

Internally Displaced Persons and Prosecution of War Criminals: An Exploration of International Criminal Justice in Nigeria

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Abstract -- The activities of Boko Haram have led to astronomical numbers of internally displaced persons (IDPs) in Nigeria. This has resulted in the institution of cases of crimes against humanity and war crimes against the terrorist organization. This study posits that globalization of post-war justice is the determinant of acceptance of the ICC by the victims of war crimes in Nigeria. This study used in-depth interviews to collect data among 81 respondents in three different IDP camps in Nigeria. The findings indicated that respondents accepted the prosecution of Boko Haram war criminals by the ICC because its justices were globalised, effective, efficient and non-partisan in delivery. The conclusion therefore is that globalization of post-war justices was a factor in the acceptance of the ICC by the victims of Boko Haram insurgency in Nigeria.

Indexed Terms: prosecution, court, globalization, displacement, acceptance, conflict

I. INTRODUCTION

This study focuses on the acceptance of the International Criminal Courts (ICC) in the prosecution of war criminals using internally displaced persons (IDPs) in Nigeria as a case study. Nigeria is located in the West Africa sub region (Kirk-Greene *et al.*, 2017) and gained independence from the British colonialists in 1960 (The Commonwealth, 2017). Nigeria is divided along religious and ethnic lines with majority Muslims in the north and majorly Christians in the south (The Commonwealth, 2017). The country's legal system is fashioned after United Kingdom laws (Mwalimu, 2009), and the criminal law provides room for the punishment of war criminals and crimes that breached the peace of the country (Philip, 2005). The constitutional provision for the punishment of war criminals does not ensure enduring peace in the country. Anomie pervaded both the socio-economic and political landscapes of Nigeria, fuelled by factors including inefficient courts, inactive policing,

tribalism, ethnicity, lack of political will and lack of justice for victims of conflict (Sa'ad, 1991). It should be noted that NGOs, civil society organizations, human rights organizations and individual activists have reported cases of human rights abuses related to Boko Haram insurgency in Nigeria to the ICC (International Criminal Court, 2013).

Nigeria became a member of the ICC in 2002 (International Criminal Court, n.d). The underlying reason for joining the global justice system is to ensure peace and security in the country. Cases of war crimes and crime against humanity were filed with the ICC by individuals, local and international non-governmental organizations such as Amnesty International, Socio-Economic Rights and Accountability Project, Human Rights Watch and Campaign for Democracy. Amnesty International (2014) reported that apart from Boko Haram, the Nigerian Army also committed war crimes and crimes against humanity in north eastern Nigeria. While Boko Haram insurgency displaced the inhabitants of the region, confrontation between Boko Haram and the Nigerian Army also created an IDP crisis in the country (Rushing & Read, 2014). Boko Haram was involved in the killings of civilians, destruction of communities and towns, kidnapping and sexual abuse of women and young girls (International Crisis Group, 2016). In 2012, the ICC visited Nigeria to investigate series of human rights abuses committed by various war actors in the Boko Haram insurgency (Office of the Prosecutor, 2013). The Nigerian government has arrested many Boko Haram militants (Boundless, n.d), many of whom have been taken to court to face terrorist charges. It is important to state that none of those prosecuted has been sentenced (Boundless, n.d). This study seeks to examine the acceptance of the ICC in the prosecution

of war criminals among IDPs in Nigeria. It examines patterns, dynamics and drivers of acceptance of the ICC in the country. This study postulates that prosecution of war criminals is contingent upon globalization of post-war justices which the ICC represents.

This paper is divided into five different sections, notably: (i) Introduction (ii) Literature Review (Globalization and the ICC, Boko Haram insurgency and war crimes, the ICC and war crimes), (iii) Methodology, (iv) Results and Discussion, and (v) Conclusion

II. GLOBALISATION AND THE ICC

This section of the paper looks at the legal globalism and its influences on acceptance of the ICC. Globalisation is the inter-connectivity of the world through communication, technology, information, trade and people (Scholte, 2002). Globalisation has made the world a global village (Sa'ad, 1999). It can be argued that globalization has created global human, global education, global job, global goods and services. Globalisation started in the 19th century with the connectivity of the world through air transportation (Scholte, 2002). The revolution brought about by the information technology in recent century makes the world so close and interdependent (Scholte, 2002). It is not just information and trade that have been affected by the globalization trend. Globalisation touches every aspect of human life including culture, traditions and customs. Other virtues of human life have also been globalised. According to Quattara (1994) globalization is a global phenomenon, as the name implies and no country could opt out of it.

Every country is compelled to integrate its economy into the highly competitive global market. Failure to go along with globalization could bring suffering to the affected country. Globalisation epitomizes principles that nations must subscribe to such as competitiveness, transparency, democracy, good governance, liberalization, justice and fairness. As mentioned earlier in this paper, this study focuses on acceptance of the ICC among people affected by the Boko Haram insurgency in the northeastern Nigeria.

The ICC post-war justices have been globally accepted (Olugbo, 2016). Folami (2013) says that since crimes in modern times have been globalised, justices must also be globalised. The international criminal justice approach was adopted for the trial of those involved in World War II in Nuremberg and Japan (Buckley-Zistel et al, 2016). International criminal justice included prosecution, accountability, reparations and security sector reform. The focuses of international criminal justice are war crimes, crime against humanity and genocide (Buckley-Zistel *et al.*, 2016).

An outbreak of war in a particular region of the world usually has chain reactions globally. It could be stated that as the world becomes globalised, so are the consequences of war. For example, wars in Syria, Libya, Somalia, Iraq, Liberia, Congo, Sierra Leone and the former Yugoslavia have consequences in Europe, North America, and the rest of the world (Schwarzet *al.*, 2016). The influx of refugees to the Northern Hemisphere was a reflection of war in a particular part of the world, the Middle East. War also encourages the spread of terrorism (Schwarzet *al.*, 2016). To counter the effects of conflict, global justice systems like the ICC must be encouraged. The importance and effectiveness of the ICC in the provision of justice to victims of war was demonstrated in the prosecution of war criminals in the former Yugoslavia, Rwanda, Ivory Coast and Liberia (European Parliamentary Research Service, 2016). The prosecution of war criminals in these countries met the expectations of most victims, even though victims' needs in post-conflict situations do not necessarily stop at prosecution of war criminals. The scope of this paper is limited to prosecution of war criminals even though other forms of international criminal justice included accountability, vetting, reparations and security sector reforms. This paper therefore assumed the globalisation of post-conflict justices, as represented by the ICC, which promotes legal efficiency, transparency and effectiveness of justice delivery to victims of war crimes (Scholte, 2002).

The global justice paradigm can be critically appraised by looking at its weaknesses, while it is the desire of each sovereign nation to have a voice in international affairs; this is not possible for some

countries due to the inequalities in wealth and power. For example, at a Summit in Havana, Cuba, the 133-member South-South Summit denounced in its entirety the increased marginalization of some countries in international economic and political affairs. Also many African leaders regarded legal globalism as neo-colonialism because it undermines the concept of sovereignty. The issue of sovereignty clearly resurfaced in the decision of many African countries to opt out of the ICC, such as Gambia and South Africa (European Parliamentary Research Service, 2016). According to Julius Nyerere, the late Tanzanian President, independence is about self-reliance, and no country can be fully independent when it continues to receive grants, foreign aid and donations from other countries without a colossal and compromised political freedom.

III. BOKO HARAM INSURGENCE

Boko Haram insurgency had its roots in the Fulani Jihad of the 18th century led by Uthman Dan Fodio, the 1906 Mahdist rebellion in Kano, and Mallam Muhammadu Marwa's Maitassine Movement of 1962 and 1981 in northern Nigeria. Boko Haram was created to promote ethnic and religious divisions between the majority Muslim north and largely Christian south in Nigeria. Boko Haram has been in existence since 2002 but its activities came into the open in 2009, when a group of Islamic fundamentalists led by Mohammed Yusuf, started a campaign against the adoption of Western values by Nigerian society. Boko Haram literally means "Western education is forbidden." The official Boko Haram Arabic name, "Jama'atu Ahlis Sunna Lidda'awatiwal-Jihad", means "people committed to the propagation of the prophet's teachings and Jihad". The death of Yusuf, the leader of Boko Haram in 2009 at the hands of the Nigerian Police turned the terrorist acts of the group to an asymmetrical war. This led to large-scale terrorist attacks in Nigeria coordinated by successive leaders like Momodu Baura, Abatcha Flatari, Dan Hajiaand Abubakar Shekau (Pérouse de Montclos, 2014).

It should be noted that apart from the "Islamisation" agenda, the belief of north that the presidency is their birthright to the exclusion of other ethnic groups,

marked the involvement of Boko Haram in politics (Brock, 2011). Since 1960, northern Nigeria has produced nine out of 13 Nigerian Presidents. When Chief Obasanjo, a southerner, was elected in 1999, the Hausa/Fulani ethnic group introduced the Sharia legal system in 12 northern States to destabilise Nigeria. Since 2009, Boko Haram activities have greatly destabilised Nigeria..

Boko Haram intensified its terrorist campaign immediately after the 2011 Presidential election that ushered President Goodluck Jonathan, an Ijaw from south-south minority group in Nigeria to power. Many northern politicians were not happy with the success of President Jonathan at the polls. Bartolotta (2013) claimed that the 2011 general elections heralded unprecedented conflict in Nigeria, with its intensity spreading across the country. Boko Haram involvement in the post-election violence later metamorphosed into terrorist activities targeting mostly civilian populations. According to Muzaffar (2014) the activities of Boko Haram could be equated to international terrorist groups such as ISIL and al-Qaida. The impacts of Ethnic conflicts are intertwined with the rise of terrorism. Though, ethnic tension and terrorism have been in existence before the present government came to power, the geometric rate at which terrorism has grown needs to be seriously examined. Terrorism has impacted negatively on Nigeria's development, and contributed to the global refugee crisis. It has dented the image and economy of the nation; and affected families.

The ICC and its laws are globalised, with most countries being members except the United States, United Kingdom and Israel, etc. The ICC has successfully prosecuted different war crimes, wars against humanity and genocide worldwide, In the case of war crimes committed by Boko Haram, none of its arrested members have neither been prosecuted by the national court nor the ICC.

IV. BOKO HARAM AND WAR CRIMES

The definition of "war crime" is crucial to the examination and categorisation of the activities of Boko Haram. The Statute of the ICC defines war crimes as *inter alia*, "serious violations of the laws

and customs applicable in an armed conflict not of an international character (ICC Statute, Vol. II, Ch. 44, & 3). Ratner (2011) describes war crimes as violations of laws of war- or international humanitarian law (IHL) that incur individual criminal responsibility

The activities of Boko Haram can be situated in the definition of war crimes described in the ICC Statute (ICC Statute, Vol. II, Ch. 44, & 3). Boko Haram attacked government institutions such as schools, police stations, army barracks, United Nations buildings and communities in Borno, Yobe and Adamawa States. Boko Haram burnt churches and mosques, and killed mostly Christians and Muslims who did not support their ideologies (Azumah, 2014). The destruction of mosques by Boko Haram makes their philosophies unclear. Boko Haram limits its activities to the north-east of the country and occasionally Abuja, the Nigerian federal capital.

Boko Haram was involved in violence which erupted after the election that brought President Jonathan to power in 2011. University graduate employees of the National Electoral Commission during the election were killed (Bello, 2015), and at least 800 people lost their lives (Bekoe, 2011). Boko Haram also attacked the UN building in Abuja and killed 21 people (Brock, 2011). Boko Haram claimed responsibility for the destruction of schools, killing of students and kidnapping of young secondary school girls from their dormitory in 2014. The leader of Boko Haram declared to the world that he had captured 273 young girls in Chibok, Borno State as spoils of war to be sold as sex slaves (Ries, 2014). His comments raised international condemnation and resulted in spirited efforts by the government of Nigeria, Britain, France, Germany and the United States of America to counter the Boko Haram insurgency in Nigeria (Ries, 2014).

As a result of Boko Haram attacks, most displaced families are taking refuge in neighbouring countries like Niger, Chad, Cameroon and a host of others. Caux (2015) reported that about 6,800 Nigerian refugees had arrived in the villages and cities bordering Cameroon since May, 2014. According to Caux (2015), about 2,500 of these had been relocated to Minawao camp, 150 kilometres from the volatile

border area. Neighbouring Chad has seen 1,553 people arriving from Nigeria over the past year.

Boko Haram insurgency has exacerbated the IDP crisis. Tukur (2017) claimed that there were 379,614 IDPs at 15 satellite camps comprising Ngala, Monguno, Bama, Banki, Pulka, Gwoza, Sabon Gari and other locations in Borno State. It was reported that 73,404 persons were forced to become refugees in neighbouring countries like Niger (11,402) and Cameroon (62,002) (UN High Commissioner for Refugees, 2017). Over the first quarter of 2017, Regional Refugees Respond Plan provided multi-sector assistance to Cameroon (86,000), Chad (8,600) and Niger (105,000), totalling over 200,000 refugees (UN High Commissioner for Refugees (2017). The prolonged nature of the crisis has had a devastating effect in north-east Nigeria. In addition to serious protection concerns and inadequate access to education, food and nutritional insecurity have reached extreme levels (UN High Commissioner for Refugees, 2017).

The activities of Boko Haram fit the definitions of terrorism. The United States of America has declared Boko Haram as a foreign terrorist organisation (Gorman, 2009). The basic implication of this decision is that it is now a crime under US law to provide material support to the group. The Nigerian government has also pronounced Boko Haram as a terrorist organisation with the warning that anyone helping the group would face a minimum prison sentence of 20 years (Gorman, 2009). Various efforts by the Federal Government of Nigeria to dialogue with Boko Haram have been rejected by the group. It should be noted that Boko Haram is the first militant group to metamorphose into a terrorist organisation and be declared as such by both the Nigerian government and the international community.

The activities of Boko Haram and the Nigeria Army were reported to the ICC by individuals and local and international non-government organisations like Amnesty International, Human Rights Watch and Socio-economic Rights Association. In 2012, the ICC visited Nigeria to carry out preliminary investigations into accusations of human rights abuses and war crimes levelled against the Boko Haram terrorist organisation and the Nigerian Army. A report

released by the ICC's Office of the Prosecutor identified eight possible cases of crimes against humanity and war crimes under Article 7 and 8 of its Statute, perpetrated by both the militants and the Nigerian military. Six of the possible cases were perpetrated by Boko Haram while two were by the Nigerian military. The six cases against Boko Haram were as follows:

1. Indiscriminate attacks on civilians considered to be "disbelievers":

This case includes attacks on civilians during takeovers of towns and villages as well as bomb attacks launched against civilians. From January 2013 to March 2015, there were 356 reported incidents of killings attributed to Boko Haram in Borno, Adamawa, Yobe, Plateau, Kano, the Federal Capital Territory (Abuja), Gombe, Kaduna, and Bauchi in Nigeria as well as occasional attacks in Cameroon (since February 2013) and Niger (Dumba and Diffa, since January 2015). These attackers led to the killing of over 8,000 civilians (Ibekwe, 2015). In February 2015, territories previously held by Boko Haram were captured by the military. Mass graves and other sites containing decomposed bodies of civilian killed by the Boko Haram were discovered;

2. Kidnapping and abduction of civilians, especially women and young girls as sex slaves:

The ICC report stated there were 55 incidences of abductions committed by the Islamist sect between January 2014 and March 2015, involving at least 1,885 abductees mostly from Borno, Yobe and Adamawa States;

3. Attacks on schools and other educational buildings/attacks on students and teachers:

Between January 2012 and October 2013, 70 teachers and more than 100 schoolchildren and students were reportedly killed or wounded. In May 2014, the Nigerian Union of Teachers reported that at least 173 teachers had been killed between 2009 and 2014. Borno State officials cited a slightly higher figure of 176 teachers. At least 50 schools were either burnt or damaged and 60 more were forced to close (Ibekwe, 2015);

4. Recruitment of child soldiers:

The ICC stated that most of the children recruited as child soldiers by Boko Haram were allegedly used for intelligence gathering, tracking the movements of enemy forces, transport of weapons and participating in attacks including setting ablaze of schools, military barracks, police stations, etc. Propaganda videos attributed to Boko Haram showed the child soldiers being trained on how to use firearms;

5. Attacks on girls and women:

The ICC report stated that Boko Haram used abducted women and young girls as sex slaves and human weapon; and

6. Attacks on places of worship:

The two cases against the Nigerian security forces were as follows:

- Indiscriminate arrest, detention, torture and extrajudicial killings of people suspected to be Boko Haram fighters and collaborators, and;
- Attacks on civilian population and recruitment of child soldiers by pro-government militia (Civilian JTF).

It should be noted that many Boko Haram members had been arrested but none had been prosecuted so far. This study therefore asks some pertinent questions regarding the acceptance of the ICC in the prosecution of Boko Haram members involved in war crimes.

V. METHODOLOGY

1. Study Area:

This study was carried out at three locations in Nigeria, which were purposely selected because they housed internally displaced persons and refugees. The selected locations were Uhuoga, Keffi, and Bakkasi camp. Uhuoga is located in Edo State, and is home to about 5000 IDPs under the supervision of a pastor. The camp has been able to provide humanitarian supports to victims of Boko Haram insurgency. Many dignitaries from government and foreign missions have visited the camp in recent times. Keffi is located in Nassarawa State close to the Federal Capital Territory, and has almost 2,000 IDPs and refugees. The Bakassi camp is located in Borno

State, which shares a border with Cameroun and has over 33,000 IDPS and refugees. It should be noted that Boko Haram insurgency spills over Nigerian borders to Chad Republic, Niger and Cameroun.

2. Data Collection:

Data was collected from 81 respondents using the snowballing method. This technique was adopted because of the security issues around the IDPs and refugees camps. The respondents comprised of 51 males and 30 females drawn from the three camps: Uhuoga (27); Keffi (34); and Bakkasi Camp (20). This study used the qualitative method of in-depth interviews containing semi-structured questions. Political and other questions that could create another trauma were avoided. The two groups of respondents (refugees and IDPs) were interviewed a month apart. At least a reconnaissance visit each was made to the refugee camps in Bakassi, Uhuoga and Keffi to establish rapport and obtain the confidence of the respondents. Respondents were allowed to talk to the researchers only after obtaining security clearance from the appropriate officials in charge of each of the three camps. Information sheets and consent forms were designed to ensure that responses of the respondents during the interviews were obtained voluntarily. Some respondents who initially agreed to be interviewed later changed their minds and opted to discontinue the interviews. This was largely because those respondents had lost loved ones and had their communities destroyed by Boko Haram. They were therefore too traumatized to continue with the interviews. In such cases, information already received was omitted. There was a 73% response rate, which was considered adequate for analysis.

3. Data Analysis:

We use NVIVO for the analysis of data collected from the participants. NVIVO is a software package designed for qualitative data analysis. This study used NVIVO in order to generate descriptive and analytical findings. The data collected were divided into categories and subcategories based on their relationships and attributes. The following categories and subcategories were obtained:

- Patterns of acceptance (prosecution, amnesty, reparations)
- Dynamics of acceptance (inefficiency, partiality)

- Drivers of acceptance (impartiality, effectiveness). The categorized and subcategorized data were compared. Interpretations were done based on comparisons of data collected.

VI. RESULTS AND DISCUSSION

The findings were discussed using the following category and subcategory themes: patterns (prosecution and reparations), dynamics (efficiency and impartiality) and drivers (justice and effectiveness).

• Patterns- Prosecution

Respondents were requested to indicate whether they accepted the ICC. As many as 61 participants said that they initially rejected the ICC, but their opinions changed following a series of successful prosecutions of war criminals by the ICC in other countries like Yugoslavia, Rwanda, Liberia, Sierra Leone, Congo, Ivory Coast and others. A refugee in Bakkasi camp said:

“I want those that destroyed my community and business to be prosecuted. The Boko Haram members are wicked; they destroyed communities and killed people. I would support the ICC because the court is capable of prosecuting any war offender”.

Another female respondent had a different reason for acceptance of the ICC in the prosecution of Boko Haram in Nigeria. She stated that she wanted prosecution of Boko Haram members not only because her house was destroyed and she became a refugee but because of sexual offences Boko Haram members committed against women and young girls in her community. She opined:

“My opinion is that Boko Haram members should be prosecuted by both national and international courts. The kingpins among them should be prosecuted in Hague, especially those who committed sexual offences. Do you know that Boko Haram took rape as a weapon of war? I witnessed several cases of rape and abduction perpetrated

against women and young girls by Boko Haram members in my own community”

The respondents were requested to indicate in which court they would like those that committed war crimes to be prosecuted. Many stated that they wanted the war criminals to be tried mostly at The Hague by the ICC. Many others said they wanted war criminals to be prosecuted at any court, be it national or the ICC. A participant in Keffi responded:

“I was told that it was possible for both national court and the ICC to prosecute war criminals. I want to ask if it is difficult for government to arraign captured Boko Haram members before the ICC. What I want is this, Boko Haram should face justice. They must be prosecuted to serve as deterrent to others”

Many respondents wanted Boko Haram members to be prosecuted, especially at The Hague. Prosecution was a major reason why the respondents supported the activities of the ICC. Many of those interviewed believed that the ICC commands international respect and has the capability to handle high profile offences such as war crimes and crimes against humanity.

- **Reparations:**

Many respondents in the three selected locations wanted to be compensated by government. A respondent in Bakkasi camp added:

“Government of Nigeria should pay us. I know government cannot do this without recommendation from a global court like the ICC. Though, Nigeria government is distributing a relief package but this is a mere gift. We want more supports from government in this region”

A respondent in Uhuoga stated that he would like the government to apologize on behalf of Boko Haram, since it was government negligence that aggravated the crisis. He said that government responses were not timely enough. He said:

“There is a political hand in the Boko Haram crisis. I became displaced and moved to another community because government failed to live up to its responsibility. Let me tell you there were no

adequate securities in this community before Boko Haram strikes. Boko Haram capitalized on security lapses to strike the communities and the entire region in general”

It is clear from the above responses from respondents that victims of the Boko Haram insurgency wanted justice. Many of them agreed that the prosecution could be initiated by the national courts or the ICC. This principle of complementarity is recognized by the Rome Statute that created the ICC (The ICC, 2002). Also, the respondents asked for reparations, which they categorized as financial awards from the government and international organizations. Reparation could also take the form of acknowledgement and apology. Compensation is different from reparation; what participants termed as compensation in this study could be described as reparation in transitional justice lexicon. Compensation is a gift which lacks judicial pronouncement while reparation could only be awarded by a court or administrative panel established by the executive (Buckley-Zistel, 2016).

- **Dynamics- Efficiency**

The dynamics of acceptance of the ICC in the prosecution of Boko Haram war criminals included efficiency and impartiality. These were measured against national courts and number of arrested Boko Haram members that were prosecuted successfully in Nigeria. Many of the respondents said that the ICC does not waste time and its justices are prompt and efficient. A participant from Keffi refugee camp stated:

“As far as I know the ICC work is speedy and timely. Most cases the ICC has handled were with a professional touch. The ICC judgment doesn't base on ethnicity, nationality, religion and other primordial sentiments like the local courts. If you asked me one million times my support for the ICC remains constant as the northern star”

A respondent from Bakassi camp said that the reason why she wanted the ICC was that the court was no respecter of anybody. The respondents retorted:

“I don't think anybody in this country would reject the ICC in the prosecution of Boko Haram. In my

own opinion I think the only institution that can handle the war crimes in the north east of Nigeria is the ICC.”

In this study, the respondents identified two factors as major reasons why they were supporting the ICC which include efficiency and impartiality. Those participants that were initially rejected the activities were later accepted the ICC because of the nature of justices it delivers.

- Drivers- Globalisation

Globalisation is identified as a major instrument of acceptance of the ICC in the prosecution of Boko Haram members involved in war crimes and crime against humanity. Acceptance of the ICC among the participants depends on its globalism in terms of justice delivery, peace maintenance and conflict reduction. The respondents based their responses mostly on their experiences in the way the work of the ICC influenced peace in the neighboring countries. A participant from Keffi was asked why she is supporting the ICC in the prosecution of Boko Haram. She explained:

“I know one fact for sure that the ICC is very effective when it come to justice delivery. I watched over the television the trial of Charles Taylor, former Liberia President. I also heard about how the wife of the former Ivory Coast President was handed a jail term. Let me ask you, how many convictions have the national courts got for those committed war crimes and crimes against humanity in Nigeria, especially the Boko Haram members?”

A respondent from Bakassi camp also cited justice delivery as a driver for his acceptance of the prosecution of Boko Haram members by the ICC. He explained how the ICC came to Nigeria to investigate cases of human rights abuses in the various conflicts bedeviling the nation such as the Niger Delta conflict, Boko Haram insurgency and the Middle-Belt ethno-religious crisis. He said that the ICC looked at the cases methodologically and holistically before they concluded that there were no solid foundations for war crimes and crimes against humanity in two separate reported conflicts (i.e., The Niger Delta conflict and the Middle-Belt ethno-religious conflict). The case of the Boko Haram insurgency was however

opened for further investigation and it was legally established that crimes against humanity had been committed. The respondent stated:

“We all thought that the ICC would be quick but later realized that it has become an instrument of hoodwink in the hands of some activists who wanted to use it to settle some scores with the government.”

Acceptance of the ICC was also adumbrated by respondents in Bakassi Camp. According to the participants the ICC is supported by many countries both from the Northern and Southern Hemispheres. The participants revealed that treat of withdrawal from the activities of the ICC were a game plan of political actors who benefited politically and economically from conflict in Africa.

- Effectiveness

Effectiveness as a driver for the acceptance of the ICC by the respondents in this study surfaced during the interviews. The effectiveness of the ICC has made it an acceptable global post-war justice institution. The respondents pointed to the contributions of the ICC to peace maintenance in some hitherto conflict regions in Africa and maintenance of peace in some trouble spots in Nigeria. A respondent from Keffi observed:

“The fear of the ICC is the beginning of wisdom. Many war entrepreneurs now think twice before fomenting troubles because post-war justice delivery by the ICC has thought them that action always gets consequences. Nobody wanted to be taken before the ICC. Let me tell you the ICC has helped in the area of peace maintenance”

In the area of peace maintenance, many respondents believed that the ICC has become an important yardstick for measuring the “red line” in conflict situations. They revealed that war actors intermittently gauge their actions and inactions through the lenses of the ICC. A respondent from Uhuoga explained:

“During the 2015 general elections many politicians were engaged in hate speeches that could lead to a serious political tsunami. A

constant remembrance of the ICC capability put them in check. Even hate speeches indented with the Nigerian former first lady were reported to the ICC”.

Many other respondents saw the ICC from the angle of political stability, believing that the nascent democracy being enjoyed in the county was at the behest of the activities of the ICC. A respondent who was a refugee in Bakkasi camp said:

“Maybe you don’t know what happened during the last political dispensation. The election campaigns were tough. A lot of political mudslinging that nearly marred the democratic gains of many years came to play. There were verbal attacks in the air but situations were saved by the report from human rights organizations to the ICC”.

Respondents also revealed that the ICC is not partial in justice delivery because and is not influenced by ethnicity, color, gender or religion. Many respondents said that the problems of Nigerian courts included justice delayed, cost, tribalism, ethnicity and religious affiliation. The participants were asked the following question: Would you support the trial of Boko Haram at Hague by the ICC? A respondent who is a refugee in Bakkasi camp declared:

“Yes, I will. The ICC remains the last hope of victims of conflict in this part of the globe. The ICC remains impartial; it knows no race or color. It has tried white and black, men and women, Africans and Europeans”.

However, there were other participants that believed that ICC justices have generally not been effective because of (i) the long period of time involved in the trial of war criminals, (ii) selectivity of those that will be tried, (iii) cost of transporting war criminals to Hague, (iv) sovereignty of nations, (v) definitions of conflicts that could be described as war crimes, crimes against humanity, genocide and (vi) non-inclusion of sexual offences against both male and female.

VII. CONCLUSION

This study focused on internally displaced persons (IDPs) in Nigeria, largely due to Boko Haram insurgency, the Niger Delta conflict and the Middle Belt crisis. This study attempted to investigate the acceptability of the ICC among the IDPs and refugees despite the rejection of the international court in most African countries. This study used globalization theory to explain acceptance of the ICC among the participants. The theory sheds light on the globalization of justice and its acceptability by many countries as reasons why the ICC is still relevant. Also this paper argued that the ICC shares some principles in tandem with the globalization paradigm such as fairness, openness and competitiveness. Complementarily between the ICC and the national courts in the trial of war criminals could be described as competitiveness which globalization supported. This study was carried out mostly among IDPs and refugees in the case of participants in the Bakassi camp because there was a mixture of IDPs and refugees from Cameroun and Chad republic in the camp. Refugees and IDPs were considered as victims of war in this study.

There are various forms of justices available to victims of war crimes as recognised by the ICC as punishment, reparations, accountability, restitution and others. Apart from globalisation, this study identified punishment and reparations as major reasons why participants accepted the ICC as an institution which can prosecute Boko Haram war criminals without fear or favour. Respondents also cited efficiency and effectiveness of ICC in prosecution of war criminals as reasons for its acceptance.

The findings of this study indicated that respondents thought the national courts were generally inefficient, costly, time wasting and partial. Often such courts allowed their decisions to be influenced by ethnicity, religion and personalities. This study concluded that globalization of war justices was a major determinant of acceptance of the ICC by the IDPs and refugees of Boko Haram insurgency in Nigeria.

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