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SAUL/ZILKHA ROOM

THE LIMITS OF PUNISHMENT:
TRANSITIONAL JUSTICE AND VIOLENT EXTREMISM

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P R O C E E D I N G S

MR. SIGNÉ: Hello, everyone. Fantastic. Welcome to our event on the limits of punishment, transitional justice, and violent extremists, building on the publication by the United Nations University.

I'm Landry Signé, a Rubenstein fellow at the Africa Growth Initiative here at the Brookings Institution. I'm also a distinguished fellow at Stanford University Center for African Studies, and I am honored to moderating this panel with our distinguished scholars.

So the Foreign Policy program at Brookings is co-hosting this event with the Centre for Policy Research at United Nations University, which is an independent think tank within the UN system. The Centre led this research project on the limits of punishment in partnership with the Institute for Integrated Transitions, an international NGO focused on post-conflict transitions, which was funded by the UK Department for International Development.

To provide you with some context and, as you know, in countries such as Nigeria, Somalia, Iraq, or Afghanistan, Jihadi groups have gained control over territories and populations and the state usually faces challenges in dealing with individuals who are accused of association with such groups. Governments have too often responded in heavy handed ways, penalizing a large segment of the population, which often results in excessive approaches which backfire, exacerbating local grievances and laying the groundwork for future violence.

In order to fix such challenges, our distinguished panelists will discuss alternative strategies focusing on justice issue for countries affected by Jihadi violence, presenting the findings of case studies of Nigeria, Somalia, and Iraq.

So let me introduce our panelists. I will be brief because I think all of you have your bio? Great. So let me start on my left with Cale Salih. She is a research officer

with the Centre for Policy Research at United Nations University focusing on the changing nature of conflicts, UN conflict prevention, and transitional justice. She has extensive experience with think tanks and NGOs, including the international crisis groups, among others. And she is also a prolific writer.

In the middle we have our own Vanda Felbab-Brown, who is a Senior Fellow in the Center for 21st Century Security and Intelligence in the Foreign Policy at Brookings. You are here today, but every time I try to contact Vanda she is in a different part of the world, in Asia, Africa, Europe. So she is difficult to -- so we are fortunate to have her here. Her most recent book is "Extinction Market: Wildlife Trafficking and How to Counter It". And we have it at the Brookings bookstore.

And let me finish with Lana Baydas, who is an independent human rights expert and was Senior Fellow at the Center for Strategic and International Studies. She also has extensive experience with numerous institutions, including the United Nations, the International Committees of the Red Cross, and has taught at American University in Cairo.

So, now, let's start with Lana[sic]. Can you introduce the broader project and elaborate a bit more on Iraq?

MS. SILAH: Certainly. So thank you very much, Landry. And I'm really delighted to be here today. I want to thank the Brookings Institution for having us, and I want to thank very much Vanda for working with us on this project and producing two really fantastic case studies that we'll hear more about shortly.

So I'm Cale and I led the limits of punishment research project on behalf of the United Nations University. I just wanted to start by giving a brief overview of the project. This project essentially sought to understand if, when, and how transitional justice tools in combination with other conflict resolution tools could help end conflicts involving major Jihadist groups. So by transitional justice we are referring to a range of processes

and mechanisms that aim to achieve justice and reconciliation in the aftermath of systematic and widespread human rights abuses. And often these human rights abuses are very large scale. They will have taken place in the context of a conflict or a repression and they are so large scale that the normal justice system cannot cope.

So to get at this question we undertook three fieldwork based case studies. As Landry was just saying, we looked at how states are dealing with individual (inaudible). And our case studies I think demonstrate the risks of some of the very heavy handed approaches that have been adopted that treat broad sectors of local populations as suspect. And they also assess the quality and limitation of some existing leniency programs for these individuals.

And based on the empirical evidence of the case studies we then worked with the Institute for Integrated Transitions to develop a practical framework for policy makers to think through how to apply transitional justice tools in these setting.

Unfortunately, Mara Revkin, who was our Iraq case study author, is not able to be with us today, so I'm going to present some of the main takeaways from her case study. But I very much encourage you all to read it for yourselves, in her own words. And then I will just end by pointing to some of the main findings we had with respect to how transitional justice tools might provide alternative approaches.

So on the Iraq case study, first I just wanted to say that I speak only in my professional capacity as a research officer with the United Nations University. I don't represent or reflect the views of any part of the Iraqi government.

So with that out the way, I wanted to start by saying Iraq has achieved quite remarkable gains over the last four years. In 2013 the Islamic State began expanding its territorial control across Iraq and its height it controlled territories with a civilian population of over five million people. Today, Iraqi forces, including the army, the largely

Shia popular mobilization units, and the Kurdish Peshmerga, have regained almost all of that territory, along with international support.

But still Iraq faces many challenges, and one of those challenges, which is the focus of our project, is the monumental question of how Iraq is going to deal -- how the justice sector should deal with the very large numbers of Iraqis who may have developed some association with the Islamic State while living under the group's control.

Now, the Islamic State's governance role in areas that it controlled is really crucial to understanding the dilemmas that are at the heart of this justice question in Iraq because IS was not only an organization concerned with warfare, it didn't just recruit fighters, it also established and operated service providing institutions, such as hospitals, schools, municipal departments. And, as a result, locals became affiliated with the Islamic State in diverse ways. And not all of these roles that they played were violent, and not all of them were voluntary. Many locals, for example, had to cooperate with the Islamic State because -- for instance, by working in its civilian bureaucracy, either because resistance was punishable by death or because they had to maintain their jobs and their livelihoods. So, for instance, Mara found the example of Haled, who was a Mosul resident who worked in a slaughterhouse before the Islamic State took over Mosul, and in order to keep his job and continue to have a livelihood he had to pledge allegiance to the Islamic State.

But despite these realities, Iraq continues to apply a very overbroad and harsh counterterrorism law that does not seem to fully take into account the realities of life under ISIS. The law stipulates the death penalty for anybody who committed, incited, planned, financed, or assisted a terror act. And this is quite broad if you consider, for example, the fact that probably everyone who lived under ISIS paid taxes to the group on penalty of death. I think something interesting here is that this language about the kinds of acts that should be criminalized is very similar to and probably inspired by UN Security

Council resolutions on terrorism. And I think this shows how sometimes these resolutions tend to be developed with the foreign fighter phenomenon in mind and don't necessarily translate so well when you apply them to conflict settings.

The counterterrorism law also effectively criminalizes membership in ISIS without necessarily requiring a specific criminal act. And membership can be interpreted subjectively and broadly.

Now, Iraq had an amnesty law that allowed for the pardon of individuals who have been convicted of terrorism if they could prove that they joined against their will and that they did not participate in serious crimes. But that law was amended in 2017 in ways that now preclude the pardoning of anyone convicted of terrorism, regardless of mitigating circumstances. So we're kind of back to square one on this point.

And in addition to these legislative flaws, there's a number of procedural flaws that affect the trials of IS suspect. So to name just some of the main ones, there have been arbitrary arrests based on very poorly sourced wanted lists, the military has been involved in pretrial investigations, there's been reliance on the testimony of secret informants in sourcing those wanted listed and in the prosecutions of IS suspects, and Iraq's weak public defense system has disadvantaged people facing trial on charges of IS association. And this is really not a small issue in Iraq. Since 2013 Iraq has detained more than 19,000 people on terrorism related charges mostly related to IS, and they've convicted around 9000. And so just to go back to the example of Haled, the person in Mosul, who had to keep his job at a slaughterhouse, he was convicted in a trial that lasted less than 30 minutes. He was sentenced to 15 years in prison. On the charges of membership in a terrorist group even though he had pleaded joining the group under survival driven conditions.

And it's not just the formal justice process. The formal justice process, the

formal justice sector that's at play here. There are extra legal processes that are also applying unclear evidentiary standards to determine association and punishment. So revenge killings of accused IS affiliates have been carried out by private citizens and by militias. And in some cases tribal law and agreements have prevented the families of IS members from returning to their communities.

The case study found that the overbroad penalization of those affiliated with the Islamic States and their families risks fueling new grievances, particularly among the Sunni community, and hindering the restoration of trust and social cohesion in areas that have been retaken from IS. And some analysts have looked back to past policies that drove Sunni alienation and frustration in Iraq, such as the de-Baathification policies in the aftermath of the 2003 invasion and the widespread arrest of Sunni Arabs under former Prime Minister Maliki's government. And they say that Iraq is now at risk of repeating some similar mistakes in the context of the post IS period.

So briefly on what can be done. I mean this is by no means a light challenge when you consider the fact that a country like Denmark is struggling with what to do with a handful of returning foreign fighters. It's hard to grasp the scale of the challenge in a country like Iraq that has a weaker justice sector, that has fewer resources, ongoing conflict, and has tens of thousands and potentially many more cases to tackle. But still there are a number of steps we think can be taken, and Mara has a number of policy recommendations in her report. Just to name a couple, an obvious one is legislative reforms. So, for example, requiring a specific criminal act beyond mere membership for prosecution, and re-amending the amnesty law to allow low level IS members who didn't commit serious crimes to be pardoned. Another would be prioritizing serious crimes over lesser crimes to ensure that innocent persons are not unduly punished. And there are a number of other recommendations in her report that I would recommend that you certainly

look at.

But just before closing, briefly I wanted to touch on some of the transitional justice findings that we found more broadly across the three case studies, not just Iraq. Transitional justice and other conflict resolutions tools are often thought not to really apply to conflict settings involving Jihadist groups because these groups are usually primarily or even exclusively seen through the lens of international terrorism, and they're seen as actors to be eliminated through military means, as opposed to also seeing them as local rooted actors that are participants in the civil wars that they thrive in. But we think a number of transitional justice approaches actually would be potentially useful in these settings to provide an alternative to the dragnet approaches that have sometimes cast the punishment net too wide.

So first, and most important, I think is the concept of prosecutorial prioritization. By that I mean focusing a state's limited prosecutorial resources on the worst offenders, whether that's delineated by the most senior members of a group, those who are most involved in atrocities or, more broadly, just anyone who directly participated in violence. Without applying such a threshold there's a risk that a state will deplete its resources on rounding up those with tangential associations which will leave it less able to identify and hold accountable those responsible for serious crimes.

Another key concept that we looked at was the potential use of conditional amnesties. These amnesties can be used, for instance, to induce defections among the rank and file of a group by offering legal leniency to those who turn themselves in. They can be used to incentivize negotiations with certain faction leaders by putting the carrots of leniency on the table. Or they can be used to create a mechanism for those who play tangential roles to either be forgiven or undergo some kind of alternative accountability process that doesn't involve lengthy jail times.

We also looked at how to design amnesties to ensure that they don't contribute to impunity. So, for example, we considered eligibility requirements. Amnesties might only be eligible for those who are very low ranking members for those who didn't participate in any violent acts. And we looked at the conditions that should be attached to amnesties. So, for example, the beneficiary of an amnesty might be required to participate in a truth telling process or to contribute to reparations. And in this way amnesties can actually contribute to accountability and contribute to victims' rights.

And then, of course, just to end, there's a huge question around how to complement alternative accountability measures and transitional justice tools with disarmament, demobilization, and reintegration programming. So, for example, if there's a low level member of a group who's granted an amnesty, does he or she have to go through some kind of DDR-like process before they're accepted back into their community, and what does that look like. I'm not going to go into too much detail on this because we'll hear more about it in Vanda's case studies.

I'll leave my remarks there, but I'm happy to take questions.

MR. SIGNÉ: Thank you very much, Cale, for this brilliant presentation. I reversed the order, but as Vanda is in the middle I think we'll continue with Vanda on the situation in Somalia and Nigeria.

MS. FELBAB-BROWN: Good morning. Thank you very much for coming on a dramatic day in Washington, but on issues that are vital not just for countries grappling with the issues of civil war and Jihadi insurgency, but indeed for everyone who is concerned about terrorism and achieving greater peace and stability, and indeed, reconciliation.

Thank you, Cale, for being the sponsor and force behind the project, which has turned out very valuable. And I hope that you will find it valuable as well. I again urge

you to take the case studies, which are also on the website, multiple websites. If you Google them you will be able to obtain them.

As I was preparing for speaking with you this morning, I just Googled what has been happening in recent weeks in Somalia and Nigeria. And one of the big news in Somalia over the past few days of course is the electoral effort of Mukhtar Robow, a former Al-Shabaab commander, former Somali war lord, by the standards of many, for a long time on the top kill list for the United States. But he is a man who was part of an ad hoc peace deal, amnesty deal, with the Somali government. And he was allowed to come out Al Shabaab on the promise he will fight the remaining Shabaab and bring more Shabaab members out. And how he's running for the top office in one of the sub states of Somali, the South West State.

And it's really fascinating to follow the Somali commentary on this, which is very ambivalent, as to whether this was a good outcome, whether the amnesty served either to reduce conflict in Somalia by the standards and hopes of some, yes, and whether it is desirable that a man like Mukhtar Robow, who has a lot of blood on his hands, can in fact get a blanket amnesty and run for office. These issues are complex and in different ways they are being replayed in places such as Colombia. We had an event on Colombia and on these issues in July. It's on our website. It's also something we can talk about. But the Robow story reviews the complexities of peace at what cost, will it be a deep peace, will a man like Robow be a responsible politician, or will his ability to escape justice processes in fact perhaps reduce violence but contribute to greater impunity.

Over the past several days something else has also been happening in Nigeria, which is the announcement that what the Nigerian military and government call the next batch, the second batch, of de-radicalized Boko Haram members have been released from a facility where they were receiving de-radicalization programs. These are people

who avail themselves of the ability to defect, in this case the second batch is 157 Boko Haram members, who are not deemed to be de-radicalized and who can return to their community. This program has been enormously controversial in Nigeria and often deeply rejected by society for reasons that I will delve into in my talk. And it was fascinating to see how *The Nation*, which is one of the permanent Nigerian newspapers, in fact characterized the effort. And they made a Freudian slip in the title, which said the chief of defense, the military chief in Nigeria, announces that 157 Boko Haram ex members were re-radicalized. (Laughter) Now, this is a Freudian slip. What they mean to say was de-radicalized. But it reveals in a cute way just the deep ambivalence about these leniency measures and the programs.

So let me come to Somalia. Somalia continues to be in a difficult military and security situation, it continues to be the poorest country in the world. Shabaab no longer has anywhere the power that it had between 2009 and 2011, but nonetheless it operates throughout much of Somalia, including in the two states are deemed far more stable, Somaliland and Puntland. South of Puntland it has widespread presence, continues to conduct terrorist attacks throughout the territory, hold some territories, and regularly takes cities close to Mogadishu. It also regularly conducts terrorist attacks in Mogadishu. And it continues to be integrated into Somali society and, in fact, the Somali political and business structures. For multiple reasons, even businessmen who live in Mogadishu often hire Al-Shabaab for the provision of security or the provision of insecurity for their purposes.

The military battlefield achieved big progress until about 2015-2016, but since then has been more or less stalled. And in the international force of the African Union, AMISOM, have been able to clear territories, but have reached perhaps the maximum of their ability to make further progress against Al-Shabaab. And both the Somali forces and AMISOM lack real capacity for holding territories and deepening the

peace in the clear territories. So the reconstruction state building element of clear, hold, and build -- the build part has more or less not taken place.

At the same time, Somalia is going through multiple complex political processes, evolution of power, formation of states, issues that are very healthy and important for Somalia, nonetheless deeply contested with continuing lack of clarity and agreement as to many dimensions of these processes.

So whether this recognition that the battlefield has more or less been stalled for the past two or three years, that Shabaab still remains very potent and continues to draw strength and entrenchment from Somalia, and AMISOM forces are to leave by 2020 -- it might not happen, but those were the official guidelines -- the government of Somalia -- multiple governments of Somalia -- have been experimenting with non punitive measures. These have included repeated declaration of amnesty without any specification really as to what the amnesty would entail, who is eligible, what would be the conditions of the amnesty, what would be its terms, and really without any kind of legal framework. These amnesty declarations continue to be repeatedly issued and have been multiple times since 2011.

But one of the outcomes of the amnesty declarations is that some Al-Shabaab members have in fact come out of the cold and have sought to avail themselves of leniency and leave the battlefield. That has resulted in two sets of processes. One is ad hoc peace deals that are struck with top level or mid-level Shabaab commanders, such as Mukhtar Robow, who leave the battlefield, who bring some forces along with them. In this case of Robow it was several hundred -- about 300 Al-Shabaab members who came out with him and who have more or less received red carpet treatment, blanket amnesty, assurances of no punitive measures in a way that also completely disregards the rights of victims and the needs of victims. And Mr. Robow, as I said, is now a very potent political

force in South West and has a high chance of becoming a high official from that area and likely at the national level in Somalia as well.

And those processes are opaque, they don't have any legal framework, there is no discussion with society about the terms, there is frequently no disclosure of the terms, although there might be negotiations between the Somali government and the international community to remove such individuals from terrorist lists, as was the case with Mr. Robow.

The second venue is a venue for defectors who would be low level members of Al-Shabaab who decide to turn themselves in to either AMISOM or Somalia government forces, in some cases clan elders, with the hope that they will then receive leniency. The leniency system will then decide whether these individuals are low risk or high risk. The screening criteria have seen significant improvements, but nonetheless continue to be very difficult to implement, non-transparent, and often highly -- and there's a very substantial risk that they are highly arbitrary. Those who are deemed as high risk will be sent to prisons and most likely face military court. The military court has distinguished itself by both massive violations of human rights and operating in ways that is not consistent with international standards, but also by sentencing just about anyone who goes to the military court to death. And then people are then shot in a visible way in Mogadishu.

There is an effort by the international community to get a civilian court going in Mogadishu that will be receiving individuals who are either detainees who have not been defectors, or who are defectors but judged high risk, and get away from the pervasive opaque, non transparent knee jerk issue of death penalty.

And I should also say that the system really does not fully distinguish between populations and insurgents or Jihadists. So just like Cale was describing in the Iraqi case, if you were unfortunate enough to live under Al-Shabaab rule, you inevitably had

to cook for Shabaab, you had pay zakat. And Shabaab provided you with an order and a sense of public services, often brutal but predictable. But nonetheless any kind of provision of works material support, such as cooking, washing, cleaning, of who's paying taxes, could be judged as high risk and then could result in the death penalty. So very little distinction between populations and forced to comply and insurgents.

Those who are lucky enough to be judged low risk -- which by this point has been several hundred people -- then go to de-radicalization, demobilization, rehabilitation like facilities that are sponsored either by international governments or by the United Nations. Three such facilities operate in Mogadishu and have operated for a number of years. And there has been lots of controversy and problems with the centers when they were being established. Very significant improvement has been achieved and the centers are doing very important work. Nonetheless, substantial challenges with the programs still remain.

At the centers, these challenges have to do with the presence or the absence of Somalia intelligence forces that actively try to recruit people out of the centers. They also actively try to recruit those who are either detained or who turned themselves in. There is virtually no international visibility as to who goes into the screening processes. The only visibility is who goes out, either to military courts or who is then handed over to the facilities for low risk defectors.

The operational issues also have to do with harmonization of processes and procedures across the centers. That sounds fairly technical, but in effect deals with lots of fundamental difficulties and fundamental dilemmas that are detailed in the report. A massive issue is one of lacking rehabilitation facilities for women who are often seen by Somali society as highly complicit merely because they had to live under Al-Shabaab rule or because they were wives of Shabaab members, often forcibly so. But nonetheless,

there is very little empathy for them and often clan discrimination and other issues mean that such wives, former wives, or not even wives, simply women who live under Al-Shabaab, if they want to, need to get out there is very little communal support for them and, hence, there is a real need for more systematic support for them.

And another fundamental problem is one of lack of jobs for those who go through the rehabilitation low risk facilities. And the most fundamental one, and that was one also that will very much be prominent when I talk of Nigeria, is really the lack of robust systematic effective processes for reconciling the communities with those who have gone through those processes. It really needs to be understood that even though groups like Al-Shabaab often provide order, public service, and justice that is preferable to those by warlords or even the government, they nonetheless have committed great atrocities and are deeply resented, deeply feared by communities. And so communities often point out how is that people like Mr. Robow get to become top officials and low level Al-Shabaab get education, support, training, perhaps other services, and we, the victims who have suffered terrible plight, do not receive anything. Very much also the same story in Nigeria -- even more acute in Nigeria.

And so while it is really fundamental to think about the need for amnesties, leniencies, transitional justice mechanisms, those cannot compromise victims' rights and they should also not foster the lack of accountability and impunity. And I would argue that Somalia's fundamental problem is, in fact, pervasive lack of accountability, pervasive impunity, as do indeed many members of Somali civil society.

The report also looks at traditional justice mechanisms in dealing with Al-Shabaab and also Somali NGO efforts. I don't have time to go into them. I'm happy to take on those issues in Q&A, and they are detailed in the report.

In Nigeria, a similar process exists compounded by the real difficulty of just

fundamental societal rejection of anyone who was associated with Boko Haram, including women who were dragged off and forcibly married off to Boko Haram members and children who were born to a father who was a Boko Haram member or who had to endure Boko Haram rule. In fact, the title of the report is from what I was told systematically in Nigeria, we don't want them back. And it's a very bleak title and it's a very bleak societal judgment that is nonetheless upset by some of the realities, namely, that there have been rehabilitation and leniency processes for women and children. Several thousand women, over 2000 women have gone through these processes and at least 96 Boko Haram defectors have been released. The monitoring is not complete. Often times when they leave the rehabilitation facilities they do face ostracism and sometimes are run out of their communities. That significantly compromises their ability for livelihoods and for meaning, peaceful integration into society. But nonetheless, there has not been widespread killing of those who have been labeled who are seen as associated with Al-Shabaab.

MR. SIGNÉ: Vanda, what are the critical differences between Nigeria and Somalia?

MS. FELBAB-BROWN: I'm sorry, what are the?

MR. SIGNÉ: The critical differences?

MS. FELBAB-BROWN: Well, I would say that one of the important differences is what I want to highlight next, which is the counterinsurgency approach of the Nigerian military. That's been extraordinarily brutal and rife with many extrajudicial killings, torture, civil rights violations. The Somalia forces are not nice. They have committed similar abuses, as did various militias in Somalia. Militias also exist -- the civilian joint task force -- in Nigeria. But there is a crucial problem with counterinsurgency in Nigeria, and that is that because the Nigerian military has lacked real robust capacity to hold clear territories, they have been hauling anyone from so-called liberated areas to detention

camps. So women, children, anyone who has lived there, would be hauled into detention camps where several thousand -- perhaps 20,000 -- who knows, perhaps more people have been languishing often for a number of years, often times in appalling conditions that are not consistent with basic human rights, sometimes subjected to torture. These facilities also provide high chance of radicalization as a result of the abuses they face there.

But critically, anyone who is reported to be placed there, including women, including children who lived under Boko Haram rule is seen by society as Boko Haram and then labeled as a bad person and faces all kind of social ostracism.

So there are many challenges, but one of the most important issues to resolve, is just to stop filling detention centers, filling those centers with people and do screening in the villages in the areas that are liberated. That requires holding capacity for the Nigerian military. They don't have it. There are many challenges, including just a big overstretch of the Nigerian military. Something we can get into.

I want to highlight one aspect -- conscious of the fact that I'm running out of time -- with the leniency program in Nigeria that is called Operation Safe Corridor. The program is designed for low-level male "repentant" Boko Haram defectors. Now, that process then goes through the same exercise like Somalia of assessing whether the person, the male, who leaves through the process is high risk or low risk, even more complex and more opaque and less developed screening process than in Somalia. But the problem is that what does the act of defecting mean? It essentially means that you have to actively run away toward either Nigerian police, the militias, or the military. If you don't run toward them you have not defected. So men who have not had an opportunity to run away, who are simply liberated, will then not be eligible for amnesty or for the leniency process -- it's not amnesty, it's a leniency process -- and hence will be sent to detention for years to come. So very limited, very problematic element.

So expanding that category is fundamental. There are the same set of issues with respect to programming in the facilities in Somalia, in Nigeria, elsewhere in the world. Governments love to send to de-radicalization on the religious reeducation. For many reasons, it is easy to do, it gets imams on the payroll, it increases your patronage network. The provision of other elements, psychosocial help, education, job training, and meaningful jobs afterwards tends to be very underprovided. And, again, the need to work with society, to get society to accept those people is fundamental.

I want to conclude my remarks that for these justice processes to be effective and to help to deep peace in Nigeria, in Somalia, it is really important to expand them beyond the Jihadist and subject other war actors to them as well. There needs to be no impunity for the militaries, for the militias who work with the militaries. They cannot get away with massive human rights violations. But, equally, there needs to be demobilization processes, leniency processes, for militia members, whether in Somalia, clan militias, or actors such as the civilian joint task force in Nigeria. Very complicated; unlikely to happen soon, especially as we are heading into presidential elections in Nigeria, but fundamental for deep peace to be achieved.

Both reports have many detailed policy recommendations. They also get in great detail into various technical and political aspects of the processes. And I am happy to take more detailed questions in the Q&A.

MR. SIGNÉ: Thank you very much, Vanda, for this brilliant presentation.

Now, Lana, can you discuss Cale and Vanda's presentations and compare them with your own experience and research?

MS. BAYDAS: Thank you very much for having me here and thanks, Vanda, and colleagues from Brookings for inviting me to discuss and to be on this panel to look at this report. And congratulations on these important case studies. To have evidence

based in depth analysis of understanding of the effectiveness of the processes undertaking on the ground and addressing the integration and the de-radicalization, as well as how to end these vicious cycles of radicalization and going back into the lapsing of violence.

I would like to shift the focus to more on how the global dynamics at the international level regarding the counterterrorism and violent extremism, how it's been discussed at the global level and how it's placed down at the national level and in countries. And this is because that's what has been discussed in the case study of Iraq, as well as Nigeria and Somalia, when we see that when governments are pushed and pressured to counter terrorism and violent extremism without being supported with a number of tools, of how to do it while respecting human rights, which is a key issue in terms of -- although it's not the issue, but it is part of not addressing the human rights grievances and abusing, will lead to violent relapses.

So the international community has engaged for decades, though intensified after 9/11, in developing a raft of conventions, resolutions, strategies, to counter terrorism, combat violent extremism, and recently made the shift to really prevent violent extremism, and looking into similar processes of addressing human rights abuses and grievances and other root causes to really end the resort to violence.

These global documents, developed under the auspices of the United Nations, imposed legally binding obligations on all UN member states to, among other things, enhance legislation, strengthen border controls, and increase international cooperation. In response to these resolutions, governments have undertaken a number of actions to combat terrorism, fearing or risking the withdrawal of financial and military support and sanction if they haven't don't so. And at the same time there was a quiet reminder for governments, and soft reminder that any measures taken to combat terrorism should comply with their responsibility under international human rights law and refugee

law, as well as international humanitarian law.

But there is an enormous disconnect between these obligations and the reality on the ground, as shown in these case studies. This is because of the inability of the international community, until today, to reconcile its commitment to human rights and today's security challenges at the global level conversation. And this is manifested in the following: the lack of common definition and understanding what constitutes an act of terrorism and what is violent extremism at the international level is at the heart of why counterterrorism measures can lead to a roll back on freedoms and human rights more broadly. As I just mentioned, the UN has issued the series of binding resolutions that require UN member countries to criminalize an area of potentially terrorist activity, but that largely failed to describe what is a terrorist act. And this is translated in -- as you just mentioned -- of a broad and loose and vague counterterrorism laws that could use to designate individual or a group as terrorists simply because they don't subscribe to the government's policy or they are political opponents, which creates tension within a society because human rights defenders could be labeled as terrorists because of the broad categorization. The term "terrorist" and "extremist" is increasingly defined in many countries as those who simply dissent, those who disagree, those who offer oppositional views, and to some extent for civil society actors who are supporting the processes of the radicalizations.

The other that is as well mentioned is the option of the militarized securitized option continues to dominate member countries' response to violent extremism. And this has been pushed at the global level. While combating the directing threat of violent extremist remains critical to prevent widespread death and destruction, military and heavy-handed operation and isolation do not end terrorist movement, and that is as well shown in these case studies. And that government cannot prevent radicalization

recruitment to terrorist organizations or build community resilience to violent extremism. There was a 2017 study done by UNDP, Journey to Extremism, stating militarized response to violent extremism have only served to deepen longstanding mistrust, alienation, as well as marginalization of many people around the globe. And that has contributed to attacks in places as diverse as Belgium, France, Iraq, Mali, Nigeria, and Tunisia. As well, in the global terrorism index of 2017 it shows when government undertake, like been an increase in the political terror, there is an increase in the cases of terrorist attacks.

Efforts to hold extremists accountable for their crimes, as shown in the case studies, as well as responses to the phenomena of foreign fighter, ignore human rights standards and principles. I would give the example of the UN Security Council Resolution 2379, adopted in 2017. The Resolution calls on the international community to support Iraqi efforts to hold ISIS accountable for atrocities committed by its members. The result is, as Cale mentioned, that the Iraqi government and the Kurdish regional government start to rapidly prosecute all of these suspects on charges brought under counterterrorism laws, vague counterterrorism laws, and courts, primarily on charges of membership in ISIS without any distinction made for their roles, been active, not active, being with a mere survival mechanism, or severity of the charges brought against suspects. Similarly to what's been mentioned in Vanda's case study, women and children of ISIS members who are victims of their spouse and parent decision to stay under the rule of ISIS are detained and jailed for a long time without any respect for their human rights.

The Iraqi KRG judiciary have failed, on the other hand, to address abuses committed by the Iraqi and KRG forces in their war on terror. This partial and selective justice creates a new layer of grievances and poses a problem of accountability and for broader reconciliation within the country.

This leads me to my final point, which is the adoption of repressive measures to close civic space and silent dissent voices in the name of national security and combating terrorism. As you mention, a lot of in country work, important role in preventing violent extremism and radicalization have been taken by civil society actors. They contribute in addressing grievances, conditions conducive to spread of terrorism. In many cases and situations they have developed and promoted civic education in schools, provided socioeconomic intervention that teaches marginalized youth to manage their feelings of injustice, create a platform for dialogue, and help to reintegrate former young members of extremist groups within their community. In spite of the importance of these contributions, which are widely acknowledged and well recognized, governments have often used counterterrorism to crack down on civil society actors, limit their activity and operations, curtailing space for civic participation, hampering as a result any trust building and reconciliation efforts at the local level.

The lack of meaningful engagement with civil society actors is also witnessed in international fora and platform. Many member states place onerous obstacles to the participation of civil society actors in the conversation on counterterrorism at the global level, as demonstrated in recent high level counterterrorism conference. Invoking the economic and social council rules, the accreditation issue, civil society actors are granted limited ad hoc and reluctant access to participate in shaping the counterterrorism PVE policies and to voice government actions when it comes to the implementation of counterterrorism strategies and their effectiveness. So a lot of civil society has been -- their voices were not given any audience, they do not have any access to the review mechanism within the global system.

Recently it was announced that the civil society unit within the UN Office of Counterterrorism would be created, which would be dedicated to strengthening the

engagement between civil society and the UN counterterrorism structure, which civil society actors will be invited to be part of this meaningful engagement. And how meaningful the engagement will be is still remains to be seen.

Let me conclude here by saying mounting evidence proves that counterterrorism efforts that deny the existence of pull and push forces, including addressing human rights abuses and grievances, are likely to fail. Transitional justice processes, combined with accountability processes, as shown in this report, offers a suitable mechanism that can encompass the whole society. And this is an important aspect where we look at the whole active role for all society to address the root causes and mitigate a violent relapse.

But most importantly, it is necessary for the international community to reengage in a meaningful discussion on how to strike the right balance between countering terrorism and protecting human rights. Only then it will transfer respect for human rights from a mere rhetoric into a security imperative at the national level.

Thank you.

MR. SIGNÉ: Thank you very much, Lana, for the great presentation. Perhaps before opening the floor to the audience I have a question for all of you. Despite a few successes, why are most countries in the Middle East and Africa failing to successfully implement reasonable policies, meaning less heavy handed, one, and how to bridge the gap so that the innovative policy option that you are providing are successfully implemented?

So, can we start with Vanda?

MS. FELBAB-BROWN: Well, thank you. I will say, Landry, that there is progress. You know, the program in Somalia has evolved since 2011 and there are major challenges that continue not to be a legal framework. Somalia's legal framework is

outdated, the processes are very opaque and not transparent on the entry side particularly. But nonetheless, compared to what they looked like in 2014-2015, there is real progress. Those who are judged low risk actually get out of the rehabilitation facilities, which at one point had very strong overlap with detention.

In Nigeria as well, a lot of problems to be tackled, but the fact that operation Safe Corridor exists gives at least someone a chance to get out. The fact that there is a similar program for low risk women and children is better than having those people who should have never been put in detention in the first place languish in detention and horrific conditions, often for a long time. So both the recognition in those societies and work of the international communities have been very important in nudging the process further.

Another example is Kenya, which after the Westgate attack adopted very repressive, very counterproductive measures toward Somali communities, both Somali refugees in Kenya and Kenyan Somalis, and those policies have contributed to radicalization and as well as given rise to widespread human rights violations and marginalizations. But they have been to a great extent moderated and there is much improvement in Kenyan policy over the past two years, over the past year in particular. And just a few days ago the government of Kenya announced an amnesty for Kenyan citizens who have gone to fight in Somalia under Al-Shabaab. Now, the amnesty is very vague, there are many issues with it. All the same challenges that Nigeria and Somalia face, the Kenyan government faces in the way the declaration was issued, but there is at least some recognition that it cannot just be about blanket repression.

And I would also say that Nigeria has learned from its amnesty deal with MEND, with the insurgency in southern Nigeria, in the Niger Delta, that fought the Nigerian government for a long time, that deal with the MEND will serve essentially blanket amnesty

underpinned by financial payoffs to top MEND leadership and produce a very problematic deal that has not resulted in systematic peace, that has produced many negative side effects, and soured Nigerian society on leniency. And so they have been learning from the opposite too much of ignoring of victims' rights, too much of simply structuring deals as narrow political payoffs that don't get at root causes, that don't address the socioeconomic grievances, the political exclusion grievances that simply buy off the top leadership. Such deals are bad, we don't advocate them in the reports, and they should not be adopted.

I want to hone in one point, Lana, that you brought. And that is the issue of international support and international guidance. The international community has made great progress in trying to limit highly problematic, dangerous terrorism financing. But the flip side of many of these policies are now policies that are too blanket, too sweeping in defining material support provisions for terrorists groups and that, in fact, limit international governments. A lot of these programs in Somalia, in Nigeria, very good, very important programs, exist because the international community, because the United Nations, the United States, UK, other governments have engaged with those governments and worked very hard with them. But those very same governments, including our own, are enormously constrained by the counterterrorism financing laws, down to the point that to the extent that any U.S. money is given to a facility that serves to rehabilitate women and children who lived under Boko Haram rule, they have to make sure that the toy that is in the facility is not removed from the facility, so it would not be judged as material support to terrorists. And I'm not talking about a toy gun, I'm talking about a toy teddy bear.

So we really need to think about how laws that were designed to limit the financing and the entry into terrorism now enhance or in fact contradict bringing people out of terrorism and bringing those accused of associations, very broadly defined associations.

MR. SIGNÉ: Great point, Vanda. Perhaps you can elaborate more with

other questions. I wanted to give the opportunity to Cale to provide an answer to the question.

MS. SALIH: Sure. Just briefly, I would say why has there not been more progress in Iraq? First, it's the scale of the challenge. So, like I was saying before, I mean you really have European states struggling with the justice question for a few hundred foreign fighters that are returning. And so when you think about that, I mean the scale of the challenge in a place like Iraq is overwhelming. So I think that's the main reason.

But you also I think in the Iraq case have less progress than in the African cases that we did in terms of exploring leniency options. I think this is an interesting question why. Certainly nationally there is a lot of hatred and resentment for what the Islamic State did in Iraq, there is a desire to punish, there is a lot of feelings of retribution. And to some extent the punishment of IS members has become sort of politically popular even. Kind of speeding up death sentences for IS members is something that sometimes appears to gain people political brownie points. So that's also a problem.

But going back to the global level, I mean I also think that this international push has been very strong in the Iraq case. There has been the UN Security Council Resolution that Lana mentioned on the investigative body, which I totally agree has ignored accountability for other forces, for crimes committed by -- whether it's Iraqi forces or the popular mobilization units or the Peshmerga, while really putting the spotlight on ISIS crimes and exceptionalizing ISIS crimes. And I think there's this tendency to exceptionalize people affiliated with Jihadist groups and the crimes that they commit as something that needs to be dealt with through exceptional means.

There is also, if you look at some UN Security Council Resolutions, you see the difference in the international community's approach toward Jihadist groups in the Middle East versus in Africa. So, for instance, there's a Security Council Resolution that

deals with the Lake Chad Basin, and in reference to Boko Haram it includes language about holding terrorists accountable, but it also includes language about demobilization and de-radicalization, reconciliation, a number of other goals. It lists sort of a laundry list of goals with respect to that group. If you look at UN Security Council resolutions on Iraq, on ISIS in Iraq, you only see language about prosecution, holding them accountable. You don't see language about rehabilitation, disarmament. And why is that? I mean I think that's a question that we need to understand, why these kind of leniency approaches are considered less so or the discourse is less there in the Middle East as compared to our African cases.

MR. SIGNÉ: Fantastic. Do you want to share a few words, Lana?

MS. BAYDAS: Just back to your -- like to answer your question -- and this is from various experiences of mine -- I think the problem as we go into any conflict area and try to do a piecemeal approach and doing an action in silos from other actors on the ground, and I think from the perspective of the region that I have expertise, the Middle East and North Africa, most of the action has been taken looking at one aspect without having a comprehensive robust approach. And most of the actors and the stakeholders, they were doing their actions in silos and none in coordinated and concerted ways. Why this is problematic in approaching and dealing with these crises in the Middle East, I think the most important is first we -- like the region has -- although it is improving, there is a gap on and shortage in terms of respect of human rights. And the institutional capacities are really being depleted by various issues regarding corruption, conflict, and economic situations.

So if we wanted to look for a successful approach to address these issues in the region, we need to have more of a comprehensive approach.

MR. SIGNÉ: Fantastic. Let me now give the floor to the audience. Please wait for the microphone and introduce yourself, your affiliation, and be brief. So, yes, I

have a person there and after that, you.

MR. WEINTRAUB: Thank you. I'm Leon Weintraub, a retired member of the U.S. Foreign Service. Considering recent history in Africa, I wonder if there's been a review of possibly best practices for lessons learned from similar situations in Rwanda Sierra Leone, Liberia, South Africa, other examples. These are now a part of history, some are more successful than others. I wonder if any of the panelists might wish to address that issue?

MR. SIGNÉ: Thank you. We will take three questions.

QUESTIONER: Thank you very much. I'm Maze from the Netherlands. I study just across the street at SAIS. I would like to thank you all for your insightful presentation. And I was curious what you think are concrete measures the UN institutions should and can take to address this problem.

MR. SIGNÉ: Thank you.

MS. PERLMAN: Diane Perلمان, George Mason School for Conflict Analysis and Resolution. Is there any work on processes that would include something like redemption where people can do community service or something, not just whether, you know, high risk, low risk, or to forgive them, but some process they can go through to compensate and get recognized?

MR. SIGNÉ: Thank you. Let's start from you, Cale, and then we'll go.

MS. SALIH: The first and the third question I think I'll kind of take together. If you read the framework paper that we produced, we do draw on a lot of these cases. So we draw on Rwanda, South Africa, various cases where there have been transitional justice processes and alternative accountability processes. So, for instance, community service rather than requiring jail terms for people who qualify for conditional amnesties. And I think there is a lot we can learn from those cases and I think often those cases are thought to be

not necessarily applicable to the kinds of conflicts we're looking at with Boko Haram and ISIS because, again, there's this tendency to exceptionalize these groups. And so there's a missed opportunity there in terms of drawing lessons from other conflict settings, Colombia, et cetera, and seeing how they might apply to these conflicts. But we do try to address that in the framework paper.

And, for instance, just to give an example, I mean in Rwanda there was an attempt to use international and national courts and traditional justice mechanisms. And this is something that I think is super relevant for our case studies because -- we didn't have time to go into this too much -- but in particular in Somalia and in Iraq you do have these tradition based justice processes, whether it's tribal justice in Iraq or clan based justice in Somalia at play. And there's a huge question around how you can mix these justice processes and whether they can complement the formal justice sector or do they undermine the formal justice sector. And so we can look to cases like Rwanda and I think learn lessons from that.

So on the final question on what should the UN do and other international institutions, the UN is involved in a number of these cases, so, Vanda, will speak I'm sure to the Somalia case where they're most involved in this process. The UN in Iraq is involved in particular, UNDP is involved in stabilization in post ISIS areas. I think what will be important is for the UN also to understand the political dimension of stabilization. And so stabilization is often thought of as creating the conditions for populations to return, for displaced populations to return to their communities. But we have to think about this much more broadly then, you know, creating the infrastructure for people to return. But it's also about the politics at the heart of this. So how do you facilitate agreements, for instance, among tribes to allow the family members of people who are accused of ISIS affiliation to return, and do you facilitate dialogues, and things like that with different community leaders.

Because that's also part of stabilization.

So I think that's somewhere where the UN can indeed play a role.

MR. SIGNÉ: Fantastic. Yes, Vanda?

MS. FELBAB-BROWN: I would just add to the issue of review that it's not simply reviewed in our paper. The knowledge is there among people who are on the ground and operate those programs, who are the international supporters, advisors. That is particularly pronounced in Somalia, including because in Somalia it was very much the work of the United Nations that got many of the improvements. (Inaudible) is running significant improvements. It was really deep unique involvement of the UN that led to substantial improvements. And I say unique because in other countries that might be more difficult. It's been far more difficult for the UN to have that same level of engagement with the Nigerian government. The Nigerian government seems itself as not being in need of such help. And in fact there it was really the work of the U.S. government that was very important in getting those programs running, improving them, trying to scale them up, and pushing against many of the undesirable processes.

I do in both the Somalia and the Nigeria case look at the traditional justice mechanism. They are surprisingly weak and often not seen as viable in the Nigerian case. They are often rejected by a whole set of actors. That may not be quite -- the reality might not be as strong as the perception, but this is the perception. Nonetheless, there are very useful civil society reconciliation processes in Nigeria. They are not traditional, they don't involve necessarily the Bulama and the other chiefs. They might involve them, but they are not run by them. They have produced some of the best results.

So let me just highlight one effort by one NGO that has taken on the case of the widows and wives of Boko Haram who are despised and rejected by Nigerian society. Often they cannot return to their communities. So this one NGO decided to do a

school for children of Boko Haram ex members or members and for women who were forced to marry Boko Haram, Muslim women who were forced to marry Boko Haram. And they designed the program in a way that the program had equal number of wives and widows of the militia, the CJTF, of government soldiers from the area, and of Boko Haram wives and widows. And it led to only significant economic empowerment of those women compared to their condition before. It also produced the most tangible reconciliation in a particular part of Maiduguri.

In the case of Somalia, there is here the traditional clan justice system. I say "the" traditional. In fact there are multiple processes that vary by plan. These are not static, they evolve. They are not uniform. These processes have allowed for the reintegration of male defectors from Al-Shabaab, but there is close to no transparency monitoring any systematic record or evaluations. Often times these take place without anyone in the international community or Somali government knowing about them, partially because the security situation is so very difficult that international observers, researchers, or even Somalis don't get into those areas. But it would be very important to start having a look at how those processes have worked for male defectors. Have they faced attacks by Shabaab?

And one of the things that we haven't said that we must say is that if you are a defector, or even if you are someone who lived under Al-Shabaab rules and you have now come out, there's a high chance that Shabaab will go after you and try to kill you. Similarly with Boko Haram. And the militias might want to kill you because they see you as still a perpetrator.

So there are many challenges, many fundamental security challenges that people who avail themselves of these processes face. They can be killed by very many actors. So looking at what has happened with those clan processes is one.

But I am quite concerned about relying on them too much with respect to women, because the (inaudible) system under the best of circumstances doesn't give any voice to women, women can only appear in it through a male representative. If you are an ex Shabaab widow or a former wife, who is your male representative to represent you? Perhaps father, perhaps brother, maybe no one. And the (inaudible) system also systematically discriminates against minority clans. So this process might be useful for an additional support, additional engagement of community, but we need to recognize its limitations and not oversell it either.

MR. SIGNÉ: Thank you. Lana?

MS. BAYDAS: Yes. Just quickly on the question regarding what can the UN do. It has been a lot of improvement in terms of how the UN approaches the issues of violent extremism and how to -- the radicalization of processes of DDR and all these programs. However, it's more needed to look at more closer look about evaluation and monitoring of the effectiveness of these programs and not only to do -- they're doing it -- I'm not saying -- this is not to say that on the contrary it's been done extensively, however, how to inform the changes of and how to shape the programs for better effectiveness. The two-way communication between what's happening on the ground and the reality of the ground have been informing the shaping of these programs at the global level. This should be strengthened.

MR. SIGNÉ: Thank you. You had a question here?

MR. OWEN: Thanks very much for the presentations. I'm Dan Owen from the World Bank. And I would be interested to hear more about this issue of the complementarities of correspondence with DDR programs and transitional justice tools, what's emerged from the case studies.

MR. SIGNÉ: Excellent. Here please.

MS. ROBERTS: Thank you very much for the presentations. I'm Janelle Roberts with the Simon-Skjodt Center For The Prevention Of Genocide. This question really is for Cale. I'm wondering if the case study on Iraq goes into more detail or recommendations about how to go about prioritizing prosecutorial cases. I know there's been quite a bit of discussion about reforms that could be made to make sure that the Iraqi justice system takes into account, or even has terminology around atrocity crimes or crimes against humanity. So I wonder if you could speak to that a little bit more.

MR. SIGNÉ: This is the final round of questions, so if you really have burning questions I will take a few more. Yes, here.

QUESTIONER: Hello. My name is (inaudible) and I am in the (inaudible) Shabaab. And Somali civil war -- before Al-Shabaab Somali had a terrible civil war where some clans oppressed the other. And that largely Al-Shabaab militia came from those ethnic groups who perceived injustice in the hand of other Somalis. And today you have a lot of those war lords who are in the government who are acting as, you know -- doing a lot of counterterrorism work.

So how can they communicate, communities who see their past oppressors today acting as a government official? Do you think there is a miscommunication? And how can the traditional government take that issue, address that issue?

MR. SIGNÉ: Yes, give the microphone to the guy just behind you.

MR. HOSLER: Hello. Nathan Hosler with the Church of the Brethren, Office of Peace Building policy. A few of your responses or questions got at this little bit, but I'd be interested to hear how these processes -- or particularly in relation to governments' justice processes to relate to religious communities, both as communities that participate in religious identities, which in many cases exacerbate these conflicts, but then

also provide deeply rooted community based organizations or structures that could be utilized in returning citizens or also in some cases ostracizing those returning.

MR. SIGNÉ: The final two questions, the lady and then the man at the end. Go to the man at the end please.

MR. FAGAN: Hello. Kevin Fagan. I'm an alum of Western Michigan University, among other places, as well as the Salzburg Mozarteum in Austria. I'm wondering, members of the security forces are obviously in a privileged position relative to civilians, and so theoretically, if there is person A, who is a member of the security forces and gets a paycheck and has a credential, and person B is a civilian and has no government employment affiliation, and both of those people have an equal level of interaction with alleged Jihadist groups, what's to be done to -- obviously the member of the security forces is in a better legal and sociological and power position than the nonmember. So what can be done to address that discrepancy?

QUESTIONER: Good morning. My name is Farah Joy; I'm a human rights lawyer based in Zimbabwe. I'd like to know the extent to which the counterterrorism laws, particularly Nigeria, how they synchronize with other laws of general application, like that affect child marriage and marriage rape laws. And whether if these were synchronized or not, the imprint that that would have in reducing violence, particularly against women.

MR. SIGNÉ: Thank you very much. I will give the final words -- you have about a minute, so pick your -- can you give them a couple of minutes also? Okay, please speak a couple of questions and give your concluding remark.

And we'll start with you.

MS. SALIH: Okay. I'll try to tackle a couple of these. On the Iraq specific question, how to go about prioritizing cases, what's being prioritized now in Iraq is ISIS crimes. I mean that's very clear. And this is what we were saying about with the

investigative body of the UN. And I think there's a number of different ways to prioritize cases. And we can also look at lessons from around the world that have had to prioritize cases. In Iraq's case, the first and most obvious one I think would be where people have joined under survival driven conditions or coercive conditions, and where people have committed non violent crimes. Meaning to not prioritize those cases. I think that's the most obvious sort of place to draw the threshold. But then it really depends on how much Iraqi society is willing to accept in terms of where you draw that threshold. But I think that's kind of an obvious threshold to draw.

And in terms of the capacity of the Iraqi State to address atrocity crimes, this is somewhere that I think the UN investigative body can be helpful. And so this goes back to the question of what the UN can do, because part of their mandate -- I mean although there are a lot of problems with that body, including the fact that it's selective justice. Not only that, there is also a problem that the death penalty is very widely used in Iraq for terrorism cases and so you can't have a UN body providing evidence that could potentially be used in trials that result in the death penalty because obviously with the UN that wouldn't be acceptable. So there's a huge question around that and how they're going to get around that.

But one part of their mandate that I think is the most important part of their mandate is capacity building. So with respect to that I think they can help Iraq address atrocity crimes.

Maybe just briefly on the difference between -- sort of the power disparities between security forces and sort of locals who joined Jihadist groups, this is not unique to any of our case studies. I mean even in the United States this is an issue. So in terms of members of the armed forces sometimes escaping or being less subject to judicial proceedings for things that have been done in conflict settings. But it's certainly a problem

in all -- I think I can say at least certainly in Iraq. I don't think it's solvable. I don't think you'll ever have the popular mobilization units, which are largely -- or the Peshmerga, who were crucial forces in retaking territory from ISIS and are more largely seen as heroes in society as opposed to people affiliated with ISIS who are more widely stigmatized. I don't think that's solvable and I don't think they'll ever be treated the same.

But it is important to establish some kind of consistency in treatment, at least with respect to serious crimes, which have been committed on all sides, and to ensure that various security forces, various members of different armed groups are held accountable for violations of international human rights laws.

On complementarity of transitional justice and DDR, maybe I'll leave that to Vanda, because I think in the Somalia we really see this interesting question of how the lack of clear amnesty or clear sort of conditions and requirements and the legal effect of amnesty pronouncements can play into DDR processes. But I'll leave that to you, Vanda.

MS. FELBAB-BROWN: Well, let me start with that. Indeed, both in Somalia and the Nigeria case, what has emerged as these programs, such as Operation Safe Corridor, the programs for the low risk defectors, really was informed and built around standard DDR practices with the middle D being replaced from demobilization now to de-radicalization.

And it was a complicated, sometimes back and forth process of achieving the level of lessons and level of structures and processes that is there right now. But it was a very useful one because it emerged really out of need and recognizing that simply saying, you know, you now can come back, you're pardoned, doesn't really work that way in practice. And the only mechanism that could kick in place at that point was DDR practices and lessons. The UN itself doesn't call those processes DDR, it calls them DDR-like processes to distinguish some of the sensitivities. But they have really shaped the practical

operationalization of these programs and also their international legal standing, because in the absence of them government might face legal problems simply deciding to say, okay, amnesty without any kind of processes.

But the reports in both Nigeria and Somalia detailed them very much, the various elements of the DDR from the reception from the running away act through leaving people and reintegrating them to their communities.

You know, I'll bunch the other questions together just to say that I believe that these processes will not be effective whether they are military responses that are often times needed. The Boko Haram insurgency and Al-Shabaab required a military response; however its misapplication has generated great problems and has become counterproductive.

They are needed, but equally the amnesty processes will not be effective if they are applied simply to those accused of being associated with the insurgency. The militias need to be subject to prosecution for rapes, murders, land theft, torching down villages -- as has happened across the cases. So do the military forces.

That is very difficult. These voices are powerful, it's not popular, the militias like the CJTF are often seen as heroes, but they have committed also terrible atrocities and their role is very difficult. So the societies will only achieve peace if they do reckoning with the so-called heroes as well.

And that might not mean that people will go to prison, but at minimum it might mean that they have to disclose the crimes, that they have to go through some kind of community acknowledgement of what they have done other than simply rolled out the red carpet and allowed to run for a very powerful political position.

MR. SIGNÉ: Thank you, Vanda.

MS. BAYDAS: I would just build on what Vanda just said. It's just like we

need to think of a whole process not just looking at the military option as needed definitely in certain situations, but it should not be not accompanied by a process that will address any grievances and what will be the outcome of the military option.

And to go and implement or apply selective or flawed justice and accountability structure, that will end and address the problem and the root causes of why we have this situation in the first place.

Thank you.

MR. SIGNÉ: This concludes our session. Thank you very much to our distinguished panelists, to the audience, and please give a round of applause.

(Applause)

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