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INTERNATIONAL PROTECTION CONSIDERATIONS WITH REGARD TO PEOPLE FLEEING NORTHEASTERN NIGERIA (THE STATES OF BORNO, YOBE AND ADAMAWA) AND SURROUNDING REGION – UPDATE I

Introduction

1. Since the publication of UNHCR's International Protection Considerations with regard to people fleeing the states of Borno, Yobe and Adamawa in northeastern Nigeria in October 2013,¹ an upsurge of violence has affected civilians in the region.² Since the start of 2014, the conflict is reported to have led to more than 4,000 deaths.³ The insurgents have used suicide attacks, bombings and raids, almost exclusively targeting the civilian population.⁴ The insurgents have reportedly killed, kidnapped, used forced conscription and abducted women and girls.⁵ As the security situation in the northeastern part of Nigeria remains uncertain and volatile, internal and external displacement continues to escalate. Following attacks by the insurgents in Borno, Yobe and Adamawa in late August 2014, more than 10,000 Nigerians fled to Cameroon, Chad and Niger.⁶ In May 2014 the National Assembly renewed the state of emergency in Adamawa, Borno and Yobe states for a further six-month period.⁷

Developments in the Conflict

2. There are increasing reports of insurgent attacks targeting villages, markets, hospitals and schools in the northeastern states, forcing large numbers of people to flee.⁸ The attacks are also reported to have caused substantial damage to civilian structures, with bridges, homes and entire villages

¹ UNHCR, *International Protection Considerations with Regard to People Fleeing Northeastern Nigeria (the States of Borno, Yobe and Adamawa)*, 29 October 2013, <http://www.refworld.org/docid/526fcea47.html>.

² UNHCR, *More than 10,000 People Flee Fresh Attacks in Nigeria, Seek Shelter in Cameroon and Niger*, 2 September 2014, <http://www.unhcr.org/5405b86d6.html>; European Commission, *Nigeria, Cameroon – Upsurge of Violence*, 28 August 2014, http://ercportal.jrc.ec.europa.eu/ercmaps/ECDM_20140828_Nigeria_Cameroon.pdf; UNHCR, *Nigerians Flee from Insurgent Attacks into Chad*, 5 August 2014, <http://www.refworld.org/docid/53e1e01e4.html>.

³ Amnesty International, *Nigeria: Gruesome Footage Implicates Military in War Crimes*, 5 August 2014, <http://www.amnesty.org/en/news/nigeria-gruesome-footage-implicates-military-war-crimes-2014-08-05>.

⁴ BBC, *Boko Haram Crisis: Nigeria's Female Bombers Strike*, 6 August 2014, <http://www.bbc.com/news/world-africa-28657085>; IDMC, *Briefing Paper: Nigeria – Fleeing Boko Haram's Relentless Terror*, 5 June 2014, <http://www.internal-displacement.org/assets/publications/2014/201406-af-nigeria-boko-haram-brief-en.pdf>.

⁵ IDMC, *Briefing Paper: Nigeria – Fleeing Boko Haram's Relentless Terror*, 5 June 2014, <http://www.internal-displacement.org/assets/publications/2014/201406-af-nigeria-boko-haram-brief-en.pdf>.

⁶ UNHCR, *UNHCR and Partners Call for Urgent Funding, as More People Are Being Displaced by Violence in Northeast Nigeria*, 16 September 2014, <http://www.refworld.org/docid/54192e444.html>; UNHCR, *More than 10,000 People Flee Fresh Attacks in Nigeria, Seek Shelter in Cameroon and Niger*, 2 September 2014, <http://www.unhcr.org/5405b86d6.html>; UNHCR, *Nigerians Flee from Insurgent Attacks into Chad*, 5 August 2014, <http://www.refworld.org/docid/53e1e01e4.html>.

⁷ UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>, para. 8.

⁸ UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>; IDMC, *Briefing Paper: Nigeria – Fleeing Boko Haram's Relentless Terror*, 5 June 2014, <http://www.internal-displacement.org/assets/publications/2014/201406-af-nigeria-boko-haram-brief-en.pdf>.

reportedly having been destroyed.⁹ The insurgents have reportedly seized towns and villages in northeastern Nigeria, including Gwoza, Bama, and Banki in Borno State, Bara in Yobe State, and Michika, Madagali and Gulak in Adamawa State.¹⁰

3. Counterinsurgency efforts by Government forces and popular militias are reported to have led to further displacement.¹¹ The existence of these militias, known as the “civilian joint task force”, has furthermore led to retaliatory attacks by the insurgents against communities where militia members are suspected to live.¹²
4. Refugees and IDPs continue to live in fear due to frequent attacks, a situation that has been further aggravated by the fact that the insurgents have reportedly started to target civilians in Cameroonian territory, forcing refugees and local residents to flee further inland.¹³

Human Rights Developments

5. The insurgents are reported to be responsible for widespread human rights abuses, including murder, kidnapping, looting, the torching of homes, as well as the abduction and sexual abuse of women and girls.¹⁴ In April 2014, approximately 276 girls were kidnapped at a Government girl’s secondary school in Borno State.¹⁵ The insurgents claimed responsibility and declared that the girls would be subjected to forced marriages and slavery.¹⁶ At the time of writing, the girls have yet to be released.¹⁷ Since 2011, more than 900 schools have been destroyed and 176 teachers killed in the northeastern Nigeria.¹⁸ The insurgent group is accused of using female suicide bombers; in June 2014 four teenage girls reportedly launched attacks in Kano.¹⁹

⁹ UNHCR, *Nigerians Flee from Insurgent Attacks into Chad*, 5 August 2014, <http://www.refworld.org/docid/53e1e01e4.html>; UN News Service, *Despite Insecurity, UN Agency Scales up Assistance for Thousands Fleeing Northern Nigeria*, 11 July 2014, <http://www.refworld.org/docid/53c623aa4.html>.

¹⁰ AFP, *Boko Haram ‘In Charge of 25 Towns’ in NE Nigeria: Bishop*, 18 September 2014, <http://reliefweb.int/report/nigeria/boko-haram-charge-25-towns-ne-nigeria-bishop>; BBC, *Nigeria’s Boko Haram ‘Seized’ Michika in Adamawa State*, 8 September 2014, <http://www.bbc.com/news/world-africa-29110663>; News24, *Boko Haram Seize More Towns - Thousands Flee*, 7 September 2014, <http://www.news24.com/Africa/News/Boko-Haram-seize-more-towns-thousands-flee-20140907>; AP News, *Islamic Extremists Grab Towns In Northeast Nigeria*, 7 September 2014, <http://bigstory.ap.org/article/islamic-extremists-grab-towns-northeast-nigeria>; The Punch, *Boko Haram Seizes Five Nigerian Towns in Five Days*, 7 September 2014, <http://www.punchng.com/news/boko-haram-seizes-five-nigerian-towns-in-five-days>; BBC, *Boko Haram Declares ‘Islamic State’ in Northern Nigeria*, 25 August 2014, <http://www.bbc.com/news/world-africa-28925484>.

¹¹ NRC/IDMC, *Global Overview 2014: People Internally Displaced by Conflict and Violence - Nigeria*, 14 May 2014, <http://www.refworld.org/docid/53747477d.html>.

¹² AP News, *Nigerian Vigilantes Take on Islamic Extremists*, 14 August 2014, <http://bigstory.ap.org/article/backlash-vigilantes-take-nigerian-islamists>; Minority Rights Group International, *State of the World’s Minorities and Indigenous Peoples 2014 - Nigeria*, 3 July 2014, <http://www.refworld.org/docid/53ba8ddb3cb.html>; NRC/IDMC, *Global Overview 2014: People Internally Displaced by Conflict and Violence - Nigeria*, 14 May 2014, <http://www.refworld.org/docid/53747477d.html>.

¹³ UNHCR, *More than 10,000 People Flee Fresh Attacks in Nigeria, Seek Shelter in Cameroon and Niger*, 2 September 2014, <http://www.unhcr.org/apps/news/story.asp?NewsID=48331#U9DPFJ1Bu70>; UNHCR, *Recent Attacks in Nigeria Prompt New Refugees to Cameroon, More Continue to Arrive*, 2 September 2014, <http://www.refworld.org/docid/5406ce344.html>; UNHCR, *Nigerians Flee from Insurgent Attacks into Chad*, 5 August 2014, <http://www.refworld.org/docid/53e1e01e4.html>; International Federation of Red Cross And Red Crescent Societies (IFRC), *Northeast Nigeria: Tales of Widows*, 27 July 2014, <http://www.ifrc.org/en/news-and-media/news-stories/africa/nigeria/northeast-nigeria-voices-of-widows-66527/>.

¹⁴ IDMC, *Briefing Paper: Nigeria – Fleeing Boko Haram’s Relentless Terror*, 5 June 2014, <http://www.internal-displacement.org/assets/publications/2014/201406-af-nigeria-boko-haram-brief-en.pdf>.

¹⁵ UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>.

¹⁶ UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>, para. 19; BBC, *Nigeria Kidnapped Girls Shown in Boko Haram Video*, 12 May 2014, <http://www.bbc.com/news/world-africa-27373287>.

¹⁷ UN News Centre, *Abducted Nigerian School Girls Not Forgotten, UN Chief Declares as Worldwide Vigils Begin*, 23 July 2014, <http://www.un.org/apps/news/story.asp?NewsID=48331#U9DPFJ1Bu70>; Voice of America, *100 Days Later, Nigerian Girls Still Held*, 24 July 2014, <http://www.voanews.com/content/nigeria-rallies-100-day-captivity-chibok-girls/1963498.html>. Despite a reported truce and talks aimed at freeing the girls, on 24 October 2014 there were new reports of girls being abducted by the insurgents: ABC Online, *Boko Haram Militants Abduct Dozens More Girls in Nigeria Despite Reported Truce, Parents Say*, 24 October 2014, <http://www.abc.net.au/news/2014-10-24/boko-haram-militants-abduct-more-women-and-girls/5837824>.

¹⁸ OCHA, *West and Central Africa Region - Weekly Regional Humanitarian Snapshot from the OCHA Regional Office for West and Central Africa: Nigeria*, 22 July 2014, www.unocha.org/rowca; see also for example BBC, *Boko Haram Crisis: Nigeria College Attacked by Gunmen*, 17 September 2014, <http://www.bbc.com/news/world-africa-29244107>.

¹⁹ BBC, *Boko Haram Crisis: Nigeria’s Female Bombers Strike*, 6 August 2014, <http://www.bbc.com/news/world-africa-28657085>; BBC, *Nigeria Kano blast: Boko Haram blamed for six deaths*, 30 July 2014, <http://www.bbc.com/news/world-africa-28571037>.

6. The insurgents are reported to make widespread use of children, including children as young as 12, for taking part in attacks, including the burning of schools and churches, as well as for intelligence purposes, tracking movements of the security forces and the transportation of guns.²⁰ In the UN Secretary-General's annual report on children and armed conflict covering 2013, the insurgents were included in the "List of parties that recruit or use children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/or hospitals in situations of armed conflict not on the agenda of the Security Council, or in other situations".²¹
7. Concerns have been expressed about human rights violations reportedly committed by Government forces in the course of its counterinsurgency efforts.²² Of particular concern are extrajudicial executions reported to have been carried out by members of the security forces, as well as the reported burning of homes of civilians who are suspected of collaborating with the insurgents.²³ Moreover, popular militias that have emerged to fight the insurgents have also been accused of widespread abuses.²⁴ According to the Government, these militias are not part of the Government forces. Concerns have been expressed about the activities of these groups, since they operate outside of the rule of law, chain of command and accountability of the security forces.²⁵

Humanitarian Situation

8. The humanitarian situation in northeastern Nigeria continues to deteriorate as a direct result of the violence.²⁶ Approximately 4.2 million people in the region are affected by food insecurity and around 510,000 children under the age of five suffer from acute malnutrition.²⁷ Violence and displacement have reportedly hampered agricultural activities and exacerbated pre-existing tensions over scarce natural resources, including access to land.²⁸ Many civilians continue to face

²⁰ UN News Service, *West Africa: UN Envoy Cites Region's Daunting Challenges, Boko Haram Threat to Nigeria*, 11 July 2014, <http://www.refworld.org/docid/53bfd4d74.html>; Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014 - Nigeria*, 3 July 2014, <http://www.refworld.org/docid/53ba8ddb3cb.html>; AFP, *Nigeria: Hundreds Dead in Boko Haram Village Rampage*, 5 June, 2014, <http://hornexpose.com/?p=1280>; UN General Assembly, *Children and Armed Conflict: Report of the Secretary-General*, 15 May 2014, A/68/878-S/2014/339, <http://www.refworld.org/docid/53b3b7654.html>, para. 180; UNHCR, *Refugees Fleeing Attacks in North Eastern Nigeria, UNHCR Watching for New Displacement*, 9 May 2014, <http://www.unhcr.org/536ca0f79.html>.

²¹ UN General Assembly, *Children and Armed Conflict: Report of the Secretary-General*, 15 May 2014, A/68/878-S/2014/339, <http://www.refworld.org/docid/53b3b7654.html>, Annex II.

²² Amnesty International, *'Welcome to Hell Fire': Torture and Other Ill-Treatment in Nigeria*, 18 September 2014, <http://www.refworld.org/docid/541be6244.html>; Integrated Regional Information Networks (IRIN), *Northern Nigeria: Ruined Lives*, 4 September 2014, <http://www.refworld.org/docid/5409ba974.html>; Amnesty International, *Nigeria: Gruesome Footage Implicates Military in War Crimes*, 5 August 2014, <http://www.amnesty.org/en/for-media/press-releases/nigeria-gruesome-footage-implicates-military-war-crimes-2014-08-04>; Human Rights Watch, *Nigeria: Boko Haram Kills 2,053 Civilians in 6 Months*, July 15 2014, <http://www.hrw.org/news/2014/07/15/nigeria-boko-haram-kills-2053-civilians-6-months>.

²³ Amnesty International, *Nigeria: Gruesome Footage Implicates Military in War Crimes*, 5 August 2014, <http://www.amnesty.org/en/for-media/press-releases/nigeria-gruesome-footage-implicates-military-war-crimes-2014-08-04>; Human Rights Watch, *Nigeria: Boko Haram Kills 2,053 Civilians in 6 Months*, July 15 2014, <http://www.hrw.org/news/2014/07/15/nigeria-boko-haram-kills-2053-civilians-6-months>; Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2014 - Nigeria*, 3 July 2014, <http://www.refworld.org/docid/53ba8ddb3cb.html>.

²⁴ International Federation for Human Rights, *Nigeria: Women Continue to Be Targeted by Boko Haram*, 2 July 2014, <http://www.refworld.org/docid/53c7c68710.html>.

²⁵ UN General Assembly, *Children and Armed Conflict: Report of the Secretary-General*, 15 May 2014, A/68/878-S/2014/339, <http://www.refworld.org/docid/53b3b7654.html>, para. 186.

²⁶ European Commission, *Nigeria, Cameroon – Upsurge of Violence*, 28 August 2014, http://ercportal.jrc.ec.europa.eu/ercmaps/ECDM_20140828_Nigeria_Cameroon.pdf; UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>, para. 16.

²⁷ UN Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa*, 26 June 2014, S/2014/442, <http://www.refworld.org/docid/53bea76c4.html>, para. 16.

²⁸ Famine Early Warning System Network (FEWS Net), *Nigeria Food Security Outlook Update – September 2014*, 18 September 2014, <http://reliefweb.int/report/nigeria/nigeria-food-security-outlook-update-september-2014>; NRC/IDMC, *Global Overview 2014: People Internally Displaced by Conflict and Violence - Nigeria*, 14 May 2014, <http://www.refworld.org/docid/53747477d.html>; ICRC, *Niger: Nigerian Refugee Numbers Increase*, 23 December 2013, <https://www.icrc.org/eng/resources/documents/update/2013/12-23-niger-displaced-persons-conflict-floods.htm>.

serious health issues, including widespread outbreaks of cholera (with more than 24,000 new cases having been confirmed since the beginning of 2014).²⁹

Internal Displacement and External Displacement

9. An inter-agency assessment mission deployed to northeastern Nigeria in May 2014 reported that there were 646,000 internally displaced people in the six northeastern States, including Adamawa, Borno and Yobe States.³⁰ In September 2014 new estimates of 1.5 million IDPs in the six northeastern states were reported by the Presidential Initiative for the North East (PINE).³¹
10. Large numbers of civilians have sought refuge in neighbouring countries. While the numbers continue to change due to new arrivals, as of mid-September 2014 the total number of Nigerian refugees in Cameroon was reported by local authorities to be 43,700, while more than 50,000 persons had sought refuge in Niger and 1,500 in Chad.³²

UNHCR Position on Returns

11. As the situation in northeastern Nigeria, particularly in Adamawa, Borno, and Yobe States, remains fluid and uncertain, UNHCR calls on neighbouring countries to keep their borders open and to allow access to territory and asylum procedures to persons fleeing the crisis in search of safety. UNHCR considers it likely that persons fleeing northeastern Nigeria and those who were already in countries of asylum before the further escalation of violence in northeastern Nigeria are in need of international protection in accordance with Article 1(2) of the 1969 OAU Convention.³³ In addition, many persons fleeing northeastern Nigeria may meet the 1951 Convention criteria for refugee status.³⁴ UNHCR calls upon States to suspend forcible returns of nationals or habitual residents to this part of Nigeria, including those who have had their asylum claim rejected, until the security and human rights situation has improved considerably. Any proposed returns in the context of the application of an internal flight or relocation alternative would need to be assessed carefully, taking into account the individual circumstances of the case.³⁵ Depending on the profile

²⁹ OCHA, *West and Central Africa Region - Weekly Regional Humanitarian Snapshot*, 22 July 2014, <https://wca.humanitarianresponse.info/fr/visuals/weekly-regional-humanitarian-snapshot-17-22-july-2014>. The regional Ebola epidemic initially also affected Nigeria, but on 20 October 2014 the World Health Organization declared Nigeria to be free of Ebola: WHO, *Nigeria Is Now Free of Ebola Virus Transmission*, 20 October 2014, <http://www.who.int/mediacentre/news/ebola/20-october-2014/en/>.

³⁰ OCHA, *Nigeria: Humanitarian Bulletin, Issue 7, September 2014*, <http://reliefweb.int/sites/reliefweb.int/files/resources/HB%20sept.pdf>; UNHCR, *UNHCR and Partners Call for Urgent Funding, as More People Are Being Displaced by Violence in Northeast Nigeria*, 16 September 2014, <http://www.refworld.org/docid/54192e444.html>.

³¹ OCHA, *Nigeria: Humanitarian Bulletin, Issue 7, September 2014*, <http://reliefweb.int/sites/reliefweb.int/files/resources/HB%20sept.pdf>.

³² UNHCR, *UNHCR and Partners Call for Urgent Funding, as More People Are Being Displaced by Violence in Northeast Nigeria*, 16 September 2014, <http://www.refworld.org/docid/54192e444.html>; UNHCR, *Recent Attacks in Nigeria Prompt New Refugees to Cameroon, More Continue to Arrive*, 2 September 2014, <http://www.refworld.org/docid/5406ce344.html>.

³³ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>.

³⁴ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <http://www.unhcr.org/refworld/docid/3be01b964.html>; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>. Profiles of persons fleeing Nigeria who may meet the 1951 Convention criteria for refugee status include (but are not limited to): civilians from communities from which popular militias ("civilian joint task force") are drawn, or are suspected to be drawn, who are at risk of retaliatory attacks by the insurgents for reasons of (imputed) political opinion (see para. 3); civilians who are suspected of collaborating with the insurgents, who are at risk of unlawful violence, including extrajudicial killings, by Government forces and popular militias for reasons of (imputed) political opinion (see para. 7); children, including in particular girls of school-going age, who are at risk of kidnapping and violence, including sexual abuse and murder, for reasons of (imputed) political opinion and/or membership of a particular social group (see para. 5); teachers, who are at risk of violent attacks, including murder, for reasons of (imputed) political opinion and/or membership of a particular social group (see para. 5); and children who are at risk of forced recruitment by the insurgents for reasons of membership of a particular social group (see para. 6).

³⁵ In order for an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible to the individual. If the individual fears persecution at the hand of the State, an IFA/IRA is presumed not to be available. In case of feared persecution at the hands of a non-State agent, the capability to pursue the individual in the proposed area of relocation would need to be considered. Furthermore, if persons from the affected states would not be able to lead "a relatively normal life" in the proposed area of internal relocation, for example if they were to find themselves in a situation of internal displacement, the proposed alternative

of the individual case, exclusion considerations may need to be looked into.³⁶ In addition, to preserve the civilian character of asylum, States would need to assess the situation of arrivals carefully so as to identify armed elements and separate them from the refugee population.³⁷

12. Suspension of forcible returns to the affected areas in Nigeria serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1969 OAU Convention or the 1951 Convention. This advice is valid until such time as the security and human rights situation in northeastern Nigeria has improved sufficiently to permit a safe and dignified return.

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flight or relocation alternative would not be reasonable. Other elements to take into account when considering reasonableness of a proposed IFA/IRA include the impact of past persecution, safety and security and the respect for human rights in the proposed relocation area, and the possibility for the individual to make a living there. For details on IFA/IRA and the reasonableness test, see UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>.

³⁶ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

³⁷ UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.refworld.org/docid/452b9bca2.html>.