



General Assembly

Distr.: General
9 December 2015

Original: English

Human Rights Council

Thirtieth session

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the High Commissioner
and the Secretary-General**

Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected*

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted to the Human Rights Council pursuant to Council resolution S-23/1, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to collect information from affected States and, in close cooperation and consultation with them, to prepare a report on violations and abuses of human rights and atrocities committed by Boko Haram in the States affected by such acts, with a view towards accountability. On 1 July 2015, the High Commissioner provided the Council with an oral update on the subject.

* The present report was submitted after the deadline in order to reflect the most recent developments.



Contents

	<i>Page</i>
I. Introduction	3
II. Methodology	3
III. Context	4
IV. Displacement of persons	4
A. Internally displaced persons	4
B. Refugees	5
V. Applicable legal framework	5
VI. Human rights abuses by Boko Haram	6
A. Killing of civilians	6
B. Abductions	7
C. Torture and other cruel, inhuman or degrading treatment	8
D. Sexual and gender-based violence	8
E. Violence against children and use of children in hostilities	9
F. Attacks against civilian and protected objects	10
G. Destruction and appropriation of property	10
VII. Human rights violations in the context of counter-insurgency operations	11
A. Lack of protection of civilians and killing of civilians during counter-insurgency operations	12
B. Enforced disappearances, arrests, detention and ill-treatment	12
C. Use of civilian vigilantes	13
D. Economic and social rights, and freedom of religion and belief	14
E. Measures taken by Governments	14
VIII. Conclusions and recommendations	16

I. Introduction

1. Since 2009, Boko Haram has been committing widespread human rights abuses in large parts of north-eastern Nigeria. In December 2013, the group extended its attacks to other States bordering Nigeria, namely, Cameroon, then the Niger (in February 2015) and Chad (in June 2015). The expansion triggered bilateral and multilateral counter-insurgency measures by the States affected. In January 2015, the conclusion of a cooperation agreement between Cameroon and Chad and between Nigeria and Chad led to robust joint military operations against Boko Haram, removing it from much of the territory it had controlled. In March 2015, regional coordination by the African Union led to the creation of the Multinational Joint Task Force to fight Boko Haram, involving troops from Benin, Cameroon, Chad, the Niger and Nigeria.

2. Despite the above-mentioned efforts, Boko Haram continues to commit gross human rights abuses and serious violations of international humanitarian law resulting in ongoing casualties and further destruction of property. The present report focuses, in accordance with Human Rights Council resolution S-23/1, on the abuses and violations of human rights and international humanitarian law committed by Boko Haram, and primarily covers the period when the conflict became regionalized, from December 2013 until July 2015. It also includes information on violations of international human rights law and international humanitarian law allegedly committed by government security forces during counter-insurgency operations.

II. Methodology

3. Since early 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has deployed human rights officers to States affected by Boko Haram, for varied periods, to collect information on human rights abuses and violations and violations of international humanitarian law. The present report is based primarily on more than 350 confidential interviews that OHCHR conducted with individuals from diverse ethnic and religious groups, including 210 women and girls, as well as refugees and internally displaced persons. In addition, on 21 and 22 August 2015, the Assistant Secretary-General for Human Rights visited Maiduguri, in the State of Borno, Nigeria, where he met with State officials, victims of attacks by Boko Haram and representatives of civil society.

4. Besides collecting information through confidential interviews, representatives of OHCHR met government authorities with whom cooperation was generally good. OHCHR consulted other United Nations entities and civil society organizations operating in affected areas, coordinators of camps for displaced persons and refugees, religious and traditional leaders, women's groups, and teachers. OHCHR paid special attention to the gender dimensions of the conflict.

5. The present report focuses on regions where Boko Haram has been active, namely the far north region of Cameroon, the south-west region of Chad, the south-east of the Niger and the north-east region of Nigeria.

6. Several challenges arose during the period under review. Besides the time frame allotted by the Human Rights Council in resolution 23/1, other practical constraints were encountered, including the time taken for budget allocation, delays in staffing and the difficulty in covering such a vast geographical area in the States affected combined to limit the findings made, including in terms of the amount of information gathered and corroborated. Other constraints included lack of access to certain areas owing to ongoing

attacks by Boko Haram and the reluctance of witnesses to share their experiences out of fear of reprisals or stigma, particularly victims of sexual or gender-based violence.

III. Context

7. Northern Nigeria has been subject to civil unrest and resistance since the emergence and conquest of the Sokoto caliphate in the early 1900s. Decades later, in 2002 Boko Haram, founded in Maiduguri by Muhammed Yusuf, began to advocate a strict form of sharia law that also opposed all Western influence and education. Mosques and schools run by Boko Haram enrolled children and subsequently became recruiting grounds.

8. In 2009, following a spate of attacks against government institutions in the States of Bauchi and Borno, security forces killed Muhammed Yusuf. Under the leadership of Abubakar Shekau, Boko Haram began to launch attacks against objects protected under international law, such as places of worship and schools.

IV. Displacement of persons

A. Internally displaced persons

9. As at July 2015, there were 1.3 million internally displaced persons (56 per cent of which are children) in Nigeria (with the State of Borno hosting the largest population): 81,693 displaced persons across four divisions of the far north region in Cameroon; and 18,882 displaced persons in Chad, including returnees from Nigeria, spread across four districts. The internally displaced are held in camps, informal settlements, host communities, with families, in rented houses, in places of worship and public buildings and at border crossings. Consequently, their enjoyment of the rights to education, food, health, shelter, and water and sanitation has been greatly reduced. Numerous displaced children have no access to education, while those who remain in their communities often receive poor quality education owing to insecurity, the lack of teachers (who have fled) and the destruction of schools.

10. In Cameroon, most border villages in the far north remain deserted. The World Food Programme has warned that famine will be unavoidable in the coming year if internally displaced persons are unable to return to their homes and to cultivate farmlands. OHCHR observed that families hosting displaced persons faced food shortages, and that children were used to find food, something that exposed them to such dangers as sexual abuse.

11. The protection concerns in some camps for displaced persons in Nigeria include insecurity, tensions among residents, and between them and host communities, and sexual and gender-based violence. A government report into allegations of rape and child trafficking in camps for displaced persons found no actual evidence of child trafficking, but rather factors predisposing to it.¹ According to the Office for the Coordination of Humanitarian Affairs, as many as 3 million people in northern Nigeria alone would not meet their basic food needs without humanitarian aid after July 2015.²

¹ Report of the Fact-Finding Committee on the Allegations of Rape and Child Trafficking in Internally Displaced Persons Camps in the North-East of Nigeria (available from the OHCHR secretariat).

² See Office for the Coordination of Humanitarian Affairs, Briefing to the Security Council on threats to international peace and security caused by terrorist acts (Boko Haram), 30 March 2015.

12. OHCHR noted that, although a significant number of displaced persons in Nigeria have begun to return spontaneously to their places of residence, attacks by Boko Haram continue; security and protection concerns therefore persist, including those raised by the existence of landmines.

B. Refugees

13. Since the escalation of violence in north-eastern Nigeria in 2013, thousands have fled across the border into Cameroon, Chad and the Niger, while attacks in the Niger have forced people from Diffa to flee across the border into Chad. This has resulted in a major refugee crisis in the region.

14. In the Niger, OHCHR was informed by UNHCR that, as at July 2015, some 16,000 Nigerian refugees were in Diffa, and that 40 per cent of all refugees in Diffa were children.

15. In Chad, as at July 2015, 7,139 refugees from Nigeria and the Niger were spread across 3,132 households in its Dar es Salaam refugee camp, in Chad.

16. Minawao camp, situated in far north region of Cameroon, has witnessed the largest influx of refugees in the Lake Chad basin. Established in July 2013, the camp hosts (as at July 2015) 40,995 refugees, largely from the States of Adamawa and Borno in Nigeria. Some 75 per cent were children aged between 8 and 17 years, and 53 per cent were women and girls. New refugees continue to arrive in the camp (2,345 in June 2015 alone).

17. OHCHR received information that, contrary to the principle of non-refoulement, the Niger military, on at least one occasion, forced Nigerian refugees who had endured lengthy and life-threatening journeys from their villages, as well as Nigerians who had long resided in the Niger, back to Nigeria, accusing them of bringing Boko Haram attacks. Similar incidents of forced return of Nigerian refugees from Cameroon and Chad have been reported. Furthermore, Nigerian refugees have allegedly been targeted by local authorities as being members of Boko Haram in these countries, on the sole basis of their nationality.

V. Applicable legal framework

18. Cameroon, Chad, the Niger and Nigeria have ratified several international and regional human rights instruments. All are party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. In addition, the Niger and Nigeria are party to the Convention on the Rights of Persons with Disabilities, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention for the Protection of All Persons from Enforced Disappearance.

19. The nature and intensity of the armed violence, its protracted nature and the level of organization of Boko Haram as an armed group attest to the existence of a non-international armed conflict in northern Nigeria.³ The International Committee of the Red Cross (ICRC), in its annual report for 2013,⁴ and the International Criminal Court⁵ have confirmed the

³ Boko Haram has conducted operations and several attacks in the areas of Cameroon, Chad and the Niger that border northern Nigeria.

⁴ ICRC, Annual Report 2013, p. 183.

existence of an armed conflict between the Nigerian armed forces and armed groups since May 2013. Boko Haram has conducted operations and several attacks in parts of Cameroon, Chad and the Niger bordering northern Nigeria; however, given the challenges faced in collecting information, OHCHR has not been able to gather sufficient elements allowing it to conclusively determine a non-international armed conflict between Boko Haram and the armed forces of these three countries.⁶ OHCHR nevertheless noted that Cameroon, Chad and the Niger are also party to the four Geneva Conventions of 1949 and Additional Protocol II thereto. All parties to the conflict are bound by the relevant rules of treaty and customary law applicable to non-international armed conflicts, in particular article 3 common to the Geneva Conventions of 1949 and Additional Protocol II thereto.

VI. Human rights abuses by Boko Haram⁷

A. Killing of civilians

20. Government sources in the States concerned have estimated that some 20,000 civilians, including an undetermined number of women and children, have been killed by Boko Haram since 2009.⁸ The actual number of fatalities, however, is likely to be much higher. Civilians have been shot, beheaded, amputated, stoned, drowned, burned and bombed.

21. Boko Haram has used stones, machetes, knives, sophisticated and high-calibre weapons, improvised explosive devices, landmines, guns mounted on pickup trucks, military helicopters, armoured vehicles and motorcycles to perpetrate killings. Men and boys who refused to adopt the beliefs professed by Boko Haram were specifically targeted in killings, as were law enforcement officials, teachers, health-care workers and members of civilian self-defence groups.

22. In Nigeria, Boko Haram intentionally killed and maimed civilians in attacks throughout the State of Borno and in parts of the States of Adamawa and Yobe. Many witnesses reported that Boko Haram shot civilians that tried to escape during attacks in Askira Uba, Baga, Bama, Damasak, Gombi, Gwoza, Kwajafa, Madagali, Maiduguri, Michika and Mubi. The killings were often preceded by death threats or an invitation from Boko Haram “inviting” men and boys to join them in “the work of Allah”. Those who refused to join were killed, and their bodies often left to rot in the streets, in wells or river beds.

23. OHCHR received, for example, video footage of a massacre of civilians after Boko Haram captured Bama, in October 2014. It depicted several men with their arms bound, driven in a truck to a bridge where they were shot, one after the other, in the back of the head and thrown into a river. It also showed civilians held in a room and shot; Boko Haram fighters then trampled on bodies to check that the victims were dead. The footage is consistent with information documented by OHCHR on the attack in Bama. OHCHR also

⁵ International Criminal Court, Office of the Prosecutor, Report on Preliminary Examination Activities 2013, para. 218.

⁶ *Ibid.*, para. 6.

⁷ OHCHR has on file numerous cases collected by teams from eyewitnesses and victims indicating patterns of human rights violations in many places, some repeated in the same locations.

⁸ Estimates from public sources, including Bulletin de Renseignement Quotidien and Connect SAIS Africa, “Social Violence in Nigeria” (see www.connectsaisafrica.org/research/african-studies-publications/social-violence-nigeria/).

received information that, in Madagali (State of Adamawa) in November 2014, Boko Haram assembled some 1,000 male villagers at the local school and shot them. Witnesses interviewed in the States of Adamawa, Borno and Yobe recalled numerous cases of men and boys being shot, hanged, hacked to death, stoned and, in some cases, their bodies piled up in the street, and their relatives forced to identify them.

24. In the Niger, OHCHR was informed of reports of killings, in Bosso and Diffa, particularly in February 2015, and on Karamga Island in Lake Chad, in April 2015. A witness told OHCHR how her husband and 14 members of her family had been executed by Boko Haram during the attack on Karamga. Other witnesses to the attack spoke of countless casualties and of dead bodies buried in eight mass graves, each containing around 12 bodies. A detained Boko Haram member, aged 16, told OHCHR that his mission in Karamga was to “slaughter men”. Refugee witnesses from Damasak, Nigeria, recalled that in November 2014, fleeing men and boys were captured by Boko Haram, assembled under a tree and shot for refusing to join the group.

25. In Cameroon, government figures indicate that 360 civilians were killed by Boko Haram between April 2013 and July 2014. According to information gathered by OHCHR in interviews, more than 770 civilians were allegedly massacred by Boko Haram in Logone and Chari, Mayo Sava and Mayo Tsanaga, the three most affected divisions in the far north region of Cameroon—.

26. In Chad, in February 2015, Boko Haram was allegedly responsible for shooting and massacring more than 24 people on the islands of Lake Chad, including in the localities of Kaiga-Kingiria, Kanggalom and Ngouboua.

27. A number of women and girls who were forced to marry Boko Haram fighters were killed when the group was forced to retreat by the joint forces, reportedly so that they would not remarry “infidels” or provide information to regional forces.

28. The increasing recourse of Boko Haram to suicide bomb attacks on soft targets, such as markets, has led to more deaths in the first half of 2015 than in the latter half of 2014. Between May and July 2015, these attacks resulted in more than 800 deaths in Nigeria alone. On 11 July, in N’Djamena, Chad, a man disguised as a woman detonated a bomb in a market place, killing 15 civilians. In July 2015, in Maroua, Cameroon, in two separate incidents, girls were used for the first time to detonate bombs, one in a market and another in a residential area, killing some 20 people.

B. Abductions

29. Boys were mainly abducted by Boko Haram for indoctrination in its ideology and for recruitment into its fighting force, while women and girls were abducted for sexual exploitation, forced marriages, labour and religious conversions to Islam. To date, the whereabouts of many of the victims is unknown, and those who have attempted to escape have been beaten and received death threats.

30. In Nigeria, the abduction of 276 schoolgirls from Chibok, State of Borno, on 14 April 2014, is well-known. Fifty-seven have since managed to escape. OHCHR met several former abductees who escaped from Boko Haram or were rescued. The manner in which they were abducted, the duration of their captivity and the conditions under which they were held were diverse. All nonetheless referred to cruel, inhuman or degrading treatment, sexual violence and other forms of abuses described elsewhere in the present report. Some abductees were held in their own communities, while others were reportedly transported to different locations.

31. In April 2015, the Nigerian army rescued 293 abducted women and children from the Boko Haram stronghold in Sambisa forest. Many of the women and girls were reportedly pregnant. The army reported having rescued more than 600 women and children since the counter-insurgency. The number of those who managed to escape is unknown. OHCHR was able to confirm that, as at June 2015, 307 rescued women and children had been enrolled in a “de-radicalization” programme run by the Government of Nigeria to prevent recruitment by Boko Haram and to demobilize its members.

32. OHCHR was able to visit the “de-radicalization” facility and interview some women, several of whom were with their children. It observed an insufficient number of female counsellors, and noted that the informed and voluntary consent of the beneficiaries of the programme did not seem to be systematically requested. Overall, the victims expressed their satisfaction with the facility, which also provided education and health-care services, including psychosocial support. Most of those interviewed were deeply traumatized and wished to be reunited with their families, particularly missing children. One woman rescued from Sambisa stated that Boko Haram had abducted six boys, including her two sons aged 7 and 9 years. When she asked where her children were, Boko Haram members told her, “we will teach them our doctrine”. Officials at the facility informed OHCHR that they were in the process of facilitating family reunification.

33. Abductions have also been documented in Cameroon and the Niger. In the Niger, OHCHR received reports that 200 women and children were abducted during the attacks against Bosso and Diffa on 6 February 2015, Karamga on 15 February, and Lamana and Ngoumao on 15 June. Witnesses informed OHCHR that Boko Haram fighters claimed that they were abducting women because they were married to “unbelievers” and would be remarried to true Muslims.

34. Government sources in Cameroon reported that at least 250 people had been abducted by Boko Haram in the far north region since December 2013. OHCHR received information according to which some 172 men and boys and more than 600 women and girls had been abducted by the group in the same period.

C. Torture and other cruel, inhuman or degrading treatment

35. Civilians living in areas and villages controlled by Boko Haram and abductees have been subjected to various forms of torture and other cruel, inhuman or degrading treatment. According to interviewees, women and children were subject to repeated beatings when they were unable or unwilling to walk to different Boko Haram strongholds, unable to recite the Koran or refused to adopt the group’s beliefs.

36. Boko Haram ill-treated those in captivity through deprivation of food and water. Most of the victims interviewed by OHCHR in Nigeria, including a 14-year-old girl from Gwoza, recalled that they had been deprived of food and water for up to two to three days. Some women reportedly starved themselves in order to give food to children.

37. Abductees rescued by the Nigerian army from Sambisa forest informed OHCHR that six boys suspected of stealing motorbikes and selling them had had their hands cut off in the Boko Haram camp in Buniyadi, while one male abductee accused of “fornication” had been buried up to his neck and stoned to death.

D. Sexual and gender-based violence

38. Since 2009, Boko Haram has subjected women and girls to widespread and severe forms of abuse, including sexual slavery, sexual violence, forced marriages, forced

pregnancies and forced conversions. The group justifies such practices by its conception of the role of women and girls in society. In one video message in which the group claimed responsibility for the abduction of the Chibok girls (see para. 30 above), Shekau declared that “God instructed me to sell them, they are his property and I will carry out his instructions”. In another message, he spoke of abducted girls as “spoils of war”.

39. One woman interviewed by OHCHR stated that she had been coerced into marriage when Boko Haram attacked her village, adding that “they came back after killing the men and boys and told me that an Imam in their group would preside over the marriage ceremony”. OHCHR received reports of younger girls being married off to fighters and older women forced to work as cooks and cleaners.

40. Discussions with psychosocial counsellors in north-east Nigeria confirmed widespread sexual violence against women and girls held by Boko Haram. One counsellor reported that a girl who managed to escape narrated how Boko Haram fighters would sexually abuse her, telling her “you are the kind of girl we like”. Another interviewee informed OHCHR that she had witnessed the rape of girls as young as 15 years of age.

41. OHCHR documented cases of rape following forced marriages to Boko Haram members during an attack on Bama, State of Borno, in September 2014. Some 150 women at Dalori camp, which opened in April 2015 and hosts internally displaced persons from Bama, had given birth after they escaped from captivity. OHCHR received information that a Nigerian refugee woman in the Niger was abducted in Damasak, State of Borno, on 28 November 2014, and raped by 40 men. A 14-year-old girl informed OHCHR she had been raped when Boko Haram attacked Damasak, in November 2014, and that, after killing the men and boys, they took the women and children to a house, and selected some 40 girls to marry their fighters. She was forcefully married and raped three times before escaping, during a “wedding”, with three other girls.

42. Numerous women and girls reported giving birth or of having miscarriages in extremely difficult conditions. For instance, during a Boko Haram attack on Gwoza, Nigeria, in September 2014, an interviewee reported that she had given birth in the bush while fleeing. According to information received during numerous interviews conducted by OHCHR in Nigeria, several women died during childbirth or were forced to abandon their newborn babies as they escaped attacks in Baga, Gwoza and Michika. Women previously held in captivity gave accounts of similar experiences. One woman rescued from Sambisa forest informed OHCHR that she had witnessed births by 10 women while being held captive in different Boko Haram strongholds. Other women reported that while they had been trekking through Sambisa forest, their babies had died and been taken away by Boko Haram. OHCHR also received accounts of women whose newborn babies had died and who been forced to carry them or to abandon them without proper burial during the recapture of towns.

43. Owing to stigma, cultural and religious norms and deeply entrenched gender stereotypes, most victims have been reluctant to speak about sexual violence they have endured. Many are unwilling to return to their communities, fearing that they will bring dishonour to their families and be rejected by their communities. According to interviewees, women and girls who were abducted by Boko Haram generally faced worse stigmatization than men and boys. Pregnant women and women who gave birth while in captivity, or shortly after rescue, are particularly stigmatized, together with their children.

E. Violence against children and use of children in hostilities

44. According to testimonies received by OHCHR, Boko Haram has recruited and used boys and girls for active hostilities. Some boys were forced to attack their own families to

demonstrate their loyalty to Boko Haram, while girls were forced to marry, clean, cook and carry equipment and weapons. OHCHR received consistent reports that some boys and girls were increasingly used as human shields and to detonate bombs, a pattern that has intensified since 2014. In May 2015, for example, a 12-year-old girl was used to detonate a bomb at a bus station in Damaturu, State of Yobe, killing seven people. Similar incidents were reported in Cameroon and the Niger. During attacks by Boko Haram, abducted boys were used to identify those who refused to join the group, as well as unmarried women and girls.

45. In Nigeria, children aged between 6 and 15 years who had been abducted described having been surrounded by “many guns, and armoured vehicles”, and how Boko Haram members had beaten them with cables for not praying or for saying their prayers late. In April 2015, in Yola, State of Adamawa, OHCHR spoke with four children, aged between 12 and 14 years, who had formerly been abducted by Boko Haram and reunited with their families after escaping. They were deeply traumatized, having experienced sexual violence and exploitation. In the Niger, drawings of refugee children receiving psychosocial support depicted abuses and violations of human rights and international humanitarian law, some with words such as “we cut their heads off” and “they burned our houses, shops and cars”.

46. OHCHR documented many cases of separated children in Nigeria and Cameroon who had lost contact with their families when they were abducted or fled attacks, and who did not know whether their parents were still alive. As at August 2015, 40 per cent of unaccompanied children in Dalori camp, State of Borno, were orphans.

F. Attacks against civilian and protected objects

47. Boko Haram has targeted civilian objects protected under international law, including schools, mosques, churches, prisons, hospitals and markets, and has contaminated water installations.

48. In Nigeria, in most villages recaptured by military forces, all social infrastructure had reportedly been destroyed. The education authorities reported that 338 schools had been damaged or destroyed between 2012 and 2014 in the States of Adamawa, Borno and Yobe. In some areas, Boko Haram destroyed bridges linking villages, such as in Kubroshosh, State of Borno. On 6 April 2015, in Kwajafa village, State of Borno, Boko Haram set fire to a local mosque, leading to an unknown number of casualties. In June 2015, it used improvised explosive devices and suicide bomb attacks against a church, in Postikum, State of Yobe. On 7 July, two separate bomb attacks on a restaurant and a mosque in Jos, State of Plateau, killed 44 civilians.

49. In Cameroon, witnesses informed OHCHR that Boko Haram had destroyed many schools, including in Amchidé and Ashigashia, leaving some 35,000 pupils out of school for the entire academic year 2014/15 without access to education. Attacks on health centres have also limited the enjoyment of the right to health. According to information received from the authorities during a joint mission by the United Nations and the Economic Community of West African States, in September 2013, in Cameroon, 21 health districts, including 47 health centres that hosted internally displaced persons before they fled further attacks by Boko Haram, were completely shut down in Fotokol, Guzdal, and Koza following attacks.

G. Destruction and appropriation of property

50. Victims consistently reported that Boko Haram systematically destroyed, appropriated and looted homes during attacks. These practices were widespread and part of

the group's fighting tactics to gain control over territory and to prevent escapees from returning.

51. Entire villages, such as Lassa, in State of Borno, Nigeria, were burned down during attacks in December 2014. The extent of such destruction was recounted by numerous witnesses who had escaped and returned after attacks. Many described how Boko Haram fighters had appropriated and resided in their homes and stole their possessions and food. For example, in Mabas, Maxi, and Tourou (Cameroon), Lamana and Ngoumao (Niger) and Baga (Nigeria), thousands were left homeless and fled overnight following Boko Haram attacks. According to information gathered by IOM, 40 per cent of registered internally displaced persons in north-east Nigeria declared that their houses had been totally burned down or destroyed by Boko Haram, 26 per cent had their houses burned or damaged, while 21 per cent were unaware of what had happened to their homes.⁹

52. In Cameroon, the authorities informed OHCHR that some 322 houses had been set on fire by the insurgents in villages in the far north region, and estimated that 1,922 cattle had been stolen. According to the majority of witnesses interviewed by OHCHR in Cameroon, their houses, motorcycles, food and cattle had been either stolen or destroyed.

VII. Human rights violations in the context of counter-insurgency operations

53. States have an obligation to respect and protect the right to life of individuals under their jurisdiction from attacks by armed groups. Such an obligation includes taking measures to prevent the commission of offences, investigating human rights abuses and international humanitarian law violations promptly, thoroughly and independently and prosecuting those found responsible, providing adequate and effective remedies, and preventing the recurrence of violations. The Niger and Nigeria have declared a state of emergency in response to the attacks conducted by Boko Haram.¹⁰

54. Measures taken pursuant to derogations are lawful to the extent that they comply with the conditions set out in international human rights law. Article 4 of the International Covenant on Civil and Political Rights provides for the possibility for States to adjust temporarily certain obligations under the treaty in time of "public emergency which threatens the life of the nation" providing a number of conditions are met, in particular that measures are limited to the extent strictly required by the exigencies of the situation,¹¹ that adequate safeguards are in place to protect against arbitrary and disproportionate interference with human rights,¹² and that procedural safeguards are never limited in a manner that would circumvent the protection of non-derogable rights.¹³

⁹ IOM, Displacement Tracking Matrix, Round IV Report, June 2015.

¹⁰ The Niger declared a state of emergency in the region of Diffa on 13 May 2014. Nigeria declared Boko Haram a terrorist organization on 4 June 2013. It declared a state of emergency in the States of Adamawa, Borno and Yobe on 20 May 2013, which was extended several times, most recently on 13 May 2014 for a period of six months.

¹¹ This obligation reflects the principle of proportionality, which is common to derogation and limitation powers. Any measures thus taken need to be in genuine response to the situation, aimed at the restoration of a constitutional order respectful of human rights and be fully justified by the circumstances. Therefore, the mere fact that derogating from a specific provision may of itself be justified by the exigencies of the situation does not obviate the requirement to demonstrate the necessity of the concrete measures taken pursuant to the derogation.

¹² Human Rights Committee, general comment No. 29 (CCPR/C/21/Rev.1/Add.11), para. 4.

¹³ This was emphasized by the Human Rights Committee in its general comments no. 29

A. Lack of protection of civilians and killing of civilians during counter-insurgency operations

55. OHCHR received credible reports that security forces did not deploy in several cases where civilians came under attack by Boko Haram in Nigeria. Many interviewees described the security forces as dysfunctional, overstretched and ill-equipped, and therefore unable to mount an adequate defence, resulting in greater insecurity and leaving civilians without protection. Witnesses consistently reported that security forces had retreated from the line of fighting, removing their uniforms and military gear when Boko Haram attacked villages and towns. Often, security forces were dependent on communities for escape routes, for example, during an attack on Bama on 1 January 2015. Some reportedly retreated hours before the attacks came, raising concerns not only regarding the protection of civilians but about possible collusion with Boko Haram fighters.

56. Attacks by security forces causing a high number of civilian casualties have been reported, most notably in Baga, Nigeria, in April 2013, where civilians were reportedly shot by security forces and 642 people were displaced. Investigations into the event by reliable national sources determined that cases of extrajudicial and summary executions, torture, arbitrary detention, enforced disappearance and rape had been committed by national security forces. According to the sources, the extent to which the allegations were founded could not be verified.¹⁴ OHCHR was also informed of other allegations, including of summary executions, torture, arbitrary detention and prolonged incommunicado and enforced disappearance committed by the national security forces in Baga and Bama, as well as of detainees being starved and held without water in overcrowded cells in an army barrack, leading to death. The full extent and timeline of the allegations could not, however, be verified.

57. Witnesses informed OHCHR that the day before Boko Haram attacked the Island of Karamga, the Niger, on 25 April 2015, they had reported the group's presence on the island to the army; the action taken by the latter was, however, insufficient to protect it.

58. In Cameroon, witnesses interviewed by OHCHR referred to killings by defence forces during raids that followed either Boko Haram attacks or tip-offs from so-called "vigilante" group members. According to witness information received by OHCHR, the Cameroonian army reportedly killed more than 70 people during the raids, the greatest number of casualties being in Bia, Double and Magdeme villages. Some of the deceased were reportedly buried in a mass grave in Mindif, an area that was used as a shooting site for the rapid response battalion.

B. Enforced disappearances, arrests, detention and ill-treatment

59. In Cameroon, OHCHR documented more than 200 cases of Boko Haram suspects arrested and detained by defence forces in Amchidé, Ashigashia, Bia, Cheripouri and Délé. Numerous witnesses described an incident in which several hundred Boko Haram suspects were taken away in military trucks from Doublei and Magdeme during a raid conducted on 27 December 2014. According to witness accounts from Amchidé, Bia and Cheripouri, some Boko Haram suspects were handed over by local vigilante groups to the rapid response battalion for the purpose of settling personal scores. Several interviewees stated that those who escaped custody had given bribes. According to Cameroonian authorities,

(CCPR/C/21/Rev.1/Add.11) and No. 35 (CCPR/C/GC/35).

¹⁴ See Nigerian National Human Rights Commission, "The Baga incident and the situation in North-East Nigeria: an interim assessment and report", June 2013.

measures were under way to accelerate prosecutions and to release detainees held unlawfully.

60. In Nigeria, OHCHR received confirmation that, in areas affected by Boko Haram, young men were not only exposed to the risk of being targeted by Boko Haram but also of being arbitrarily arrested and detained if suspected of being members of Boko Haram by the army, the police or civilian vigilante groups. One victim recounted how he had been mistaken for a member of Boko Haram and detained by the military in Yola, State of Adamawa. He also reported concerns regarding ill-treatment and conditions in detention, which lead to an average of five deaths every day in the cell where suspected Boko Haram detainees were held and reportedly regularly beaten. Witnesses informed OHCHR that Boko Haram suspects were deprived of food and water, and that some drank each other's urine. OHCHR also received information on allegations of arbitrary detention and cases of torture in the State of Borno. Once access to detention facilities is granted by the authorities, it will be possible to collect additional information and to verify these allegations.

61. Following attacks by Boko Haram conducted between June and July 2015 in N'Djamena, the Chadian authorities imposed increased security and surveillance measures, affecting civilians, particularly foreigners. For example, OHCHR received reports that security forces, following the attack on N'Djamena on 15 June 2015, had arrested almost 400 foreigners representing 14 nationalities within a period of two weeks at spot checks of identity, during house searches or on the street,.

62. In the Niger, security forces arrested an unspecified number of Boko Haram suspects, including children, in the Diffa region between February and July 2015. In July, for example, 40 juveniles suspected of being members of Boko Haram were reported to have been detained in the prisons of Koutoukale and Kollo. Some were later transferred to the juvenile section of Niamey prison.

63. Since the above-mentioned arrests many family members have been unable to locate their relatives in detention. For example, of the 200 arrests made by the Cameroonian authorities (see para. 59 above), OHCHR was able to confirm the location of only 20 of them in the four prisons hosting Boko Haram suspects in Maroua, Kouseri, Mokolo and Yagoua; the whereabouts of the other 180 remains unknown. In addition, non-governmental organizations documented approximately 260 arrests, and OHCHR was able to confirm that only 45 individuals were at the central prison in Maroua. While an official communique issued by the Ministry of External Relations of Cameroon indicated that 25 people had died in detention in Cameroon, 192 are yet to be accounted for. Some witnesses in Nigeria recalled that young men who were Boko Haram suspects were deprived of their liberty by civilian vigilante groups or the army and never seen again; owing to fear of reprisals from either party to the conflict, however, few such incidents are ever reported.

C. Use of civilian vigilantes

64. The inability of security forces to protect civilians from Boko Haram attacks and the deterioration of the security situation have led to the emergence of local self-defence groups, known as vigilantes, in north-east Nigeria and Cameroon. In both cases, the vigilantes seem to operate with the tacit approval of the security forces, and it appears that, in both countries, the authorities benefited from the activities of the groups against Boko Haram.

65. In Maiduguri, north-east Nigeria, the Civilian Joint Task Force or *Kato da Gora* ("man with a stick") emerged in early 2013, north-east Nigeria, and is often described as a

self-help/self-defence interest group. OHCHR received information on abuses committed by the Task Force, although the full extent of these allegations could not be verified.

66. OHCHR learned that the Civilian Joint Task Force has assisted Nigerian security forces in identifying and arresting Boko Haram suspects, controlling security checkpoints, providing information and monitoring the movement of people, and has also used firearms against Boko Haram in self-defence and to safeguard communities. It also received information on allegations of beatings, detention of suspects, bribery, food deprivation, killings and the recruitment of children by the Task Force, despite the advisory issued by the Government on 21 January 2015 on the prohibition of the use or abuse of children and young persons in counter-insurgency efforts in the north-eastern States. Some falsely-identified Boko Haram suspects were allegedly killed by the Task Force, including, in at least one case, a person with a disability.

67. Some interviewees informed OHCHR that the Civilian Joint Task Force had brought security and order to communities, while others, including children, stated that they felt under pressure from peers to join them or to risk being considered Boko Haram suspects.

68. In areas such as Bama, a witness noted that “entire communities, especially young and unmarried men and boys, joined the Civilian Joint Task Force. People were afraid to talk about Boko Haram, because they would kill them. The army would also kill you if you didn’t cooperate with them.” Many Task Force members in Baga and others thought to be members of Boko Haram were reportedly killed in retaliatory attacks when Boko Haram captured the town.

69. In Cameroon, similar vigilante groups were in place before Boko Haram attacks. They have been supported by national authorities and have played a similar role in reporting Boko Haram suspects or suspicious behaviour, and enforcing curfews.

D. Economic and social rights, and freedom of religion and belief

70. Motorcycle bans in Cameroon and the Niger have limited the movement of teachers and school children. For girls, the disruption to schooling has increased their exposure to child marriage, trafficking and other forms of gender-based violence. In Cameroon, the destruction and closure of schools resulted in more than 35,000 students staying out of school for the entire 2014/15 school year. In Nigeria, authorities reported that some 196 teachers had been killed between 2012 and 2014.

71. The already fragile economic situation in some parts of the affected areas has been exacerbated by security and counter-insurgency measures of the Government, such as by those limiting the circulation of traffic or those leading to the closure of borders, motorcycle bans, curfews, the suspension of fishing and the seizure of truckloads of goods, on the grounds that they may be intended for Boko Haram. Consequently, many people have been deprived of their means of subsistence.

72. The insurgency has also exacerbated tensions between communities and religions and increased the risk of further violence among communities. In July 2015, the Governments of Cameroon and of Chad banned the wearing of full-face veils following successive suicide bomb attacks by veiled women and girls, possibly raising issues with regard to the freedom of religion or belief.

E. Measures taken by Governments

73. Several measures have been taken by the Governments of the affected States to deal with Boko Haram, including, in some cases, to address abuses and violations of

international human rights and international humanitarian law. Some of the measures, however, raise human rights concerns, in particular with regard to arrest, detention and fair trial guarantees for persons deprived of their liberty in connection with the counter-insurgency measures.

74. In Nigeria, the Government has set up committees to analyse the root causes of the violence and security challenges in the north-east and to make recommendations.¹⁵ It also set up an inquiry following allegations of human rights violations implicating the army and the Civilian Joint Task Force. In December 2014, the military authorities concluded an inquiry by which it concluded that extrajudicial executions allegedly perpetrated by the army were sometimes committed by members of Boko Haram wearing military uniforms and using arms seized from the army. It did not establish responsibility for State actors. Following an audit of Boko Haram detainees conducted in 2013 by a joint investigation task force and its recommendation for improving the screening of suspects, the Nigerian army released in early July 2015 100 men, 24 women and 58 children suspected of terrorist activities. A victims' support fund and the Presidential Initiative for the North-east to support reconstruction, recovery and economic development were established in July and November 2014 respectively. In March 2014, in Nigeria, the Office of the Attorney General created a specialized section to handle terrorism-related cases to expedite the handling of prosecutions; however, OHCHR noted that prosecutions have not been commensurate with the large number of detained Boko Haram suspects.

75. In June 2015, the Government of Cameroon released 84 children who had been rescued by the military from an alleged Boko Haram training camp, later confirmed to be a Koranic school, in Guirvidig, and held at the Institut camerounais de l'enfance. In the far north of Cameroon, military courts have been used to accelerate the trial of Boko Haram suspects, including by doubling the number of court sessions per month from five to 10, and organizing sessions in other areas (Maroua and Yagoua) that hold Boko Haram detainees. According to the Government, the recourse to military courts was decided in the light of the emergency created by the Boko Haram insurgency and the need to deal with large numbers of persons arrested and suspected of complicity in terrorist activities. In its general comment No. 32 (CCPR/C/GC/32), the Human Rights Committee stressed that the use of military or special courts to try civilians should be exceptional and limited, and justified by objective and serious reasons, such as when civilian courts are unable to undertake trials.

76. In the Niger, a specialized judicial centre was established within the High Court to handle terrorism cases, a counter-terrorism cell was created within the police, and legislation on terrorist offences was amended to clarify that anyone arrested for matters relating to terrorism in the territory of the Niger is under the jurisdiction of the said judicial centre. OHCHR received information, however, that the judicial centre created within the High Court was insufficiently staffed to fulfil its mandate. The police cell has reportedly also been unable to conduct preliminary investigations in accordance with the law owing to a shortage of staff. OHCHR was informed of allegations of interference with the judicial process by the Ministries of the Interior and of Defence, leading to the re-arrest of persons acquitted by the court for lack of evidence. Furthermore, the ministries in question have reportedly rejected requests from the judicial authorities for investigations into allegations of torture and ill-treatment, stating that they would "demoralize" the troops. Numerous

¹⁵ In its report of 2011, the Galtimari Committee identified the levels of responsibilities for the community, local, state and federal governments in tackling increasing violence and terror in the country. The Turaki Committee, in its report of 2013, concluded that security agencies required an urgent improvement in their conditions of service and training, and up-to-date equipment to face the security challenges confronting the country.

Boko Haram suspects have remained in detention for prolonged periods and been denied fair trial guarantees, including the right to be promptly charged and to appear before a court.

77. In July 2015, in the wake of attacks conducted by Boko Haram in June, Chad adopted legislation on counter-terrorism. The legislation defines terrorist attacks in broad terms, reinstates the death penalty for terrorist acts, increases penalties for lesser offences (from the current maximum of 20 years in prison to a life sentence) and extends the duration of pretrial detention from 48 hours to 30 days, renewable twice. These new measures contravene international fair trial standards, including those provided for by the International Convention on Civil and Political Rights, to which Chad is signatory.

VIII. Conclusions and recommendations

78. As documented in the present report, OHCHR has gathered information on violations and abuses committed by Boko Haram, including the intentional killing and abduction of civilians and the targeting of protected civilian objects, the use of children in hostilities, rape and other forms of sexual violence, and torture and ill-treatment. The apparent systematic targeting of civilians and the widespread nature of the violations committed in territories where Boko Haram is active may, if established in a court of law, amount to crimes against humanity and war crimes if committed in connection with the armed conflict. These allegations should all be promptly, thoroughly and independently investigated, and those responsible, directly or as commanders or superiors, brought to justice. Special measures must be taken to protect the victims, especially child victims and victims of sexual violence, and to ensure that they have access to full redress, including psychosocial support.

79. OHCHR received preliminary information regarding allegations of serious violations of human rights and international humanitarian law committed by some government forces during counter-insurgency operations, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment. Failures to adequately protect people from Boko Haram were also documented. Although OHCHR was not able to confirm independently all the said allegations on the basis of the information available; the gravity of the violations documented in some contexts underlines the importance of further investigations into them. For these reasons, OHCHR recommends that prompt, thorough and independent investigation be conducted.

80. On the basis of its findings and conclusions, OHCHR makes the recommendations below.

81. OHCHR recommends that the Governments of the States affected by Boko Haram:

(a) Take immediate steps to strengthen and expand measures to protect civilians, including in the context of counter-insurgency operations, and stop the use of vigilante groups therein;

(b) Increase access to justice and ensure accountability for all abuses and violations of international human rights law and international humanitarian law, regardless of the position or rank of the perpetrator, bearing in mind that there can be no amnesty for the most serious crimes; and publish the outcome of investigations undertaken, and provide adequate and effective redress for victims;

(c) Adopt or review counter-terrorism laws and policies to ensure compliance with international standards, including international human rights law and

international humanitarian law, in particular the principles of legality and proportionality;

(d) Adopt a comprehensive strategy for countering violent extremism, and ensure a gender-sensitive approach to analysing and responding to violent extremism and terrorism by ensuring the effective participation of persons affected;

(e) Ensure the systematic and disaggregated collection of information on missing and deceased persons, including the development of a database;

(f) Provide remedies for women and girls whose human rights have been violated, including for sexual violence, establishing a mechanism for annulling forced marriages, provisions for psychosocial counselling, rehabilitation and social reintegration, comprehensive sexual and reproductive health services, including HIV treatment, safe abortion services at a minimum in cases of rape, and to safeguard the life and health of the woman or girl, with the full, free and informed consent of the woman or girl, and measures to address stigma against women and girl victims of sexual violence and their children;

(g) Take measures promptly to prevent arbitrary arrest and detention in contravention of international obligations, and increase capacity to conduct prompt, thorough and independent investigations and accelerate judicial processes; the use of military or special courts to try civilians must be exceptional, justified and limited to serious cases where civilian courts are unable to undertake trials;

(h) Develop and enforce rules of engagement and procedures for the protection of children to end the recruitment and use of children in hostilities by armed groups;

(i) Take measures to re-establish children's access to education, including for girls, and particularly for those children displaced by the conflict; and rebuild schools destroyed during attacks and secure access to schools, while ensuring also the protection of teachers and students;

(j) Ensure a coordinated approach or return strategy to outline assessments to be made and protection measures to be implemented to ensure secure and safe returns;

(k) Promote social cohesion in developing return, rehabilitation, reconstruction and reconciliation strategies to address tensions between communities.

82. OHCHR recommends that the international community:

(a) Support the strengthening of international human rights monitoring mechanisms in collaboration with national human rights institutions, and of national human rights protection systems, including the internal accountability mechanisms of security agencies;

(b) Strengthen the human rights capacity of the United Nations country team to respond more effectively to and to address systematically allegations of human rights abuses and violations;

(c) Provide training for security forces, in particular on respect of human rights in the context of counter-terrorism and preventing violent extremism, on the basis of the commitment to comply with human rights norms and standards, as well as international laws;

(d) Support affected States to implement their international obligations, including by ensuring accountability for violations and abuses of international human rights and international humanitarian law;

(e) Provide humanitarian assistance promptly to States affected, in particular by addressing the urgent issue of food insecurity, and also provide assistance in the area of reconstruction.
