



## **Where Did Boko Haram Come From?**

### **Human Rights and Governance in Northern Nigeria**

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**Statement by Amnesty International USA**

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Overview of Amnesty International and its work on Nigeria

Founded in 1961, Amnesty International is the world's largest, grassroots human rights organization. We are global movement of 7 million people in more than 190 countries who campaign for a world where human rights are enjoyed by all. Here in the United States we have nearly 500,000 supporters whose dedication to human rights has impacted both policy and practice around the world.

Amnesty International has documented human rights concerns in Nigeria since the early 1980s, has conducted missions to the country, and has close working relationships with human rights groups in Nigeria. Amnesty International has worked extensively on the ongoing crisis in the North-East region of Nigeria, documenting abuses by the Islamist armed group Jamā'atu Ahlis Sunnah Lādda'awatih wal-Jihad [People Committed to the Propagation of the Prophet's Teachings and Jihad], commonly referred to as Boko Haram, the Nigerian security forces and locally based, informal civilian defenses forces. In addition to shorter briefing papers and in 2012, Amnesty issued a major report detailing abuses by Boko Haram, the Nigerian security forces and civilian militias.<sup>1</sup> In 2014 we released a report exposing the rampant, consistent use of torture and extrajudicial executions by the Nigerian military and police forces.<sup>2</sup>

Effectively addressing the crisis in the North-East part of Nigeria will require more than just ending the violence of Boko Haram. It demands restoring the rule of law,

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<sup>1</sup> Nigeria: Trapped in The cycle of Violence, Amnesty International 2012

<sup>2</sup> 'Welcome To Hell Fire' Torture and Other Ill-Treatment in Nigeria, Amnesty International, 2014

protection of human rights, and establishing accountability for abuses by Boko Haram as well as those committed by the security forces and the civilian defense units. In addition, Nigeria must also prioritize reversing the damage that has been done to the ability of children to seek an education, in particular girls who along with unmarried women have been abducted by Boko Haram and forced into marriage with its members.

### Summary of the Crisis

While exact numbers will have to wait until the states most impacted by Boko Haram's insurgency and the counter insurgency of the Nigerian military have been made safe enough for thorough investigations, estimates of the cost of the crisis indicate that between 25-30,000 people have been killed since 2009 and between 500,000 and 1,000,000 people have been displaced. An unknown number of women and girls have been abducted and abducted and forced into marriage, access to education has been effectively denied for tens of thousands of children.

Boko Haram [Western education is forbidden], was established in 2003 under the leadership of Islamic cleric Mohammed Yusuf. Yusuf preached that the country's ruling class was marred by corruption and advocated for the creation of an Islamic state (an Islamic government and Islam as a state religion).

On 11 June 2009, a group of Yusuf's followers in a funeral procession became involved in an argument with officers from a joint police and military unit in Maiduguri. The officers opened fire on the group and 17 people were injured. Following the shooting, Mohammed Yusuf released several videos vowing to take revenge.

On 26 July 2009, members of Boko Haram attacked a police station in Bauchi, Bauchi state. Over the next few days Boko Haram carried out attacks on police and government targets in Borno, Bauchi, Yobe and Kano states. Clashes between members of Boko Haram and security forces continued all week, with open gun battles in the street. The police and military were implicated in serious human rights violations including summary executions and other unlawful killings. By the end of the week more than 800 people had been killed by the police and Boko Haram, including police

officers, members of Boko Haram and unarmed civilians and bystanders. In February 2010, the Al Jazeera news channel broadcast video footage, taken in July 2009 in Maiduguri, which showed police shooting and killing unarmed people who were lying on the ground.

Mohammed Yusuf was arrested on 30 July 2009 in Maiduguri and was filmed and interviewed while in custody. Later that day the police announced that he had been killed while attempting to escape. Photographs of the body suggested that he had been handcuffed at the time of his death.

On 3 August 2009 then President Yar'Adua instructed the National Security Adviser to investigate Yusuf's death. In a statement given at the Human Rights Council in Geneva on 13 August 2009, the Nigerian government condemned Yusuf's killing, while in police custody and claimed that a committee had been set up in August 2009 to investigate the Yusuf's death in addition to other killings. However in 2012, in response to the findings of a subsequent committee established to look into the violence, the government denied that Yar'Adua had ordered an enquiry, stating that the President had instead ordered the police to investigate the incident. Five police officers, including two Assistant Commissioners of Police, were charged in July 2011 with the unlawful killing of Mohammed Yusuf. Four of the police officers were released on bail while one was remanded in prison. The case is still ongoing. Little has been done to bring to justice those people responsible for the other killings. In August 2009, the then Governor of Borno state also established a state level Committee of Inquiry into the July 2009 crisis. The report of the inquiry was never made public.

By July 2010, Mohammed Yusuf's followers had regrouped and the violence quickly escalated. Abu Shekau, previously deputy to Yusuf, became the spiritual and political leader of the group.

In January 2012, President Goodluck Jonathan declared a state of emergency in 15 Local Government Areas (LGAs) across four states which lapsed on July 18 2012.

On 2 August 2011, the Secretary to the Government of the Federation inaugurated a Presidential Committee on the Security Challenges in the North-East Zone of Nigeria. The Committee submitted its final report to the President in September 2011. In May 2012, a White Paper on the Report was reportedly released, listing key findings and recommendations of the Committee and the government's response to them.

In May 2012, the then Minister of Defense announced that Nigeria had signed agreements with 17 countries on military cooperation, joint military exercises and exchange of training programs.

On 12 June 2011 President Jonathan established a Joint Task Force (JTF) in Borno state, called Operation Restore Order, mandated, to "restore law and order to the North Eastern part of the country with emphasis on Maiduguri." It comprises personnel from the Nigerian Armed Forces, the Nigeria Police Force (NPF), the Department of State Security (DSS), the Nigerian Immigration Service (NIS) and the Defense Intelligence Agencies (DIA). The JTF commander is seconded from the military, which appears to dominate the JTF. The Rules of Engagement of the Joint Task Force are not publicly available. Many human rights defenders complained of not knowing what the JTF are allowed to do, particularly under the state of emergency.

In the White Paper on the Report of the Presidential Committee on the Security Challenges in the North-East Zone of Nigeria, the Committee noted "allegations of high-handedness against the JTF, bordering on rape, destruction of property belonging to sect members, extrajudicial killings and harassment and intimidation of Maiduguri residents." One of the Committee's recommendations was that the "Rules of Engagement should be reviewed to reflect the low intensity nature of the military operations, not only in Maiduguri but in all similar operations." The government "noted" the recommendation and said that there are "steps being taken by the Defense Headquarters to investigate the allegations and deal with it appropriately."

Boko Haram intensified its attacks, targeting government buildings such as police stations and military camps, schools, churches, market places. Amnesty estimates that Boko Haram has conducted over 300 raids and bombing attacks since 2013.

At the same time the Nigerian military also implemented increasingly brutal methods aimed at crushing Boko Haram. In our September 2014 report entitled *Welcome to Hellfire*, we concluded that a minimum of 5,000 people have been illegally detained and tortured since 2009 by the Nigerian security forces when the current levels of violence in the conflict with Boko Haram erupted.

Within the first month of 2015, Amnesty collected information on the attacks in Baga and Doro Baga, where the militant group killed hundreds of civilians and damaged or completely destroyed more than 3,700 structures, and in Maiduguri, the capital of Borno province which hosts many of the refugees from the region. AI has collected reports from civilian and military sources that the Nigerian military was received explicit warnings from Boko Haram prior to these most recent attacks in Baga and Maiduguri.

Serious human rights abuses are being committed by a; parties It is essential that the international community work with the Nigerian authorities to address all of these abuses.

### Key human rights issues in North East Nigeria

#### **Boko Haram**

Amnesty International believes that Boko Haram has launched at least 330 raids and bombings, killing at least 5,400 civilians in Northern Nigeria since 2013. We expect that the actual number is much higher.<sup>3</sup>

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<sup>3</sup> Boko Haram at a Glance, Amnesty International 29 January 2015

During this period, Boko Haram has committed crimes against humanity including murder, torture and enslavement. It has engaged in unlawful killings and indiscriminate violence, particularly against women and children. Boko Haram's attacks on the town of Baga and surrounding villages displaced at least 12,000 people and could have claimed the lives of hundreds and possibly thousands of individuals.

Initially most of Boko Haram's attacks targeted members of the security forces, however over time other attacks targeted local government and state government officials, clerics and Islamic scholars, lawyers, journalists and traders, as well as unarmed civil defense and immigration officials. Killings have been carried out in the street, by shooting or detonating explosives, others have been carried out in people's homes, outside mosques and at markets.

Boko Haram has attacked persons it accused of being informants, journalists and the media which it accused of being biased against it teachers that is condemned as conducting western education and school aged girls that the organization felt should not be pursuing an education. It has engaged in systematic abductions, including the roughly 270 girls, seized from the Chibok Girls Elementary School on night of April 14 2014.

According to local news reports Boko Haram have also used child suicide bombers and young girls as the bombers as in the attacks on at the open-air market in Potiskum, in Yobe state, on January 10 2015 and as recently as Sunday January 31 in the town of Gombe where the bomb attack failed.

Boko Haram has also claimed responsibility for gun and bomb attacks on churches, busy markets, shopping centers and bars and has threatened the general public of imminent attacks and also contributed to the climate of fear and intimidation pervading the most heavily impacted states of Borno, Yobe and Adamawa.

The evidence currently within our possession leaves us in no doubt that Boko Haram has committed crimes under international law, including war crimes and crimes against humanity.

## **The Nigerian Government**

The Nigerian military has not taken adequate steps to protect civilians in the northern part of the country, in particular in Borno, Yobe and Adamawa states. Amnesty International has credible information that on at least two occasions, despite being forewarned of Boko Haram's plans to attack Chibok in April 2014 and prior to the massacre in Baga in January 2015, no action was taken to either reinforce the security forces already in place or to facilitate the evacuation of the communities at risk.<sup>4</sup> If confirmed this would constitute a violation of the government's obligation to protect its population.

In addition to failing to protect people living in the states of Yobe, Adamawa and Borno, the Nigerian police and military have also committed systematic human rights violations such as the excessive use of force, extrajudicial killings and torture.

The military has arrested large numbers of civilians since 2009, including through house-to-house searches and using unidentified "pointers" to screen entire communities of villages and towns in the Borno and Yobe states. The military has also arrested relatives of Boko Haram suspects in lieu of the suspect themselves.

In detention centers in the north-east and other locations in Nigeria, detainees are denied access to their families, lawyers or adequate medical attention. Those detained are allegedly held because they are members of Boko Haram but most have never been charged and have not been brought before the courts.

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<sup>4</sup> Nigerian authorities failed to act on warnings about Boko Haram raid on school, Amnesty International, May 9, 2014

Nigeria: Nigerian authorities were warned of Boko Haram attacks on Baga and Monguno, Amnesty International, Jan. 28, 2015

The military has tortured suspects in custody and kept them in overcrowded cells, without access to adequate sanitary facilities, food, water or medical care. These conditions amount to cruel, inhuman and degrading treatment.

More than a thousand suspects have died in military detention facilities as a result of starvation, disease, suffocation or other reasons associated with extremely poor detention conditions.

In addition, hundreds of men have been extrajudicially executed by the military. On 14 March 2014, Nigerian soldiers executed more than 640 recaptured detainees in Maiduguri, after they were released during a Boko Haram attack on Giwa barracks. Amnesty International published video footage of soldiers cutting the throats of five of these recapture detainees.

The government's ability to meet its obligation to care for persons displaced as a result of the insurgency is also under criticism as being inadequate and not fully transparent. The number of IDPs is thought to be between 500,000 and 1,000,000 persons. Thousands are also thought to have sought refuge in Chad, Cameroon and Niger and will need assistance from the international community.

### Forced evictions

In response to the violence, the Nigerian Government has enacted forced evictions and house burnings. In the AI report *Trapped in a Cycle of Violence*, released in August 2012, delegates interviewed civilians who were forced from their homes in towns around Maiduguri in Borno with virtually zero notice, explanation or compensation. JTF forces also burnt down houses, which is a direct violation of international law, the African Union Charter and the Nigerian Constitution.

### Nigeria's obligations Under International Law

The Nigerian government is obligated under international law to respond to protect the rights and lives of all of the people living within its borders. Nigeria is signatory to the following treaties:

Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (ratified in 2001)

Convention on the Rights of the Child (ratified in 1991) and the Optional Protocol on the involvement of children in armed conflict (ratified in 2012)

Article 28 of the Convention for the Rights of the Child “child’s right to education”

Article 4 of the Optional Protocol on the involvement of children in armed conflict

African Charter on Human and People’s Rights (ratified in 1983)

African Charter on the Rights and Welfare of the Child (ratified in 2001)

Geneva Convention Relative to the Treatment of Prisoners of War

Geneva Convention Relative to the Protection of Civilian Persons in Time of War

Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) and its Optional Protocol, Nigeria ratified CEDAW in 1985 and the Optional Protocol in 2004.

### The Impact of the conflict on women and girls

The crisis in North-East Nigeria is having a severe impact on women and girls in the region, with potentially devastating consequences for generations to come.

Both Boko Haram and the Nigerian Security forces and allied militia have committed rape and other forms of sexual violence. Boko haram has abducted women, either as “spoils of war”, for forced marriages, to be sold in to sexual slavery or to be used as hostages to pressure the other side and in Boko haram’s case allegedly in response to having wives of Boko haram members abducted.<sup>5</sup> Boko Haram has also used its attacks on women and girls to further its opposition to women and girls seeking an education, to convert them to Islam and has used women and girls as forced labor and as child soldiers.<sup>6</sup> Nigerian police have raped women taken in to their custody.

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<sup>5</sup> WOMEN, GENDER AND THE EVOLVING TACTICS OF BOKO HARAM, by Jacob Zenn and Elizabeth Pearson, JOURNAL OF TERRORISM RESEARCH, VOLUME 5, ISSUE 1,

<sup>6</sup> “Those Terrible Weeks in their Camp” Boko Haram Violence against Women and Girls in Northeast Nigeria, Human Rights Watch, 2014

In addition to the attacks on their rights and security by both Boko Haram and the security forces, women and girls suffer from a broader lack of protection.

Discrimination and gender based violence are widespread, and Amnesty International has received consistent reports of women being raped or sexually abused by the police

<sup>7</sup> After suffering these violations the women then face the likelihood of being stigmatized and ostracized by their communities.

### Conclusion

The Nigerian government must prioritize the protection of human rights in the fight against Boko Haram. The strategy of increasing levels of brutality has not worked and has left the civilian population at increased risk. Any strategy must address the discrimination and gender-based violence against women and girls.

The international community must also engage more robustly in addressing the Boko Haram insurgency but in a way that does not lead to further human rights abuses by any proposed military force or by the Nigerian troops they will be supporting. The crisis cannot be resolved by military means only. It will require working with the government, civil society, the military and the Nigerian people to implement badly needed reforms to restore peace, security, the rule of law and confidence in government.

### Recommendations

#### **To the Nigerian Government<sup>8</sup>**

- Provide access to adequate medical and mental health services to victims of abduction and other violence; develop confidential referral systems and health posts in high-risk areas, such as large or isolated internally displaced persons' (IDP) camps, which can facilitate referrals and access to emergency treatment for women who are victims of sexual violence.

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<sup>7</sup> 'Welcome To Hell Fire' Torture and Other Ill-Treatment in Nigeria, Amnesty International, 2014,

<sup>8</sup> Those Terrible Weeks in their Camp, Human Rights Watch and Nigeria: Trapped in The cycle of Violence, Amnesty International

- Ensure that hospitals and clinics treating civilian victims are equipped with medical supplies to treat post-rape care in accordance with World Health Organization (WHO) standards and ensure that all facilities have procedures in place to respond to sexual violence, including Post-exposure Prophylaxis (PEP) kits. All services should have trained staff to deliver confidential and comprehensive medical treatment and psychosocial support. If and when services are not available, facilities should have adequate referral systems to ensure survivors can access confidential care.
- Provide specialized training for healthcare and social service providers to ensure care, treatment, and support to women and child survivors. Training should include both individual and community approaches where needed.
- Ensure that public information is available about the legal and physical consequences of abductions, and how victims can access free functioning services.
- Implement the provisions of the National Action Plan including those related to UNSCR 1325 and other related resolutions in Nigeria, particularly with regard to ensuring the full and meaningful participation of women in all peace and security discussions.
- Enact legislation to domesticate the International Criminal Court's Rome Statute, which Nigeria ratified in 2001, including criminalizing under Nigerian law genocide, war crimes, and crimes against humanity, consistent with the International Criminal Court's Rome Statute definitions. Ensure such laws apply retroactively at least until July 2002, the date the Rome Statute entered into force for Nigeria.

Initiate independent, impartial, and thorough investigations into allegations of crimes under international law, including crimes against humanity and war crimes, committed by members of Boko Haram and the Nigerian military. Where sufficient admissible evidence is gathered, suspects should be prosecuted in fair trials, without recourse to the death penalty.

Take immediate and effective measures to guarantee the safety, security and protection of civilians and their property in the affected communities and States, and in the entire country at large, and increase efforts to secure the lives and integrity of the civilians in accordance with its regional and international human rights obligations;

Ensure that its security forces and members of the “Civilian JTF” adhere strictly to their obligations under international human rights law and international humanitarian law, in particular, ensure that detainees are protected from extrajudicial executions, torture and other ill-treatment and are treated humanely at all times;

Ensure that no-one is arrested or detained in relation to the prevention, investigation or prosecution of crimes allegedly committed by members of Boko Haram in the absence of reasonable grounds to suspect them of responsibility for a recognisable criminal offence;

Ensure that domestic law and practice relating to the detentions of suspects conform fully with international human rights treaties ratified by Nigeria as well as international human rights standards; and

Immediately ensure that no one is held in life-threatening or inhumane conditions and to this end, either immediately release all individuals detained by the military or ensure that they are transferred into the lawful custody of the police and brought immediately before a court to determine the legality of their detention.

- Develop adequate protection measures, including protection programs and psychological support, before, during, and after the trial for all victims and witnesses whose physical safety and psychological well-being are at risk. This should include, but not be limited to, relocation measures.
- Develop and implement the Joint Humanitarian Action Plan (JHAP), and ensure effective coordination of national response to the North-East conflict through the JHAP sector working groups.
- Any military strategy to rescue any abducted civilian must be planned with critical human rights and protection concerns in mind to protect the right to life of all civilians including any who risk being caught up in the crossfire.

- The Nigerian government should ensure availability and accessibility of schools, promptly implement the Safe Schools Initiative, and work with the school authorities, community leaders, and parents to ensure better security for the North-East region's schools.
- Refrain from using schools and universities for military purposes and issue clear military orders to this effect. Support the development and eventual implementation of the Lucens Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict.
- Make public the report of its fact-finding committee on the abduction of Chibok schoolgirls, and provide all residents including relatives of the missing students with public updates on efforts to recover the girls to regain the community's trust.
- Take proactive steps to implement the plans, including the recently launched Victim Support Fund, for the rehabilitation and reintegration of abducted women and girls, and other victims of violence including forcefully recruited young men and boys.
- Ensure the passage and application of the Child Rights Act in all states of the federation, and bring national laws relating to the rights of women into compliance with the African Charter on the Rights and Welfare of Women in Africa, and the Convention on the Elimination of all forms of Discrimination Against Women.
- Take reasonable steps in line with Nigeria's responsibility under international human rights law to protect all those in Nigeria's territory from violence, but should not use excessive force, mistreat and torture detainees, or conduct arbitrary arrests in quelling the Boko Haram threat.
- Establish a unit in the Ministry of Justice to document the prosecution of Boko Haram suspects at all levels of government, and collate information of insurgency related arrests, detentions, and extrajudicial killings to aid future prosecutions.

### **To the Nigerian Police**

- Conduct interviews with all victims of Boko Haram abductions to aid prompt and thorough investigation of abuses they suffer, and ensure adequate safeguards against further traumatization.
- Launch public information and education campaigns, and hold public meetings with the community to encourage reporting violence against women to police, military courts, and other authorities.
- Prioritize the investigation and prosecution of allegations of sexual and gender based violence.
- Train police and prosecutors to promptly and thoroughly investigate cases of sexual and gender-based violence.
- Establish a community intake unit with a sufficient number of female police officers and other female personnel to receive and process information from members of the community about abductions and sexual and gender-based violence in a confidential manner at police stations.

### **To Boko Haram**

- Halt all attacks against non-combatants and release immediately all civilians in its custody.
- End all forced marriages and forced conversion of women and girls, and hold combatants responsible for sexual abuse and rape accountable, in line with international standards.
- Immediately cease all attacks, and threats of attacks, that target civilians or civilian property.
- Take all necessary steps to comply with the principles of international humanitarian and human rights law including handing over all persons suspected of war crimes for prosecution.
- Cease all attacks on the right to freedom of expression and religion, such as forced conversions, targeting of Christians and destruction of churches.
- Cease all attacks on schools, killing of students and teachers, or threats that undermine children's right to education.

**To the International Community – including the African Union, United Nations, European Union, United States, and United Kingdom**

Take steps to ensure that the proposed 7,500 Multinational Joint Task Force has the respect and protection of human rights at the core of its mandate and a robust human rights monitoring mechanism that includes the ability to address discrimination and gender based violence against women and girls.

- Encourage and support the establishment of an independent commission of inquiry to investigate allegations of international human rights and humanitarian law violations by government security forces and recommend measures to ensure they do not recur.
- Encourage and support transparent investigations and prosecution of perpetrators of human rights violations by Boko Haram, and pro-government vigilante groups.
- Ensure that support to the Nigerian government forms part of a fully integrated strategy aimed at assisting all of the victims of abductions and sexual abuse through prosecutions of those responsible, the provision of comprehensive support to victims, and action to strengthen the rights of women and girls. The United States Congress should also pass I-VAWA, which will help coordinate programs focused on addressing gender based violence in foreign countries across different federal agencies.
- Ensure that support to the Nigerian security forces to deal with Boko Haram and to assist abducted women and girls is fully consistent with international human rights standards. No support should be provided to abusive elements of the security forces.
- Support training for Nigerian police and prosecutors to conduct basic investigations of crimes, including sexual and gender-based violence.