter](#). Yusuf’s followers gained the nicknamed

'Boko Haram' because of the emphasis in Yusuf's teachings on rejecting of Western education and influence. Members do not call themselves by this name. 'Boko' in Hausa, the lingua franca of northern Nigeria, means 'book' and is commonly used for secular education. 'Haram' is Arabic for something that is religiously forbidden.

Boko Haram developed within a specifically Nigerian Salafi-jihadi ideological context, which focuses on rejecting the authority of the Nigerian state. Yusuf taught that partisan government, democracy, and Western-style education – including any subject perceived to contradict the Quran – are exploitative and colonial impositions intended to degrade Muslim society, traditions and values, and convert Muslims to Christianity. This draws on a deep-seated suspicion of democracy in northern Nigeria, a disdain for Western education and assumption that Islamic education and Sharia are superior. This however, is juxtaposed against a sense of inferiority prevalent among northern Muslims and anger resulting from their marginalisation from the modern Nigerian economy and development due in part to inadequate levels of education. The group's ideology also developed along takfiri lines, meaning that it is permissible to kill everyone who rejects its own interpretation of the Quran. Indeed many fighters appear to [glory in violence](#). Shekau's rhetoric is [particularly graphic](#): "Now our religion and our way of worship is nothing but killings, killings and killings! Kill and slaughter but don't eat them." Special anger is reserved for the security forces and symbols of the secular government, Muslim leaders who openly disagree with the group, schools (buildings, teachers and students), and places of worship (mosques and churches). It does not have a concrete political agenda, but rather uses ideas of [social justice](#) wrapped in religious rhetoric to gain support and recruits."

However, this paper explored Salkida.com's (2015) earlier gloomy prediction that the intelligence and non-military interventions required to complement such efforts are currently non-existent and therefore would lead to a resurgence in the future. Is there an alternative to this conclusion? The paper does not find any viable alternative but provides further elaboration to what non-military interventions may look like. In other words, it argued that if the root causes of the insurgency are not addressed, then the possibility of peace building, re-integration and reconstruction in the Chad Basin will remain limited. It is why in South African and Rwanda truth seeking or speaking is given some priority. This tension is exposed by Tutu (1997) who earlier argued in reference to the South African context that: *Amnesia may be comforting, but in the end it will prevent reconciliation rather than promoting it.* Also this is reinforced by narrative provided by (Gibson, 1999:501-516) who described the creation of the Commission as an effort by South Africa to put its past firmly behind which they added was based on a number of presuppositions about political psychology was based on the foremost assumption that knowledge promotes forgiveness that reconciliation flows from truth.

The paper also explores the possibility of a continued pedestrian and intelligentsia's contemplation and in some cases the granting of amnesty to the Boko Haram insurgents in the absence of any viable context to underpin it, (Umeh, 2016). He observes that in South Africa where amnesty was applied it was within a TRC process and as part of a wider settlement. Though Adegun (2014) goes further and argues that whilst there is no doubt, amnesty is one of transitional justice (TJ) measures to achieve peace in conflict or post-

conflict situations. That, however, in view of the fact that amnesty absolves perpetrators of crimes and therefore violates international law including the International Covenant on Civil and Political Rights which its Article 2(3) obligates States to provide remedy for human rights violations by investigating and prosecuting human rights violations including core international crimes like crimes against humanity, amnesty should be a measure of last resort and only considered when other TJ measures like acknowledgement, restorative measure and criminal measure have failed. She posits that in exceptional cases however, conditional amnesty may be adopted while unconditional amnesty should be discouraged, as unconditional amnesty constitutes violation of varied rights of the victims including right to remedy.

Truth and Reconciliation Process as an Emerging Norm in the Chad Basin

The paper proceeds and goes on to explore the adaptability of a truth and reconciliation process and a mechanism of embedding it as a compass. A compass that navigates the way forward towards peace building, integration and then reconstruction. But it is apparent that what is required as a foundation is peace building and reconstruction? Tutu (1977) argued that the driving philosophy behind the Truth and Reconciliation Commission is the idea that: *'Reconciliation is only possible if we build on the foundation of truth. Amnesia may be comforting, but in the end it will prevent reconciliation rather than promoting it'* In other words, if there is to be peace building and reconstruction in the Chad Basin then a open and transparent process is required to be engaged with.

The is also the grappling with further questions identifies by Ojedokun (2015) on whether the goals of national unity and reconciliation actually addresses the issues of individual redress? It wonders whether the complicity of other state apparati, the media, judiciary, education, health, business might be acknowledged in such a process and give rise to compensation to victims. The question of restoration in terms of justice to the victims within the Northeast of Nigeria and Chad Basin. If this process is to be relevant then it must have as the dual purpose, the holding accountable, perpetrators of violence, and acknowledging and ameliorating the suffering of victims which helps to assuage, vindicate and restore victims; and thus, bring matters around victimization to a closure. The Report Secretary General of the United Nations (2004) reiterated the need for some form of justice and observance of the rule of law in times of conflicts and in post-conflict transitions. The Secretary General of the United Nations stated that justice in times of transition is an imperative for achieving sustaining peace, democracy and development. He further added that in seeking to entrench justice, local strategies that best fit the context must be utilized rather than importing foreign or alien models (Report of the Secretary General, 2004). For this reason, the content of what justice means has continued to expand to meet the requirement of each post conflict situation, this implies that expansion or adaptability is indispensable to achieving the process as a norm.

Therefore if a truth and reconciliation process is accepted as a compass to help the navigation of the twin objectives of peace building and reconstruction, will it demonstrate that truth and justice are in opposition in this process, or will the governments in the Northeast be able to explore the possibility of amnesty and treat of criminal prosecution and use them in tandem for both the state's interest and those of victims? Finally in the Northeast and perhaps most fundamentally, will the adaptation of the process of reconciliation between the victim and perpetrator be able to navigate steps towards levelling the economic playing field and challenge the existing, glaring disparities in wealth and relations of power that lays as some of the reasons for the insurgency, (Mellgard, 2015)?

In exploring the usefulness of truth commission's process as a norm, the historicity of these commissions cannot be avoided. It is these that helps provides a linkage to the establishment of emerging norms in the region. Hirsh (2014) and latterly Skaar (2023) provided the following accounts for us to begin to consider comparator accounts. The practice of truth commissions began in the early 1980s in Argentina. In that instance the truth commission addressed the real need to find out information about the disappeared and was primarily intended as a preparatory stage for forthcoming criminal prosecutions. There can hardly be an accommodation between the perpetrator and victim if for instance full and complete disclosure is not

made about the disappearance of the Chibok, Dapchi girls and indeed other kidnappings and killings attributed to Boko Haram. In Argentina, however, due to political constraints, however, the trials did not follow, and the truth commission became de facto, the main mechanism for addressing Argentina's legacy of human rights violations. Similar truth commissions were adopted in other Latin American transitions, such as Uruguay (1985), Chile (1990), El Salvador (1992), Canada (2008-2015) and Norway (2022). In these transitions, members of the former regime remained in positions of power and were able to ward off attempts to hold them accountable for human rights violations.

It is suggested these truth commissions were forged as political compromises between constraining power of the former regime and domestic and international demands for justice and accountability. Therefore, if adaptability and universality are to be applied in the Northeast of Nigeria by implications the military action may have to be compromised in order to reach a settlement with the Boko Haram insurgents. By the mid-1990s, there were no indications of indications of an international norm in the making or that truth commissions were or should be a mechanism with universal rationale and applicability. The Latin American truth commissions were largely framed as a regional institution that was specific to the political conditions and types of human right violations in Latin America. The challenge of adaptability or normalisation in the Northeast and the Chad Basin is whether there it will retain the attributes of universality to be adaptable to victim perpetrator context. However, (McAdams, 1997; Maclean, 2006 and Skaar (2023)'s work has already indicated that by its spread and manifestation as 'later justice' in the context of settler democracies it could be workable.

One argument suggests there is a rationalisation and framing of truth commissions beginning with the South African TRC (1995). However, it appears that like the Latin American truth commissions of the late 1980s and early 1990s, they are described as '*....a manifestation of political compromise and negotiated settlement*', see (Christie 200:76) and that they were motivated by the need to balance between the feasibility and stability of the democratic transition and demands for justice and accountability (De Lange, 2000). However, the people who conceptualized and designed the South African TRC introduced two types of unique features in the design, goals and framing of the constitution. The first type is institutional, including quasi-legal powers, scope of mandate, and transparency and publicity. This paper sees these as easily transferable to the context of the Chad Basin and Northeastern Nigeria despite the obstacle of religious fundamentalism because of the victimhood perpetrator context pervading the region and the sum total of benefits that both sides tend to gain from peace and stability. This is supported by Skaar (2022) who argues that whilst the Norwegian TRC has explicitly used truth commissions elsewhere in the world, particularly the Canadian TRC – as models, it is quite unique in terms of mandate and design, yet still proving the high tendency of truth commissions towards adaptability and expansiveness.

In terms of the adaptability of a truth and reconciliation commission process to the Northeast of Nigeria and the attempt to bring a sense of transitional justice, Hirsh (2014) already raised the question of whether the South African model is generalizable and universally applicable, while Skaar (2023) utilising the examples of Norway and Canada as indicated above was able to argue about the adaptability and expansiveness to include universality. This paper appears to create a linkage for the purpose of making progress towards creating a norm which helps the Northeast and Chad region navigate a way forward towards peace and nation building.

It could be argued that through the insurgency of Boko Haram that we have presented a picture of a distorted and yet legalised distribution of power brought about by current fractures in the Northeast, (Davenport, 1977:312-69). It is therefore suggested that a careful consideration of the option of a new truth and reconciliation process could address potential cleavages brought about by the status quo, (Murove, 2009). This leads to the interrogation of a few first-hand accounts of how the victims' perception of any adaptability or expansiveness in the role of the truth and reconciliation process in Northeast and Chad Basin.

In Adamawa State, for instance, in an interview undertaken by Sulieman (2023), a female said that

“...One organization came to talk to us about ‘sulhu’ (reconciliation). It made me very angry. Why is government taking good care of perpetrators by giving them money to start a new life and we, the victims are not being taken care of, instead, we are told to be patient. How are we expected to reconcile and be patient under that condition? Some of the BH members from Gombe (Operation Safe Corridor) have been brought here. Their location is near our camps. They were given money and have started shops. We now have to go to them to buy our soap and other things. Where is the justice in that and if there is no justice, how can there be ‘sulhu’? The BH members have cheated us and turned us into destitutes waiting on others to help and feed us. The government is also cheating us...”

Interview at Malkohi Camp, Yola with respondent 22Y, 45 years old from Madagali.

In Borno State, an overwhelming majority of the females narrated that there was regular preaching. One female captured the experience thus:

“Most morning at breakfast time, the people in the camps would preach to us about ‘sulhu’ (reconciliation). Other groups who brought us food, mats and other things also preached. We were told to forgive and trust in Allah and that everything, whether good or bad, comes from Allah...”

Again, people told us to respect each other and that we should not call each other names. As time went on, the preaching became less and less and eventually, it stopped. In the preaching, they were also telling us that what the BH people are doing is not part of ‘Sharia’ (Islamic law). They said they were just spoiling the name of Islam for their own personal reasons...”

Interview in Maiduguri on 20/3/2022, with respondent 16B, 40 years old, Muslim, from Bama
Unlike in Borno State where the preaching was almost daily, in Yobe State, some female said that they got a one-time lecture about reconciliation. One female described it thus:

“...on one occasion, members of the village were called to assemble at a field for distribution of items. When the organization came, before they distributed cloths and food packs to us, they first preached to us about ‘sulhu’ (reconciliation) and that it is the only way our communities can move forward. They also said that it is pleasing to Allah for us to bear patiently whatever challenges us negatively.”

Interview in Damaturu on 28/3/2022, with respondent 16Y, 40 years old, Muslim, from Naynawa tsaleke.

All these interviews appear to reveal a conflicting attitude by victims to any notion of a reconciliation process. However, it is noted that the use of such a process or tool within Nigeria is not novel, Ojedokun (2023:47) refers to the Oputa Panel set up on June 4, 1999 by President Olusegun Obasanjo through the Statutory Instrument 8 of June 1999 pursuant to the Tribunals of Inquiry Act of 1990 (and later amended by Statutory Instrument 13 of 1999) established a commission to investigate incidents of Transitional Justice Institutions and Organisations, gross violations of human rights committed in Nigeria between January 15, 1966, until taking office on May 29, 1999. It could therefore be argued that introducing this mechanism in the Northeast will in itself with proper education and enlightenment over time could transform it into a norm just like Hirsh (2014) had argued in his paper. In it he posited that more recent literature on international norm highlights changes that occur during the norm’s diffusion. These arguments focused on the process of norm ‘localization,’ in which global and local actors change the framing and content of an international norm in order to resist, adapt, or incorporate the norm. Flowing from this is the

suggestion that it might be possible to adapt the truth and reconciliation process to suit the goal of peace building, re-integration and reconstruction in Northeast of Nigeria and the Chad Basin.

In addressing some practical difficulties of these model of Transitional Justice (TJ) Bos, Wagner and Becker (2008) all asserts that it was the South African experience that led to the consciousness of the value of reconciliation between victims and perpetrators, and to the concepts such as forgiveness and apology; and other elements such as frequent mention of ‘victim-focus’, and the ideas around restoring dignity, and the benefits of storytelling. Beyond the value of reconciliation within the restorative justice paradigm within which TJ is situated, Gaudreault (2005) maintains that part of the prerequisites for post conflict reconstruction and restoration of social relations is the healing of victims and societies. In pursuit of this, particular attention needs to be given to victims and the violent atrocities perpetrated against them. Gaudreault argues that the dispensation where resolution outcomes was imposed on victims is not acceptable. Gaudreault thus advocated for a bottom – up approach to determining what measures will be applied to constitute justice in times of transitions and this can only be known by the victims who suffered losses.

All the examples provided so far in this paper, some might argue are western constructs from a Judeo-Christian viewpoint, whereas the situation presented in the Northeastern and Chad Basin region and espoused by the “Boko Haram” a nickname which translates to western education is prohibited. This group expressed stark opposition to and condemnation of western education and everything else that connotes western lifestyle. (Gender-based violence in emergencies; 2022). These therefore appears to present a key obstacle to the adaptability and expansion of the truth and reconciliation process as a navigational tool which Boko Haram might accept, see (Suleiman, 2024).

The Utility of a Truth and Reconciliation Process

The paper considers an appreciation of what the process represents and what it entails in order to enable a more effective exploration of its adaptability to the Northeast and Chad Basin. Hayner (2011) assists by explaining the requirements of the process:

“A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; Confronting Past Crimes (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review. Thus, a truth commission can easily be distinguished from a governmental standing human rights body, or from a judicial commission of inquiry that aims to clarify the facts of one narrow event. On the other hand, there are truth commissions that are established, may work for some time, but fail to accomplish their objectives—ending before completing their report, or failing even to begin to collect information from victims and others. This may be due to financial or political constraints, or a lack of know-how or commitment on the part of the commissioners, given the extraordinary challenge and the evident risks and resistance they may meet,” (Hayner, 2011:33).

The question which follows from above are all the conditions stated by Hayner (2011) still prevalent in the Northeast and Chad Basin today? Whilst (2) to (5) can be argued to be, there is no certainty that (1) is. Secondly it does not take into account the significant barrier highlighted in the previous section that examples of truth and reconciliation commissions that exist so far one might argue that the perpetrators, Boko Haram perceive them to be western constructs from a Judeo-Christian viewpoint, which clearly contrasts with the situation presented in the Northeastern and Chad Basin region and espoused by the “Boko Haram” a nickname which translates to western education is prohibited, expressing stark opposition to and condemnation of western education and everything else that connotes western lifestyle, including a

wholesome rejection of secular authority and Western institutions. (Gender-based violence in emergencies; 2022).

Then again, the insurgency in the Northeast and Chad Basin has all but diminished yet still simmers and its impact remains evident. In fact, some may suggest that the latter dominance of ISWAP usurped Boko Haram's to a certain extent, see International Crises Group (2023). However, adaptability implies as (Hirsh, 2014) argued, focuses on the process of norm 'localization', in which global and local actors change the framing and content of an international norm to resist, adapt, or incorporate the norm. Therefore, the absence of some conditions including the crucial one espoused by the Boko Haram ideology does not necessarily nullify the adaptability or expansion of the Truth and Reconciliation process. As previously postulated already a change in the rationalization and framing of truth commissions had already begun with the South African TRC. That this process involves a degree of compromise and flexibility which has been able to surpass the differences and peculiarities presented by each situation. The Latin American truth commissions of the late 1980s and early 1990s, the political process leading to the South African TRC 'was a manifestation of political compromise and negotiated settlement' (Christie, 2000:76) and was motivated by the need to balance between the feasibility and stability of the democratic transition and demands for justice and accountability (De Lange, 2000). However, the people who conceptualized and designed the South African TRC introduced two types of unique features in design, goals, and framing of the commission. The first type is institutional, including quasi-legal powers, scope of mandate, and transparency and publicity. In a similar fashion this process can be adapted to suit the terrain of the Northeast and Chad Basin. A study of Locchi's (2023) recent work on the crises in Lake Chad may provide some up-to-date insight into this.

What appears to be the case from the genesis of the Boko Haram and latterly ISWAP's insurgency is it was fuelled by a degree of impunity and a break down in the rule of law. This is extrapolated from (Salkida.com, 2016)'s account of the extra judicial murder of the founder of the group. We could therefore draw from Steiner (1997:15) that:

"Following a major breakdown of the rule of law and basic civic values, a society must reconstruct its moral underpinning. Truth Commissions can be a part, perhaps the cornerstone, of such a process of moral reconstruction."

However, the problematique here is what Boko Haram and ISWAP represents and promotes. International Crises Group (2023) argues it promotes a version of Islam, which makes it "haram", or forbidden, for Muslims to take part in any political or social activity associated with Western society. This includes voting in elections, wearing shirts and trousers or receiving a secular education. It regards the Nigerian state as being run by non-believers, even though the country has Muslim president. Mellgard (2015) also explains reasons why it rejects secular authority. She states Boko Haram developed within a specifically Nigerian Salafi-jihadi ideological context, which focuses on rejecting the authority of the Nigerian state and ISWAP emerged as a splinter group, International Crises Group (2023). Yusuf taught that partisan government, democracy, and Western-style education – including any subject perceived to contradict the Quran – are exploitative and colonial impositions intended to degrade Muslim society, traditions and values, and convert Muslims to Christianity. This draws on a deep-seated suspicion of democracy in northern Nigeria, a disdain for Western education and assumption that Islamic education and Sharia are superior. This, however, is juxtaposed against a sense of inferiority prevalent among northern Muslims and anger resulting from their marginalization from the modern Nigerian economy and development due in part to inadequate levels of education. How then do you adapt such a truth and reconciliation process to the Boko Haram context in view of their beliefs? The paper addresses this by introducing an argument that there will be three options presented at that stage for Boko Haram to consider, continued military engagements with a war of attrition, the regular judicial process which could end in death sentences and long terms of imprisonment or a truth and reconciliation process which could lead to amnesty and reconciliation and possible re-integration. The

incentive of the latter in a free and democratic space might be enough to convince a significant number of them to pursue their beliefs through peaceful means but also the relative strength of the Nigerian state to deal with recalcitrant may also form a recruiting sergeant for reconciliation and possible re-integration.

Such a process will also assumes that Boko Haram and ISWAP wish to or are able to tell their stories and air their grievances, reinforcing the position that has occurred in South Africa, (Truth and Reconciliation Commission of South Africa Report 1998), a critical decision will have to be made relating to the hearings of any such Commission established, both in terms of human rights violations and the stories of victims, as well as the amnesty hearings. This will require consideration despite the risk and additional complications, to make hearings open to the media and to the general public. It will place an enormous burden any such process. But on the other hand, the enormous advantage of the peoples in the Northeast and Chad Basin participating in the hearings and the work of any such Commission will enable transparency and also a strong educative opportunity so that healing and reconciliation will not be confined to a small group but available to all. For those who consider the ideological intransigence of Boko Haram as a significant barrier it is also noteworthy to mention that pre the truth and reconciliation process grand apartheid did not recognise majority rule that could install the blacks in government and considered blacks inferior in every particular material. This was reinforced by a large number of laws which were passed to establish the apartheid structure of government. "The three most important blocks of legislation were:

- *The Race Classification Act. Every citizen suspected of not being European was classified according to race.*
- *The Mixed Marriages Act. It prohibited marriage between people of different races.*
- *The Group Areas Act. It forced people of certain races into living in designated areas, (BBC World Service)."*

Yet post the process they had shifted their positions and their laws and they came to accept the inevitability of black majority rule.

Secondly, the paper suggests that this process with proper political communication could still address the commencement of the healing process of fractures present in the Chad Basin. Some concerns may be raised that this is an advocacy for a process where truth might be compromised. However, within the South African context, Sachs (2003) does not agree that truth itself was compromised, he concedes depending on the definition of Justice, however, justice may have been partially compromised, see also Ojedokun (2023:93):

If people say that justice was compromised... but I don't think any truth was compromised whatever your standards. If justice is understood strictly in terms of accountability and punishment, by deprivation, then one might say it was affected. But to my mind justice is a much richer concept than that, accountability yes, there was accountability in the sense of having to publicly acknowledge what you have done that was accepting responsibility. Accountability to shame, imagine a person goes home and the child asks Daddy did you do what you said on television? It is not an easy thing, its not getting away scot-free, it is not the same as impunity. The fact it was individualised, personalised created a direct link with individual responsibility, which is at the heart of accountability. There were pragmatic reasons as well, we just did not have the evidence, we could have had cases dragging on for years, placing burdens on the already overburdened law courts.

In practical terms, however, it is argued that the application of any transitional justice mechanisms in the region requires that both individual and national restoration are clearly defined and understood, (Mobekk, 2005). In other words the delineation comes with the definition of National Reconciliation as when societal and political processes in the Chad Basin function and develop without reverting to conflict framework and Individual Reconciliation as when individuals may consider their lives in manners similar to pre-conflict

context (without fear or hate). Furthermore Mobekk (2005) presents the factors he considers pertinent in the application of transitional justice in the context of post conflictual societies as:

Local ownership must be assured. Needs assessments must be conducted prior to establishing or recommending the types of mechanisms. The international community should make several options available that can be implemented in a complementary manner.

The paper suggests that if this particular intervention is to work in place of earlier and failed government initiatives then consistent with Transitional Justice (TJ) practice, looking backwards will also avail TJ practice the opportunity to collect, be guided by, and adapt interventions that evidence show, have worked to instil peace and prevent reversion into conflicts. More importantly, a backward look to understanding and knowing the specificity of harms done to females can better equip TJ practitioners with knowledge to select proper intervention strategies especially as a reflection of the bottom-up approach where females themselves can give indications of what best works for them. In this way, TJ becomes sensitive and responsive to gender and other needs and therefore more effective, and better able to move forward, (Kochanski, 2021).

However, the danger of adapting or expanding the truth and reconciliation commission process to the Northeast and Chad Basin is highlighted by (Kochanski, 2021) who argues that while recent critical TJ scholarship has touted the transformative potential of locally rooted mechanisms as a possible means to emancipate TJ, this burgeoning literature rests on shaky assumptions about the purported benefits of local TJ and provides inadequate attention to local-national power dynamics. By taking these factors into consideration, he contends that local TJ efforts can be used to *deflect* justice in manners that paradoxically allow ruling parties to avoid human rights accountability and to conceal the truth about wartime violations. It further argues that the principal method by which justice is subverted is not through overt manipulation by abusive governments, but rather, through subtle and indirect ‘distortional framing’ practices, which ruling parties use to set discursive limits around discussions of conflict-related events and to obfuscate their own serious crimes, see (Kochanski, 2020).

But Ojedokun (2015:204) is still convinced as he argued in an earlier paper and now reinforced by Skaar (2023) that a careful consideration of the option of a truth and reconciliation process could still address potential cleavages brought about by the status quo described above. In practical terms he argues to achieve this end the Nigerian government with respect to the Northeast would be required to move towards a robust adaptation of most of the template of the South African Truth and Reconciliation Commission. However, to initiate such a process will require a constitutional amendment, which moves the setting up of Tribunals into the concurrent legislative list allowing the National Assembly to legislate accordingly. The new process should be to an extent independent of government control and have a remit that allows it to revisit historic issues in the Northeast stemming from independence era. For this to occur there will have to be a wide acceptance of Tutu’s (1976) hypothesis that the entire society is an aggregation of individuals. Therefore, the main remit of any such Truth Commission should be to explore the possibility of the communication and establishment of shared ideals, unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past, it will need to seek common denominators.

The Commission's objectives will be to:

(1) establish as complete a picture as possible of gross human rights violations and corrupt practices perpetrated between 1960 to the present say by conducting investigations and hearings; (2) facilitate granting of amnesty in exchange for full disclosure of truth for acts with a political objective within guidelines of an Act and on condition in the cases of corruption that appropriate restitution is made to their respective local government areas; (3) make known the fate of victims and restore their human and civil dignity, and allow them to give accounts and recommend reparations; (4) make a report of findings and recommendations to prevent future human rights violations. (5) make provision to exclude all those who

have admitted to gross human rights violations and corrupted practices from any future political dispensation in return for their amnesty and on condition that appropriate restitution is made. It should report to a convocation of the peoples in the Northeast. These could mean that traumatic events that occurred during the recent era are uncovered, ancient myths unravelled, hidden truths exposed.

Conclusion

(Hirsh, 2014) and (Skaar, 2023) in their observations and analysis concluded that in the last decade, TRCs have become a permanent feature of transitional and post-conflict settings. They traced the emergence of the TRCs norm to the South African TRC and the debates that followed it, in which the framing of the rationale for TRCs has changed significantly over time. In the new framework, TRCs came to be associated with multiple political, psychological, and moral goals and they came to be understood as a tool that strengthens democratization.

This paper concludes with Smulovitz (2005) and accepts that in the desire to achieve domestic demands for accountability and justice the process in the Northeast and Chad Basin is required to be transparent and publicly held, to focus on the conflict and past crimes rather than present and confronting past crimes. The process will also require direct and broad engagement with the affected population to gather their experience and the preparation of a report that is an official acknowledgement of suffering and loss of people in the region. However, it suggests that the following pitfalls should be avoided:

1. Minimizing the ideological differences based on the religious interpretation of Boko Haram;
2. Emphasizing national reconciliation at the expense of individual reconciliation
3. Emphasizing a Trade-Off between:
 - Justice & Peace;
 - Justice & Truth;
 - Justice & Reconciliation;
 - Giving a sense that Justice is Retributive and Reconciliation is Restorative.

Recommendations

The paper suggests that in the final analysis local ownership must be assured and proper needs assessments must be conducted prior to establishing or recommending the types of mechanisms. The international community should make several options available that can be implemented in a complementary manner. It also urges as Steiner (1997:15) argues that:

“Following a major breakdown of the rule of law and basic civic values, a society must reconstruct its moral underpinning. Truth Commissions can be a part, perhaps the cornerstone, of such a process of moral reconstruction.”

It is essential that at the core of the recommendations lies a process of moral reconstruction. In drawing from Suleiman (2024) whose argument appears to puncture Skaar’s suggestion of the universality of Truth Commissions because her recent research reveals the sparseness in the implementation of a gender sensitive approach to transitional justice across the board. The ineffectiveness she posits, will also affect the adaptability of a truth and reconciliation process in the Northeast of Nigeria and Chad Basin if care is not exercised in appreciating the fundamental complexities that Boko Haram and ISWAP brings to the table. If the TRC process is to be successfully implemented in the Northeast then the lack of sensitivity which has sometimes led to exclusion in other TRCs must be addressed, see (Ojedokun, 2017). The failure to do this in any TRC process put in place will expose the limitations of both the judicial and transition justice systems. It will expose their inability to bring justice to the females affected by Gender Based Violence linked to the insurgency in the Northeast.

In the final analysis the paper in its call to action recommends the following:

1. That the complexity of the religious cleavages which exists in the Northeast and Chad Basin but does not exist in other TRCs should be addressed and interrogated;
2. That TRC genderisation be taken into account in setting up any process;
3. Acknowledgement and repentance from perpetrators and corresponding forgiveness;
4. Inculcating Truth as an international norm – Achieving the positives and avoiding the pitfalls;
5. Complementarity of military tactics with reconciliatory tactics of TRC;

Then there are the recommendations which focus on the use of state apparatus such as:

1. Media, Judiciary, Education, Health and Business.
2. The provision of adequate compensation to the victims;
3. Developing initiatives beyond the military options to other possibilities
4. To construct a process of amnesty which is not an end in itself but involves a complex process of admission and acknowledgement of wrong-doing and the complementing response of forgiveness, and
5. Avoiding the misconception that justice is retributive while Transitional Justice is restorative; while in fact Transitional Justice is in truth, a strategizing of when to introduce justice measures and not a displacement of them.

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