

Final Independent Project Evaluation of the

**“EU-Nigeria-UNODC-CTED Partnership  
Project II: Assisting Nigeria to strengthen  
rule of law-based criminal justice responses  
to terrorism”**

GLOR35

Nigeria segment

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This independent evaluation report was prepared by an evaluation team consisting of Arvinder Sambei and Pierre Robert (team leader). The Independent Evaluation Unit (IEU) of the United Nations Office on Drugs and Crime (UNODC) provides normative tools, guidelines and templates to be used in the evaluation process of projects. Please find the respective tools on the IEU website:

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# ABBREVIATIONS AND ACRONYMS

ACJA	Administration of Criminal Justice Act
ACM	Active File Management
AIG	Assistant Inspector General
BHC	British High Commission
CAU	Central Authority Unit
CCG	Complex Cases Group
CFT	Countering financing of terrorism
CONIG	Country Office in Nigeria
CT	Counter-Terrorism
CTED	Counter-Terrorism Committee Executive Directorate
CVE	Countering violent extremism
DPP	Director of Public Prosecution
DSS	Department of State Services
EFCC	Economic and Financial Crime Commission
EU	European Union
FHC	Federal High Court
FTF	Foreign terrorist fighters
IEU	Independent Evaluation Unit
IOM	International Organisation for Migrations
MLA	Mutual Legal Assistance
MoFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MOU	Memorandum of Understanding
NACTEST	National Counter-Terrorism Strategy
NFIU	Nigeria Financial Intelligence Unit
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIALS	Nigerian Institute of Advance Legal Studies

NJTI	National Judicial Training Institute
NPF	Nigeria Police Force
OHCHR	Office of the High Commissioner on Human Rights
ONSA	Office of the National Security Adviser
PMSC	Project Management Steering Committee
SDG	Sustainable Development Strategy
SOP	Standard Operating Procedure
TIB	Terrorism Investigation Bureau
ToR	Terms of Reference
ToT	Training of Trainers
TPA	Terrorism Prevention Act
TPB	Terrorism Prevention Branch
UNEG	UN Evaluation Group
UNSC	UN Security Council

# MANAGEMENT RESPONSE

<i>Recommendation</i>	<i>Management Response (accepted/partially accepted/rejected)</i>
1: <b>UNODC should maintain its capacity-building engagement with Nigeria.</b> It is appropriate that it should seek to build on its decade-long record of support to Nigeria, with a view to provide more targeted capacity-building.	Accepted
2: <b>TPB should ensure that future training modules include intelligence and intelligence development, and, in particular, the ways in which intelligence may be used and should be protected in a criminal case.</b> The topics/subject matters addressed in Phase II were extremely relevant, and UNODC should look at building upon each of these in detail.	Accepted
3: <b>TPB should build upon the human rights training that was commenced in Phase 2,</b> in particular, the practical application of human rights considerations in case review, preparation and presentation.	Accepted
4: <b>TPB should work with CTED and the heads of the partner institutions to highlight the need and work out the modalities, for enhanced inter-agency cooperation.</b> Cooperation and co-ordination are critical, in particular, in the handling of terrorism and other serious crime. Any enhancement in the inter-agency co-operation and co-ordination would benefit Nigeria's criminal justice system as a whole.	Accepted
5: The next phase should include training on the evaluation of evidence and on developing a case based on circumstantial evidence.	Accepted
6: Training on Active Case Management should include all court users.	Accepted
7: Continue to promote inter-agency coordination through training and mentoring by international experts.	Accepted
8: Training should continue to encourage investigators to adopt the practice of writing decision logs more widely.	Accepted
9: TPB/CONIG and national stakeholders should continue to work together to ensure that Nigeria's training institutions replicate and disseminate the training as widely as possible and embed it into their own curricula.	Accepted

# MANAGEMENT RESPONSE

The UNODC Terrorism Prevention Branch (TPB) along with the UNODC Country Office in Nigeria would like to express their gratitude to the evaluation team, Mr. Pierre Robert and Ms. Arvinder Sambei, the Independent Evaluation Unit (IEU) and the project's stakeholders for their contributions to this independent evaluation of the UNODC Nigeria counter-terrorism project.

This independent evaluation, which focuses on the Nigeria component of the GLOR35 Project on Strengthening the Legal Regime Against Terrorism and evaluates the second phase of UNODC's counter-terrorism assistance to Nigeria, examining the two year period since the previous independent evaluation took place in 2015. In this regard, the project team welcomes the findings of the evaluation, which indicate that the most recent phase of UNODC's counter-terrorism assistance has fully addressed the recommendations from the previous evaluation.

The management team is glad to note the very positive conclusions and assessments of the evaluation report, which indicate that the next phase of UNODC's intensive counter-terrorism engagement in Nigeria should continue and build on the successes of the current project. In particular, the management team notes that the evaluation has found that:

- “The project is highly relevant”, having been developed “based on a thorough and accurate analysis of the challenges and needs of Nigeria in relation to the judicial response to terrorism” and is “fully in line with Nigeria’s national strategic approach”
- The project is efficient, representing “good value for money” and with programme management and expertise of a “high standard”.
- The project was “remarkably effective”, “in the sense that planned activities were implemented and that target quantitative indicators were achieved” or exceeded well before the conclusion of the project. In addition, as a result of the project, “the evaluators were able to identify clear elements of impact, patterns or attitude changes that are likely to influence future counter-terrorism activities in Nigeria.”
- The project “has certainly helped to raise awareness of training participants about the need to adhere to human rights.”
- UNODC has, “over the lifespan of the project, built good relationships with the various agencies and enjoys their confidence, which undoubtedly will assist in securing continued “buy-in”.”

The evaluation team has proposed several recommendations for the programme which the management team fully supports.

On Recommendation 1, which states “TPB should maintain its capacity-building engagement with Nigeria, with a view to further entrench good practices and the implementation of newly-acquired skills by project stakeholders”, the management team fully agrees that

additional capacity building engagement would be beneficial to further entrench the good practices and skills acquired during the first two phases of UNODC's work in Nigeria. In this regard, the project has already begun to address that recommendation in the context of the next three-year phase of the project that was just launched in April 2018, targeting the key criminal justice through capacity building training, train the trainers approach and development of curricula with training institutions.

On recommendation 2, which proposes "TPB should ensure that future training modules include intelligence and intelligence development, and, in particular, the ways in which intelligence may be used and should be protected in a criminal case," the management team agrees that the topic is very important to strengthening Nigeria's ability to effectively investigate and prosecute terrorism cases. The project has covered this topic at many training activities under the current project and will work to ensure that this topic is further elaborated during capacity building activities, inter-agency and policy level activities during the 3<sup>rd</sup> phase of the project.

On Recommendation 3, which suggests "TPB should work with CTED and the heads of the partner institutions to highlight the need and work out the modalities, for enhanced inter-agency cooperation", the management team has also identified the need for enhanced inter-agency collaboration and has worked with the Government of Nigeria to facilitate these efforts over the course of the first and second phases of the project. However, the management team recognizes that continued efforts are needed in this regard and will work to continue promoting inter-agency collaboration and coordination as a key element in the third phase of assistance.

The management team further welcomes the recommendations of the evaluation team regarding training topics that would benefit the Nigerian criminal justice officials. The topics suggested by the evaluation team, such as developing a case based on circumstantial evidence, active case management, and the practice of writing decision logs for investigators, are all important elements in building the knowledge and skills of Nigerian officials. While the project has initiated training on these areas, the management team will ensure that future training activities cover these topics in further depth.

Finally, the evaluation team recommended that the project team and national stakeholders "put in place mechanisms to allow the training to be embedded within the institutions". The management team fully agrees with this recommendation and has already included coordination sessions with national training institutions under the third phase of the project to encourage the incorporation of the training manuals developed by UNODC into the curriculum of the national training institutions.

The Terrorism Prevention Branch and Country Office in Nigeria welcome this important feedback and will utilize the results of this independent evaluation to strengthen the next phase of the project, building on the successes and good practices identified by the evaluation and benefiting from the recommendations provided. The management team looks forward to continuing its valuable partnership with all concerned stakeholders, but most notably the Nigerian counterparts, CTED, and the European Union who continues to support UNODC's counter-terrorism work in Nigeria.



# EXECUTIVE SUMMARY

## *Background*

This is the evaluation report of the Nigeria segment of the Global Programme on Strengthening the Legal Regime against Terrorism (GLOR35). This segment (hereinafter referred to as the project) is implemented since 1 May 2016 and ended on 31 March 2018. It is implemented by the Terrorism Prevention Branch (TPB) of UNODC, based in Vienna, in partnership with the UN Counter-Terrorism Committee Executive Directorate (CTED) and the European Union (EU). The project budget is €4.5m (about US\$5.06m), funded by the EU. The project is managed from UNODC Headquarters in Vienna, and part of the project team is based in UNODC's Country Office in Nigeria (CONIG). The overall objective of the project is to support Nigeria to bring terrorists to justice and prevent terrorist acts from being committed, through rule of law-based and human rights-compliant criminal justice measures against terrorism. The project is mainly implemented through training activities.

A team of two independent external consultants (one lead evaluator and one expert) conducted the final Independent Project Evaluation under the guidance of the UNODC Independent Evaluation Unit (IEU). The scope of the evaluation encompassed the project's design and activities throughout the implementation period. The main purposes of the evaluation were to assess the project against the relevant internationally agreed DAC evaluation criteria, as detailed in the Terms of Reference, and to assist in the design of future technical assistance provided to Nigeria. The evaluation further assessed the implementation of the recommendations of the previous evaluation in 2015. The independent consultants carried out an inception phase in January/ 2018, based on a desk analysis of the project documentation provided by UNODC and on a range of other publicly available documentation, such as research reports by non-governmental organisations. A visit to UNODC Headquarters in late January was followed by a field phase, which took place from 29 January to 2 February 2018. The evaluation followed a mixed-methods and gender-responsive approach. The data analysis included secondary data assessed as part of the desk review as well as primary data collected during the field missions in the form of semi-structured interviews and focus group discussions. In addition, in accordance with its ToR, the evaluation was carried out based on a participatory approach, which sought the views and assessments of all parties identified as the key stakeholders of the project/ programme, the Core Learning Partners (CLP). Triangulation of sources, methods and theories ensured an objective and thorough analysis of all collected data, which formed the basis for formulating findings and drawing conclusions.

## *Main findings*

### **Relevance**

The project is highly relevant, in the sense that it is based on a thorough and accurate analysis of the challenges and needs of Nigeria in relation to the judicial response to terrorism, and that its planned outcomes and activities are well thought-out and appropriate to the achievement of the stated objective. The project is also fully in line with Nigeria's national strategic approach, as well as with the programmes and plans of UNODC in Nigeria and the region, and those of the EU. The project was also consistent with achieving specific targets under the SDGs. The only element that somewhat hampers the relevance of the project is that

it is a relatively short engagement of just under two years – though it is to be recognised that it is part of a continuous series of projects implemented over the last decade.

### **Efficiency**

The project is efficient, in the sense that it represents appropriate value for money – activities and outputs were consistent with the financial and human resources available to the project – and in terms of project management. Interviews showed that the project did not suffer from the project team being “split” between Vienna and Abuja – indeed this was beneficial – and that, with the support of CONIG, the team was able to maintain effective communication channels with all the relevant Nigerian stakeholders, thus clearly contributing the Nigerian partners’ pro-active contribution to project implementation. The evaluators have concluded from interviews with the project team in Vienna and Abuja, CONIG managers and Nigerian stakeholders, that the project is effectively and pro-actively managed. The Nigerian stakeholders are appreciative of the team’s effectiveness at communicating plans and adapting them to their needs.

### **Effectiveness**

The project was generally remarkably effective, in the sense that planned activities were implemented and that target quantitative indicators were achieved. Indeed, several of the quantitative indicators were in fact exceeded by the 6<sup>th</sup> quarter, several months before the scheduled end of the project. The activities of the project contributed to the overall project objective of supporting Nigeria in bringing to justice those responsible for acts of terrorism. Nevertheless, there were also factors that limited the effectiveness of the project in the achievement of this objective, including the fact that the project is implemented in a context of on-going confrontation between Boko Haram and the military, which complicates the judicial response to terrorism. There are also concerns related to the wide gap between the theoretical knowledge acquired by the training participants and the actual conditions in which they conduct their investigation and prosecution work.

### **Impact**

The evaluators were able to identify clear elements of impact, patterns or attitude changes that are likely to influence future counter-terrorism activities in Nigeria. The project has certainly helped to raise awareness of training participants about the need to adhere to human rights. Investigators interviewed by the evaluators said the training has helped them to re-evaluate their interviewing techniques of witness, suspects and victims. In respect of the suspects, they are moving away from the “interrogative style” to rapport building. Investigators also recognised the importance of continuity in exhibit collection and maintaining the integrity of the evidence. It was more difficult to identify impact in relation to process, procedures and policy. All criminal justice agencies said that case handling had improved dramatically in recent years, though it was difficult to attribute this change to any single project. Interviews with the trainers, as well as training curricula, show that the training highlights the need for co-operation and co-ordination among agencies. However this is lacking in practice and is an area where continued engagement by UNODC remains necessary.

### **Sustainability**

The training workshops introduced a move away from confession-based cases to an evidence based approach along with the introduction of active case management (and the accompanying practice direction). A wide adoption of ACM will lead to sustainable results across the criminal justice system, and one that must be encouraged. The second aspect of sustainability examined how far the training provided had been embedded in the various

institutions through use of newly-acquired skills and development of in-house training. By and large, those trained have remained in their respective positions and are, to some extent, engaged as specialists. Those trained as resource persons and future trainers are actively engaged in training peers. Nevertheless, lack of explicit commitment by senior management in the various institutions to follow up on the capacity building resulting from the project has the potential to undermine its sustainability. UNODC has, over the lifespan of the project, built good relationships with the various agencies and enjoys their confidence, which undoubtedly will assist in securing continued “buy-in”.

## **Partnerships and cooperation**

Interviews and desk analysis demonstrated that there has been good co-ordination between the organisations at both the planning and delivery stages. At a national level, UNODC (TPB and CONIG) has developed good partnerships with the various national training agencies, Nigeria Judicial Training Institute (NJTI), Police academies, NIALS, and NHRC, which has helped in building national capacity and sustainability in the long run. The project also worked with CTED, at a strategic (rather than operational) level.

## **Human rights**

Although human rights considerations within terrorism cases has been a component of the project since its inception, the national beneficiaries had earlier expressed a level of indifference towards human rights in CT investigations, prosecutions and adjudication. The evaluators found that there was a marked shift in approach and attitude towards human rights, part of a gradual process highlighted by many stakeholders, whereby the justice system moves away from prosecutions and convictions based solely on confessions, and whereby the stakeholders in the judicial chain better recognise the need for human rights safeguards throughout the investigation and prosecution processes. All the agencies (up to and including the judiciary) attributed this to the efforts of the UNODC training on human rights.

## **Gender**

The project was effective in mainstreaming gender issues while taking into account the operating constraints and staffing situation of the Nigerian partner organisations. According to provisional figures – which will be finalised only after the project ends in March 2018 – about 24% of participants in training activities were women. According to interviews, the project team explicitly and systematically encouraged the participation of women officials in training sessions: this percentage suggests this was effective. Interviews with male and female participants in training sessions, as well as with trainers, indicated that issues relevant to gender equality, such as protection against discrimination and safeguards for human rights, were addressed in training sessions.

## *Main conclusions*

The project was highly relevant to the counter-terrorism needs and priorities of Nigeria. The project was consistent with the UNODC mandate to support the fight against terrorism worldwide, and with the broader international counter-terrorism approach. The project was based on a sound analysis of training needs and benefited from high-level international expertise. It should help Nigeria achieve key targets under SDG16 (justice).

The project represented good use of available human and financial resources; project management was of a high standard. The project was effective, delivering on its planned

outcomes to a very satisfactory degree. However, the effective use of the skills and knowledge acquired through the project remains hampered by institutional constraints.

Participants in training and other project activities have acquired new insights and changed attitudes on issues that are key to the judicial response to terrorism. Stakeholders are committed and prepared to disseminate the acquired skills – though senior officials in some institutions remain sceptical.

The project made a substantial contribution to raising awareness about the importance of human rights safeguards in the judicial response to acts of terrorism. It systematically sought the participation of women in training sessions and raised awareness of gender dimensions of the judicial response to terrorism. It built on previous phases to achieve genuine intensity in its engagement with counter-terrorism actors in Nigeria at the federal level.

### *Main recommendations*

1. **Engagement with Nigeria:** TPB should maintain its capacity-building engagement with Nigeria. It is appropriate that it should seek to build on its decade-long record of support to Nigeria, with a view to provide more targeted capacity-building focusing on the Northeast and on specific technical issues and agencies at federal level.
2. **Training contents:** TPB should ensure that future training modules address the ways in which intelligence may be used and should be protected in a criminal case. The topics/subject matters addressed in Phase II were extremely relevant, and UNODC should look at building upon each of these in detail (the previous focus, understandably, was broad in order to cover as many topics as possible; the next project should give consideration to deeper learning and application).
3. **Partnerships:** TPB should work with CTED and the heads of the partner institutions to highlight the need and work out the modalities, for enhanced inter-agency cooperation. Cooperation and co-ordination are critical, in particular, in the handling of terrorism and other serious crime. Any enhancement in the inter-agency co-operation and co-ordination would benefit Nigeria's criminal justice system as a whole. The project activities must continue to emphasise and address the need for inter-agency collaboration, and also seek to find ways in which this can be institutionalised through MOUs or any other agreement.

### *Lessons learned and best practices*

The evaluation made clear that **intensive, on-going consultations with the Nigerian partners are key to ensuring relevance and effectiveness.** The project team has conducted several dozen consultations with Nigerian partners during the entire project cycle (including at design stage). It also identified as a lesson learned the fact that **training of staff needs to be complemented with appropriate engagement of senior decision-makers to achieve buy-in for project objectives.** In all organisations, training targets junior and mid-level staff, whereas the most senior decision-makers and managers are not involved.

One aspect of good practice also identified was that the project **brought together different stakeholders, which helped enhance mutual trust, leading to improved communication.** It was very appropriate in this project that, in a number of occasions, activities were implemented that brought together a wide range of Nigerian stakeholders

(institutions as well as NGOs and independent actors such as academics). In addition, **the focus on training can help foster an agenda of organisational and policy reform.** Training is not an end in itself, it is designed to support and contribute to organisational change, which is dependent in large part on political will.

A further element of good practice was the achievement of a **“critical mass” of participants, which was key to sustainability.** One good practice that contributed to the project’s effectiveness as well as sustainability was that training and other engagements (workshops, conferences) reached a substantial proportion of the investigators, prosecutors and judges involved in the judicial response to terrorism.

# SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings <sup>1</sup>	Evidence (sources that substantiate findings)	Recommendations <sup>2</sup>
1. The project was very relevant to Nigeria's needs. UNODC has a solid record of effective engagement on CT with Nigeria.	Project proposal, grant agreement.  Project documentation (annual reports, etc.).  Interviews with stakeholders.	1. <u>Engagement</u> : TPB should maintain its capacity-building engagement with Nigeria, with a view to further entrench good practices and the implementation of newly-acquired skills by project stakeholders.
2. The training project addressed a range of relevant issues. It is important that consultations be held with partners about their needs and about the use of acquired skills.	Project progress reports, reports from training activities.  Interviews with participants in training sessions.	2. <u>Training contents</u> : TPB should ensure that future training modules include intelligence and intelligence development, and, in particular, the ways in which intelligence may be used and should be protected in a criminal case.
3. The project activities enhanced capacities and skills among participants. However investigation practices in the various institutions often remain slow to change.	Project progress reports,  Interviews with project team, CTED.  Interviews with trainers.	3. <u>Partnerships</u> : TPB should work with CTED and the heads of the partner institutions to highlight the need and work out the modalities, for enhanced inter-agency cooperation.
<b>Recommendations on aspects of training</b>		
4. The training given has enhanced understanding and skills in relation to scientific police investigation methods, as opposed to confession-based inquests. Further steps need to be taken in this direction.	Project progress reports, reports from training activities	4. TPB should ensure that the next phase includes training on the evaluation of evidence and on developing a case based on circumstantial evidence.
5. Part of the judicial response to terrorism should include		5. TPB should ensure that training on Active Case

<sup>1</sup> A finding uses evidence from data collection to allow for a factual statement. In certain cases, also conclusions may be included in this column instead of findings.

<sup>2</sup> Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

improving the court system and the management of cases, from investigation to trial and beyond.	Interviews with representatives of partner organisations, CSO representatives, etc.	Management is given to all court users.
6. The training has raised awareness among officials of the need for more alignment and coordination among agencies. This is a matter for senior policy-makers, which must be further addressed in a subsequent project.	Interviews with participants in training sessions, project team, trainers, consultants	6. TPB should help promote inter-agency coordination through training and mentoring by international experts.
7. Along with ACM, it is important to develop the use of procedures that better ensure the effective prosecution of terrorism case, with a view to securing convictions.		7. TPB should ensure that training workshops in the next Phase encourage investigators to – build on the practice of writing decision logs as a way of recording decisions and underlying reasons for the decisions
8. The training activities have been widely welcomed by the institutions, and there is a strong need for follow-up, which must be supported from the top.		8. TPB/CONIG and national stakeholders need to put in place mechanisms to allow the training to be embedded within the institutions.





# I. INTRODUCTION

## Background and context

This is the report of the final Independent Project Evaluation of the Nigeria country-focused segment, within the broader GLOR35 programme, entitled “EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice response to terrorism”.<sup>3</sup> Within this programme, the Nigeria segment (referred to hereafter as “the project”) is implemented since 1 May 2016 and ended on 31 March 2018. It is implemented by the Terrorism Prevention Branch (TPB) of UNODC, based in Vienna, in partnership with the UN Counter-Terrorism Committee Executive Directorate (CTED) and the European Union (EU). The project budget is €4.5m (about US\$5.06m), funded by the EU. Part of the project team is based in UNODC’s Country Office in Nigeria (CONIG).

According to the Project Description<sup>4</sup>, last revised in July 2017, the project followed up on “progress made in 2012-2015”, in particular through a previous project, the “Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Response for Multidimensional Security (2013-2015)” and through continued international community support for Nigeria in response to the threat posed by Boko Haram<sup>5</sup>.

According to the description, the overall objective of the project is to

“Support Nigeria to bring terrorists to justice and prevent terrorist acts from being committed, through rule of law-based and human rights-compliant criminal justice measures against terrorism”.

This objective is broken down into six anticipated results (also described as outcomes in the project document and progress reports):

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<sup>3</sup> The full title of GLOR35 is “Global Programme on Strengthening the Legal Regime against Terrorism”. GLOR35 was initially launched in 2003 as a two-year programme. In 2005 it was made on-going. See: Independent Mid-Term in-depth Evaluation of the Global Programme on Strengthening the Legal Regime against Terrorism, UNODC IEU, April 2015, p. 4.

<sup>4</sup> See Project Description (filename: modified action description), p. 2.

<sup>5</sup> Boko Haram is the widely used name of *Jama’atu Ahlis Sunna Lidda’awati wal-Jihad*, an armed violent extremist group mainly active in Northeast Nigeria and neighbouring countries around the Lake Chad basin. The group came to international prominence in the late 2000s. Amnesty International and other research organisations, such as the International Crisis Group, estimate that Boko Haram has killed tens of thousands of civilians, abducted thousands more (including at least 2,000 women and girls), and caused the displacement of at least 1.5 million people.

1. Enhanced national criminal justice capacity to undertake effective investigation, prosecution and adjudication of terrorism cases, in accordance with the rule of law and human rights;
2. Enhanced national capacity for human rights compliance in criminal justice responses to terrorism;
3. Enhanced national capacity for international cooperation in criminal matters (mutual legal assistance and extradition) relating to terrorism and strengthened criminal justice cooperation related to terrorism, especially between Nigeria and neighbouring countries;
4. Enhanced knowledge of and enhancements to the national legal regime against terrorism, in compliance with the international legal regime against terrorism;
5. Enhanced national capacity to address the legal and criminal justice aspects of major counter-terrorism challenges, such as counter-financing of terrorism;
6. Reinforced national ownership of rule of law-based criminal justice responses to terrorism with active civil society support, as well as integration of criminal justice responses as an essential component of Nigeria's National Counter-Terrorism Strategy (NACTEST<sup>6</sup>) and coordination of criminal justice responses with other counter-terrorism measures.

Result/outcome 1 was divided into 4 elements:

- Capacity building support for:
  - investigators;
  - prosecutors and Department of State Services (DSS) legal advisors;
  - judges;
  - collaborative investigation and prosecution of terrorism cases.

The other outcomes were not sub-divided. Outputs (referred to in the project description as “deliverables”) included:

- Trained pools of police investigators, prosecutors<sup>7</sup>, legal advisors, judges and criminal justice officials with enhanced knowledge in the areas addressed by the above outcomes;
- Pools of trained trainers to deliver on-going training in police schools and within the judiciary;

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<sup>6</sup> See: National Counter Terrorism Strategy (NACTEST) 2016 (Revised), Office of the National Security Adviser (ONSA), Abuja, 2016. Available on the website of the Nigerian Counter-Terrorism Centre ([www.ctc.gov.ng](http://www.ctc.gov.ng)).

<sup>7</sup> The British High Commission has led the training of prosecutors within the Office of the Director of Public Prosecutions (DPP), through the creation of a Complex Case Group (CCG). At the outset, discussions between UNODC/CONIG and the UK training team has helped to identify areas of expertise to avoid duplication of training, de-conflicting training themes and risk of “mixed messages” or different methodologies being disseminated. The UNODC/CONIG team was responsible for training prosecutors not within the CCG in order to prepare them in handling terrorism cases, in the event they are called upon to assist, or be part of, the prosecution team on a given case.

- Elements of technical support such as forensic investigation kits; operating procedures; specialised resource materials; mentoring and electronic database for the Central Authority.
- Platform for the participation of national authorities and entities in the provision of guidance and monitoring of the partnership;
- Support services for integrating criminal justice responses in the NACTEST and coordinating with other counter-terrorism measures.

The project was designed to benefit criminal justice officials in a broad sense: police investigators and legal advisors (both at the DSS and Nigeria Police Force (NPF), prosecutors, judges, international cooperation officials, trainers in national training institutions, parliamentarians and officials involved in legislative drafting, as well as policy strategy personnel. In the event, according to project progress reports, over 2,000 officials from at least 20 national institutions had been directly involved in project activities as of October 2017.<sup>8</sup>

The legal framework for counter-terrorism in Nigeria is constituted by the Terrorism Prevention Act (TPA) 2011, amended in 2013.<sup>9</sup> Prior to the TPA, the Criminal Code (in force in the South of Nigeria) and the Penal Code (in force in the North) criminalised specific acts of violence but contained no specific counter-terrorism provision. The background to the TPA was the passage of UNSC Resolution 1373 on 28 September 2001, which called on all states to “prevent and suppress” the financing of terrorist acts and included several measures to reinforce international cooperation against terrorism.<sup>10</sup> The TPA thus includes a wide range of provisions (prohibition of terrorism; prosecution of terrorist organisations; suppression of financing for international terrorism; cooperation with foreign governments on counter-terrorism, etc.), which form the backbone of Nigeria’s judicial response to terrorism, and therefore underpin the present project. NACTEST provides a detailed elaboration on the implementation of the TPA.

### *Purpose and scope of the evaluation*

According to the evaluation Terms of Reference (ToR), the evaluation should

“assist the Terrorism Prevention Branch in understanding how it can further improve its assistance to the Government of Nigeria to ensure that the technical assistance activities are as relevant, efficient, effective, impactful, and sustainable as possible. The feedback

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<sup>8</sup> See Progress Report 6<sup>th</sup> Quarter (August-October 2017), p.4. This figure may include some double counting of officials who may have participated in multiple activities such as workshops. It does not include indirect beneficiaries such as officials trained by participants in ToT activities.

<sup>9</sup> See: Terrorism (Prevention) Act, 2011 and Terrorism (Prevention) (Amendment) Act, 2013, available on the website [www.lawnigeria.com](http://www.lawnigeria.com).

<sup>10</sup> See UNSC Resolution 1373 (2001), available on the website [www.un.org](http://www.un.org).

that is provided during this evaluation will help guide the development and implementation of the next phase of technical assistance offered to Nigeria.”

The specific objectives of the evaluation, according to the ToR, are:

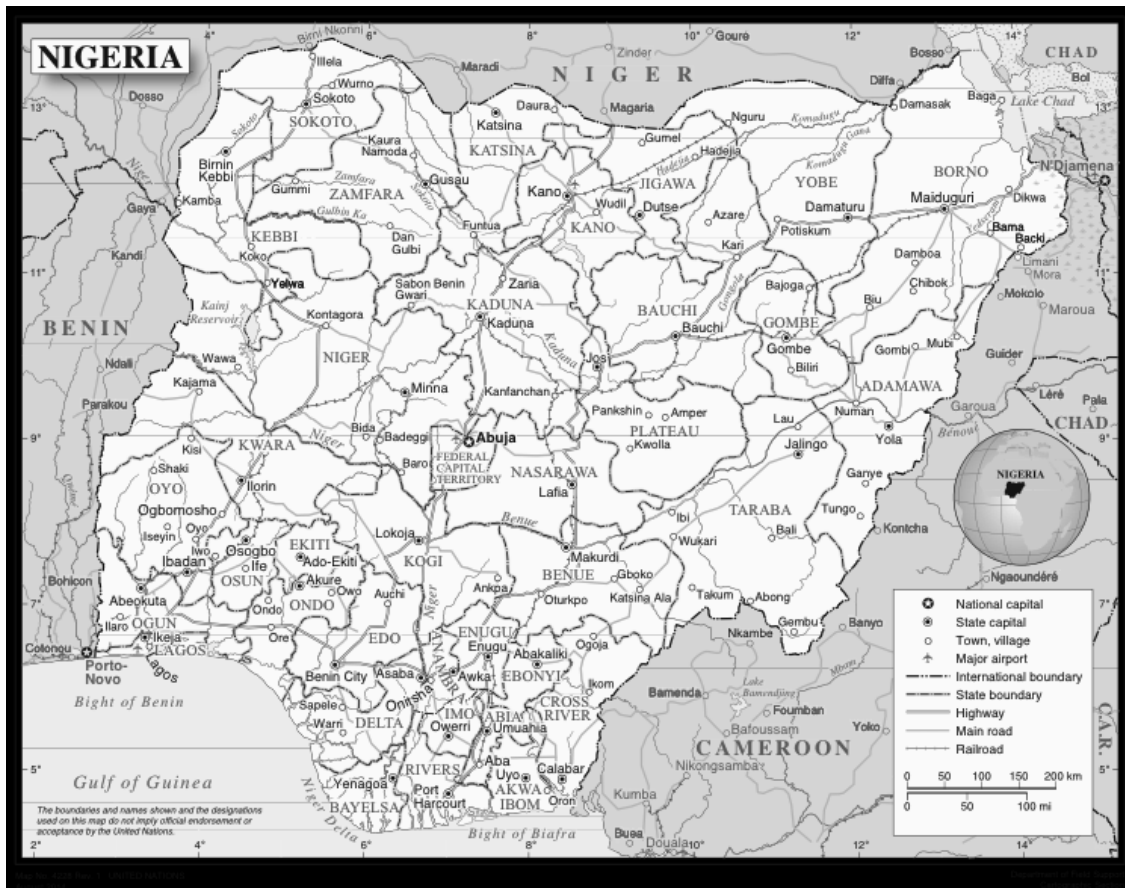
- “to assess the effectiveness of the Nigeria CT project by measuring the extent to which it achieved its objectives, expected results (outcomes) and outputs as stated programme document;
- “to measure the efficiency of the programme, as well as quality of delivered outcomes and outputs, as stated in programme document; identifying bottle necks and recommending how they can be tackled;
- “to identify and document lessons learned, determine best practices and areas of improvement that can be used for planning and the design of future programme revisions and development of future technical assistance.”

The scope of the evaluation encompasses the project’s duration (1 May 2016 to 31 March 2018) and covers its implementation in Nigeria. The evaluators carried out an inception phase in January 2018, based on a desk analysis of the project documentation provided by UNODC and on a range of other publicly available documentation, such as research reports by non-governmental organisations. A visit to UNODC Headquarters in late January was followed by a field phase, which took place from 29 January to 2 February inclusive, consisting of a visit to Abuja during which the consultants met the members of the project team based in CONIG as well as a range of representatives of key participating Nigerian institutions, trainers, and participants in training sessions. They also observed part of a ToT session and met a range of senior police officers and judges with experience of Nigeria’s judicial response to terrorism. They also held phone interviews with people previously involved in the project, based outside Nigeria.

A team of two independent external consultants conducted the evaluation under the guidance of the UNODC Independent Evaluation Unit (IEU). The team comprised Arvinder Sambei, lawyer and former prosecutor, and Pierre Robert (team leader), human rights and evaluation expert.

Map 1. Map of Nigeria (©UN)

Source: [www.un.org/Depts/Cartographic/map/profile/nigeria.pdf](http://www.un.org/Depts/Cartographic/map/profile/nigeria.pdf)



## Evaluation methodology

The evaluation followed a mixed-methods and gender-responsive approach in line with UN Evaluation Group (UNEG) and UNODC evaluation norms, standards and requirements. The data analysis included secondary data assessed as part of the desk review as well as primary data collected during the field missions in the form of semi-structured interviews and focus group discussions. In addition, in accordance with its ToR, the evaluation was carried out based on a participatory approach, which sought the views and assessments of all parties identified as the key stakeholders of the project/ programme, the Core Learning Partners (CLP). Triangulation of sources, methods and theories ensured an objective and thorough analysis of all collected data, which formed the basis for formulating findings and drawing conclusions. Recommendations and lessons learned as well as best practices were derived from these analyses.

On the basis of the ToR, the evaluators developed an inception report, submitted to IEU in January 2018, which outlined the evaluation criteria, indicators, sources of information and methods of data collection. This was summarised in an evaluation matrix appended to the inception report.

In essence, the evaluation addressed three aspects:

1. Project: the evaluation covered the activities, outcomes and impact of the project. The activities were assessed in accordance with the standard evaluation criteria also set out in the ToR.
2. Lessons learned and good practices: assessment at that level attempted to identify the most effective project approaches and the reasons why they were appropriate in the specific circumstances of the project.
3. Future action: the first two elements of the evaluation provided information to propose future approaches that may be integrated in future UNODC support to counter-terrorism response in Nigeria and elsewhere.

From the consideration of each component, the evaluators drew key lessons, focusing in particular on those relevant to all the components. The evaluation questions were listed in the ToR; the evaluation team complemented them at inception stage by detailing judgement criteria tailored to each project outcome, and by listing the expected sources of evidence.

The evaluation team used the following information gathering tools<sup>11</sup>:

- **Desk analysis** – this involved studying all documentation received from the project team; compiling other relevant documentation from public sources such as governments, NGOs, IGOs, academic institutions, etc.; and using those to:
  - Formulate preliminary findings that can be tested in the course of interviews;
  - Triangulate against other sources of information such as interviews.
- **Semi-structured interviews** with a range of stakeholders, including beneficiaries of programme activities – this involves discussing the project, on the basis of the evaluation matrix. These interviews followed the interview guide appended to this report (Annex II). In all, the evaluators met or interviewed 51 informants (37 men, 14 women) including:
  - The Deputy Director of Public Prosecutions (DPP) together with a member (prosecutor) of the Complex Cases Group (CCG)<sup>12</sup>;
  - The Legal Adviser at the Department of State Service;
  - Members of the Judiciary;
  - The Central Authority;
  - Trainers both international and Nigerian (investigators and human rights specialists) who have been trained under the ‘Training of Trainers’ component;

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<sup>11</sup> The evaluators had originally proposed to conduct an online survey of training participants (see draft questionnaire in the Inception Report). They were advised during the visit to Abuja that this would be impractical and unlikely to lead to a significant number of responses. The idea was accordingly dropped. However, an adequate level of information was obtained, in relation to training, by interviewing the project’s main trainers (one member of the CONIG-based team and two international consultants); by observing a training session and by talking to training participants.

<sup>12</sup> The Complex Case Group was set up under a UK project being implemented through a team based at the British High Commission in Abuja to deal specifically with terrorism cases. The CCG initially comprised of 12 prosecutors who had gone through a selection process conducted by the UK project team; the CCG has now grown and has 23 prosecutors.

- The training institutions, in particular, the National Judicial Institute (NJI), Nigerian Institute of Advance Legal Studies (NIALS), and the Assistant Inspector General (AIG) Commandant of the Police Academy;
  - The National Human Rights Commission (NHRC);
  - Representative at the British High Commission (BHC);
  - Members of the EU Delegation in Abuja and a member of the West Africa Regional Team dealing with crisis prevention and peace-building;
  - The Ministry of Budget & National Planning; and
  - The UNODC Project Team in Vienna (Terrorism Prevention Branch) and Abuja (CONIG).
- **Focus group meetings** with groups of participants in two ToTs: on human rights and on investigation. The focus group discussions were an opportunity to assess the impact of the project, based on participants' own experience of the project activities and their individual accounts of any change influenced by the project. The two focus group meetings brought together 15 people (13 men, two women), representing institutions ranging from academia to the Bar, civil society, DSS, several police departments and police training institutions.

### **Sources of information**

The evaluators have received extensive information from UNODC. This covered the design of each component, activities, outputs and outcomes achieved, as well as information on the management and reporting systems. In addition, the evaluators researched additional publicly available information about each of the partner organisations involved and reviewed relevant legislation and regulations.

In addition to meeting stakeholders in Nigeria and Vienna, the team also conducted phone/Skype interviews with staff at the Office of the National Security Adviser (ONSA), representatives of the Counter-Terrorism Executive Directorate (CTED), UNODC Consultants/Expert Trainers (for the prosecutors), and EU regional security staff.

### **Limitations and constraints to the evaluation**

There were few material constraints affecting the evaluation. The evaluators were able to meet virtually all the project stakeholders they wished to meet in Abuja. The key constraints were the limited participation in focus group meetings (see above) and the fact that no online survey of training participants could be conducted. This was partly compensated by the fact that the evaluators could observe part of a ToT session that was taking place during their stay in Abuja and could discuss the training in detail with the trainers. They were able also to meet senior police training officials during the training closing ceremony. These constraints did not have a material impact on the evaluation findings and recommendations.

## II. EVALUATION FINDINGS

### Relevance

#### Evaluation questions:

- To what extent is the project relevant to the counter-terrorism needs and priorities of Nigeria?
- To what extent is [the project] aligned with and contributing to UNODC's mandate, strategy and policy?
- To what extent did this project meet the needs of the recipient country regarding quality and degree of assistance provided by the project?
- To what extent are the outputs, outcomes and objectives of this project relevant to implementing the Sustainable Development Goals?

The project is highly relevant, in the sense that it is based on a thorough and accurate analysis of the challenges and needs of Nigeria in relation to the judicial response to terrorism, and that its planned outcomes and activities are well thought-out and appropriate to the achievement of the stated objective. The project is also fully in line with Nigeria's national strategic approach, as well as with the programmes and plans of UNODC in Nigeria and the region, and those of the EU.

The only element that somewhat hampers the relevance of the project is that it is a relatively short engagement of just under two years – though it is to be recognised that it is part of a continuous series of projects implemented over the last decade. Some of the issues it seeks to address – such as bringing legislation and judicial practice into line with Nigeria's international commitments and enhancing the overall effectiveness of the country's justice sector – are of a long-term nature. Nevertheless the project, while not able fully to address these issues, is advancing a professionalization agenda that is fully relevant to the long-term needs of security and justice sector reform in Nigeria.

The threat of terrorism in Nigeria, as elsewhere, has become more prevalent and prominent over recent years and has been consistently highlighted by a range of terrorist attacks and incidents particularly in the North East of the country where Boko Haram operates. The Nigerian government has sought to address terrorism and its threat to Nigerian security through military action but interviewees reported that it is now moving increasingly towards law enforcement measures even in the most affected areas<sup>13</sup>. Since assuming office in 2015,

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<sup>13</sup> Trials are being held in Kainji and Maiduguri areas for some 1700 detainees. Prosecutors from CCG and members of the judiciary held preliminary hearings in Kainji and Maiduguri following a review of the evidence against the detainees. The outcomes were: (i) discharge where there was lack of evidence (ii)



President Muhammadu Buhari *'has identified combating insecurity as one of the main three priorities of his government'*<sup>14</sup> and a revised National Counter-Terrorism Strategy was adopted in 2016.

The current phase of the project continued to focus on building the capacity and capability of the Nigerian criminal justice agencies through training, in particular, for the investigators, prosecutors, judiciary and defence on legal issues arising in terrorism cases as well as examining preventive measures to address terrorism and violent extremism. In addition to the training workshops, a series of roundtable discussions were held with stakeholders and partners that also provided an opportunity to assess the project activities as well as the needs of the beneficiaries so that the training could be aligned to the needs.

As set out in the Inception Report, the project is in line with UNODC's regional programme, the UN Global Counter-Terrorism Strategy, Nigeria's 2016 NACTEST, and the TPA. Nigeria's national strategy is worded in a manner that differs somewhat from that set out in the international documents. However an analysis of these documents shows that the differences are ones of form and wording, reflecting the history of Nigeria's response to terrorism. TPA addresses all major aspects of counter-terrorism response. It is clear therefore that the project was consistent with both the international and the national strategic approaches. The project also has a clear relevance to SDG 16, which addresses inclusiveness, justice and institutional accountability, especially targets 16.1 (reduction of violence); 16.2 (prevention of child trafficking); 16.3 (rule of law and access to justice); 16.4 (reduce illicit financial and arms flows) and 16.6 (institutional accountability and transparency). These issues are specifically reflected in the design of the training activities, as demonstrated by project documents and interviews with trainers. The gender dimension of the training and its dimension focusing on women's rights also make the project relevant to SDG 5.2 (elimination of violence against women and girls).

The activities, which comprised mainly of training workshops (including training of trainers), appear (on the basis of project documentation and interviews) to have been designed and planned based on the lessons learned from previous phases along with a proper handover between the international prosecutor experts/trainers that helped to provide continuity. Overall, the training workshops, topics addressed, training methodologies and regular stakeholder meetings met the aims and objectives of the project.

*Relevance of topics addressed by the training programme:*

The project built on the achievements of the earlier phase (2012-2015), which targeted approximately 1000 officials across some 33 national entities<sup>15</sup>. The training workshops were designed, and updated, based on needs assessments that were carried out in June 2015,

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trials to be held in late February in respect of those detainees where sufficient evidence is available.

<sup>14</sup> Project Description, EU-Nigeria-UNODC-CTED Partnership Project III: Support for Criminal Justice Responses to Terrorism and Violent Extremism, 15 January 2018

<sup>15</sup> Annex I, Description Of The Action (ICSP 2016/373-017), 17 July 2017.

June 2016, and February 2017<sup>16</sup> and covered a vast range of topics that are directly relevant in terrorism cases.<sup>17</sup> In late 2017 for example, training (and a level of awareness- raising) sessions were held on foreign terrorist fighters (FTF), countering violent extremism (CVE), border control and countering the financing of terrorism.

The project activities have focussed on a wide range of training topics rather than depth; this is an acknowledgment that the range of topics that fall within the terrorism context are extremely numerous, ranging from preventive measures to addressing the conditions conducive to terrorism to combatting terrorism through law enforcement measures, all of which need to be addressed in order to have a meaningful response to terrorism cases in any jurisdiction. This in itself creates a challenge for any project as it risks losing attention to detail on specific topics. For instance, human rights issues are now appreciated as an integral part of a terrorism case (a significant shift since 2015, and one that is consistent with the recommendations made in the 2015 review of the project).

However, whilst the international, regional and national human rights frameworks can be understood at a theoretical level, their application, in practice, is far more challenging, nuanced and detailed than it appears at first blush. This was recognised by the project, in that the human rights training focused on the human rights safeguards included in the Nigerian Constitution and other Nigerian laws (ACJA, Evidence Act, TPA, etc.). Nevertheless, there is still a need for each of the criminal justice agencies, in particular, the prosecutors (and judiciary) in Nigeria to appreciate, understand and apply human rights considerations when conducting their prosecutorial functions: case review, operational decisions (where they engaged at an early stage of an investigation) and court proceedings (trial and appeal). With that in mind, it is perhaps worth considering a more nuanced and detailed approach to each of the issues that have been addressed in the current phase; in this way it may help to embed the learning even further.

Whilst border control, CVE and FTF are relevant to counter-terrorism training, they are also specialised areas, where UNODC's expertise on border control and other concerns should be complemented with input from other agencies and institutions that are well equipped to deal with such issues. In some of these areas – CVE in particular – it is necessary to develop holistic responses that go beyond the remit of the judicial sector, and involve engagement with many other ministries as well as with civil society. The project has engaged with actors outside the security and judicial sectors – for example participants in the ToT on human rights included two senior members of the National Human Rights Commission, three representatives of a human rights NGO, and five representatives of the Bar Association (who have been associated to a range of other training activities and workshops). Nevertheless the development of a full CVE strategy would require sustained and wide-ranging discussions with these and other actors.

### *Selection and prioritisation of institutional partners*

One of the main challenges in Nigeria is the number of agencies, often with overlapping competences, engaged in counter-terrorism coupled with a lack of co-ordination and co-

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<sup>16</sup> Nigeria Stakeholder Needs Analysis (undated)

<sup>17</sup> See document titled "Topics Covered During Capacity Building Training Activities" (undated).

operation between the agencies that risks dissipating the efforts of the project. For the training to be relevant to each agency, it is vital that there is clarity in the role and function of each agency. For instance, if DSS in-house lawyers are indeed guiding the investigations conducted by DSS, they will, undoubtedly, need to be familiar with handling and protecting sensitive intelligence/information and integral to this function is the need to know when to make public interest immunity (or the equivalent in Nigeria) applications.

A further complication arises in the North East of the country where Boko Haram operates. Until recently the response has been through military action and it has been solely engaged in the region. One of the key challenges that the criminal justice agencies now face is that more often than not, military personnel have no training in evidence gathering which results in either relevant evidence not being secured, or more frustratingly, compromising the integrity of the evidence through lack of continuity chain or inadvertently destroying it. If, as is likely, the military response is to continue, it is vital that military and civilian stakeholders (police, military, investigators and prosecutors) are jointly trained so that there is an appreciation of challenges faced by law enforcement, the appropriate way to gather evidence and the likely result of non-prosecution. The evaluators were informed by some stakeholders that one of the main difficulties was the unwillingness of military personnel to engage with the project, however, there has been some success in opening dialogue with relevant military personnel which the project may be able to take forward during the next stage.

#### *Engagement with training institutions*

There are several police training bodies in Nigeria: Police Academy, Police Staff College, Detective College, at least 30 State Police training schools, Special Protection Unit, Police Mobile Force training, Financial School etc. TPB/CONIG has partnered and trained members of a number of training institutions: NJI, NIALS, NHRC and police training institutions, as well as the Nigerian Bar Association. Based on our discussions with each of the institutions, it is clear that the training has been targeted, met the needs of the members and each of the institutions intend to continue participating (both as trainers and trainees) in the activities.

#### Summary - Relevance

The project is highly relevant, in the sense that it is based on a thorough and accurate analysis of the challenges and needs of Nigeria in relation to the judicial response to terrorism, and that its planned outcomes and activities are well thought-out and appropriate to the achievement of the stated objective. The project is also fully in line with Nigeria's national strategic approach, as well as with the programmes and plans of UNODC in Nigeria and the region, and those of the EU. The project was also consistent with achieving specific targets under the SDGs. The only element that somewhat hampers the relevance of the project is that it is a relatively short engagement of just under two years – though it is to be recognised that it is part of a continuous series of projects implemented over the last decade.

#### Efficiency

Evaluation questions:

- To what extent were the resources and inputs converted into outputs in a timely and cost-effective manner, and to what extent was the project implemented in the most efficient way compared to alternatives?
- To what extent were the technical assistance and capacity building activities efficiently planned, managed and implemented? What was the quality of the outputs delivered?
- To what extent has there been an effective monitoring mechanism in place, used to guide management decisions?

The project was efficient, in the sense that it represented appropriate value for money – activities and outputs were consistent with the financial and human resources available to the project – and in terms of project management, which was pro-active, accountable and helped ensure the timely delivery of activities. Interviews showed that the project did not suffer from the project team being “split” between Vienna and Abuja – indeed this appears to have been beneficial – and that, with the support of CONIG, the team was able to maintain effective communication channels with all the relevant Nigerian stakeholders, thus clearly contributing to buy-in of the project objectives on their part.

*Value for money*

On the basis of the project documentation, including narrative and financial reports, the efficiency of the project in terms of value for money was appropriate in view of the expenses incurred, the quality of the expertise of the staff and consultants involved, and in terms of adaptation to operational constraints. The project budget was €4.5m over 23 months (extended from the original 18-months proposed duration). The main areas of spending are summarised in the table below.

Table 1: GLOR35 main spending areas. Source: Project Information Note

Main area of spending*	Budget share
International experts (trainers, technical advisors)	36.1%
International consultants (including training resource people)	2.5%
Other personnel costs (project team, etc.)	19.3%
Training sessions (logistics, accommodation, allowances, etc.)	32.8%
UNODC project support	6.5%
Total	97.2%

\* The other categories of costs (equipment, miscellaneous) represented less than 3% of the budget.

This allocation of the budget is very much in line with what would be expected of a project that is primarily focused on training. The main costs clearly represent the hiring of expert trainers (36.1%) and the logistics of training sessions (32.8%), which includes the cost of travel, accommodation and subsistence allowances for participants and resource people, rental of meeting facilities and other logistical costs. These together represent the lion's share of the budget, the rest being primarily devoted to the project team costs and to UNODC project support. As projects of this nature rely heavily on the use of senior experts as trainers, the distribution of costs is in line with expectations.

Since the project is still underway, it is too early to assess the extent to which the available resources have been used. However, the project team anticipates a degree of under-spending on the budget, which can be explained in large part by the substantial devaluation of the Nigerian Naira during the project period, compared to the time when the budget was designed, as a result of a government decision to switch from fixed parities to a "floating" currency. Another cause of apparent under-spending is that spending on project staff is substantially lower than anticipated.<sup>18</sup>

The EU and UNODC agreed to a 5-months no-cost extension of the project, partly because of delays in implementing some activities – one cause of delay having been the weeks-long closure of the Abuja airport in March-April 2017. According to an interim financial expenditure report covering the first 12 months of the project (May 2016 to May 2017), only 42% of the project budget was spent during that period, against the 66% that could be expected in theory, if one assumed that an equal amount is spent each month throughout the project period. This was in part because the airport closure – which practically precluded the implementation of much of the planned training – fell within that period, and because of exchange rate fluctuations. In the months since the reopening of the airport, training activities have been implemented at an accelerated rate, and it can be anticipated that by the end of the project period the under-spending will be more limited than it was in the first year. (According to figures listed in the evaluation ToR, the rate of spending against the overall budget had gone up to 58% by end-September 2017).

### *Project management*

The evaluators have concluded that the project was effectively and pro-actively managed. The Nigerian stakeholders were appreciative of the team's effectiveness at communicating plans and adapting them to their needs. The team's ability to deliver outputs as agreed was widely recognised, as was the team members' own expertise. The fact that the team was split between Vienna and Abuja could appear to be a cause of potential problems linked to miscommunications or delays, but no such issues were reported.

Indeed, the fact that the team has a permanent presence in both Vienna and Abuja is clearly an advantage, leading to an effective division of labour. The team based at CONIG liaises intensively with stakeholders, ensures the delivery of activities, and provides on-going feedback to Headquarters about evolving needs, as well as about the changing security and policy context. Meanwhile the team in Vienna, while mindful of steering the project's strategy, helps maintain its high rate of delivery by addressing any concerns in a timely manner. It also ensures information flow and coordination with other UN counter-terrorism entities (CTED

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<sup>18</sup> UNODC rules require that budget estimates be built assuming the highest possible costs for each given staff member in terms of pay levels, allowances, etc.

and others). In a centralised organisation like UNODC, where management (and many administrative) decisions are largely taken at Headquarters, the Vienna part of the project team had a fairly hands-on role to play to ensure the timely delivery of activities – from contracting with experts to ensuring the timely issuing of administrative decisions, etc.<sup>19</sup> The team's access to senior management (TPB) also helped ensure an effective flow of information within UNODC, and between UNODC and the EU.

A Project Management Steering Committee was set up in accordance with the project document, bringing together the EU, UNODC and senior members of the main Nigerian stakeholders (including a representative of the Ministry of National Planning and Budget). Three meetings of the PMSC were planned for the duration of the project, alongside with more informal roundtables and programme consultation meetings. In practice, the PMSC was set up and held meetings, but the project team engaged in many more consultation meetings than the 11 sessions planned originally (close to 100 such meetings have reportedly taken place, according to interviewees and project progress reports), making PMSC meetings less necessary and ensuring that key stakeholders were aware of implementation plans and issues as they arose. This pattern of intensive consultation is clearly one of the factors behind the project's overall effectiveness.

#### Summary - Efficiency

The project is efficient, in the sense that it represents appropriate value for money – activities and outputs were consistent with the financial and human resources available to the project – and in terms of project management. Interviews showed that the project did not suffer from the project team being “split” between Vienna and Abuja – indeed this was beneficial – and that, with the support of CONIG, the team was able to maintain effective communication channels with all the relevant Nigerian stakeholders, thus clearly contributing to buy-in of the project objectives on their part. The evaluators have concluded from interviews with the project team in Vienna and Abuja, CONIG managers and Nigerian stakeholders, that the project is effectively and pro-actively managed. The Nigerian stakeholders are appreciative of the team's effectiveness at communicating plans and adapting them to their needs.

## Partnerships and cooperation

#### Evaluation questions:

- To what extent have partnerships been sought and established with the donor and the recipient country?
- To what extent has the Branch successfully cooperated with relevant UN entities, such as CTED and CTITF, as well as with relevant UNODC field offices? What benefits have there been to the field office from GLOR35?

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<sup>19</sup> A Vienna team member noted that this coordination role will grow in importance in the future, as the attention to delivery of counter-terrorism technical assistance as “One UN” is growing.

- To what extent has the Branch sought and achieved effective cooperation with relevant regional and international organisations? Which partnerships should the project be strengthening further to enhance the benefits of the assistance to Nigeria?
- To what extent is there an overlap between this project and other interventions in Nigeria (including from other Member States, international organisations, etc.)?

Overall, there has been good co-ordination between the organisations at both the planning and delivery stages. Evidence for this included feedback from Nigerian stakeholders, who welcomed the UNODC/TPB approach, delivery of the project activities (both in terms of the frequency and quality of workshops as well as overall project management) and follow-up with the national stakeholders. The TPB/CONIG plan to commence activities in the North East of the country where the terrorist threat remains was widely endorsed by stakeholders. Stakeholders also welcomed the contribution of UNODC to the CCG.

In so far as the UN system-wide coordination is concerned, the short duration of the project (approximately 23 months for Phase II) faced initial difficulties in hiring in-country staff, which in turn meant that phases of the project were primarily run from TPB in Vienna, with logistical arrangements being handled by the country team (CONIG). However, by late 2016, a team was in place<sup>20</sup>, and together with TPB, it has taken the training workshops forward (including training of trainers) and strengthened relationships with the Nigerian stakeholders. Office of the High Commissioner on Human Rights (OHCHR) was consulted in the development of the human rights and gender aspects of the training. Trust between beneficiary organisations, project teams and consultants had been built during this project, which the consultants concluded was an important factor contributing to its effectiveness.

In addition to CONIG, UNODC/TPB has worked closely with CTED, given their initial engagement with the Nigerian authorities in 2006. The engagement of CTED arose directly out of its mandate in respect of the UN CT related SC Resolutions and the requirement for Member States to implement them. It built strategic level discussions with the Nigerian authorities and during the assessment activity, it identified priority gaps, which, in turn, informed, developed and anchored the UNODC project. It has continued its engagement with the Nigerian authorities and, as a project partner it leverages and lends support to the UNODC project activities.

During 2016/2017 the focus of CTED activities fell under Outcome 1(d) and 6<sup>21</sup>, namely, capacity-building support for interagency cooperation and support for integrating criminal justice responses, addressing institutional barriers, engagement with the military (and working with the Joint Investigations Centre) and assisting Nigeria in developing and building its rehabilitation and re-integration programme, as part of the overall project activities.

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<sup>20</sup> The in-country team now consists of a Project Co-ordinator, two international consultants/trainers (a former investigator and prosecutor), administrative assistants and a UN Volunteer.

<sup>21</sup> Partnership Strategy, 2016-2017 (undated).

CTED, therefore, is primarily engaged at the strategic level, for instance, attending the fact-finding mission to Borno in October 2017<sup>22</sup>, submitting comments on the Counter Terrorism Bill 2016<sup>23</sup> and responding to requests from the Government of Nigeria. The engagement of CTED is clearly determined by its own mandate and aimed at providing support to strategic partners in Nigeria; the other beneficiaries (at the operational level) were not too aware of the distinction between CTED and TPB/UNODC, and only see UNODC (TPB and CONIG) as the in-country partner and training provider.

At a national level, UNODC (TPB and CONIG) has developed good partnerships with the various national training agencies, Nigeria Judicial Institute (NJI), Police academies, NIALS, and NHRC, which has helped in building national capacity and sustainability in the long run. In addition, UNODC has reached out to the Nigeria Bar Association in order to engage with the private defence Bar, and organised activities together with the NBA. This is extremely worthwhile as the defence had been largely ignored during the earlier phases of the project. However, it appears that intelligence agencies/units other than DSS are not part of the training exercises.

UNODC/TPB/CONIG should include intelligence agencies/units within the training programme as well as exercises that promote inter-agency co-operation and co-ordination. All in all, UNODC/TPB has sought and forged good working relationships with donors, training partners (both national and international), other UN agencies and national institutions.

#### Summary - Partnerships and cooperation

Overall, the donor and partner agencies were of the view that there has been good co-ordination between the organisations at both the planning and delivery stages. At a national level, UNODC (TPB and CONIG) has developed good partnerships with the various national training agencies, Nigeria Judicial Institute (NJI), Police academies, NIALS, and NHRC, which has helped in building national capacity and sustainability in the long run. The project also worked with CTED, at a strategic (rather than operational) level.

## Effectiveness

#### Evaluation questions:

1. To what extent were the project's objective and outcomes achieved? What are the reasons for the achievement/non-achievement of the outcomes/objectives, and to what extent were the beneficiaries satisfied with the results?

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<sup>22</sup> Quarterly Implementation Report, August – October 2017.

<sup>23</sup> Quarterly Implementation Report, August – October 2016



2. To what extent have challenges (including unforeseen) in the provision of effective capacity-building assistance been identified and handled during the implementation?
3. To what extent does the Branch ensure that the assistance provided bears tangible results: How does the Branch ensure that criminal justice officials trained by the Branch apply the acquired skills and knowledge?
4. To what extent did the project/programme implement recommendations of relevant previous evaluations?

The evaluators have found on the basis of project progress reports, interviews, focus group feedback and document analysis that the project was generally remarkably effective, in the sense that planned activities were implemented and that target quantitative indicators were achieved. Indeed, several of the quantitative indicators were in fact exceeded by the 6<sup>th</sup> quarter, several months before the scheduled end of the project (the project was originally scheduled to end on 31 October 2017, though a five-months no cost extension was granted in August that year). For example, the project document anticipated that about 1000 officials would be involved in training sessions, seminars and workshops. By October 2017, that figure had exceeded 2000 – including both participants in multi-days training sessions and in shorter workshops and seminars. An analysis of a database of participants in training sessions held between the start of the project and end-November 2017<sup>24</sup> (about 720 names, 24% women) shows that the participants came from virtually the entire range of target institutions listed in the project document, but also that some came from NGOs and from several other institutions (Economic and Financial Crimes Commission, Prison Service, etc.). There were also government officials from Cameroon and Chad. While Abuja- and Lagos-based officials formed the majority of participants, about a third came from other states. It will be useful, once the project is completed, to analyse fully the database and develop a full picture. The project has reached a substantial proportion – effectively a critical mass – of Nigerian personnel, especially in the key central institutions working on counter-terrorism. For example, virtually all members of the CCG have undergone training, as have substantial proportions of FHC judges, staff at the Central Authority Unit, etc. By necessity, the proportion drops when it comes to the National Police Force itself – if only because of its sheer size. However, also in the case of the police, a substantial number of investigators (numbering in the hundreds) involved in counter-terrorism, and in training others, have been reached.

One reason the project was effective was that project management, as outlined above in the section on efficiency, was pro-active and that the project team maintained intensive consultation links with the Nigerian institutions. This helped ensure that the partners' concerns were taken into account and addressed, without causing major implementation difficulties.

### *Training of trainers*

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<sup>24</sup> See: Nigeria CT Project Training Participants Spreadsheet 2016-2017. This document is maintained by the project team and updated regularly. The evaluator accessed it in January 2018.

The evaluation team had the opportunity to observe a session, which provided training on both the substantive legal/investigative issues in terrorism cases as well as training methodologies, presentational skills and mentoring. The various training methodologies will assist the institutions when cascading the learning.

#### *Effectiveness at outcome level*

The project had six anticipated outcomes. The effectiveness of their delivery may be assessed as follows:

1. *Enhanced national criminal justice capacity to undertake effective investigation, prosecution and adjudication of terrorism cases, in accordance with the rule of law and human rights.* This was by far the main outcome area, and it has been the main focus of much of the training delivered to date. By all accounts – reports, interview with training participants and trainers, interviews with senior police officers, prosecutors and judges – the project has been very effective in building capacity in this respect and has contributed to a qualitative step change in the level of skills of investigators, prosecutors and judges, probably most markedly in relation to the police. The project addressed both the technical skills needed for investigation and prosecution and – in the case of the ToT sessions – the training skills of participants, helping them to move away from the “teacher in front of class” model towards a more interactive form of delivery.
2. *Enhanced national capacity for human rights compliance in criminal justice responses to terrorism.* This outcome as well has largely been delivered in the training, which addressed in detail the international human rights standards relevant to criminal investigation, prosecution and trial, as well as the Nigerian constitutional provision, laws, regulations and guidelines that translate the international obligations into domestic law. The training was doubtless effective – and the participants widely praised the quality of the trainers and resource people identified by UNODC. Aspects of human rights safeguards addressed under this outcome did not just concern the investigation and prosecution process: also covered were issues of witness protection, admissibility of evidence allegedly obtained through coercion, as well as impunity for sexual and gender-based violence by terrorist groups.
3. *Enhanced national capacity for international cooperation in criminal matters (mutual legal assistance and extradition) relating to terrorism and strengthened criminal justice cooperation related to terrorism, especially between Nigeria and neighbouring countries.* This outcome was largely delivered as well, mainly through seminars and direct support to the Central Authority Unit (CAU). Activities included presentations about the structure of other jurisdictions (examples from the USA and the UK), the work of Interpol, and the process of developing Mutual Legal Assistance (MLA) requests. Other related activities (listed in some reports under outcome 1) included support to the CAU to develop a central database of all extradition and MLA requests, the dissemination of MLA model requests, training for lawyers on the MLA process, etc.
4. *Enhanced knowledge of and enhancements to the national legal regime against terrorism, in compliance with the international legal regime against terrorism.* This outcome too was delivered through seminars and workshops more than through training, according to reports and interviews. One session in this regard addressed civil aviation legislative reform incorporating international obligations and standards related to terrorism.

5. *Enhanced national capacity to address the legal and criminal justice aspects of major counter-terrorism challenges, such as counter-financing of terrorism.* Training sessions and workshops addressed the issue of countering terrorism financing. In-depth sessions were conducted in 2016 and 2017 with a small group of 25 participants in which staff from Economic and Financial Crime Commission (EFCC) and Nigeria Financial Intelligence Unit (NFIU) joined stakeholders from the police, DSS, DPP, etc. These workshops were also an opportunity to discuss the situation (and vulnerability) of neighbouring countries with regard to CFT.
6. *Reinforced national ownership of rule of law-based criminal justice responses to terrorism with active civil society support, as well as integration of criminal justice responses as an essential component of NACTEST and coordination of criminal justice responses with other counter-terrorism measures.* A wealth of activities addressed this outcome, ranging from dozens of programme consultation meetings to the joint fact-finding mission to Borno in September 2017 and participation by project stakeholders in public events and joint briefings to donors

Taken together the activities of the project delivered the six outcomes to a very satisfactory degree, thus contributing to the overall project objective of supporting Nigeria in bringing to justice those responsible for acts of terrorism. Nevertheless, there were also factors that limited the effectiveness of the project in the achievement of this objective, including:

- The project is implemented in a context of on-going confrontation between Boko Haram and the military. While the situation on the ground has gradually turned to the advantage of the government, in the sense that territory controlled by Boko Haram has now substantially shrunk, the group remains capable of very severely disrupting civilian life – and therefore also the judicial function – in the northeast of Nigeria. At the same time, the pre-eminence of the military confrontation complicates the judicial response to terrorism: Nigerian prosecutors have reported that suspects are held in military custody with little scope for building cases that may stand up in court.
- There are also concerns related to the wide gap between the theoretical knowledge acquired by the training participants and the actual conditions in which they conduct their investigation and prosecution work. For example, training sessions highlighted the importance of maintaining the integrity of evidence throughout the investigative process – however most police investigators lack access to the necessary equipment, and often have to investigate crime scenes that have been contaminated. Addressing this issue – which concerns police equipment and the development of scientific policing in general – goes beyond the remit of the project and of its forthcoming phase. However, it is important that future training sessions should continue to encourage the use of scientific investigation processes.

The above concerns are long-standing and structural, and no single project can address them fully in the short term. The key to enhancing effectiveness seems to lie in continued engagement with the stakeholders, to as to achieve a greater degree of cooperation among institutions (something that interviewees agree is needed but that is often elusive in practice), and also a greater degree joint work between civilian institutions and the military in relation to counter-terrorism. There is also a need, some aspects of which are highlighted in NACTEST, for integrated government strategies to address violent extremism and deal with communities that have been under the sway of Boko Haram.

In the original project document, one output (or deliverable) was listed as “elements of technical support such as forensic investigation kits, operating procedures, specialised

resource materials, mentoring and electronic database for the Central Authority”. According to progress reports and interviews, these elements were delivered (or in the course of being delivered) – however the project document was unclear about which specialised resource materials were meant. It was clear from the project document context, and from the budget, that the project never intended to deliver forensic investigation kits in sufficient numbers to cover the nationwide needs of the police.

It remains to be seen to what precise extent the Nigerian stakeholders will use and expand on the skills and information obtained through the project. With regard to training, it is very clear that awareness of good practice in relation to investigation and prosecution of terrorism acts has been acquired. A wide range of interviewees testified to this (see impact section). There is also broad awareness of the need to improve working practices and for institutions to collaborate more, but this is a gradual process. The role of TPB in encouraging stakeholders to make use of skills acquired in the project is necessarily limited. On-going, long-term engagement is likely to contribute to this objective, and should be taken into account in the design of the next phase of the project.

### *Training manuals*

Two training manuals have been developed during the review period: one on “Counter-Terrorism and Human Rights” and a second on “Conducting Investigations”. Both manuals are being finalised and will be used in the next phase of the project as well as within each of the training institutions as part of their curriculum. The evaluators had the benefit of looking at the draft “Counter-Terrorism and Human Rights” manual, which they found to be highly relevant to the project activities.

Overall, the selection and prioritisation of training topics, partners and participating agencies are in line with CT training needs generally as well as within the Nigerian context where it is often challenging given the number of CT bodies.

The evaluators had the benefit of meeting a number of national beneficiaries, including those delegates that have been trained and are being mentored as trainers for investigators and on human rights issues. Each of the beneficiaries remarked on the professionalism and commitment of TPB/CONIG and their willingness to adapt in the changing circumstances (mainly through Roundtable discussions). The beneficiaries were of the view that the project activities had helped to turn their thinking around on the way terrorism cases should be handled. Of course, other international partners (e.g. bilateral agreements with the UK, US and Japan as well as the International Organisation for Migrations [IOM], etc.) have also played their part in building Nigeria’s CT capability (such as the establishment of the CCG, and now the Terrorism Investigation Bureau, [TIB]), and this must be acknowledged.

The beneficiaries were keen that continuity of both personnel and project is maintained for at least the next two to three years, as this will assist them in embedding the substantive knowledge, skills and training methodologies. The international trainers expressed concern about the level of existing knowledge and skills, which were described as basic. They found that the “learning by rote” approach of the participants was hindering the building of knowledge and skills; the application of both was found somewhat wanting even after prolonged training exercises. It is difficult to assess to what extent this is part of the wider educational culture as well as the hierarchical structures within each of the organisations, which often acts as an obstacle. A number of participants and local trainers asked that TPB/CONIG engage with senior management to ensure that the learning can be put to use in

a constructive and practical way both in their day to day work as well as a specific CT training module within the training institutions.

#### Summary - Effectiveness

The project was generally remarkably effective, in the sense that planned activities were implemented and that target quantitative indicators were achieved. Indeed, several of the quantitative indicators were in fact exceeded by the 6<sup>th</sup> quarter, several months before the scheduled end of the project. The activities of the project contributed to the overall project objective of supporting Nigeria in bringing to justice those responsible for acts of terrorism. Nevertheless, there were also factors that limited the effectiveness of the project in the achievement of this objective, including the fact that the project is implemented in a context of on-going confrontation between Boko Haram and the military, which complicates the judicial response to terrorism. There are also concerns related to the wide gap between the theoretical knowledge acquired by the training participants and the actual conditions in which they conduct their investigation and prosecution work. These concerns are long-standing and structural, there is a need for integrated government strategies to address violent extremism and deal with communities that have been under the sway of Boko Haram.

## Impact

#### Evaluation questions:

- To what extent has the project contributed to enhance national capacity in the criminal justice aspects of counter-terrorism?
- What are the intended or unintended, positive and negative, effects of the project?
- To what extent do criminal justice officials trained by the Branch consistently apply the acquired skills and knowledge?

It is somewhat premature to refer to the impact of the project as a whole, partly because impact may appear some time after a project's end. Nevertheless, the evaluators were able to identify clear elements of impact, patterns or attitude changes that are likely to influence future counter-terrorism activities in Nigeria. This section is, therefore, based on observations and discussions with the various stakeholders and their perception of changes both in their level of knowledge when dealing with terrorism cases and in their working practices.

#### *Impact on those trained*

Both the trainers and practitioners remarked on a fundamental change in their attitude, in particular, the need to adhere to human rights. The trainers found the introduction of

different training methodologies (case scenarios, case studies, discussions and lectures) helped to enhance and improve their own approach to training, which previously was primarily by way of lectures (i.e. classroom style). The beneficiaries all observed that the project has helped them to streamline their thinking and give focus to their efforts. For instance, the investigations in Maiduguri were now being approached differently as the learning has been put in place. (It was, however, difficult to get the participants to crystallise the changes. Based on conversations with the prosecutors, it would seem that the change refers to a review of the detention of suspects followed by a judicial process, which had, hitherto, been lacking.) It was also encouraging to learn that some of those trained as trainers had arranged sessions voluntarily for their peers and invited the UNODC trainers as observers.

The project team had, over the period, also sought to assess the impact of the training, predominantly through participant feedback after a training event. Of course, such feedback is subjective in nature and must be viewed as such. However, each of the beneficiaries spoken to by the evaluation team said there has been a change in their professional attitude and the manner in which they conduct their professional duties (investigators, prosecutors, defence and judges). For example, the investigators said the training has helped them to:

- Re-evaluate their interviewing techniques of witness, suspects and victims. In respect of the suspects, they are moving away from the “interrogative style” to rapport building, which was found to be more beneficial to the investigation as a whole;
- Recognition of the importance of continuity in exhibit collection and maintaining the integrity of the evidence;
- Handling of exhibits (however, there is a practical limitation to this learning as the investigators are not equipped with gloves or exhibit bags, leaving them to remove them with the bare hands, thereby compromising the integrity of the evidence). The investigators said they were now fully aware of the consequences, but they had little choice in practice.

Whilst this is, strictly speaking, not a matter for TBP/CONIG, there is a real risk that the knowledge gained has to be set aside in the face of the ground realities: a solution needs to be found if the training is to have any practical impact, not just one whereby officers understand what should be done, but still act in the “old” way.<sup>25</sup>

### *Changes in process, procedure and policy*

This was rather difficult to assess and any impact in this regard is based on observations and comments. All criminal justice agencies said that case handling has improved dramatically, however, in practice there were identifiable gaps, namely:

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<sup>25</sup> The project did provide a limited amount of equipment such as forensic investigation kits. But there is clearly a need to mainstream scientific investigation methods nationwide – something that no single project can achieve.

- According to stakeholders interviewed by the evaluators, most terrorism investigations in Nigeria are still reactive in nature rather than intelligence-led proactive investigations. As such, the success of a case would depend entirely on the manner in which the investigation is developed and managed. The current practice in Nigeria, similar to that found in other common law systems, is the somewhat sharp divide between the investigators and prosecutors: the former develop and complete their investigations with little or no advice from the prosecutors, and once the investigation is complete, the case is submitted to the office of the DPP for proceedings to commence. This approach has proven to be less than satisfactory in complex cases, such as terrorism, leading to loss of evidential leads and evidence gathering opportunities. Most common law systems are now moving towards early engagement of the prosecutors and Nigeria has been encouraged, through the UNODC training workshops, to review its existing practice and adopt the same approach. However, interviews with prosecutors and judges show that early engagement with prosecutors is still somewhat lacking despite joint training between investigators and prosecutors as well as highlighting the need for closer working between the two agencies (through case scenarios etc.).
- There is scope to reinforce the impact of the project if UNODC continues to emphasise the need for inter-agency collaboration and finds ways in which this can be institutionalised. Whilst each of the agencies recognise the need for it, there seems to be a reluctance to move towards a more integrated approach; each agency blames the others, thus ultimately undermining Nigeria's counter-terrorism effort.

#### *Inter-agency co-operation and co-ordination*

Inter-agency co-operation and co-ordination is critical when handling cases of any complexity, that involve more than one agency and are transnational in nature: terrorism is one such crime. According to the training topics<sup>26</sup> and based on interviews with the various international trainers, the need for co-operation and co-ordination is integral to the training programme. Yet, in practice, this is somewhat lacking. TPB/CONIG and CTED must engage with those in senior positions who have the power and authority to make the necessary changes, through high-level strategic meetings. In addition, TPB/CONIG and CTED may wish to monitor the concrete steps taken by the agencies in adopting, for example, MOU/agreements for closer working, such that the criminal justice system not reliant on individual personalities (positive or otherwise) to push change. Furthermore, a permanent, rather than an ad hoc, change will allow the training provided to have the desired impact and sustainability.

#### *Embedding the lessons identified within the agencies*

Most of the training activity is aimed at mid-level or junior personnel within each of the organisations, who have no power or authority to implement any changes in their work place.

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<sup>26</sup> 'Topics covered during Capacity Building Training Activities' (undated) and 'Nigerian Beneficiaries Involvement' (undated).

Each of them recognises the operational benefits of a change in existing work practices, but say they are unable to persuade, or influence, their own management. The lack of ‘buy-in’ from senior management and/or resistance to change by experienced and/or senior personnel is a barrier for both impact and sustainability. Those spoken to suggested similar training for their senior personnel in order to allow them to introduce changes (e.g. including counter-terrorism as a module in training institutions).

One way to progress this would be for TPB/CONIG to create a scenario that is run for each of the three levels: strategic, operational and tactical. This would help to draw out the different considerations at each level and should help to draw out better understanding of the difficulties, challenges and considerations at each level. Trainers should use the same topic/theme rather than create separate scenarios.

The evaluators’ meetings with judiciary were helpful in assessing the impact of the project on court case presentation. Judicial officers interviewed found that there has been a shift in moving away from confession-based cases to an evidence-based approach in almost every case. This perception may be correct in relation to cases reaching the Federal level, but it is at odds with the current cases being heard in Kainji and Maiduguri, which are reported by prosecutors and investigators to rely primarily on confessions (see remarks on confession in the section on sustainability below). This demonstrates, as noted above, that the skills and awareness acquired in training have yet to fully translate into day-to-day practice. Referring to their own training, the judicial officers were generally supportive of the TPB/CONIG engagement. The introduction of active case management (ACM) as a topic of training was welcomed, but again there was little evidence to demonstrate that it is widely used in practice.

It is worth noting that the introduction of ACM is a good initiative and UNODC should take this aspect forward even if at this stage Nigeria may not be able introduce digitalised ACM. It is important however, that any training on ACM should not be confined to the judiciary but involve all court users: prosecutors, defence lawyers, and court officials.

Having considered the institutional impact, it is worth setting out the “knowledge impact”. Prior to the UNODC programme and bilateral programmes (UK, US, etc.), it would appear that the country received ad hoc training on counter-terrorism and according to the various agencies, the emergence of terrorism in Nigeria had come as a complete surprise leading to a “chaotic” response by the various criminal justice agencies: a concerted training programme was necessary and has, largely, had the desired outcome and impact. The project (through all its phases) has certainly helped to raise awareness, addressed the various strands in training workshops in terrorism cases and sensitised key agencies of the need to co-ordinate and co-operate in such cases.

#### Summary - Impact

The evaluators were able to identify clear elements of impact, patterns or attitude changes that are likely to influence future counter-terrorism activities in Nigeria. The project has certainly helped to raise awareness of training participants about the need to adhere to human rights. Investigators interviewed by the evaluators said the training has helped them to re-evaluate their interviewing techniques of witness, suspects and victims. In respect of the suspects, they are moving away from the “interrogative style” to rapport building. Investigators also recognised the importance of continuity in exhibit collection and maintaining the integrity of the evidence. It was more difficult to identify



impact in relation to process, procedures and policy. All criminal justice agencies said that case handling had improved dramatically in recent years, though it was difficult to attribute this change to any single project. Interviews with the trainers, as well as training curricula, show that the training highlights the need for co-operation and co-ordination among agencies. However this is lacking in practice and is an area where continued engagement by UNODC remains necessary.

## Sustainability

### Evaluation questions:

- To what extent have beneficiaries and stakeholders taken and shown ownership of the project objective, and are they actively engaged in the project activities?
- To what extent are the project stakeholders' and beneficiaries' engagement likely to continue, be scaled up, replicated or institutionalised after external funding ceases? To what extent can the initiatives developed by the Branch become domestically funded or/and integrated in national project (e.g. training curriculum)?
- To what extent has the training contributed to the development of sustainable knowledge in the country? Is stakeholders' engagement, especially ownership of the project's target groups, likely to continue, be scaled up, replicated or institutionalised after external funding ceases?

The project strove towards sustainability in the sense that it provided new skills and competences to a substantial number of investigators, prosecutors and judicial officers, and that it introduced them to new investigative practices – thus laying the groundwork for these skills, competences and practices to be developed and applied over the long term by the partner institutions. Interviews and focus group discussions have highlighted the high level of ownership of the approaches developed under the project on the part of training participants. There was also a clear commitment on the part of ToT participants to replicate the training, and plans were developed to that end. Similarly, representatives of training institutions met by the evaluators expressed willingness to incorporate the contents of the training in their own curricula. Against this generally positive background, there were nevertheless concerns that some of the beneficiary institutions had yet to develop comprehensive plans for staff training that incorporated the approaches and techniques conveyed through the project. These issues are reviewed here.

The evaluation team examined sustainability from two aspects:

- Changes to the overall criminal justice system. In this regard, the training workshops introduced new practices, a move away from confession-based cases, the introduction of ACM (and the accompanying Practice Direction) as well as the introduction of ACJA 2015. A wide adoption of ACM will lead to

sustainable results across the criminal justice system and must be further encouraged.

- Measures put in place by the various agencies as a result of the UNODC project. The second aspect of sustainability examined how far the training provided had been embedded in the various institutions through:
  - Making use of their newly-acquired skills. By and large, those trained have remained in their respective positions and are, to some extent, engaged as specialists. In respect of those trained as resource persons and future trainers; each of them is actively engaged in training peers in Nigeria and countries within the region. Furthermore, the CT training has been introduced as a module in the various training institutions. Nevertheless, there is some way to go to achieve full mainstreaming of the acquired skills into the Nigerian training structure. Continued support and capacity-building are needed while those trained raise through the ranks and are in a position to disseminate the training more widely. This highlights one of the weaknesses of the project: like almost all training projects of this nature, it (rightfully) targets primarily those professional staff who are most likely to use the skills conveyed through training. This means that more senior officials – including top-level decision-makers – are often left out of the training process and therefore may not be fully conversant with its contents and potential benefits in terms of institutional development.

This challenge – raising awareness among senior officials about the benefits of a training course designed primarily for working-level personnel – has been addressed by the project team, which deliberately developed intensive contacts with senior managers in partner institutions, as described above in the “efficiency” section of this report. Their efforts doubtless contributed to encouraging institutional support for the aims of the project and to a greater understanding of the policies that underpin the approaches conveyed by the training. Nevertheless, this element of advocacy on behalf of the aims of the project needs to be continued over the longer term, and certainly over the period covered by the next phase of the project. In addition to the existing engagement with senior officials, the project team may wish to consider developing short briefing modules designed to concisely convey information about the substance of the training, for use in presentations to senior decision-makers and officials.

- Planning and implementation of training. This process, and the corresponding coordination between the project team and the partner institutions, contribute to “embedding” the skills conveyed by the project. For example, the evaluation team was informed by participants that the learning from the various workshops has been extremely helpful and has been adopted in their daily work. For example the Bomb Scene Management Course has led to the establishment of twice monthly meetings with all the relevant agencies; review of cases<sup>27</sup> and an

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<sup>27</sup> The ODPP informed the evaluation team that the CCG has been responsible for conducting the cases in Kainji where some 1669 suspects had been detained by the military. The prosecutors reviewed the

improvement in court preparation and presentation. This trend is encouraging. However, there is a need to further reinforce the coordination between the project team and partner institutions, in areas such as the selection of course participants. Although the team is able to set criteria for their selection, the nomination of participants is generally the sole responsibility of the partner institutions. In some cases (for example if a series of training sessions is designed to develop the expert skills of a cadre of specialists) it would be advisable to involve the project team – and specifically the trainers themselves – in the selection of course participants.

### *On- going challenges*

Interviews with several stakeholders and diplomats show that, during the project period, there has been a recognisable change in the professional, and general, attitude of the Nigerian authorities in dealing with terrorism cases. The training provided under the project was most likely a factor in this evolution, as were other elements, including capacity building supported by other development partners. Nevertheless, a number of challenges were highlighted by the partner organisations, beneficiaries, TPB/CONIG, including:

- The need to further consolidate support among senior management in the various institutions for the new approaches and skills developed by the project. While the project is generally seen positively by stakeholders, it is important to maintain the momentum for policy reform and for follow-up training that is required to disseminate the new practices advocated by the project. UNODC has, over the lifespan of the project, built good relationships with the various agencies and enjoys their confidence, which undoubtedly will assist in securing further “buy-in”.
- The need to reinforce inter-agency co-ordination and co-operation. Nigeria, like many other countries, faces difficulties in enhancing inter-agency co-operation and co-ordination in the fight against terrorism. Historically, criminal justice agencies (intelligence, military or civilian, investigators and prosecutors) across many jurisdictions have failed, and continue to fail, to share information and develop a joint working approach – each agency works in a silo and either deliberately, or through long established practice, fail to engage in a meaningful way. The project team and partners have always been aware of this challenge and have addressed explicitly the issue of inter-agency collaboration, and have held joint training sessions, to promote a change in working culture. These efforts need to be sustained over the long term.
- Engagement of the military in evidence gathering: the predominant response to terrorism in Nigeria has been a military one. This has raised serious consequences for criminal justice agencies, as more often than not, military personnel have no training in evidence gathering which results in either relevant evidence not being secured, or more frustratingly, compromising the

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evidence in each case leading to a number of guilty pleas (about 50); 200 discharged at the request of the prosecutors, about 23 committed to stand trial and the remaining held as detainees (not suspects).

integrity of the evidence through lack of continuity chain or inadvertently destroying it. The evaluation team was informed that discussions between UNODC and the military had commenced and appear to be encouraging; the UNODC team intends to take this forward in the next project through joint trainings which should allow there to be an appreciation of challenges faced by law enforcement, the appropriate way to gather evidence and the likely result of non-prosecution. It would, perhaps, assist if the judiciary can be fully engaged in this process as part of the mentoring/training team.

The project was clearly designed as a phase in an on-going cycle of engagement with Nigeria on anti-terrorism. The process of building capacity to provide a judicial response to terrorism is a long-term one, of which the present project was but a stage – though an important one. In this context, it is important to continue laying the groundwork for sustainability during the subsequent project period, by reinforcing coordination between the project team and the partners on the design and implementation of the training, by raising awareness among senior officials about the new skills being developed, and by working with each institution to ensure that new working practices are disseminated wherever appropriate. It is probably too early at this time for CTB to think in terms of an exit strategy – however it is important to ensure that as much of the training as possible is embedded into the curricula implemented by Nigerian training institutions, and that co-operation among agencies keeps being highlighted.

#### Summary - Sustainability

The training workshops introduced new court practices, a move away from confession-based cases and the introduction of active case management (and the accompanying practice direction). A wide adoption of ACM will lead to sustainable results across the criminal justice system, and one that must be encouraged. The second aspect of sustainability examined how far the training provided had been embedded in the various institutions through use of newly-acquired skills and development of in-house training. By and large, those trained have remained in their respective positions and are, to some extent, engaged as specialists. Those trained as resource persons and future trainers are actively engaged in training peers. Nevertheless, lack of explicit commitment by senior management in the various institutions to follow up on the capacity building resulting from the project has the potential to undermine its sustainability. UNODC has, over the lifespan of the project, built good relationships with the various agencies and enjoys their confidence, which undoubtedly will assist in securing continued “buy-in”.

## Human Rights and Gender Equality

#### Evaluation questions:

- To what extent is the UN human rights-based approach incorporated in the design and implementation of the project and in the UNODC/TPB technical assistance provided to Nigeria?

- To what extent are gender issues incorporated in the design and implementation of the project technical assistance provided to Nigeria?
- To what extent is gender parity mainstreamed in the implementation of the project's capacity building activities?

### *Human Rights*

Although human rights considerations within terrorism cases has been a component of the project since its inception, the national beneficiaries previously expressed a level of indifference or “hostility” towards human rights in CT investigations, prosecutions and adjudication. The overwhelming attitude was negative and in the 2015 evaluation, it became clear that most agencies took the view that human rights, in particular, those affecting a suspect, had no place in the criminal justice system.

During meetings with the various agencies for the current evaluation, there was a marked fundamental shift in approach and attitude towards human rights: all the agencies (up to and including the judiciary) attributed this to the efforts of the UNODC training on human rights. This is in fact one of the major new developments noted by the evaluators, and a marked contrast with the situation in 2015. Interviews with the project team and other stakeholders made clear that the training sessions’ more explicit emphasis on human rights led to a greater awareness of the issue among training participants. This change should be carried forward into the next phase of the project.

A series of workshops and training of trainers<sup>28</sup> dedicated to human rights has brought it central to law enforcement operations as well as the private defence Bar<sup>29</sup>. As mentioned previously, UNODC/TPB has developed a draft training manual, in conjunction with NIALS, on the interrelationship of human rights and terrorism investigations and prosecutions. The manual, divided into 5 modules, examines the following issues:

- Module I: Counter Terrorism and Human Rights: Incorporation of International Law into Nigerian Law.
- Module II: Human Rights Aspects of Special Investigation Techniques
- Module III: Detention of Terrorism Suspects.
- Module IV: The Prohibition of Torture, Inhuman and Degrading Treatment & the Right to Remain Silent.
- Module V: Human Rights Aspects of the International Transfer of Persons in Countering Terrorism (addressing, inter alia, extradition).

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<sup>28</sup> Quarterly Implementation Reports: May – July 2016, August – October 2016, November 2016 – January 2017, February – April 2017, May – July 2017 and August – October 2017.

<sup>29</sup> Quarterly Implementation Report, February – April 2017 (training of defence lawyers in Borno)

According to the participants of the training of trainers (investigators, human rights institutions, judiciary and defence), the workshops and manual have helped significantly; each of them now understands the rationale for adhering to a human rights-based response: a marked change from the previous position. That said, the evaluation team found that although the practitioners were now aware of the wider human rights considerations, the next phase should look to developing a more nuanced understanding of the constituent parts of each of the rights. For example, the right to fair trial is not limited to court proceedings and legal representation, it is much wider: prosecutors have a duty to review the evidence, identify appropriate charges, serve material on the defence, including that which may support the defence – all this points to a State fulfilling its human rights obligations within the rubric of a ‘fair trial’.

An important lesson concerning human rights is the need for further work to disseminate information about procedural safeguards to all relevant stakeholders in the investigation, prosecution and judicial sides of the legal process. For example, there is a need for investigators to appreciate that their records/decision logs created during the course of an investigation, must be disclosed to the prosecutor. It was somewhat troubling that those investigators trained as trainers took the view that it was for the prosecutor to ask for all decision logs and there was no duty on investigators to provide them to prosecutors as a matter of course. When asked if the prosecutors were aware that such records/decision logs existed, the evaluation team was informed that this is not widely known by prosecutors and, therefore, they do not ask to see them, and neither are they provided. The next training phase could help improve the respect for human rights safeguards by emphasising this point.

Further emphasis on procedural safeguards for human rights in investigation, prosecution and trial, would help reinforce the appreciation among the relevant agencies (intelligence/investigators, prosecutors and judges) that they are public authorities and their functions must be carried out in line with constitutional and international and regional human rights obligations. This, in turn, means that the institutions need to put in place appropriate procedures to ensure they meet this obligation/duty. UNODC/TPB may wish to encourage the Attorney General/DPP to adopt guidelines or a code for prosecutors, which would also set a benchmark across the service when exercising their prosecutorial discretion. A public document, such as the guidelines/code would also help to build public confidence in the service.

During conversation with the various groups, there was little appreciation that violation of basic rights by State officials has implications both for the individual officers (criminal and civil sanctions) and for the State (civil sanctions as well as political and diplomatic consequences arising out of its international obligations and duties); it is again worth emphasising this aspect during the next project.

The evaluation team was informed that the judiciary was in the process of moving away from allowing cases to proceed based only on confessions, and towards requiring the prosecution to prove its case on reliable and credible evidence. This is a positive shift and is also likely to be a process spread over time. For example, while the evaluation team could not independently verify it, several interviewees noted that a number of the cases in Kainji and Maiduguri continue to rely on confession evidence, and in certain instances (based on the examples provided to the evaluation team) on hearsay. Of course, confession evidence is not of itself a bar in any proceedings, provided the agencies can demonstrate that the confession has not been extracted through torture, inhuman & degrading treatment or inducement. The process of switching away from sole reliance on confessions is to be further supported and

commended, without disregarding the fact that it requires a mindset change on the part of a wide range of actors throughout the judicial chain.

Overall, the project has addressed human rights issues across the board in respect of terrorism cases (and the learning can be equally applied to all other cases). The underlying shift in the approach of the agencies is to be welcomed and should be built upon in the next phase.

### *Gender Equality*

The project was effective in mainstreaming gender issues while taking into account the operating constraints and staffing situation of the Nigerian partner organisations. According to provisional figures – which will be finalised only after the project ends in March 2018 – about 24% of participants in training activities were women. According to interviews, the project team explicitly and systematically encouraged the participation of women officials in training sessions: this percentage suggests this was effective.<sup>30</sup> Interviews with male and female participants in training sessions, as well as with trainers, indicated that issues relevant to gender equality, such as protection against discrimination and safeguards for human rights, were addressed in training sessions.

At a workshop on the “Gender Dimensions of Criminal Justice Responses to Terrorism” in May 2017, national and international experts discussed both the situation of women as victims of terrorism offences and the gender challenges related to the investigation of terrorism offences and the detention of women accused or convicted of terrorism-related offenses. The workshop also considered the draft of a training curriculum on gender and terrorism investigation.

A 2016 study on women and the Boko Haram insurgency set out the context as follows:

“While men have disproportionately been killed, women are an overwhelming majority among the estimated 1.8 million internally displaced people in the Northeast of Nigeria. As former wives, slaves or fighters, many bear the stigma of association with the insurgents and are barred from reintroduction into their communities, in part because the lines between militant, sympathiser and forced accomplice are blurred. Understanding how women experience the conflict [with Boko Haram], not only as victims but also as actors, needs to directly inform policies and programmes to tackle the roots of the insurgency and strategies for curbing it.”<sup>31</sup>

The quote above aptly summarises some of the gender challenges faced by the judicial response to terrorism: women may be victims of terrorism in many way (kidnapping,

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<sup>30</sup> To the evaluators’ knowledge there are no gender-disaggregated figures concerning the staff structure of the police, the DPP and the other partner institutions. However it is clear from interactions with these institutions that men represent the overwhelming majority of staff, and that senior officials are almost all men. This may mean that, in order to achieve the 24% participation of women, the participants may have included more junior staff, as well as representatives of organisations where women are better represented, such as NGOs.

<sup>31</sup> “Nigeria: Women and the Boko Haram Insurgency”, Africa Report No 242, December 2016, International Crisis Group, p. i.

displacement, stigmatisation); they may also be willing accomplice or perpetrators. By addressing these and several other related topics (such as gender-based violence by terrorist groups and witness protection), the workshop and subsequent training curricula sought to integrate gender issues in the broader process of capacity building.

#### Summary - Human Rights and Gender Equality

Although human rights considerations within terrorism cases has been a component of the project since its inception, the national beneficiaries had earlier expressed a level of indifference or 'hostility' towards human rights in CT investigations, prosecutions and adjudication. During meetings with the various agencies for the current evaluation, there was a marked shift in approach and attitude towards human rights. All the agencies (up to and including the judiciary) attributed this to the efforts of the UNODC training on human rights.

The project was effective in mainstreaming gender issues while taking into account the operating constraints and staffing situation of the Nigerian partner organisations. According to provisional figures – which will be finalised only after the project ends in March 2018 – about 24% of participants in training activities were women. According to interviews, the project team explicitly and systematically encouraged the participation of women officials in training sessions: this percentage suggests this was effective. Interviews with male and female participants in training sessions, as well as with trainers, indicated that issues relevant to gender equality, such as protection against discrimination and safeguards for human rights, were addressed in training sessions.

### III. CONCLUSIONS

The following conclusions may be drawn from the evaluation:

**The project was highly relevant to the counter-terrorism needs and priorities of Nigeria.** The project design clearly reflected consultations between UNODC and the many counter-terrorism institutions in Nigeria and was in line with Nigeria's anti-terrorism legislation and multi-year strategic plan. In this respect, **the project was consistent with the UNODC mandate to support the fight against terrorism worldwide, and with the broader international counter-terrorism approach.** The partnership with CTED and lessons learned from earlier engagement with Nigeria contributed to ensuring the convergence between international strategies and Nigeria's approach. Contributing to its relevance was the fact that **the project was based on a sound analysis of training needs and benefited from high-level international expertise.** UNODC designed the project around in-depth needs assessments of the key Nigerian institutions involved in counter-terrorism and maintained on-going consultations with the institutions to ensure the project's support remained relevant. The international experts (trainers, advisors) identified by UNODC were of high calibre and substantially enhanced the effectiveness of the project. In addition, **the project should support Nigeria to achieve key targets under SDG16**



**(justice).** The project was particularly relevant to targets 16.1 (reduction of violence); 16.2 (prevention of child trafficking); 16.3 (rule of law and access to justice); 16.4 (reduce illicit financial and arms flows).

Regarding efficiency and effectiveness, **the project represented good use of available human and financial resources; project management was of a high standard.** The project budget was sound and the allocation of resources was reflective of the strategy. The project team in Vienna and Abuja was highly committed and pro-active, ensuring the timely delivery of activities, to a high standard of quality. In addition, **the project was effective, delivering on its planned outcomes to a very satisfactory degree.** The planned outcomes (deliverables) were implemented, often to an extent greater than originally planned. The project reached a critical mass of investigators, prosecutors and judges at the federal level and in key institutions.

Against this general positive background, **the effective use of the skills and knowledge acquired through the project remains hampered by institutional constraints.** Despite a gradual move away from reliance on confession, their continued use – sometimes with little corroborative evidence – in the investigation and prosecution processes is not conducive to the practical implementation of acquired skills. It also remains necessary to build more trust among institutions involved in the fight against terrorism, with a view to reinforcing the necessary cooperation among agencies that is key to strengthening the judicial response to terrorism. Substantial progress was made, however, epitomised by the fact that **there are clear signs that participants in training and other project activities have acquired new insights and changed attitudes on issues that are key to the effectiveness of the judicial response to terrorism.** In particular, there is now increased awareness of the need for evidence-based investigation, of the importance of forensic investigations and of the need to respect safeguards for human rights and fair trial.

The project achieved clear elements of impact, including the **explicitly stated preparedness of stakeholders to disseminate the acquired skills.** However, there is evidence of a continuing need to brief and disseminate information about the project's aim and approaches to senior officials in partner institutions. The trained trainers have near-unanimously expressed willingness and interest in conducting follow-on training sessions – some have done so already. However, most of the people reached by the project are mid-level staff, not senior management.

**The project made a substantial contribution to raising awareness about the importance of human rights safeguards in the judicial response to acts of terrorism.** Through training and ToT, as well as through workshops and other forms of consultations, the project has ensured that the message of the need for human rights safeguards to be respected was systematically heard. The project's interaction with civil society, lawyers and senior judges also contributed to this outcome. In addition, **the project addressed gender issues by systematically seeking the participation of women in training sessions, and by raising awareness about the gender dimensions of the criminal justice response to terrorism.** Through a workshop and the development of a training module, the project sought to enhance understanding of the specific impact of terrorism on women – as victims as well as actors – and of the challenges it raises in counter-terrorism investigations.

**The project – the third phase of counter-terrorism engagement by UNODC in Nigeria – built on previous phases to achieve genuine intensity in its engagement with counter-terrorism actors in Nigeria at the federal level.** It is important that the momentum achieved should be maintained, but also that the focus of activities should be redirected, in part, towards a more regional approach, centred on the northeast of Nigeria.

## IV. RECOMMENDATIONS

On the basis of the findings and conclusions of this report, the evaluation team formulates the following recommendations to UNODC. They are generally addressed to TPB, though most would require the involvement of CONIG to be implemented.

### **Key recommendations**

1. **Engagement:** UNODC should maintain its capacity-building engagement with Nigeria. It is appropriate that it should seek to build on its decade-long record of support to Nigeria, with a view to provide more targeted capacity-building focusing on the Northeast and on specific technical issues and agencies at federal level.
2. **Training contents:** TPB should ensure that future training modules include intelligence and intelligence development, and, in particular, the ways in which intelligence may be used and should be protected in a criminal case. The topics/subject matters addressed in Phase II were extremely relevant, and UNODC should look at building upon each of these in detail (the previous focus, understandably, was broad in order to cover as many topics as possible; the next project should give consideration to deeper learning and application). It would appear, based on discussions, that proactive intelligence-led counter-terrorism investigations do not happen routinely but, in any event, the training could look at addressing:
  - a. Intelligence; role of intelligence;
  - b. Intelligence models;
  - c. Developing intelligence to prevent and detect acts of terrorism;
  - d. Overview of the functions and components of an Intelligence Unit as part of a wider Counter-Terrorism strategy; and
  - e. Techniques of intelligence handling. Some of it has been addressed within the wider investigative strategy training, but it may help to hone the skills of the prosecutors to understand the interface between intelligence and evidence so that they can continue to properly advise the investigators.
3. **Partnerships:** TPB should work with CTED and the heads of the partner institutions to highlight the need and work out the modalities, for enhanced inter-agency cooperation. Cooperation and co-ordination are critical, in particular, in the handling of terrorism and other serious crime. Any enhancement in the inter-agency co-operation and co-ordination would benefit Nigeria's criminal justice system as a whole. The project activities must continue to emphasise and address the need for inter-agency collaboration, and also seek to find ways in which this can be institutionalised through MOUs or any other agreement.

### **Aspects of the training**

These recommendations, addressed to TPB and CONIG, review some of the key issues that have been (or should be) addressed during training:

- **The next phase should include training on the evaluation of evidence and on developing a case based on circumstantial evidence.** Terrorism financing cases, for example, are more often than not largely based on indirect evidence.
- **The next phase should build on the human rights training module,** in particular, the practical application of human rights considerations in case review, preparation and presentation.
- **Training on ACM should include all court users.** Members of the judiciary, prosecutors, defence lawyers, as well as registrars and other court officials, should be targeted for training. In addition, it would help to introduce regular court users meetings to promote better working relationships and inter-agency co-operation.
- **Promote inter-agency coordination through training and mentoring by international experts.** Given that a specialist team of prosecutors (CCG) is now operational, it would greatly assist to have specialist teams (however small) within each of the other agencies (in particular, investigators) to promote interagency co-ordination as well as a cadre of specialist investigators. However, this largely depends on gaining clarity on the lead agency, which is long overdue.<sup>32</sup>
- **Training should encourage investigators to adopt the practice of writing decision logs.** These logs (or equivalent) should set out both the decision and the underlying rationale for a particular course of action within the wider investigative strategy. According to the Quarterly Implementation Reports (November 2016 – January 2017 and May – July 2017) training sessions have been held to introduce the need for decision logs. It is suggested that such training should continue to build on the earlier exercises. Based on observations at the last of the training of trainer workshops, one of the trainers helpfully showed a terrorism case file, and it was evident that it was rather scant and would struggle to meet the rigors of a terrorism investigation/prosecution. Those countries that follow such a practice have found them to be an enormously valuable tool for a host of reasons, some of which include:
  - Proper file management skills;
  - Serious and complex investigations, such as terrorism investigations, may well take a considerable time to conclude and involve difficult

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<sup>32</sup> The evaluation team also understand that BHC is focussing on a dedicated terrorism investigation branch (TIB) for investigators, but no other details were available to the evaluators.

decisions; a record of those decisions and rationale will assist the investigators when the matter comes to court (often several years later) to explain why certain decisions were made;

- Decision logs are of particular relevance in the deployment of special investigative means as those applying or authorising would need to be satisfied that appropriate safeguards are in place (this is of particular relevance to Nigeria as special investigative means are permitted only in terrorism investigations rather than a general law permitting such measures with appropriate safeguards and procedures).
- **TPB/CONIG and national stakeholders need to put in place mechanisms to allow the training to be embedded within the institutions, including through on-going engagement with senior officials in each partner institutions.** Some positive steps are being taken, and need to be developed further, for example by systematically briefing senior officials about the contents of training modules and raising awareness about any policy guidelines that may be needed to facilitate the use of newly-acquired skills and techniques by investigators and prosecutors, and awareness about those on the part of the judiciary

None of this can be achieved unless the next project is given adequate time and resources. Presently, there is a team in Abuja and Vienna dedicated to the project delivery, each working to its strengths. It would assist the project if the arrangement can be continued given the relationships that have been built in Nigeria by both the Vienna and Abuja teams as well as the reach back for assistance, which the international trainers have found extremely useful. The partners found the involvement of TPB as essential in providing continuity as well as providing an objective input to the activities and the project as a whole.

## V. LESSONS LEARNED AND BEST PRACTICES

The following lessons learned and good practices can be identified on the basis of the findings of this evaluation:

The project illustrated the extent to which **intensive, on-going consultations with the Nigerian partners are key to ensuring relevance and effectiveness**. The project team has conducted several dozen consultations with Nigerian partners during the entire project cycle (including at design stage). There is no doubt that these intensive contacts have contributed to ensuring that the project design was relevant, and that its implementation was effective. This constitutes a striking example of good practice. It also made clear that **training of staff needs to be complemented with appropriate engagement of senior decision-makers to achieve buy-in for project objectives**. In all organisations, training targets junior and mid-level staff, whereas the most senior decision-makers and managers are not involved. It is essential that the top-level officials in each of the partner organisations should be briefed on the training objectives, and on the need to implement the acquired skills. This has been done during this project, but more remains to be done to mainstream new investigation and prosecutorial approaches.

The project also implemented good practices by **bringing together different stakeholders, which helped enhance mutual trust, leading to improved communication**. It was very appropriate in this project that, in a number of occasions, activities were implemented that brought together a wide range of Nigerian stakeholders (institutions as well as NGOs and independent actors such as academics). This helps foster a sense of common interests and needs, conducive to future cooperation. This does not mean that mixing participants should be systematic: there are always situations where it is appropriate on the contrary to address one group on its own (e.g. judges, or officials involved in a particular aspect of counter-terrorism such as financial intelligence). However, regular exchanges of experience are generally helpful.

Another element of good practice was that **the focus on training helped foster an agenda of organisational and policy reform**. Training is not an end in itself, it is designed to support and contribute to organisational change, which is dependent in large part on political will. The project's ability to encourage an agenda of change was clearly a form of good practice. It was important in this regard that the project also **achieved a "critical mass" of participants – this was key to its sustainability**. One good practice that contributed to the project's effectiveness as well as sustainability is that training and other engagements (workshops, conferences) reached a substantial proportion of the investigators, prosecutors and judges involved in the judicial response to terrorism. This should be reproduced in the forthcoming project phase.

## ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

### BACKGROUND AND CONTEXT

Project number:	Country-focused project within GLOR35
Project title:	EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism
Duration:	1 May 2016 – 30 March 2018
Location:	Nigeria
Linkages to Country, Regional and Thematic Programmes:	Thematic Programme on Terrorism Prevention 2012-2015
Executing Agency:	UNODC Terrorism Prevention Branch
Partner Organisations:	UN Counter Terrorism Committee Executive Directorate, European Union
Total Approved Budget:	EUR 4,500,000.00
Total Overall Budget:	EUR 4,500,000.00
Donors:	European Union
Project Manager/ Coordinator:	George Puthuppally, Chief, Implementation Support Section II, Terrorism Prevention Branch
Type and time frame of evaluation: (Independent Project Evaluation/In-depth Evaluation/mid-term/final)	Final Independent Project Evaluation
Timeframe of the project covered by the evaluation:	May 2016 – March 2018
Geographical coverage of the evaluation:	Country – Nigeria
Budget for this evaluation:	\$37,500 USD (with tentative breakdown of \$30,500 for consultant fees and \$7,000 for travel)

Type and year of past evaluations (if any):	Independent project evaluation of the “Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Responses to Multidimensional Security (Terrorism) (2013-2015)”
Core Learning Partners <sup>33</sup> (entities):	UNODC/TPB, UNODC/IPB/RSAME, UNODC/CONIG, the European Union, CTED, British High Commission to Nigeria, Ministry of Budget and National Planning, Office of the National Security Advisor

## Project overview and historical context

In the context of global counter-terrorism, the United Nations Office on Drugs and Crime (UNODC) is mandated to provide assistance to requesting countries in their efforts to address the legal and criminal justice aspects of countering terrorism. Specialised assistance delivery is led by its Terrorism Prevention Branch (TPB). Since 2003, the Terrorism Prevention Branch has been mandated by the General Assembly to promote the ratification of the 19 universal legal instruments against terrorism, assist with the legislative incorporation of these treaties, provide capacity building training to criminal justice officials to strengthen their criminal justice responses to terrorism, and promote international cooperation in criminal matters related to terrorism.

UNODC has strengthened its engagement with the Nigerian Government in providing counter-terrorism assistance since 2012. Between 2012-13, UNODC and Nigeria reinforced their counter-terrorism collaboration through Phase I of a multi-year programme of assistance under the project entitled “Strengthening criminal justice responses for multidimensional security in Nigeria”, funded by the United Kingdom. In close partnership with, and fully funded by the European Union (EU), an intensive Phase II “Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Responses to Terrorism” was carried out from November 2013 to June 2015. This project has sought to build upon and reinforce the assistance delivered and progress made during 2012-2015, and to continue to support the Nigerian authorities to strengthen domestic counter-terrorism legislation and support capacity-building of criminal justice system entities.

The overall objective of the Nigeria CT project is to support Nigeria to strengthen its rule of law-based criminal justice responses to terrorism.

The current Nigeria CT project has involved close coordination and partnership with the British High Commission, which is delivering closely linked assistance to Nigeria, and other relevant

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<sup>33</sup> The CLPs are the main stakeholders, i.e. a limited number of those deemed as particularly relevant to be involved throughout the evaluation process, i.e. in reviewing and commenting on the TOR and the evaluation questions, reviewing and commenting on the draft evaluation report, as well as facilitating the dissemination and application of the results and other follow-up action. Stakeholders include all those to be invited to participate in the interviews and surveys, including the CLPs.



bilateral and international assistance providers. The Nigeria CT Project enjoys sound country ownership and is very responsive to the specific needs identified by national officials.

Human rights and gender aspects have been considered in the design and implementation of this project. Two key objectives of this project have been to enhance national criminal justice capacity to undertake effective investigation, prosecution and adjudication of terrorism cases, in accordance with the rule of law and human rights; and to enhance national capacity for human rights compliance in criminal justice responses to terrorism. A number of human rights training sessions were conducted, including, amongst others, a train-the-trainer series on human rights and criminal justice responses to terrorism, in addition to a workshop on this subject tailored specifically to defence lawyers, and a training series for police personnel on conducting effective counter-terrorism investigations while respecting human rights. These training activities utilized the training modules on Human Rights and Criminal Justice Responses to Terrorism which had been developed specifically for Nigeria by UNODC and a preeminent Nigerian criminal justice institution, the Nigerian Institute of Advanced Legal Studies, during the first EU funded project.

Further, gender aspects have been mainstreamed in the project. UNODC not only integrated gender dimensions during capacity building activities but organized a capacity building workshop focused fully on started to deliver capacity building on the gender dimensions of criminal justice responses to terrorism. A training module on this topic is currently under development based upon the feedback provided at the training workshop. In addition, national stakeholders have been asked to prioritise the nomination of female officials and the project is tracking the percentage of women's representation at capacity building activities.

## Main challenges during implementation

The Nigeria CT project has been implemented without significant problems. A no-cost, 5-month extension from the European Union was provided to account for a short delay due in project implementation that resulted from the six-week Abuja airport closure and to allow the project to implement an additional 6 activities that were mutually agreed with the European Union to be urgently required to respond to evolving needs in Nigeria. The main challenge that the project faced was recruitment of international experts and national staff based in Abuja. UNODC project staff based in Vienna addressed this challenge by ensuring that project implementation stayed on track through extensive travel to Abuja and frequent consultation meetings with national stakeholder and partners, to ensure timely and effective delivery of training activities responding to country-specific needs and priorities, as well as proper coordination with partners and stakeholders. UNODC further ensured that all project logistics and administrative matters were covered by current project staff, other UODC Country Office Staff and other UN regular budget staff.

## Project documents and revisions of the original project document

Project document	Year	Please provide general information regarding the original project document
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<p>Project Description – EU-Nigeria-UNODC-CTED Partnership Project II:</p> <p>Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism</p>	2016	<p>Original project document covering an 18-month implementation period between 2016-2017, and falling under Global Project GLOR35 “Strengthening the legal regime against terrorism”. The objective of this project as stated in the document is to support Nigeria to bring terrorists to justice and prevent terrorist acts from being committed, through rule of law-based and human rights-compliant criminal justice measures against terrorism.</p> <p>The project has been modified twice. First, to modify the start date from 1 April to 1 May 2016 to account for the actual timing of the exchange of letters between the EU and UNODC. Secondly, a no-cost, 5-month extension was requested to account for the short delay due in project implementation that resulted from the six-week Abuja airport closure and to allow the project to implement an additional 6 activities that were mutually agreed with the European Union to be urgently required to respond to evolving needs in Nigeria. The revised project document is attached in Annex IV.</p>
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## Main objectives and outcomes

### Objective of the project/programme (as per project document/revision)

The overall objective of the Nigeria CT project is to support Nigeria to bring terrorists to justice and prevent terrorist acts from being committed, through rule of law-based and human rights-compliant criminal justice measures against terrorism.

### Outcomes of the project/programme (as per project document/revision)

Outcomes	Indicators and Related Milestones	Project Achievements to Date (to July 2017)
<b>Outcome 1</b>		
Enhanced national criminal justice capacity to undertake effective investigation, prosecution and	Increased number of officials (investigators, legal advisors, prosecutors, judges) working in the criminal justice system	274 officials with enhanced counter-terrorism knowledge and skills

adjudication of terrorism cases, in accordance with the rule of law and human rights	entities of Nigeria, who have gained enhanced counter-terrorism knowledge and skills  Target: 250 officials	
<b>Outcome 2</b>		
Enhanced national capacity for human rights compliance in criminal justice responses to terrorism	Increased number of officials (investigators, legal advisors, prosecutors, judges, defense attorneys, officials of the central authority for international cooperation, etc.) working in the criminal justice system of Nigeria, who have gained enhanced knowledge and skills on human rights compliance in criminal justice response to terrorism  Target: 165 officials	122 officials with enhanced knowledge and skills on human rights compliance in criminal justice response to terrorism
<b>Outcome 3</b>		
Enhanced national capacity for international cooperation in criminal matters (mutual legal assistance and extradition) relating to terrorism and strengthened criminal justice cooperation related to terrorism, especially between Nigeria and neighbouring countries	Increased number of officials in charge of international cooperation matters in Nigeria, who have gained enhanced knowledge and skills pertaining to criminal justice responses to terrorism  Target: 35 officials	41 officials with enhanced knowledge and skills pertaining to criminal justice responses to terrorism (20 officials provided with a two-part in-depth training course & 21 officials provided with one in-depth working session)
<b>Outcome 4</b>		
Enhanced knowledge of and enhancements to the national legal regime against terrorism, in compliance with the international legal regime against terrorism	Increased number of national officials with understanding of existing national CT legislation.	Assistance provided upon request

	Target: 30 officials (estimate, assistance provided upon request)	
	Modification examined or undertaken to strengthen national legislation related to terrorism.  Target: To-be-determined, assistance provided upon request	Assistance provided upon request
<b>Outcome 5</b>		
Enhanced national capacity to address the legal and criminal justice aspects of major counter-terrorism challenges, such as counter-financing of terrorism	Increased number of officials provided with enhanced knowledge of specialized aspects of terrorism prevention working in the criminal justice system of Nigeria  Target: 50 officials	25 officials provided with a two-part in-depth training course, and enhanced knowledge of specialized aspects of terrorism prevention working in the criminal justice system of Nigeria
<b>Outcome 6</b>		
Reinforced national ownership of rule of law-based criminal justice responses to terrorism with active civil society support, as well as integration of criminal justice responses as an essential component of Nigeria's National Counter-Terrorism Strategy (NACTEST) and coordination of criminal justice responses with other counter-terrorism measures	Increased number of national officials with enhanced understanding of the importance of rule of law-based criminal justice measures efforts against terrorism.  Target: 250 officials	784 officials with enhanced understanding of the importance of rule of law-based criminal justice measures efforts against terrorism

## Contribution to UNODC's country, regional or thematic programme

The *Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Responses to Terrorism* project is a country-focused technical assistance project within the Global Project GLOR35 "Strengthening the legal regime against terrorism" under the Terrorism Prevention Branch of the Division for Treaty Affairs of UNODC. The objective of GLOR35 is to promote and strengthen a functional criminal justice regime against terrorism in accordance with the rule of law.

The Nigeria Counter-Terrorism Project is implemented by the Terrorism Prevention Branch in partnership with the UNODC Country Office in Nigeria. The Project contributes to the all outcomes of the Thematic Programme for Terrorism Prevention (2012-2015) and to Pillar III: Preventing and Countering Terrorism of the Regional Programme for West Africa (2016-2020).

## Linkage to UNODC strategy context and to Sustainable Development Goals

Through the GLOR35 global project, UNODC supports the implementation of Programme 13, sub-programme 4 (Terrorism Prevention) of the UNODC Strategic Framework for the period 2016-2017 (A/69/6 (Prog. 13)). The objective of this sub-programme is "to promote and strengthen a functional criminal justice regime against terrorism that is effective and is implemented by States in accordance with the rule of law". The expected accomplishments identified pursuant to this objective include:

- (a) Enhanced technical assistance provided by UNODC, upon request of Member States, to contribute to the ratification of the international legal instruments to prevent and combat terrorism;
- (b) Improved capacity of Member States to prevent terrorism in accordance with the rule of law.

In this context, the *Nigeria-EU-UNODC-CTED Partnership on Strengthening Criminal Justice Responses to Terrorism* project helps to support the objective of GLOR35 as well as the UNODC Strategic Framework for 2016-2017 through its technical assistance support to the government of Nigeria.

This project has further incorporated key elements of the 2030 Agenda for Sustainable Development Goals (SDG), such as Goal 16, which is aimed to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". It also incorporates Targets 16.3, "Promote the rule of law at the national and international levels and ensure equal access to justice for all" and 16.a, "Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime". The project is also in accordance with SGS 5 - "achieve gender equality and empower all women and girls".

## DISBURSEMENT HISTORY

<b>Time periods throughout the life time of the project (MMYYYY – MMYYYY) (add the number of rows needed)</b>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
1 May 2016 to 30 March 2018	\$5,061,867	\$2,913,873 (as of 30 September 2017)	58%

<b>Time period covered by the evaluation (MMYYYY – MMYYYY)</b>	<b>Total Approved Budget</b>	<b>Expenditure</b>	<b>Expenditure in %</b>
1 May 2016 – 30 March 2018	\$5,061,867	\$2,913,873 (as of 30 September 2017)	58%

## PURPOSE OF THE EVALUATION

### Reasons for the evaluation taking place

UNODC/TPB is committed to providing technical assistance activities that are relevant, efficient, effective, impactful, and sustainable. For this reason, it is important to conduct regular evaluations to ensure that UNODC/TPB's technical assistance activities are fulfilling its objectives.

This Independent Project Evaluation will serve as a final substantive evaluation of the “EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism” which began in May 2016 and finishes in March 2018. The project is funded by the European Union and a final evaluation was part of the agreed set of activities between UNODC and the EU at the onset of the project. This evaluation will build

on the independent project evaluation which took place in 2015 at the completion of the first EU funded project and will support the Terrorism Prevention Branch to take stock of the progress made since that evaluation. This evaluation will, therefore, assist the Terrorism Prevention Branch in understanding how it can further improve its assistance to the Government of Nigeria to ensure that the technical assistance activities are as relevant, efficient, effective, impactful, and sustainable as possible. The feedback that is provided during this evaluation will help guide the development and implementation of the next phase of technical assistance offered to Nigeria.

## Assumed accomplishment of the evaluation

The Independent Project Evaluation will have the following specific objectives:

- to assess the effectiveness of the Nigeria CT project by measuring the extent to which it achieved its objectives, expected results (outcomes) and outputs as stated programme document;
- to measure the efficiency of the programme, as well as quality of delivered outcomes and outputs, as stated in programme document; identifying bottle necks and recommending how they can be tackled.
- to identify and document lessons learned, determine best practices and areas of improvement that can be used for planning and the design of future programme revisions and development of future technical assistance;

## The main evaluation users

The main evaluation users will be the UNODC/TPB in the HQ and in the field offices as well as staff in other UNODC organizational units, UNODC senior management and substantive offices, Member States, as well as implementing partners, such as donors, governments and law enforcement agencies of receiving Member States and partner organizations.

## SCOPE OF THE EVALUATION

<b>Unit of analysis</b> (full project/programme/ parts of the project/programme; etc.)	The evaluation will cover the project entitled “EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism” and the technical assistance activities
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	conducted under this project which are a segment of GLO/R35.
<b>Time period of the project/programme covered by the evaluation</b>	The evaluation will cover the period of implementation of the project, which is 1 May 2016 – 30 March 2018. The evaluation will take approximately 3 months, from January until March 2018 with a field mission to take place in February 2018.
<b>Geographical coverage of the evaluation</b>	The evaluation will cover the implementation of the project in Nigeria.

## KEY EVALUATION QUESTIONS

### Evaluation Criteria

The evaluation will be conducted based on the following DAC criteria: relevance, efficiency, effectiveness, impact and sustainability, as well as partnerships and cooperation, gender and human rights and lesson learned. The questions will be further refined by the Evaluation Team.

<b><i>Relevance</i></b>
1. To what extent is the project relevant to the counter-terrorism needs and priorities of Nigeria?
2. To what extent is EU-Nigeria-UNODC-CTED Partnership Project II: Assisting Nigeria to strengthen rule of law-based criminal justice responses to terrorism aligned with and contributes to UNODC's mandate, strategy and policy?
3. To what extent did this project meet the needs of the recipient country regarding quality and degree of assistance provided by the Project?
4. To what extent are the outputs, outcomes and objectives of this project relevant to implementing the Sustainable Development Goals?
<b><i>Efficiency</i></b>



1. To what extent were the resources and inputs converted to outputs in a timely and cost-effective manner and to what extent was the project implemented in the most efficient way compared to alternatives?
2. To what extent were the technical assistance and capacity building activities efficiently planned, managed and implemented? What was the quality of the outputs delivered?
3. To what extent has there been an effective monitoring mechanism in place and used to guide management decisions?
<i>Effectiveness</i>
1. To what extent were the project's objectives and outcomes achieved? What are the reasons for the achievement/non-achievement of the outcomes/objectives and to what extent were the beneficiaries satisfied with the results?
2. To what extent have challenges (including unforeseen) in the provision of effective capacity building assistance been identified and handled during the implementation?
3. To what extent does the Branch ensure that the assistance provided bears tangible results? How does the Branch ensure that criminal justice officials trained by the Branch apply the acquired skills and knowledge?
4. To what extent did the project/programme implement recommendations of relevant previous evaluation(s)?
<i>Impact</i>
1. To what extent has the project contributed to enhance national capacity in the criminal justice aspects of counter-terrorism?
2. What are the intended or unintended, positive and negative, effects of the project?
3. To what extent do criminal justice officials trained by the Branch consistently apply the acquired skills and knowledge?
<i>Sustainability</i>
1. To what extent have beneficiaries and stakeholders taken and shown ownership of the project objectives and are they actively engaged in the project activities?
2. To what extent are project stakeholders' and beneficiaries' engagement likely to continue, be scaled up, replicated or institutionalized after external funding ceases? To what extent can the initiatives developed by the Branch become domestically funded or/and integrated in national projects (e.g. training curriculum)?
3. To what extent has the training contributed to the development of sustainable knowledge in the country?
<i>Partnerships and cooperation</i>

1. To what extent has cooperation and collaboration been sought with the donor and the recipient country?
2. To what extent has the Branch successfully cooperated with relevant UN entities, such as CTED and CTITF, as well as with relevant UNODC field offices? What benefits have there been to the field office from GLOR35?
3. To what extent has the Branch sought and achieved effective cooperation with relevant regional and international organizations? Which partnerships should the project be further strengthening to enhance the benefits of the assistance to Nigeria?
4. To what extent is there an overlap between this project and other interventions in Nigeria (including from other Member States, International Organisations, etc.)?
<i><b>Human rights and gender</b></i>
<i><b>Human rights</b></i>
1. To what extent are the UN human-rights based approach incorporated in the design and implementation of the project and in the UNODC/TPB technical assistance provided to Nigeria?
<i><b>Gender</b></i>
2. To what extent are gender issues incorporated in the design and implementation of the project technical assistance provided to Nigeria?
3. To what extent is gender parity mainstreamed in the implementation of the project's capacity building activities?
<i><b>Lessons learned and best practices</b></i>
1. What lessons can be learned from the project implementation in order to improve performance, results and effectiveness in the future?
2. What good practices emerged from the project implementation?
3. What lessons can be drawn from the working arrangements with partners (global, regional and national)?
4. What lessons can be drawn from unintended results, if any?
5. What lessons can be drawn from the engagement (or lack thereof) with civil society and private sector stakeholders?

# EVALUATION METHODOLOGY

## **The methods used to collect and analyse data**

This evaluation will use methodologies and techniques as determined by the specific needs for information, the questions set out in the TOR and the availability of stakeholders. In all cases, the evaluation team is expected to analyse all relevant information sources, such as reports, programme documents, thematic programmes, internal review reports, programme files, evaluation reports (if available), financial reports and any other documents that may provide further evidence for triangulation, on which their conclusions will be based. The evaluation team is also expected to use interviews, surveys or any other relevant quantitative and/or qualitative tools as a means to collect relevant data for the evaluation. While maintaining independence, the evaluation will be carried out based on a participatory approach, which seeks the views and assessments of all parties identified as the key stakeholders of the project/ programme, the Core Learning Partners (CLP).

The present ToR provide basic information as regards to the methodology, which should not be understood as exhaustive. It is rather meant to guide the evaluation team in elaborating an effective, efficient, and appropriate evaluation methodology that should be proposed, explained and justified in the Inception Report.

In addition, the evaluation team will be asked to present a summarized methodology (including an evaluation matrix) in the Inception Report outlining the evaluation criteria, indicators, sources of information and methods of data collection. The evaluation methodology must conform to the United Nations Evaluation Group (UNEG) Norms and Standards as well as the UNODC Evaluation Policy, Norms and Standards.

While the evaluation team shall fine-tune the methodology for the evaluation in an Inception Report, a mixed-methods approach of qualitative and quantitative methods is mandatory due to its appropriateness to ensure a gender-sensitive, inclusive methodology. Special attention shall be paid to an unbiased and objective approach and the triangulation of sources, methods, data, and theories. Indeed, information stemming from secondary sources will be cross-checked and triangulated through data retrieved from primary research methods. Primary data collection methods need to be gender-sensitive as well as inclusive.

The credibility of the data collection and analysis are key to the evaluation. Rival theories and competing explanations must be tested once plausible patterns emerge from triangulating data.

The limitations to the evaluation need to be identified and discussed by the evaluation team in the Inception Report, e.g. data constraints (such as missing baseline and monitoring data). Potential limitations as well as the chosen mitigating measures should be discussed.

When designing the evaluation data collection tools and instruments, the evaluation team needs to consider the analysis of certain relevant or innovative topics in the form of short case studies, analyses, etc. that would benefit the evaluation results.

**The main elements of the evaluation process are the following:**

- Preliminary desk review of all relevant project documentation, (Annex II of the evaluation ToR), as provided by the Project Manager and as further requested by the evaluation team, as well as relevant external documents (e.g. UNDAFs; SDGs; UN and global/regional strategies; etc.);
- Preparation and submission of an Inception Report (containing preliminary findings of the desk review, refined evaluation questions, data collection instruments, sampling strategy, limitations to the evaluation, and timetable) to UNODC Independent Evaluation Unit (IEU) for review and clearance before any field mission may take place;
- Initial meetings and interviews with the Project Manager and other UNODC project staff in Austria as well as field-based project staff and stakeholders during the field mission to Nigeria;
- Interviews (face-to-face or by telephone/skype), with key project stakeholders and beneficiaries, both individually and (as appropriate) in small groups/focus groups, as well as using surveys, questionnaires or any other relevant quantitative and/or qualitative tools as a means to collect relevant data for the evaluation;
- Analysis of all available information;
- Preparation of the draft evaluation report (based on Guidelines for Evaluation Report and Template Report to be found on the IEU website <http://www.unodc.org/unodc/en/evaluation/index.html>). The lead evaluator submits the draft report to the Project Manager for the review of factual errors (copying IEU) and the Project Manager shares with IEU for review, comments and clearance. Subsequently the Project Manager shares the final draft report with all CLPs for comments.
- Preparation of the final evaluation report. The evaluation team incorporates the necessary and requested changes and finalizes the evaluation report in accordance with the feedback received from IEU, the Project Manager and CLPs. It further includes a PowerPoint presentation on final evaluation findings and recommendations;
- Presentation of final evaluation report with its findings and recommendations to the target audience, stakeholders etc. (in person or if necessary through Skype).
- In conducting the evaluation, the UNODC and the UNEG Evaluation Norms and Standards are to be taken into account. All tools, norms and templates to be mandatorily used in the evaluation process can be found on the IEU website: <http://www.unodc.org/unodc/en/evaluation/index.html>.

### **The sources of data**

The evaluation will utilize a mixture of primary and secondary sources of data. The primary sources include, among others, interviews with key stakeholders (face-to-face or by telephone), the use of surveys and questionnaires, field missions for case studies, focus group interviews, observation and other participatory techniques. Secondary data sources will include project documents and their revisions, progress and monitoring reports, external reports and strategies (e.g. UNDAFs; SDGs; country/regional/global strategies; etc.) and all other relevant documents, including visual information (e.g. eLearning, pictures, videos, etc.).

### **Desk Review**

The evaluation team will perform a desk review of all existing documentation (please see the preliminary list of documents to be consulted in Annex II of the evaluation ToR). This list is however not to be regarded as exhaustive as additional documentation may be requested by the evaluation team. The evaluation team needs to ensure that sufficient external documentation is used for the desk review.

### Phone interviews / face-to-face consultations

The evaluation team will conduct phone interviews / face-to-face consultations with identified individuals from the following groups of stakeholders:

- Member States (including recipients and donors);
- relevant international and regional organizations;
- Non-governmental organizations working with UNODC;
- UNODC management and staff at HQ and in the field;
- Etc.

### Questionnaire

A questionnaire (on-line) is to be developed and used in order to help collect the views of additional stakeholders (e.g. trainees, counterparts, partners, etc.), if deemed appropriate.

## TIMEFRAME AND DELIVERABLES

<b><i>Duties</i></b>	<b><i>Time frame</i></b>	<b><i>Location</i></b>	<b><i>Deliverables</i></b>
Desk review and preparation of draft Inception Report	02 /01/2018 - 12/01/2018 (7 working days)	Home base	Draft Inception report in line with UNODC evaluation norms and standards
Review of draft Inception Report by IEU (can entail various rounds of comments)	15/01/2018 – 19/01/2018 <i>(1 week for IEU review)</i>		Comments on the draft Inception Report to the evaluation team
Incorporation of comments from IEU (can entail various rounds of comments)	22/01/2018 - 24/01/2018(2 working days)		Revised draft Inception Report
<b>Deliverable A: Final Inception Report in line with UNODC evaluation norms, standards, guidelines and templates</b>	<b>By 24/01/2018 (9 overall working days)</b>		<b>Final Inception report to be cleared by IEU</b>

Interviews with staff at UNODC HQ and FO (including by phone/skype); Evaluation mission: briefing, interviews; presentation of preliminary findings	29/01/2018 – 09/02/2018 (8 working days)	UNODC/HQ; Nigeria	Presentation of preliminary findings
Drafting of the evaluation report; submission to Project Management and IEU;	10/02/2018 – 28/02/2018 (12 working days)	Home base	Draft evaluation report
Review of IEU for quality assurance and Project Management for factual errors	05/03/2018 – 16/03/2018 <i>(1-2 weeks for IEU review)</i>		Comments on the draft evaluation report
Consideration of comments from the project manager and incorporation of comments from IEU (can entail various rounds of comments)	19/03/2018 – 22/03/2018 (3 working days)	Home base	Revised draft evaluation report
<b>Deliverable B: Draft Evaluation Report in line with UNODC evaluation norms, standards, guidelines and templates</b>	<b>By 23/03/2018 (23 overall working days)</b>		<b>Draft evaluation report, to be cleared by IEU</b>
IEU to share draft evaluation report with Core Learning Partners for comments	23/03/2018 – 06/04/2018 <i>(2 weeks)</i>		Comments of CLPs on the draft report
Consideration of comments from Core Learning Partners	09/04/2018- 10/04/2018 (2 working days)	Home base	Revised draft evaluation report
Final review by IEU; incorporation of comments and finalization of report and	11/04/2018- 12/04/2018 (3 working days)	Home base	Revised final draft evaluation report; final

Evaluation Brief (2-pager)			draft Evaluation Brief (2-pager)
<b>Deliverable C: Final evaluation report incl. Management response (if needed); presentation of evaluation results; 2-pager Evaluation Brief</b>	<b>By 30/04/2018 (5 overall working days)</b>		<b>Final evaluation report; final presentation; final Evaluation Brief; All to be cleared by IEU</b>
<b>Project Management:</b> Finalise Evaluation Follow-up Plan in ProFi	By 18/05/2018		Final Evaluation Follow-up Plan to be cleared by IEU
<b>Project Management:</b> Disseminate final evaluation report	By 18/05/2018		Final evaluation report disseminated

## EVALUATION TEAM COMPOSITION

### Number of consultants needed

The final evaluation will be carried out by two external, independent consultants hired for this specific purpose. The consultants should not have had prior involvement with the UNODC/TPB on any of its implementation phases.

### The role of the consultant/lead evaluator

Carry out the desk review; develop the inception report, including sample size and sampling technique; draft and finalize the inception report and evaluation methodology, incorporating relevant comments, in line with the guidelines and templates on the IEU website <http://www.unodc.org/unodc/en/evaluation/evaluation-step-by-step.html>; lead and coordinate the evaluation process and the oversee the tasks of the evaluators; implement quantitative tools and analyse data; triangulate data and test rival explanations; ensure that all aspects of the terms of reference are fulfilled; draft an evaluation report in line with UNODC evaluation norms, standards, guidelines and templates on the IEU website <http://www.unodc.org/unodc/en/evaluation/evaluation-step-by-step.html>; finalize the evaluation report on the basis of comments received; draft and finalise an Evaluation Brief (2-page document) based on comments received; include a management response in the final report(optional); present the preliminary evaluation findings and recommendations to stakeholders (if applicable).

More details will be provided in the respective job descriptions in Annex I.

### The role of the consultant/expert

Assist the Lead Evaluator in all stages of the evaluation process, as per the respective TOR; contribute with specific terrorism prevention knowledge; participate in selected missions; provide methodological evaluation quality assurance throughout the evaluation process; comment on all deliverables of the evaluation team; assist the Lead Evaluator in all stages of the evaluation process; join the planned missions and apply methodological tools.

More details will be provided in the respective job descriptions in Annex I.

The evaluation team will not act as representative of any party and should use their independent judgement. The evaluation team cannot be involved in the design, appraisal or implementation of the project. The consultants will be and remain throughout the process independent and impartial. The evaluation team does not have any authority to make any commitment on behalf of the project parties (i.e. UNODC), recipient countries and donors.

The evaluation team will work closely with the UNODC, Terrorism Prevention Branch, Implementation Support Section II who will provide them with relevant information on the project and provide guidance for the implantation of the evaluation.

The UNODC IEU will provide quality assurance throughout the process by providing comments and clearance on the evaluation methodology (Inception Report), the draft report and will provide final clearance for the final evaluation report.

### Absence of Conflict of Interest

According to UNODC rules, the evaluator must not have been involved in the design and/or implementation, supervision and coordination of and/or have benefited from the programme/project or theme under evaluation.

Furthermore, the evaluator shall respect and follow the UNEG Ethical Guidelines for conducting evaluations in a sensitive and ethical manner.

## MANAGEMENT OF THE EVALUATION PROCESS

### Roles and responsibilities of the Project Manager

The Project Manager is responsible for:

- managing the evaluation,
- drafting and finalizing the ToR,



- selecting Core Learning Partners (representing a balance of men, women and other marginalised groups) and informing them of their role,
- recruiting evaluators following clearance by IEU,
- providing desk review materials (including data and information on men, women and other marginalised groups) to the evaluation team including the full TOR,
- reviewing the inception report as well as the evaluation methodology,
- liaising with the Core Learning Partners,
- reviewing the draft report and Evaluation Brief for factual errors,
- developing an implementation plan for the evaluation recommendations as well as follow-up action (to be updated once per year),
- disseminate the final evaluation report and facilitate the presentation of evaluation results;

The Project Manager will be in charge of **providing logistical support** to the evaluation team including arranging the field missions of the evaluation team, including but not limited to:

- All logistical arrangements for the travel of the consultants (including travel details; DSA-payments; transportation; etc.)
- All logistical arrangement for the meetings/interviews/focus groups/etc., ensuring interview partners adequately represent men, women and other marginalised groups (including independent translator/interpreter if needed; set-up of meetings; arrangement of ad-hoc meetings as requested by the evaluation team; transportation from/to the interview venues; scheduling sufficient time for the interviews (around 45 minutes); ensuring that members of the evaluation team and the respective interviewees are present during the interviews; etc.)
- All logistical arrangements for the presentation of the evaluation results;
- Ensure timely payment of all fees/DSA/etc. (payments for the evaluators need to be released within 5 working days after the respective deliverable is cleared by IEU).

For the field missions, the evaluation team liaises with the UNODC Regional/Field Offices and mentors as appropriate

## Roles and responsibilities of the evaluation stakeholders

Members of the Core Learning Partnership (CLP) are identified by the project managers. The CLPs are the main stakeholders, i.e. a limited number of those deemed as particularly relevant to be involved throughout the evaluation process, i.e. in reviewing and commenting on the TOR and the evaluation questions, reviewing and commenting on the draft evaluation report, as well as facilitating the dissemination and application of the results and other follow-up action. Stakeholders include all those to be invited to participate in the interviews and surveys, including the CLPs.

## Roles and responsibilities of the Independent Evaluation Unit

The Independent Evaluation Unit (IEU) provides mandatory normative tools, guidelines and templates to be used in the evaluation process. Please find the respective tools on the IEU web site <http://www.unodc.org/unodc/en/evaluation/evaluation.html>. Furthermore, IEU provides guidance and evaluation expertise throughout the evaluation process.

IEU reviews and clears all steps and deliverables during the evaluation process: Terms of Reference; Selection of evaluator(s); Inception Report; Draft Evaluation Report; Final Evaluation Report; Evaluation Follow-up Plan.

## PAYMENT MODALITIES

The evaluator(s) will be issued consultancy contracts and paid in accordance with UNODC rules and regulations. The contract is a legally binding document in which the evaluator agrees to complete the deliverables by the set deadlines. Payment is correlated to deliverables and three instalments are typically foreseen:

- The first payment (9 working days for Lead Evaluator, 8 working days for the Substantive Expert) upon clearance of the Inception Report (in line with UNODC evaluation norms, standards, guidelines and templates) by IEU;
- The second payment (21 working days for Lead Evaluator, 18 working days for the Substantive Expert) ) upon clearance of the Draft Evaluation Report (in line with UNODC norms, standards, evaluation guidelines and templates) by IEU;
- The third and final payment (4 working days for both the Lead Evaluator and Substantive Expert) only after completion of the respective tasks, receipt of the final report (in line with UNODC evaluation norms, standards, guidelines and templates), final Evaluation Brief and clearance by IEU, as well as presentation of final evaluation findings and recommendations.

75 percent of the daily subsistence allowance and terminals is paid in advance before travelling. The balance is paid after the travel has taken place, upon presentation of boarding passes and the completed travel claim forms.

## ANNEX II. INTERVIEW GUIDE

The table below summarises the questions that were raised by the evaluators in the context of semi-structured interviews and focus group discussions.

<b>Design</b> Were you (was your organisation) involved in discussion of the project prior to design being finalised?  Did the project design take into account Nigeria's policies at the time of its design?  Was the project designed to help upgrade the skills and knowledge of the institutions involved in counter-terrorism responses and to support bringing to justice those responsible for terrorist acts?  Were the project strategy and design consistent with UNODC priorities at national and regional levels?
<b>Relevance</b> Was the project strategy based on a sound analysis of the political and socio-economic strengths and weaknesses of the Federal and State governments?  Did the project strategy take into account the institutional development, mandate and capacities of the beneficiary institutions, as well as their needs in terms of capacity building, organisational development and mandate?
<b>Effectiveness</b> Did the project help strengthen counter-terrorism investigation, prosecution and conviction of offenders?  Did the project help enhance institutional and operational capacity of the beneficiary institutions, and improve inter-agency cooperation?  Were the organisation and implementation of project activities such that they amounted to tangible support to the Government of Nigeria in counter-terrorism response?  Is there evidence of enhanced inter-agency coordination, improved research capacity, and strengthened legal drafting among partner organisations?  Is there evidence of improved institutional development strategies, enhanced response capabilities, law enforcement and intelligence/investigation capabilities, among partner organisations?  Did the project, as implemented, help beneficiaries to address their needs in relation to the fight against terrorism?  Was the project's effectiveness enhanced by sound intervention logic, underpinned by appropriate performance indicators?  Was the project's effectiveness underpinned by a sound political economy analysis and by an appropriate analysis of risks and mitigation strategies?

<p><b>Efficiency</b></p> <p>Taking into account its activities, outcomes and impact, did the project represent good value for money, in keeping with similar UN-implemented projects?</p> <p>Did the project make good use of the expertise available to UNODC, particularly with regard to research and training, and did it take into account lessons learned and good practices developed by other UNODC projects in similar domains?</p> <p>Was the project team able to manage the project in such a way as to ensure the timely delivery of planned outputs and activities?</p> <p>Did institutional arrangements help ensure that project management mechanisms put in place by UNODC were appropriate to deliver management that was timely, flexible and accountable?</p> <p>Was the budget designed and implemented in a way that enabled it to meet its objectives?</p> <p>Was there a reasonable relationship between project inputs and outputs?</p> <p>Did institutional arrangements promote effective project management and accountability, including through appropriate monitoring and evaluation processes?</p>
<p><b>Impact</b></p> <p>Did the project activities and outputs improve policy-making and practices in relation to counter-terrorism efforts?</p> <p>Did the project activities and outputs enhance coordination among institutions at working/expert level?</p> <p>Has the project contributed to changes in the approach that the Government and other stakeholders take to the fight against terrorism?</p> <p>Did the project contribute to changed attitudes on the fight against terrorism on the part of officials, particularly in relation to human rights and gender equality?</p>
<p><b>Sustainability</b></p> <p>Did the project design include an exit strategy that identifies processes and approaches to foster a continued impetus towards continuing the fight against terrorism?</p> <p>Are the stakeholders in the project willing and able to follow up on project activities, where applicable?</p> <p>Are the policies, methodologies and political approaches developed during the project period likely to be continued beyond the end of the project?</p> <p>Did the training and other capacity building activities help ensure that the beneficiary institutions maintain and develop their activities and continue to enhance coordination and cooperation with each other?</p>
<p><b>Human Rights and Gender Equality</b></p> <p>Were principles such as transparency, accountability, and equality before the law, non-discrimination and participation taken into account in training activities and advice?</p> <p>Did the project contribute to mitigating the gender impact of counter-terrorism responses?</p> <p>Did the project encourage the Nigerian partners to adopt more gender-responsive approaches in their respective field of work?</p>
<p><b>UNODC added value/partnerships</b></p> <p>To what extent was UNODC able to take advantage of its unique position and comparative advantage to achieve results that could not have been achieved had support come from other donors?</p> <p>Was UNODC able to achieve results that alternative implementers would have found more difficult to achieve?</p> <p>Did the project design make good use of UNODC's status as an international, impartial actor?</p>

## ANNEX III. DESK REVIEW LIST

UNODC documents (Number of internal documents reviewed: 27)

- Policy Framework and National Action Plan for P-CVE.pdf
- DDRR COMMUNIQUÉ AND ACTION PLAN - FINAL.docx
- Action Plan CJ Responses to Terrorism\_18-19 Dec Conference\_Rev 17.01.2018.docx
- Project Revision GLOR35 29 MAY 2017.doc
- CT Partnership Project II - Progress Report(6Q)\_Aug-Oct2017.pdf
- CT Partnership Project II - Progress Report(5Q)\_May-July 2017.pdf
- CT Partnership Project II - Progress Report(4Q)\_Feb-Apr2017.pdf
- CT Partnership Project II - Progress Report(3Q)\_Nov2016 - Jan2017.pdf
- CT Partnership Project II - Progress Report(2Q)\_August-October 2016.pdf
- CT Partnership Project II - Progress Report(1Q)\_May-July 2016.pdf
- 2. Modified action description.pdf
- Extension Letter CT Nigeria-EU-UNODC-CTED project - 3-8-17.doc.PDF
- Nigeria EU CT Project Info note - Modified With Staff Modifications.docx
- Nigeria Stakeholder Needs Assessment -Phase II.pdf
- Partnership Strategy.pdf
- Activities Annex CT Nigeria\_22.Jan.2018.docx
- EU Nigeria CT Project - Stakeholder Involvement Summary.docx
- EU-Nigeria-UNODC-CTED Partnership Project II-Topics covered.docx
- EU-UNODC Nigeria CT Project - Phase III Action Description.docx
- I Interim 31.05.2017 GLOR35 NGA.PDF
- Log frame.docx
- Nigeria CT Project Training Participants Spreadsheet 2016-2017.xls
- UNODC-GuidanceNote-GenderMainstreaming.pdf
- UNODC\_Human\_rights\_position\_paper\_2012.pdf
- 20120702\_-\_Thematic\_Programme\_Crime\_Prev\_and\_Criminal\_Justice\_2012-2015\_FINAL.pdf
- GLOR35\_Nigeria\_final\_Independent\_Project\_Evaluation\_Report\_2016.pdf

External documents (Number of external documents reviewed: 8)

- TERRORISM (PREVENTION) ACT, 2011.pdf
- thenationonlineng.net/legal-framework-for-the-prevention-of-terrorism-in-nigeria/.pdf.pdf
- AFR4423662015ENGLISH.pdf
- 237-nigeria-the-challenge-of-military-reform.pdf
- 242-nigeria-women-and-the-boko-haram Insurgency.pdf
- 251-double-edged-sword.pdf
- E-CN7-2014-CRP04\_V1400522\_E.pdf
- NACTEST.pdf

Overall number of documents reviewed: 35

## ANNEX IV. LIST OF PERSONS CONTACTED DURING THE EVALUATION

<i>Number of interviewees</i>	<i>Organisation</i>	<i>Sex disaggregated data</i>	<i>Country/City</i>
17	UNODC (including project trainers)	Female: 10 Male: 7	Vienna/Abuja
4	NIALS, NJI, Judges	Female: 0 Male: 4	Nigeria
10	NHRC, Federal Ministries, Law Enforcement	Female: 1 Male: 9	Nigeria
5	EU, BHC, IOM	Female: 1 Male: 4	Nigeria
7	Focus Group, Human Rights ToT	Female: 1 Male: 6	Nigeria
8	Focus Group, Investigation ToT	Female: 1 Male: 7	Nigeria
Total: 51	11 institutions*	Male: 37 Female: 14	

\* Not including UNODC, CONIG, individual consultants, focus group participants