

Course Syllabus

Justice for Child Soldiers

Children in armed conflict and responses to terrorism-related crimes committed by children.

May 2020
Wayamo Foundation

Course Description and Background

Owing to the current coronavirus crisis, Wayamo will be unable to conduct live training sessions in Nigeria for at least the next two months. However, rather than call a halt to our activities, we have decided to develop online tools to ensure that our programming can continue.

Our partners in Nigeria have all shown interest in the opportunity to continue engaging with Wayamo and its roster of trainers. The conflict in north-eastern Nigeria – with its human rights violations and atrocities - has not stopped with the onset of the pandemic. We therefore felt it was important that our programming didn't stop either and that we adapted to the circumstances.

Our plan is to start online programming in May with the launch of a pilot two-month course. It includes approximately six experts as our teaching staff, along with the prosecutors of the Complex Case Group and a group of military lawyers as participants.

We are fully aware that internet connections and personal schedules pose a real challenge for course participants. We have therefore made the course as flexible as possible. We appreciate that many would rather use smartphones to follow the lectures, so we will support course participants with additional airtime. To this end, our local coordinator, Femi Adesola, will get in touch with the participants to arrange the distribution of airtime. Where local internet connections and laptops are available, this would doubtless improve the quality of our transmissions and live sessions, but we realise that this may not always be feasible.

The importance of live face-to-face interaction is undeniable, and we are therefore exploring ways of holding a live video session after each expert has delivered his/her pre-recorded 15-minute lectures. The idea is to have something that looks and feels more like a regular Q&A session in which the expert will deal with your concerns and queries in real time.

Course Topics

The following areas have been marked out, in response to your feedback and perceived needs, as you tackle the very real problems now besetting Nigeria:

- 1) International legal standards for children's rights:
 - The evolution of the law prohibiting the conscription and use of children in armed conflict.
 - How to charge the conscription and use of children in armed conflict.
 - Juvenile justice in a counter-terrorism context.
- 2) Review of Nigerian legislation and counter-terrorism laws: are they in line with international standards regarding children's rights and juvenile justice?

- 3) Prosecution of children accused of committing violent criminal acts, in accordance with international juvenile justice standards:
 - Prosecutorial discretion in child soldier cases and sentencing guidelines.
 - When to detain, when to send to rehabilitation?
 - When is prosecution of children for criminal acts in armed conflict appropriate?
 - How can the rights of the child soldier be upheld in terrorism-related cases? What are the necessary safeguards for ensuring that fundamental rights are respected?
- 4) Child terror suspects and child soldiers: victims, perpetrators or both?
 - Bringing prosecutions against perpetrators who have previously been victims of coercion.
 - What should guide proportional sentencing in such cases? What are the mitigating factors?
 - How should this shape a prosecution strategy?
 - How can the decision to prosecute or not prosecute former child soldiers be communicated in order to achieve criminal justice goals, including deterrence?
- 5) Non-judicial measures as alternatives to prosecution and detention: from diversion to rehabilitation and reintegration.
- 6) Arrest, screening and detention of children in a non-international armed conflict like in Nigeria.
 - Special procedures for investigating a terrorism case involving a child.
 - Child-sensitive interviewing techniques.
- 7) Recruitment or conscription of children under 15: the child soldier phenomenon is not only to be found in the Boko Haram ranks, but also amongst the Civilian Joint Task Force (CJTF). The Office of the Prosecutor of the ICC considers the CJTF to be a part of the Security Forces for at least part of the period under their preliminary examination.

What needs to be done to stop the conscription and use of child soldiers by all actors in Nigeria?

- 8) Recommendations / good practices for juvenile justice in a counter-terrorism context.

NB: Rather than take each issue in turn, each of the lecturers will be addressing one or more of the above topic areas from his/her own specialised angle, be it as a practitioner, legal and

human rights researcher and trainer, etc. In this way we hope to ensure that you as participants are able, not merely to share their insights, but more importantly to get to see and appreciate the bigger picture.

Course duration

8-12 weeks.

Course location

Worldwide. The course will be coordinated through a dedicated, course-specific WhatsApp group in which course materials will be shared and discussed. Live sessions will take place on Zoom.

Course materials

All participants require an internet-enabled smartphone or laptop with WhatsApp and Zoom installed. Participants can follow these links to download Zoom on [laptop or desktop computers](#) or their [Apple](#) or [Android](#) smartphones. A reading list is provided below.

Assistance

Wayamo will help all participants install the necessary apps on their computers or phones if needed. Wayamo will also provide participants with airtime to be able to view video lectures and participate in live sessions on Zoom without incurring extra costs.

Course format

The course will consist of a series of short video lectures (15-20 minutes), sent to the participants in the WhatsApp group. The videos will be shared, along with other course materials such as handouts, presentations and links to relevant materials. There will normally be one or two lectures each week. The course will also include live Zoom-based sessions with Wayamo's international and regional experts. A live Zoom session, lasting no more than one hour, will take place roughly every two weeks at a scheduled time.

Course work

Participants will be expected to watch the video lectures, and to contribute questions and comments via the course WhatsApp group. These questions and comments will then be forwarded to the relevant lecturers, who will address and respond to these in the live session. Course participants are thus asked to participate in the live video sessions on Zoom.

Three-day retreat

Once the online course has been concluded and face-to-face meetings are again permitted, participants who have actively participated by contributing comments and questions and who

have been present during the live sessions will be invited to attend a three-day retreat at a venue outside Abuja, to enhance their knowledge of child-soldier-related issues and to meet some of the experts in person.

Course certificate

Participants will receive an official Wayamo course certificate stating that they have successfully attended both the online course and the retreat workshop.

Contact information

Bettina Ambach, Director, Wayamo Foundation: bettina.ambach@wayamo.com
Mark Kersten, Senior Researcher, Wayamo Foundation: mark.s.kersten@gmail.com
Kris Kotarski, Communications and Special Projects: kotarski@wayamo.com

Recommended Readings

Legal Texts and Reports

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2002,
<https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the “Paris Principles”), 2007,
<https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>

Neuchatel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context, 2016 <https://theijj.org/wp-content/uploads/English-Neucha--tel-Memorandum-on-Juvenile-Justice.pdf>

UNODC, Justice for children in the context of counter-terrorism manual, 2019,
<https://digitallibrary.un.org/record/3825844?ln=en>

Crown Prosecution Services, UK, Youth Offenders: Legal Guidance, Youth Crime
<https://www.cps.gov.uk/legal-guidance/youth-offenders>

Crown Prosecution Services, UK, Youth Crime, <https://www.cps.gov.uk/youth-crime>

Council of Europe Convention on Action against Trafficking in Human Beings, 2005,
<https://rm.coe.int/168008371d>

Civil Society Reports

Child Soldiers Initiative, <https://www.childsoldiers.org/the-issue/>

Human Rights Watch, “They Didn’t Know if I Was Alive or Dead” Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria, 2019:
<https://www.hrw.org/report/2019/09/10/they-didnt-know-if-i-was-alive-or-dead/military-detention-children-suspected-boko>

Child Soldiers: Criminals of Victims, Amnesty International, 2000,
<https://www.amnesty.org/download/Documents/140000/ior500022000en.pdf>

Blogs and Articles

Various articles available at: The Dominic Ongwen Trial and the Prosecution of Child Soldiers – A Justice in Conflict Symposium
<https://justiceinconflict.org/2016/04/11/the-dominic-ongwen-trial-and-the-prosecution-of-child-soldiers-a-jic-symposium/>

Lecture: “Reimagining Child Soldiers in International Law and Policy.” by Mark Drumbl
https://www.youtube.com/watch?v=BFb8s8sfQ_M

Mark Drumbl, The truth about child soldiers,
<https://www.cnn.com/2015/03/19/opinions/drumbl-child-soldiers-challenges/index.html>

International Criminal Court Decisions

Document on Charges, https://www.icc-cpi.int/RelatedRecords/CR2015_01030.PDF

Decision on the confirmation of charges against Dominic Ongwen, 2016, https://www.icc-cpi.int/CourtRecords/CR2016_02331.PDF