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INTERNATIONAL CRIMINAL LAW AND THE BOKO HARAM INSURGENCY: THE DUAL STATUS OF FEMALE SUICIDE BOMBERS

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ABSTRACT

Caught between fear and blame, the women used as suicide bombers by Boko Haram raise some of the most painful questions in international criminal law. This article explores their dual status as both victims and perpetrators in the Boko Haram insurgency. It first places Boko Haram's actions—mass abductions, repeated suicide attacks, and targeted assaults on schools, especially girls' schools—within the legal framework of crimes against humanity under the Rome Statute. The article then examines how Boko Haram's gendered beliefs and discriminatory practices turn women and girls into tools of war. It shows how forced recruitment, sexual violence, and the use of female person-borne improvised explosive devices (PBIEDs) amount to gender-based persecution and serious violations of basic human rights. Using case law from the ICC and earlier international tribunals, it analyses key issues of agency, coercion, and responsibility, and explains how extreme pressure and threats can weaken or remove the required intent (mens rea) for international crimes. Finally, the article considers Nigeria's duties as a State Party to the Rome Statute and reviews the proposed Crime against Humanity, War Crimes, Genocide and Related Offences Bill. It recommends clearer rules for deradicalization centres, gender-sensitive rehabilitation programmes, wider access to reparations, and specialist training for judges, prosecutors, and security forces. Overall, the article argues that any fair response must recognise the complex position of female PBIEDs as both harmed and harming, while still promoting accountability, gender justice, and safe reintegration into society.

Keywords: *Boko Haram, Female suicide bombers (FSB) / PBIEDs, International criminal law (ICL), Crimes against humanity, Gender-based persecution*

INTRODUCTION

Daily growing information on abuses of fundamental rights comes out as a result of the reports of non-governmental organizations (NGOs) and the interviews with women freed from the captivity of Boko Haram. It has been shown that these ladies were placed in perilous situations and then recruited as suicide bombers and operators of person-borne improvised explosive devices (PBIEDs). Women, who have been kidnapped or forced, are forced to commit suicide by strapping explosives to their bodies and detonating them in places considered to be occupied by "disbelievers." Employing Female Suicide Bombers (FSB) is against the law. Members of the FSB can still be regarded as criminals during operations because of their help

to Boko Haram to attain its goal of creating an Islamic State in the North of Nigeria. Concerns are raised regarding crimes against humanity when suicide bombings are employed as part of broader attacks on people. This leads me to think about the responsibility of the FSB in the context of international criminal law (ICL). Due to the belief of suicide bombers that they would die during their attacks, there will likely be few discussions about their crimes following the blowing up. This makes it harder to seek justice for them (Haider, 2024). A suicide bomber is responsible for several consequences if caught or surrendering before detonation. Are they liable under international law? (Haider, Ali, et al., 2024) What percent of these responsibilities would be delegated to another person? Can they have the requisite "mens rea" to commit a crime? (Ali et al., 2026) Which form of justice will best help ICL to pursue its goals in this situation? (Ali et al., 2025) This paper begins with the idea of the Boko Haram insurrection in Nigeria and considers the process of its operation. Subsequently, it focuses on the use of female suicide bombers by Boko Haram and makes a case against the Organization for crimes against humanity and gender-based discrimination under international criminal law. The study talks about the ongoing negotiations on the Crime against Humanity, War Crimes, Genocide and Related Offences Bill. This legislation attempts to incorporate the provisions of the Rome Statute in a manner that places an emphasis on the FSB's double role as victims and perpetrators during the fight against Boko Haram.

This article aims to examine how Boko Haram's use of female suicide bombers fits within the framework of international criminal law, particularly crimes against humanity and gender-based persecution under the Rome Statute. It seeks to analyze the dual status of female PBIEDs as both victims and perpetrators, focusing on questions of agency, coercion, and criminal responsibility. The article also evaluates Nigeria's obligations as a State Party to the Rome Statute, assesses the proposed Crime against Humanity, War Crimes, Genocide and Related Offences Bill, and proposes legal and policy reforms—such as clearer rules for deradicalization centers, gender-sensitive rehabilitation, expanded reparations, and specialized training for justice and security actors—to ensure accountability, gender justice, and effective reintegration of affected women (Haider, 2025).

2. Contextualizing Gender Violence in the Boko Haram Insurgency:

Boko Haram was created in the country's northeastern region of Nigeria in the early 2000s. The main localities are in Bauchi, Yobe, Kano, and Kaduna states. The gang has been in existence for a while, but on April 14, 2014, they abducted some 270 girls from a boarding school in Chibok, in Borno State, Nigeria. This turned the group into an international celebrity. Prior to the abduction of the Chibok girls, the gang's previous leader, Yusuf Mohammed, reportedly indicated that he and his wing would not stop until they had dismantled the government, exterminated people from other communities, and taken their women. In 2012, the leader of the group, Abubakar Shekau, threatened the Nigerian authorities that there would be retaliation if they captured female members of the Organization. Stating:

"Our brothers are being arrested in jail." They have apprehended, tortured, and subjected them to many sorts of maltreatment. I am talking not just of our religious leader; they have now started the detention of our ladies. So, as you start to abduct our ladies, expect the consequences to your women (Kriel, 2017).

In response to this proclamation, the operations of Boko Haram are being vigilantly watched. Throughout the conflict, the organization has been known for kidnapping women. An examination of the main valuation of regulations of the group, considering their operations and their effect on women. On June 7 and 8, 2014, Boko Haram militants kidnapped no less than 20 young ladies in the northeastern Nigerian town of Grakin Fulani. Chibok, the location from where 276 schoolgirls were abducted in April 2014, is about 8 kilometers outside of the town. This happened after the kidnapping of the Chibok girls. Boko Haram kidnapped the girls from the Government Science and Technical College in Dapchi, Yobe State, on February 19, 2018. Boko Haram's kidnapping of schoolgirls, specifically the

Chibok girls, marks a real paradigm shift in the group's activities: women have become part of the ongoing Boko Haram strategy to kill Western education and establish an Islamic state in Northern Nigeria.

3. Contextualizing Crimes against Humanity in the Boko Haram Insurgency:

Boko Haram, like other rebel groups involved in acts of terrorism, makes use of systematic and tactical methodologies in its course of terror. Boko Haram has declared its goal to establish an Islamic State in the northeastern part of Nigeria and eliminate Western education. The Nigeria-based group makes do with a model similar to a "flipped Robin Hood (JAIN, 2019)" to operate in Northern Cameroon, Niger, and Chad. Boko Haram has become an interesting player in Africa as an organization because of its systematic destruction of infrastructure, such as mobile phone antennae, and extortion of ransom from the families of kidnapped women and children of poor farmers. This is the reason for the financial incapacitation of the underprivileged. Since the first time in December 2010, Boko Haram has gained a reputation for the use of suicide bombers to carry out assaults in highly populated areas. The incidence of these assaults has been greatly increased. Its acts are directed toward a wide range of targets, including private property, government institutions, religious groups and leaders, as well as military personnel. Boko Haram has carried out numerous attacks in Northern Nigeria and neighboring countries, such as Niger, Cameroon, and Chad, since the group's formation, to establish an Islamic state. Between January 2013 and March 2015, there were 356 recorded accidents with 8,000 deaths. The total number of civilian dead since the start of 2017 is 20,000, and the entire numbers are estimated to be more than 100,000 since 2009 (Hoffman, 2024). The rate of injuries and deaths has increased, along with an increased number of Boko Haram victims. These kinds of attacks are typically aimed at persons and are significant in terms of volume and geographic reach; attacks that are referred to as international crimes against humanity.

The Rome Statute provides for an exhaustive definition of "crime against humanity." For activities to be classified as crimes against humanity, the activity must be "widespread or systematic," must be conducted with the aim of a "state or organizational policy," and should be directed against a civilian population. Classifying the actions of Boko Haram as crimes against humanity would provide a causal link between the activities of the organization and the requisite "widespread or systematic attacks against a civilian population" that is executed in accordance with the organization's philosophy (Haider, Ahmad, et al., 2023).

Discovering the organizational philosophy of Boko Haram has been difficult. The commander of the organization, Abu Bakar Shekau, repeatedly and unequivocally made clear in public video communications the group's goal: to carry out major attacks on those considered "disbelievers." The strategy of attacking civilians is demonstrated by the vast number of attacks that were performed against several victims. In which a considerable number of folks are suffering the consequences of the Boko Haram assaults. Boko Haram's attacks are thought to have caused the death of over 2000 people from 2009 to 2016. Of these attacks, 1,089 were striking allegedly at private property or persons. According to the Global Terrorism Database, there were approximately 20,000 people killed as a result (JAIN, 2019); (Haider, Yousaf, et al., 2024).

In Prosecutor v. Jean-Pierre Bemba Gombo, in the case of the International Criminal Court (ICC), the broad geographical scope of an attack may be an indication of its widespread nature. The Boko Haram attack has affected a large area in the North-East of Nigeria, such as Borno, Yobe, Kaduna, Bauchi, Gombe, Kano, Plateau, and Abuja. Crimes against humanity require a purposeful, systematic, and organized pattern of behavior along with widespread infractions. The International Tribunal for the former Yugoslavia ruling on the intentionality of these crimes was a part of the Prosecutor v. Kunarac case. The repetition of similar criminal behaviors is a typical indicator of these systemic occurrences (Haider, Mathlouthi, et al., 2024); (Haider, Ali, et al.,

2023). The civilian population of these villages and towns have suffered a systematic and extensive series of crimes among them, destruction of property and fatalities and enslaving them for their capture. The uniformity of the execution and the repetitiveness of the attacks are the distinctive features of these attacks. Boko Haram kidnapped students and attacked educational facilities targeting the abolition of Western education. The systematic and organized assault on female students in educational institutions in order to destroy education in the West, including the frequent kidnappings and forced evacuation of young girls. According to sources, the attacks on educational institutions by the Boko Haram have resulted in the killing of at least 2,295 academics and the destruction of more than 1,400 schools since the war started (Kriel, 2017). Boko Haram has openly confessed to its involvement in certain incidents as part of a bigger scheme. Boko Haram has succeeded in its policy objectives of cleansing the area from "disbelievers" and establishing an Islamic state in the North of Nigeria. The use of suicide bombers and explosives, particularly by the FSB, is a major and growing threat. This is one of its operating tactics. According to the database on worldwide terrorist attacks, Boko Haram, since 2011, has utilized explosives, dynamite, and grenades to conduct 923 attacks.

4.3 The Crux of Duality; Questions in Agency, Coercion, and Responsibility:

The FSB is involved in the Boko Haram conflict and takes part in criminal activities that it does at the expense of others. The coercion of girls into becoming PBIEDs leads to their exploitation and victimization, as well as giving them a feeling of obligation as active participants in the Boko Haram insurgency (Rogers, 2003). This constitutes a considerable part of duality (Fatima et al., 2025). The essence of duality, in several legal and ethical dilemmas, alongside other concerns of international justice, has hindered the International Criminal Court hearing of Dominic Ongwen. The main issue is the accountability of crimes and the seriousness of international offences committed by victim-perpetrators as stated by the Rome Statute. Mostly, such probes are incomplete. The dual responsibilities of the FSB play a part in the dual problem of gender inequality. The use of FSB and the targeting of suicide bombers based on their gender by Boko Haram is a crime against humanity. Consequently, the FSB is now seen as a victim under the Rome Statute. Undoubtedly, these FSB operatives have committed a crime against humanity against the citizens who have been walloped or are at risk of being walloped because of their actions or the possibility of a detonation of the explosive devices. This case does throw up large questions about justice that are related to accountability and authority (Haider et al., 2025). Discussing the accountability of victim perpetrators that operate under international criminal law, the variables that affect the severity of criminal punishments are complex.

4.4 Victims and International Criminal Law:

The International Criminal Tribunals have been heavily criticized by those who appear to care nothing about the rights and needs of the victims (Haider, Raza, et al., 2023). That the victims take part in the "adversarial process" means their lack of involvement in the train of activities that perpetuate victimization, that is, their lack of power, lack of voice, and degradation as they are, intensifying their anguish. Some persons have claimed that the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have failed to increase people's access to their cases. Consequently, the Rome Statute was amended to include articles 68, 75, and 79 in order to increase the visibility of victims of international crimes in the procedures of the ICC. Bassiouni explains this concept as one that victims of international crimes should be recognized as distinct entities recognized under international law (Johnson, 2021). The International Criminal Court (ICC) extended the term of "victim" in criminal procedure to include the concept of suffering. As a result, a previous and limited connection between crime victims and crime was scrapped, since it pertained only to persons who had been personally harmed (Ghani et al., 2025).

The International Criminal Court (ICC) recognized abuse through different means, especially where the inquiry was based on the criterion of "reasonable grounds to believe." "To meet the evidentiary standard, the victim must prove that the action caused physical pain or discomfort. Certain victims of the alleged crimes associated with Mr. Lubanga and five commanders of the Lord's Resistance Army from Northern Uganda were granted permission to participate in court proceedings by respective chambers of the International Criminal Court based on the standard of evidence, 'reasonable grounds to believe.' Victims who claim victimhood must be persons who have suffered bodily or psychological injury by virtue of the crime complained of. Victim testimony is a key to international criminal sanctions under the International Criminal Law (ICL) since it enables the identification of victims.

4.4.1 Victimization: Female Suicide-Bombers Gender Stereotypes and Instrumentalization:

"Boko Haram discriminates against women and girls in contrast to males and boys. The organization forbids female membership. Designating a more subordinate position for women and girls, and seeing captured women and children as war booty to which its members are entitled (Hoffman, 2024)."

Social norms and behaviors that highlight the similarities and differences between men and women support gender stereotypes. Stereotypes about men and women are usually unjust, harmful, and unnecessary. Criminals, worldwide, aim to neutralize or nullify the recognition, enjoyment, or exercise of the basic rights and freedoms of women. This is true regardless of whether the offenses are open and unsolicited or hidden and concealed. Women are more prone than males to these crimes because of perpetration of unbalanced societal norms. It is not a good sign for women's rights to see that discrimination committed against them because of their gender is not so severe that it is expected to be less than it is for any other reason. This view is based on cultural expectations of the roles and behaviors of women. Women are objectified, and sexual or gender-based attacks occur in both the private and military environments. These are examples of unequal standards (Ahmad et al., 2025). Analyzing the gang's effective infringement on individual liberties, coercions against women regarding getting into the ranks of suicide bombers, and abductions of individuals gives insight into how their discriminatory ideology affects their pattern of behavior. It is like this that Boko Haram conducted its operations. Boko haram has gone through three different phases in history. Finally, the FSB was used a lot more than it had been initially. During this time, including female PBIEDs became great tactics to follow the regulations of the group accurately. Numerous similarities have been established between Boko Haram's operational methods, especially the use of suicide bombers as a political weapon and a tool of fear. This action coincides with the growing use of FSB. Boko Haram has had more FSB operatives than any other Terrorist Organization. It is expected that the number of female suicide terrorists in Boko Haram would exceed that of suicide bombers males. Boko Haram has carried out at least 434 suicide bombings since its founding. It is important to note that 2014 was a major downfall for Boko Haram because it started relying on suicide bombings, comprising fifty percent of the total suicide contractors. Between April of 2011 and June of 2017, 244 women were suicide bombers for Boko Haram. The number of ladies outnumber the men by a factor of four. This insurrection, thus, was greater and more important than any other in history (Lewis, 2019). We are now involved in the great struggle of a rebel faction against stronger and better-equipped forces than ever gathered against it. The Tamil Tigers went past it by 44 FSB after a decade. Extensive research has been done on the prevalence of suicide bombings and its correlation with gender. Recently, Boko Haram has been able to attract a high level of negative media due to the association between the Foreign Service Bureau (FSB) and Boko Haram. The government of Nigeria declared a state of emergency in several parts of Northern Nigeria, causing the FSB to add personnel. Residents and security personnel consider women as innocent and non-threatening. This technique is obviously aimed at fighting "subversive and

diversionary tactics."Very little impact on the tactical strategy of Boko haram is made by FSB. The gang continues its recruitment of female suicide bombers to kill its targeted individuals. Victims view these people as expendable human beings being used by the gang to further their campaign of terror. Boko Haram Intelligence weaponry are regarded as a planned technological innovation. As such, combining "human agents" with "material resources" in suicide bombs produces "intelligent and cost-efficient" weaponry. In this regard the favouring of women is due to their perception of being disposable and unstable. Stereotypes of men and women reinforce the belief that women could be deceived and used through false claims, manipulation or aggression. However, when women are portrayed weak, in cliche such as "a terrible, fatal curse," it seems as if they are always in need of help. The people falling in this category think that the organization's ability to accomplish its main objectives is compromised by attending the concerns of women. The gang finds it easier to keep the "undependable" males alive as all perspectives require more women than men to be saved and the explosives to be set off. Following the abduction of 276 Chibok schoolgirls and the initiation of the #bringbackourgirls campaign across multiple platforms - the visibility of the group significantly decreased amongst governments and the media around the world. Despite reports showing that Boko Haram abducted more than 10,000 young men from its start until 2016, this is what happened. The idea that males are stronger and more responsible than women is widespread. This is true in marriage, within the family, and in society in general (AMBOS, 2003). Huge coverage of the kidnapping of the chibok girls and other women in North-East Nigeria was clear. Boko Haram used the existing humiliation among women to work with them to help them meet their ultimate objectives, in order to garner more attention and have a more profound psychological effect. The idea of the inherent tranquility of women has some basis. For example, women may mask assaults, there is the possibility that the explosion of suicide devices may be a surprise. Upon the implementation of the planned transition to FSB the security forces increased their vigilance and the government intensified its commitment the fight against the activities of Boko Haram. Regrettably, the government's response to the Boko Haram insurrection led to several problems, spreading of bad ideologies and making many women victims again. The Combined Joint Task Force (CJTF) had occasionally imposed "unofficial curfews" on women, limiting their movement from the city between 7 p.m. and 7 a.m. The CJFT discriminates unjustly against women by applying more stringent travel restrictions, based on the assumption that they are more often in places rampant with possible bomb threats. Nonetheless, about 50% of the suicide bombers are males. In 2015, when Boko Haram made strong counterattacks in N'Djamena, the Chadian authorities forbade Muslim women from wearing full-face veils. This led to an imposing a restriction on religious freedom. The governments of Chad and Nigeria are limiting basic rights of women who live in these regions. Women are subjected to inequitable situation due to these activities where negative sentiments towards them are perpetrated.

4.4.2 Crafting a case of Gender Persecution:

Numerous legal systems do not recognize persecution as a separate offense, but consider it a way of committing other crimes. The IMT Charter was the first international tribunal to recognise oppression as a criminal offence. After that a number of other international ad hoc tribunals have contributed to it. A novel justification for exemption from persecution under the Rome Statute is with respect to the persecution of an individual based on their cultural or gender identity. A wilful and serious denial of basic rights, on the basis of the identity or nature of a group as such, constitutes a crime against humanity. Few non-sexual gender-based offences have been prosecuted, as so much of the attention on gender-based crimes includes sexual conduct. There is little case law on the basis of convictions in relation to the emerging concept of "gender-based persecution" in that the ICC has still not handed down any convictions for the crime against

humanity of gender persecution since it was established (Matfess, 2017). Making a link between the deliberate efforts of FSB by Boko Haram and gender specific damage is important in cases of gendered violence. The jurisprudence of the ICTY provided the definition of the criteria for categorizing gender harassment as a criminal offense. The International Criminal Tribunal for the Former Yugoslavia (ICTY) had stated in the Kupreski case that "persecution is motivated by a discriminatory intent" in its objectives, as well as in its conduct. This prejudice is based on a particular group of individuals who, merely because of their membership in such a group. A prejudiced objective may take many forms and behaviors. This section suggests that the employment of FSB by Boko Haram is an element of a more general, systematic campaign of eruptions against civilian women with a gender differential and gendered ideologies and representations of women as motives.

4.4.3 Gender-Based:

An attempt was made to conform to the set gender roles and social constructs that are used in a sociocultural context. Gender based offenses are crimes committed against people based on their gender. Preordained criteria and inherent inequities make these offences occur. In this regard, it is of critical importance to examine the link between the perpetrator of harassment and the crime against humanity of gender-based harassment (Russell-Brown, 2018). Women are punished by their gender and not by their individuality. The Boko Haram insurrection is the best example of this. The main subject of the widely-reaching research relating perpetrator's target gender and the crime is the social construction of gender. In order to determine whether someone is targeted because of their gender, it is important to consider their perspective on gender in society, as it relates to the time and place in which the incident occurred. Jihadists and Westerners who hold prejudiced views about the gender see women as a "symbol of moral order" when it comes to their bodies and education. Boko Haram's focus on women based on this ideology is seriously threatening the "moral order" and "Western influence" of the community. Nevertheless, the ladies eventually find a "moral order" inside society. Nonetheless they have rather divergent interpretations of the implications of this rule. Our debate relates to perceptions on the duties, tasks, and expectations related to a particular gender. Boko Haram is an extremist group that rejects Western education. They assert women need to be moms and wives, to be observed but not vocalize akin to things that men may use at their discretion. On the other hand, the West want women education and independence. Boko Haram has long been opposed to girls' education because of their views on women's roles in society. The conception of femininity in Chibok, from where the 276 schoolgirls were abducted, portrays Boko Haram's serious commitment to see the abduction carried out (Zenn, 2014). The previous leader of the organization said of the abduction of the Chibok girls, "I have taken your female virgins." At the market, you could buy these things. The organization contributed to the use of female PBIEDs (person borne improvised explosive devices) as gender responsive strategy to spread its ideologies on gender and societal responsibilities of men and women whilst utilizing 'disposable objects' in its operations. This action was crucial since it became easier to arrest the Boko Haram's male members, who are mostly volunteers, especially by the CJTF. This behavior towards women shows bias, as it is a result of socially constructed disparities. This means that the sought after activity has an effect on the identified set. Boko Haram has blamed both men and women in its goals, ambitions and results. Their means of influencing and targeting each group is different. An increasing number of individuals are beginning to realize the subject of women's assaults and changes of girls being abducted and forcibly taken and repeatedly being assaulted. This cycle will continue until these ladies are forced to lose their humanity and become PBIEDs to help the gang reach its ends. Numerous males have been wanting to join Boko Haram as volunteers despite reports of abduction of young men by Boko Haram. Conversely, many women in the Boko Haram camps are forced into marriages and sexually assaulted by the Boko Haram militants,

and as a result are marked as PBIEDs. Boko Haram's focus on women typifies its commitment to implementing a system of gender control enforcing the group's notions of femininity, disturbing sensitizations of evolving societal norms, abuse and humiliation of women.

4.5 Deprivation of Fundamental Right Contrary to International Law:

The connection between discriminatory actions directed at a population that impacted the violation and exercise of the internationally recognized rights of victims. Persecution, as defined by the Rome Statute, is a crime against humanity when individuals belonging to a certain group are intentionally discriminated against and have their basic rights infringed upon. The Bill of Rights serves primarily as a foundation for identifying essential rights. A comprehensive analysis of the facts and circumstances is essential in ascertaining the basic rights at issue. And International tribunal have contributed immensely in surfacing some of these contexts, to include;

"Rape and sexual assault; Destruction of property or the means of subsistence; Assault on the civil population; Use of human shields; destruction of religious, educational or cultural institutions; Unlawful arrest, deportation or transfer of civilians by force; Harassment, humiliation and psychological abuse; Murder, extermination, enslavement, deportation and other acts of violence and coercion against humanity; Any crime or offense under the jurisdiction of the Tribunal; and Infringements on the rights of individuals to life, liberty or security and to protection from torture or against cruel, inhuman or degrading treatment or punishment (Werle, 2007)."

The Rome Statute states that these basic rights may be suspended only in response to activities outlined in the Article 7 or any other crime under the jurisdiction of the ICC. The involvement of the FSB in the Boko Haram insurgency along with the enlisting and coercion of young girls to play the role of the PBIEDs rises to the severity of a basic human rights violation. The forc possession of women from public places and learning institutions to Boko Haram bases, as demonstrated by the abduction of the Chibok girls are flagrant infringements on minimum rights. In addition to their crimes of war, "successful" suicide bombers commit such forced marriages, sexual servitude, abuse, and violation of the right to life (Dickinson, 2003). The FSB uses a two-track strategy to carry out a systematic, planned, and premeditated attack on a civilian population. The main assault was also on the FSB in order to deconstruct its "moral order" and re-interpret their gender norms by applying its operational methods to change the perception of masculinity and femininity. The aim was a certain gender. Secondly, the indirect attacks which were committed by these women were re-converted into homicides to achieve the goal of Boko Haram: to eradicate "disbelievers." So, it is not surprising that these women are caught in a double allegiance to the group, considering that Boko Haram claims to fight for the rights of women, and list it as one of their bases.

4.6 Perpetrators and International Criminal Law:

The current system of public international law, which largely emphasizes the status of accountability of states for benefits accrued to them as well as their duties, contrasts starkly with the concept of individual criminal responsibility in international criminal law. The concept of perpetration in the context of the International Criminal Court has undergone a considerable development since the creation of the ad hoc courts. The concept of individual criminal responsibility has played an important role in the adjudication and decision-making process of tribunals in cases of international humanitarian law. The Rome Statute clearly redefined and expanded the basis for individual involvement with international criminal law, as well as establishing, at the same time, the principle of individual criminal responsibility. The Rome Statute has effectively given the ICC an enhanced competence into investigating purported violations of international law both in times of peace and war. This is a continuing expansion of the International Criminal Court which encompasses other endeavors beyond crises situations. The Rome Statute laid down some

criteria for the individual criminal responsibility and ruled over the various forms of participation for the individual. Article 25(3)(a) of the Rome Statute outlines and punishes three types of criminal culpability: direct perpetration, co-perpetration, and indirect perpetration (Amann, 2000). Direct perpetration includes the actions necessary to the actual commission of the crime of, and the conduct of, the accused in the autonomous capacity, in which the independent execution of an international crime can be seen. A criminal crime is devised and executed by the co-perpetrator with at least a person in collaboration. The indirect perpetrator, who is also a means perpetrator, "uses as an instrument or tool by the indirect perpetrator." Distinctive from the commissions set out in Article 25 (3) (a), the obligation presented in Article 25 (3) (d) is to achieve a common goal. Individual criminal responsibility is defined as the intentional involvement in "any other manner" in the "commission" or "attempted commission" of a crime in order to promote a collective endeavor. The ICC Pre-Trial Chamber had found in Prosecutor v. Callixte Mbarushimana that the contribution should be large enough to make the accused liable. The intent is purposeful, which is stipulated in Article 25 (3) (d) which requires a mens rea of 'knowing intent' and an actus reus of the "commission" or 'attempted commission' of an act which assists a crime by a group within the territory controlled by the court. The ICC made clear the relevance of "intent" and emphasized that the concept of intentionality must be interpreted in accordance with the text of the article. Article 30 of the Rome Statute. A person who is liable for a criminal offence must have awareness and intent to commit unlawful acts, along with knowledge of the consequences of such actions. The defendant must either "intend to create such an outcome," or "be aware that such an outcome will occur during the normal course of events." The FSB investigates the question of whether a person knew that his deeds might bring about repercussions and did not intend to cause them.

Conclusions and Recommendations

Nigeria ratified the Rome Statute and, therefore, should ensure that its domestic legislation is in line with its international obligations to prosecute foreign crimes. According to the concept of complementarity, Nigeria may use its judicial system to prosecute persons who commit offences abroad. This is consistent with its good faith obligations under international law. These accusations are being made pursuant to the Rome Statute and ICC jurisprudence. Persons mainly responsible for international offences are brought before the International Criminal Court (ICC). On the other hand, national courts punish those who have committed international offenses but are not the main offenders. The FSB is fearful of prosecution by the ICC, even though there is no direct involvement by the FSB in the conflict against Boko Haram. Allow national courts to monitor the case of the FSB (Stephens, 2014).

Due to their unique situation, these women play dual roles in the criminal law that go beyond the victim-offender dichotomy. The jurisprudence of the ICC helps at the national level of criminal proceedings to decide the criminal liability of persons with dual status according to International Criminal Law, such as female PBIEDs, through a nuanced analysis of the eligibility of prosecutions and factors to be considered about the eligibility of victims for restitution or revision of criminal penalties. The new knowledge acquired on the management of crimes and the routine experiences of female PBIEDs allows the criminal justice system to adopt gender-sensitive measures and identify the complex duality of female PBIEDs as victims and perpetrators at the same time. At the beginning of this research some issues were outstanding especially regarding the magnitude of guilt experienced by female PBIEDs. Should we focus on thinking about their legal responsibility in terms of international law? The aforementioned investigations have shown that their actions lack "purpose" and "knowledge (Robinson, 2020)." These women have clearly done something or said something against their wishes because there has been a lot of stress on them, they have been deprived of some essential needs, or there has been

a threat of their death or their freedom. The FSB is informed of ongoing or upcoming activities, however has no intent of participating in them. What might be the nature of justice that will help ICL achieve its goals? International Criminal Law requires that the actus reus and mens rea were simultaneous in the commission of a crime. Research shows that the actus reus of FSB is found to lack the mens rea, meaning there is a lack of mental intent. Consequently, it may be said that the actions of these women contribute to perpetrating international crimes; however, they are not as egregious as the acts of deliberation perpetrated by Boko Haram to attain its organizational aims. A judicial system needs to determine how many people have been victimized by the FSB and how best to develop a system of justice, which compensates for victims but takes into consideration the gender aspect. The activities of the FSB have had a direct effect on families. This will help both the families and also the "victim-perpetrators" reintegrate into society. The Nigerian government is now putting in place to pass the Bill into law (Nouwen, 2013). Legislators must understand the link between violence against women and the use of FSB, as well as develop legislation that takes gender into account in the address of the use of female PBIEDs. This legislation must set up gender oppression as a crime against humanity and a wide range of gender-based offences, including the FSB treatment of women as enemies. The judicial system has to put its focus on equitable treatment of victims of FSB, showing respect, offering financial and emotional support, and correcting wrongs. In Nigeria, female PBIEDs who fail to achieve their goal and are caught before actually detonating their bombs are not taken to "deradicalization" programs; instead, they are denied their right to go through judicial processes. In order to improve the situation for equity and justice, the Bill should address the following critical issues:

Nigeria's security forces and courts have told the people who are said to be members of Boko Haram, including the FSB, to be sent to places where they can be De-radicalized. It is very unusual for women who have been victims of violence before to become victims again. This is because deradicalization centers don't always work right, and there aren't enough clear legal frameworks to hold the FSB criminally responsible during the ongoing insurgency. If the Bill is passed, it should stop random acts of violence and keep women who have already been victims from becoming victims again (Burke, 2017). The bill would define "deradicalization" and "deradicalization centers," including how they are to be set up and maintained, the requirements for becoming an institution, and the groups that decide the limits of the "deradicalization" process (Haider, 2023).

The Rome Statute has been lauded for its explicit objective. It is an exceptional method to consolidate procedural laws and substantive laws into a single legal volume. The healing process considers the psychological and gender-specific requirements of crime victims. The measure should include provisions for rehabilitation services. The state need to finance these initiatives since they represent the most effective means of uniting people and improving their circumstances. The actions of Boko Haram impact several individuals. They induce feelings of isolation and damage interpersonal interactions. For instance, several women liberated from Boko Haram captivity face societal disdain upon reintegration into public life. The Rome Statute stipulates that the appointment of gender and psychological specialists for these initiatives must adhere to its regulations. These counselors should understand that organizations and communities may be victims, as well as how to assist individuals who have experienced victimization. These measures would assist both the FSB and the local community in preparing for the obstacles and requirements associated with reintegration into society. Another detrimental consequence is that these women are disregarded by their community after they have returned to a state of normalcy. They are referred to as "annoba." Consequently, "communities frequently prioritize collective action over individual interests."

ICL, as it stands today, is very victim-centred. One of the ways ICL has emerged is in the establishment of a reparations system under the ICC for victims of international crimes. The

integration of a reparation provision within the Bill would be laudable and in keeping with the emergence of ICL in the 21st Century. Undoubtedly, the majority of these FSB who have been away from their communities, away from any source of livelihood, would profit and benefit immensely from financial recompense for the trauma experienced.

Mandatory training and capacity-building programs should be established for judges, prosecutors, and security personnel on the gender implications of suicide bomber deployment. This initiative is especially significant considering that the deployment of FSB by Boko Haram is the greatest trend in the history of global insurgencies. This paper does not provide definitive answers to the posed questions; however, its insights initiate discussions regarding forthcoming challenges and highlight unresolved issues in assessing the response of International Criminal Law to gender and sexual-based violence, both internationally and potentially at national and regional levels. The research presents many assertions and several issues that legislators, prosecutors, judges, academicians, and defense lawyers must answer to safeguard women. Addressing this complex societal issue undoubtedly requires prosecutors, judges, and defense counsel to be sensitive to the unique lived circumstances of these women. The legislature is obligated to establish legislation that facilitate the seamless integration of these women into society and a rehabilitation procedure that is free from capriciousness.

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