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“Those Terrible Weeks in their Camp”

Boko Haram Violence against Women and Girls in Northeast Nigeria



“Those Terrible Weeks in their Camp”

**Boko Haram Violence against Women and Girls in
Northeast Nigeria**

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Summary

You are no longer in Nigeria. You are now in an Islamic kingdom. Here, women's rights are respected, not like in Nigeria where women are made to work, farm, fetch water and firewood, and where you have all types of discrimination. This is the reason why we are rescuing Christian women like you. In our Islamic kingdom, there will be no discrimination because everyone will be Muslims.

—A Boko Haram commander's words to a 19-year-old mother who was held in Sambisa forest, northern Nigeria, for four days in April 2014.

Boko Haram, Nigeria's homegrown Islamist insurgency, whose name in Hausa roughly translates as "Western education is forbidden," has abducted at least 500 women and girls from northern Nigerian since 2009 and has perpetrated numerous human rights abuses against them in captivity. The April 14, 2014 abduction of 276 girls from a secondary school in Chibok, a rural town in Borno State, focused a much-needed spotlight on this increasing scourge.

While much has been written about Boko Haram and the horrific threat it poses, very little is known about the abuses endured by women and girls in captivity. Such victims are obviously hard to find. This report, based on field research, including interviews with victims and witnesses of abduction, documents the abduction of women and girls by Boko Haram, highlighting the harrowing experiences of some of the abducted women and girls. There remain many more women and girls in captivity whose stories have not yet been told.

From June through August 2014, Human Rights Watch interviewed 30 individuals who were abducted by Boko Haram between April 2013 and April 2014, and 16 others who witnessed the abductions. The victims, including 12 students of the Chibok School who escaped from Boko Haram custody after they were abducted, provided further details of the abuses they endured. The women and girls described how they were abducted from their homes and villages while working on the farms, fetching water, or attending school. The victims were held in eight different Boko Haram camps that they believed to be in the 518-square-kilometer Sambisa Forest Reserve and around the Gwoza hills for periods ranging from two days to three months. They saw scores of other women and children, but were unable to

ascertain if some, or all, had also been abducted or if they were family members of the insurgents. The women and children ranged from infancy to 65 years old. The Gwoza hills, which form a natural barrier between Nigeria and Cameroon, overlook Sambisa forest to the north and runs from Pulka town, 80 miles south east of Maiduguri, Borno State into Cameroon's Far North region.

The women and girls told Human Rights Watch that for refusing to convert to Islam, they and many others they saw in the camps were subjected to physical and psychological abuse; forced labor; forced participation in military operations, including carrying ammunition or luring men into ambush; forced marriage to their captors; and sexual abuse, including rape. In addition, they were made to cook, clean, and perform other household chores. Others served as porters, carrying the loot stolen by the insurgents from villages and towns they had attacked. While some of the women and girls seemed to have been taken arbitrarily, the majority appeared to have been targeted for abduction because they were students, Christians, or both.

The Victims

Most of the abductions documented in this report took place in the predominantly Christian area of southern Borno State, and all but one of the victims interviewed by Human Rights Watch were Christian. The victims appear to have been targeted either because of their presumed religious affiliation or for attending western-styled schools. Some of the victims were threatened with death if they refused to convert to Islam. One young woman held in a camp near Gwoza described how combatants placed a noose around her neck and threatened her with death until she renounced her religion; others were repeatedly threatened with whipping, beating, or death unless they converted to Islam, stopped attending school, and complied with Islamic dressing rules, such as wearing veils or the hijab.

When one of the victims, a 15-year-old girl, complained to a Boko Haram commander that she and the other abducted girls were too young for marriage, he pointed at his 5-year-old daughter, and said: "If she got married last year, and is just waiting till puberty for its consummation, how can you at your age be too young to marry?"

Women and girls interviewed by Human Rights Watch said that some Boko Haram commanders appeared to make some effort to protect them from sexual violence. However, Human Rights Watch documented eight cases of sexual violence perpetrated by Boko Haram combatants; most cases of rape occurred after the victims were forced to marry. Social workers who have worked with some of the victims in Borno and Adamawa states told Human Rights Watch that the rape of women and girls abducted by Boko Haram has been underreported because of a culture of silence, stigma, and shame around sexual abuse in Nigeria's conservative North.

The increase in the number of abductions since mid-2013 appears to mark a change of strategy by Boko Haram. From 2009 through early 2013, the group did not appear to target women and girls specifically. Instead, it primarily launched assaults against those it considered part of an unjust and corrupt system: members of the security services, politicians, civil servants, and other symbols of authority. By early 2012 schools and students became increasingly targeted for attacks, worsening already dire education indices in the Northeast, which has the lowest primary and secondary school net attendance ratio in the country.

From 2009 to early 2013, according to Human Rights Watch's research and monitoring of abuses, Boko Haram abducted individual women and girls from their homes or from the street during attacks on their communities. These abductions took place most often in Boko Haram's then-strongholds of Maiduguri, the Borno State capital, or Damaturu, the capital of neighboring Yobe State. In most of the documented cases, married women were abducted as punishment for not supporting the group's ideology, while unmarried women and girls were taken as brides after insurgents hastily offered a dowry to the families, who feared to resist.

The abduction of 276 schoolgirls from in Chibok is the biggest single incident of abduction by Boko Haram at time of writing. The relative ease with which it carried out the Chibok abductions appears to have emboldened Boko Haram to carry out more abductions elsewhere.

Videos released by Boko Haram's leaders in January and May 2013 suggest three key motives for the initial abductions: to retaliate against the government for its alleged detention of family members, including the wives of the group's leaders; to punish



students for attending Western schools; and to forcefully convert Christian women and girls to Islam. Some of the victims and analysts interviewed by Human Rights Watch have suggested women and girls are also being used for tactical reasons, such as to lure security forces to an ambush, force payment of a ransom, or for a prisoner exchange.

Residents of villages and towns ravaged by Boko Haram attacks during which women and girls were abducted complained about inadequate government response to prevent attacks and protect victims, often in imminent danger, and to provide adequate medical and psychological support for victims.

Many of the victims and witnesses who spoke to Human Rights Watch recounted instances when the security forces had been overwhelmed because insufficient troops had been

deployed to a given town or because they appeared to have run out of ammunition during the course of an attack. Others described how members of their community had informed authorities about impending attacks, but were met with a feeble response.

Many of the victims and their family members expressed the ongoing anguish resulting from their ordeal, including deep fears of re-abduction, sleeplessness, and frustration for insufficient support from the government. However, of the victims interviewed, only the Chibok students who escaped from Boko Haram captivity had received limited counseling and medical care. None of the other victims of abduction or other violations, all from desperately poor families, had received or were aware of any government supported mental health or medical care. The federal and state funds, set up with support from international agencies and foreign governments in the wake of the high-profile Chibok abductions, have targeted the escaped Chibok girls but appear not to have widely benefitted the many other victims of Boko Haram abuses.

The abuses against women and girls documented in this report occurred against the backdrop of a dramatic increase in the pace and intensity of Boko Haram's attacks against civilian targets from mid-2013, after the federal government imposed a state of emergency in Borno, Adamawa, and Yobe states. Based on credible media reports and field investigations, Human Rights Watch estimates that more than 4,000 civilians have been killed in over 192 attacks since May 2013 in northeast Nigeria and in the federal capital, Abuja. At least 2,053 civilians were killed by Boko Haram in the first half of 2014.

Human Rights Watch has previously documented the widespread abuses carried out by the Nigerian security forces in responding to the attacks by Boko Haram. Since 2009, security forces have used excessive force, burned homes, engaged in physical abuse, "disappeared" victims, and extra-judicially killed those suspected of supporting Boko Haram.

Few members of the security forces implicated in serious violations of humanitarian and human rights law, including violations against girls and women, have been prosecuted. To ensure accountability, Nigerian authorities should investigate and prosecute, based on international fair trial standards, those who committed serious crimes in violation of national and international law during the conflict, including members of Boko Haram, security forces, and pro-government vigilante groups. In addition, the government should

provide adequate measures to protect schools and the right to education, and ensure access to medical and mental health services to victims of abduction and other violence. The government should also ensure that hospitals and clinics treating civilian victims are equipped with medical supplies to treat survivors of sexual and gender-based violence.

The international community should encourage and support transparent investigations and prosecution of perpetrators of human rights abuses by Boko Haram as well as violations by government security forces and allied groups, and should assist the Nigerian government to provide protection for schools as well as physical and mental health care to all victims of abductions and other violations perpetrated by Boko Haram.

The Nigerian government and the international community should ensure that women participate fully in all national and international efforts to maintain and promote peace and security in Nigeria. The Nigerian government failed to include women in its delegations to Paris Summit on Security in Nigeria in May 2013 and the London Ministerial on security in Nigeria in June 2014. Participants at both meetings committed to civilian protection and human rights and to the prevention of sexual violence in conflict. Human Rights Watch urges the Nigerian government to comply with its National Action Plan for the Implementation of UNSCR 1325 and other related resolutions in Nigeria, which commits the government to take special measures to include women at all levels of peace processes.

Human Rights Watch urges Boko Haram to comply with the principles of international humanitarian and human rights law and to end immediately the killing, maiming, rape, and abduction of Nigeria's civilian population including students, which has suffered greatly over the past five years.

Recommendations

To the Nigerian Government

- 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.
- 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.

- Establish an independent commission of inquiry to investigate general allegations of violations of human rights and humanitarian law by government security forces and recommend measures to ensure they do not recur.
- Ensure the investigation and prosecution, based on international fair trial standards, of members of Boko Haram and pro-government vigilante groups who commit serious crimes in violation of international law during the conflict.
- 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 northeast 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 northeast 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 United Nations, European Union, United States, and United Kingdom

- 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.
- 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.

- Work with the Nigerian government to ensure that development assistance to Nigeria helps to increase educational opportunities for girls and combats gender and other forms of discrimination in education.
- Ensure that assistance to Nigeria supports the development of improved healthcare for women and girls, especially those who have been victims of sexual violence and abuse.
- Urge the Nigerian government to bring national laws relating to the rights of women and children into compliance with international standards.
- Encourage and support Nigerian government's effort to make schools safer.
- Encourage and support the provision of post-trauma, psycho-social and mental health services for victims of sexual violence and abuse.
- Encourage and support the coordination of humanitarian aid and support to victims of the Boko Haram conflict through the JHAP sector working groups.

To the International Criminal Court

- Continue to monitor and assess the government's efforts to fairly and credibly hold perpetrators to account, including through periodic visits to Nigeria.
- Continue to press Nigeria, consistent with its obligations under the Rome Statute and the principle of complementarity, to ensure that individuals implicated in serious crimes committed in violation of international law are investigated and prosecuted according to international fair trial standards.

Methodology

This report is based on field research and telephone interviews carried out in Abuja, Lagos, and Yola, Nigeria between June and August 2014, as well as the monitoring and analysis of media reports, academic works, and transcripts of videos and statements released by Boko Haram. The report documents the abduction of women and girls by Boko Haram, highlighting the harrowing experiences of some of the abducted women and girls.

Human Rights Watch interviewed 46 women and girls, ranging in age from 15 to 38. Of this number, 30 women and girls had been abducted, and 16 were witnesses to abductions between April 2013 and April 2014. The 46 victims and witnesses were identified with the assistance of Nigerian civil society workers. Human Rights Watch researchers also spoke with social workers, members of Nigerian and international non-governmental organizations, social analysts and various experts, diplomats, journalists, religious leaders, and state and federal government officials.

Interviewees were informed about the nature and purpose of the research and how the information they provided would be used. Human Rights Watch obtained consent for each of the interviews. No incentives were provided in exchange for their interviews, which were conducted in private settings, and in the interviewee's local language. Many interviews were conducted through an interpreter. Researchers tried to ensure that the interviews did not further traumatize the interviewees and, when possible, gave referrals for medical care and psychological support. Interviewees were told they could stop the interview at any time. The names of the women and girls have been withheld for security reasons.

I. Background

Since 2009, Nigeria's homegrown Islamist insurgent movement, Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, popularly known as Boko Haram, which means "Western Education is Forbidden," has waged a violent campaign against the Nigerian government in its bid to impose Islamic law.¹ The attacks have increasingly targeted civilians, mainly in the northeastern states of Borno, Yobe, and Adamawa.² Borno State, the birthplace of Boko Haram, has suffered the highest number of attacks. A range of issues, including widespread poverty, corruption, security force abuse, and longstanding impunity for a range of crimes have created fertile ground in Nigeria for militant armed groups like Boko Haram.

In an October 2012 report, Human Rights Watch estimated that some 1,500 civilians had died as a result of the violence; by November 2013, estimates showed that this figure had risen to 5,000 deaths.³ In the first half of 2014, Human Rights Watch documented the death of at least 2,053 civilians from Boko Haram attacks. The total estimates from 2009 through July 2014, revealed that more than 7,000 civilians have died during the Boko Haram related unrest and violence in northeast Nigeria. These figures are derived from analyzing credible local and international media reports, the findings of human rights groups, and interviewing witnesses and victims of numerous attacks.⁴

Human Rights Watch has extensively documented the widespread abuses carried out by Boko Haram as well as by the Nigerian security forces in response to the insurgency. A 2012 report, "Spiraling Violence: Boko Haram Attacks and Security Force Abuses in

¹ 'Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad' means "People Committed to the Propagation of the Prophet's Teachings and Jihad." It is the formal name for Boko Haram and the name the group prefers to use when referring to itself. 'Boko Haram' is the name commonly used by Nigerian and foreign media to refer to militant Islamic group. "Boko" in Hausa means "Western education" or "Western influence" and "haram" in Arabic means "sinful" or "forbidden."

² Ola' Audu, "Boko Haram: Nigeria has failed us; we'll relocate to Cameroon – Mourning Gamboru residents," *Premium Times*, May 12, 2014, <https://www.premiumtimesng.com/news/160559-boko-haram-nigeria-failed-us-well-relocate-cameroon-mourning-gambaru-residents.html#sthash.oDR8VAo4.dpuf> (accessed September 10, 2014).

³ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, <http://www.hrw.org/reports/2012/10/11/spiraling-violence-o>; Human Rights Watch, *World Report 2014*, (New York: Human Rights Watch, 2014), Nigeria chapter, <http://www.hrw.org/world-report/2014/country-chapters/nigeria?page=1>.

⁴ "Nigeria: Boko Haram Kills 2,053 Civilians in 6 Months," Human Rights Watch news release, July 15, 2014, <http://www.hrw.org/news/2014/07/15/nigeria-boko-haram-kills-2053-civilians-6-months>.

Nigeria,”⁵ explored the roots of the insurgency and implicated both sides in serious abuses. These include excessive use of force, burning homes, physical abuse, and extrajudicial killings of those suspected of supporting Boko Haram.⁶ Nigerian Security Forces have responded to Boko Haram attacks with a heavy hand.

In July 2009, the police and soldiers in Maiduguri carried out scores of extrajudicial killings of detainees—many of them committed execution-style—according to witnesses interviewed by Human Rights Watch in 2010 and 2012. One of those executed was Boko Haram leader Mohammed Yusuf at the police headquarters in Maiduguri.⁷

In April 2013, security forces carried out a raid leading to massive destruction of property and civilian death in Baga, Borno State, following a Boko Haram attack on a military patrol in the town on April 16.⁸ Security forces have also rounded up hundreds of men and boys suspected of supporting Boko Haram, detained them in inhuman conditions where dehydration, hunger, illness and diseases were rampant, and physically abused or killed them. Many others have been forcibly disappeared.⁹ Amnesty International found that following a March 14, 2014 Boko Haram attack on Maiduguri’s Giwa Barracks, which led to the escape of hundreds of detainees, the security forces executed hundreds of the unarmed detainees the soldiers had recaptured.¹⁰ Giwa Barracks is the largest military facility in Maiduguri.

The United Nations International Children Emergency Fund (UNICEF) reported in a July 2014 Borno State humanitarian needs assessment survey carried out in May 2014 that residents of Bulabulin Ngarannam and Alajiri communities were expelled from their homes by the security forces. Soldiers also took over the local primary school, ejecting the internally displaced persons (IDP) who had taken refuge there. Members of the two communities

⁵ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012.

⁶ Ibid., pp. 68-74; Amnesty International, “Nigeria: Trapped in the cycle of violence,” AI Index: AFR 44/043/2012, November 1, 2012, <http://www.amnesty.org/en/library/info/AFR44/043/2012/en> (accessed September 10, 2014), pp. 18-43.

⁷ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, pp. 35-36, 58.

⁸ “Nigeria Massive Destruction Deaths From Military Raid,” Human Rights Watch news release, May 1, 2013, <http://www.hrw.org/news/2013/05/01/nigeria-massive-destruction-deaths-military-raid>.

⁹ “Nigeria: Boko Haram Abducts Women, Recruits Children,” Human Rights Watch news release, November 29, 2013, <http://www.hrw.org/news/2013/11/29/nigeria-boko-haram-abducts-women-recruits-children>.

¹⁰ “Nigeria: War crimes and crimes against humanity as violence escalates in north-east,” Amnesty International briefing, March 31, 2014, <http://www.amnesty.org/en/news/nigeria-war-crimes-and-crimes-against-humanity-violence-escalates-north-east-2014-03-31> (accessed August 7, 2014).

have been unable to return to their homes since the military moved in early in 2013.¹¹ The Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict (Lucens Guidelines) recognizes that military presence in schools can contribute to “students dropping out, reduced enrollment, lower rates of transition to higher levels of education, and overall poorer educational attainment.”¹²

The pace and intensity of Boko Haram’s attacks, especially against civilian targets, dramatically increased after the federal government imposed a state of emergency in Borno, Adamawa, and Yobe states in mid-2013. Since then, and even more intensely since January 2014, the group has perpetrated almost-daily attacks on villages and towns, and laid siege to highways. In the attacks, Boko Haram has killed civilians, pillaged property, and destroyed schools, homes, and businesses, which were often razed to the ground.¹³ The creation in Maiduguri, around July 2013, of a civilian vigilante group known as the Civilian Joint Task Force (JTF), or Yan Gora, also appeared to contribute to the increase in attacks against civilians, mainly for their perceived support of the vigilante group.¹⁴ The activities of the Civilian JTF, which was designed to assist national security forces, largely pushed the insurgents out of Maiduguri and other towns and into the Sambisa Forest Reserve and the Mandara mountain range, which runs from Gwoza in southern Borno State into Cameroon. From this location, Boko Haram began to launch frequent attacks against remote villages in Borno and northern parts of Adamawa.¹⁵

Scores of villages in rural Borno State, the hardest hit area, have been practically overrun.¹⁶ Between July and early September 2014, Boko Haram seized and took control of more than 10 major towns in Borno, Yobe, and Adamawa states.¹⁷

¹¹ UNICEF, *Multi-Sectoral Humanitarian Needs Assessment in North-Eastern Nigeria State Survey Report: BORNO*, July 11, 2014, available on file at Human Rights Watch, pp. 7, 11.

¹² Global Coalition to Protect Education from Attack, Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflicts, August 18, 2014, <http://www.protectingeducation.org/draft-lucens-guidelines-protecting-schools-and-universities-military-use-during-armed-conflict> (accessed October 9, 2014).

¹³ Ola’ Audu, “Massacre in Borno as Boko Haram kills at least 250 in two weeks,” Premium Times, February 2, 2014, <http://premiumtimesng.com/news/154434-massacre-in-borno-as-boko-haram-kills-at-least-250-in-two-weeks.html> (accessed March 13, 2014).

¹⁴ “Nigeria: Boko Haram Abducts Women, Recruits Children,” Human Rights Watch news release, November 29, 2013.

¹⁵ Obinna Ayandike, “Nigeria - the community turns against Boko Haram,” *IRINnews*, August 11, 2014, www.irinnews.org/.../nigeria-the-community-turns-against-boko-haram (accessed September 10, 2014).

¹⁶ Aminu Abubakar “Nigerian town seized by Boko Haram ‘part of Islamic caliphate’: leader,” Agence France-Presse, August 24; Bankole Jamgbadi, “BOKO HARAM: Security operatives, residents flee as insurgents take over Yobe town,” *Today*, July 30, 2014, <http://www.today.ng/news/boko-haram-security-operatives-residents-flee-as-insurgents-take-over-yobe-town/>

The fear of abduction has forced some civilians out of their homes. Such was the case of a 50-year-old Christian woman, now living in Abuja, who, despite intensifying attacks near her home in Gwoza, only fled after witnessing abductions of women and children in May 2014.¹⁸ An 18-year-old woman explained her motivation for fleeing her village near Izghe. The area has been repeatedly attacked by insurgents since February 2014, precipitating a mass displacement of residents:

My mother told me to run from our village to another town though we know no one here, because of the scary rate of abductions of young women, including married ones. In February my brother's 16-year-old wife was abducted with their two children and they have not been found 'til date. The insurgents returned a month later to kill my other brother and took away his teenage wife but left her young baby behind. She managed to escape from the insurgents' camp, and is back home now mourning her murdered husband. My mother became afraid that I would be the next target so she sent me away. I have been sleeping in a church since I arrived in this town a few days ago.¹⁹

Groups Targeted by Boko Haram

Human Rights Watch research suggests that Boko Haram has targeted Christians, students, traditional leaders, Moslems who oppose its activities, and civil servants and their family members. Boko Haram has burned numerous churches, some with worshippers trapped inside; killed men who refused to convert to Islam; and abducted Christian women.²⁰

In several video messages posted on YouTube and sent to the media, Boko Haram's leadership made direct threats against Christians. These include a post in January 2012, in which the then-spokesperson issued an "ultimatum" of three days for Christians to leave

(accessed August, 4, 2014); Bukar Hussain and Aminu Abubakar, "Boko Haram attacks prompt concern for Nigeria's northeast," Agence France-Presse, September 2, 2014.

¹⁷ Fidelis Soriwei et al., "Boko Haram seizes five Nigerian towns in five days," *Punch*, September 7, 2014, <http://www.punchng.com/news/boko-haram-seizes-five-nigerian-towns-in-five-days/> (accessed September 10, 2014).

¹⁸ Robyn Dixon, "Boko Haram shows no mercy in Nigeria, wrecking churches, homes, lives," *Los Angeles Times*, July 8, 2014, <http://www.latimes.com/world/great-reads/la-fg-c1-nigeria-boko-haram-20140708-story.html#page=1> (accessed August 8, 2014).

¹⁹ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

²⁰ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012.

the North.²¹ In May 2014, Boko Haram's leader stated in another video, "This is a war against Christians and democracy and their constitution, Allah says we should finish them when we get them."²² Former United Nations high commissioner for human rights, Navi Pillay, publicly expressed concern over Boko Haram's targeting of Christians.²³

The insurgent group has also targeted schools and, more recently, students. According to UNICEF, Boko Haram attacks in Borno destroyed 211 schools and in Yobe they destroyed 21.²⁴ Media reports and interviews by Human Rights Watch suggest that scores of students, almost all boys, have been killed during attacks on schools. In a particularly vicious attack in February 2014, Boko Haram killed up to 59 male students from the Federal Government College, Buni Yadi, in Yobe State, while female students were ordered to either attend Koranic schools or get married. In July 2013 a similar attack on a government-owned boarding school in Mamudo, Yobe State, left 43 students and teachers dead, and later that September, Boko Haram reportedly killed more than 50 students from an agricultural college in Gujba, Yobe State, while they slept in their dormitories.²⁵

On June 16, 2014, UNICEF warned that attacks on schools and the abduction of schoolgirls could further undermine access to education in parts of Nigeria, especially in the North, which is home to nearly 6.3 million, or 60 percent, of the country's 10.5 million out-of-school children.²⁶ The federal government claimed that the abduction of schoolgirls had hindered the country's efforts to promote girls' education and close the gender gap in

²¹ "VIDEO: Boko Haram leader 'Imam Abubakar Shekau' Message to President Jonathan," Sahara Reporters, January 12, 2012, <http://saharareporters.com/2012/01/12/video-boko-haram-leader-imam-abubakar-shekau-message-president-jonathan>, (accessed October 15, 2014); YouTube, "Boko Haram leader 'Imam Abubakar Shekau' Message to President Jonathan," January 11, 2012, <http://www.youtube.com/watch?gl=NG&v=umkj5oSUzck&hl=en-GB> (accessed September 10, 2014).

²² Phil Hazelwood, "New Boko Haram video claims to show missing Nigerian schoolgirls," Agence France-Presse, May 12, 2014.

²³ International Criminal Court, "Situation in Nigeria Article 5 Report," August 5, 2013, <http://www.icc-cpi.int/iccdocs/PIDS/docs/SAS%20-%20NGA%20-%20Public%20version%20Article%205%20Report%20-%2005%20August%202013.PDF> (accessed August 14, 2014).

²⁴ United Nations International Children Education Fund (UNICEF), "Nigeria CO Humanitarian Situation Report: Jan – June 2014," June 23, 2014, <http://reliefweb.int/report/nigeria/nigeria-co-humanitarian-situation-report-june-2014> (accessed August 7, 2014), p. 2; "Nigeria DHS EdData Survey 2010," National Population Commission, May 2011, [https://www.eddataglobal.org%2Fdocuments%2Findex.cfm%2FTechR_NEDS_Nigeria_EdData_Survey_2010\(lgrpt\).pdf/](https://www.eddataglobal.org%2Fdocuments%2Findex.cfm%2FTechR_NEDS_Nigeria_EdData_Survey_2010(lgrpt).pdf/) (accessed June 29, 2014), p. 4.

²⁵ Shortly after the Buni Yadi school attacks, five federal government-owned colleges in high security risk areas, transferring the students to six other schools in the northeast. The next month saw the indefinite closure of all schools in Borno State by the state government leaving more than 15,000 children without access to education.

²⁶ Michael Olugbode and Damilola Oyedele "Nigeria: UNICEF - Boko Haram Has Dragged Back the North-East," *This Day*, June 17, 2014, <http://allafrica.com/stories/201406170900.html> (accessed July 26, 2014).

education, which has a gross enrollment rate for boys at 35.4 percent higher than for girls.²⁷

In March, federal government-run secondary schools in Adamawa, Borno, and Yobe states closed and their students were transferred to schools in other northern states, while all schools in Borno, the worst-hit of the states under emergency rule, have been closed since then.²⁸

Responsibility for Abductions

Human Rights Watch has reported on abductions over the past several years, documenting the July 2009 abduction of a teenage girl found hiding in a Maiduguri church on the first night of the July 2009 Boko Haram uprising;²⁹ the abduction of a woman from her home in Maiduguri, on July 28, 2009, after her husband was killed for refusing to renounce his Christian faith;³⁰ the 2013 abduction of several teenage girls from their homes and while selling their goods;³¹ and the September 2013 abduction of some 20 women and girls from a checkpoint set up on the Damaturu-Maiduguri highway.³² Some of the girls who had been abducted in these attacks reportedly returned months later, a few pregnant or with infants born during captivity.³³

On at least two occasions, Boko Haram's leader, Abubakar Shekau, has taken responsibility for the group's abduction of women and girls. The statements, made through video releases to the media in January 2012 and May 2013, suggested that the abductions were intended to retaliate against the government for its alleged arrest and detention in 2011 and early 2012 of family members of Boko Haram members, including the wives of

²⁷ Ibid.; National Population Commission, "Nigeria DHS EdData Survey 2010," May 2011, [https://www.eddataglobal.org/%2Fdocuments%2Findex.cfm%2FTechR_NEDS_Nigeria_EdData_Survey_2010\(lgrpt\).pdf/](https://www.eddataglobal.org/%2Fdocuments%2Findex.cfm%2FTechR_NEDS_Nigeria_EdData_Survey_2010(lgrpt).pdf/) (accessed June 29, 2014), p. 4.

²⁸ Hamisu Kabir Matazu, Kabiru R. Anwar and Yusha'u a Ibrahim, "Nigeria: Closure of Unity Colleges - Thousands of Students Face Uncertainty," *Daily Trust*, March 10, 2014, <http://allafrica.com/stories/201403101584.html> (accessed July 12, 2014); "Boko Haram: Borno to reopen public schools after Ramadan – Commissioner" *Premium Times*, July 18, 2014, <https://www.premiumtimesng.com/news/165156-boko-haram-borno-to-reopen-public-schools-after-ramadan-commissioner.html> (accessed July 19, 2014).

²⁹ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, p. 45.

³⁰ Ibid., p. 46.

³¹ "Nigeria: Boko Haram Abducts Women, Recruits Children," Human Rights Watch news release, November 29, 2013.

³² Ibid.

³³ Ibid.

Shekau and other prominent Boko Haram leaders.³⁴ In a January 2012 video, Shekau says, “Since you are now holding our women, (laughs) just wait and see what will happen to your own women ... to your own wives according to Sharia law.”³⁵

The May 2013 abduction of 12 women from a police barracks in Bama was the first case of abduction of more than one woman in a single attack, and signaled the beginning of a campaign of violence against women and girls.³⁶ In a video released in May 2013, Shekau says, “We kidnapped some women and children, including teenage girls. In a single house in Damaturu, 8 of our women and 14 children were arrested.” He added that “no one in the country will enjoy his women and children” if the relatives of Boko Haram members were not released by the security officials.³⁷

In May 2013 Nigerian military authorities released 23 women, some of whom were identified as wives of senior members of Boko Haram.³⁸ A close contact of the group interviewed by Human Rights Watch insists that up to 180 more female relatives of the group members remain in custody without charge.³⁹ A security analyst told Human Rights Watch that as of April 2014, at least 46 women associated with Boko Haram were detained in prisons in different parts of the country.⁴⁰ A man claiming to be a member of the group,

³⁴ “VIDEO: Boko Haram leader ‘Imam Abubakar Shekau’ Message to President Jonathan,” *Sahara Reporters*, January 12, 2012, <http://saharareporters.com/2012/01/12/video-boko-haram-leader-imam-abubakar-shekau-message-president-jonathan> (accessed October 15, 2014); “New Video|Boko Haram leader ‘Imam Abubakar Shekau’ Message to President Jonathan 2,” January 11, 2012, <http://www.youtube.com/watch?v=IUdoVcs8Tm4> (accessed September 10, 2014); “BOKO HARAM: Shekau presents hostages,” *Vanguard*, May 14, 2013, <http://www.vanguardngr.com/2013/05/boko-haram-shekau-presents-hostages/> (accessed October 15, 2014); “Nigeria Islamist video claims attacks, shows hostages” YouTube Video, May 13, 2013, <http://www.youtube.com/watch?v=n6qZM36oq8E> (accessed September 10, 2014).

³⁵ “VIDEO: Boko Haram leader ‘Imam Abubakar Shekau’ Message to President Jonathan,” *Sahara Reporters*, January 12, 2012; “New Video|Boko Haram leader ‘Imam Abubakar Shekau’ Message to President Jonathan 2,” January 11, 2012.

³⁶ “Boko Haram timeline: From preachers to slave raiders,” *BBC News Online*, May 15, 2013, <http://www.bbc.com/news/world-africa-22538888> (accessed September 10, 2014).

³⁷ “BOKO HARAM: Shekau presents hostages,” *Vanguard*, May 14, 2013; “BOKO HARAM: Shekau presents hostages,” *Vanguard*, May 14, 2013; “Nigeria Islamist video claims attacks, shows hostages” YouTube Video, May 13, 2013; Zenn and Paterson, “Women gender and the evolving tactics of Boko Haram,” *Journal of Terrorism Research*, vol. 5.1, p. 3. Media reports say the wife of a Boko Haram leader detained for allegedly assisting her husband escape arrest, gave birth in detention: “Kabiru Sokoto’s Wife delivers baby in Police Cell,” *Vanguard Newspaper*, April 6, 2012, <http://www.vanguardngr.com/2012/04/kabiru-sokotos-wife-delivers-baby-in-police-cell/> (accessed August 7, 2014).

³⁸ “Boko Haram: Nigeria releases 58 women, children suspects,” *TV Continental News*, May 2013, <http://www.tvnews.tv/?q=article/boko-haram-nigeria-releases-58-women-children-suspects> (accessed August 7, 2014).

³⁹ Human Rights Watch interview with a man (name withheld) with access to senior members of Boko Haram, Abuja, May 21, 2014.

⁴⁰ Human Rights Watch interview with a security analyst, Abuja, 25 May 2014.

calling in on a live radio program in July 2014, demanded that the government swap the captive Chibok schoolgirls for its members detained by the government.⁴¹

A video released by Boko Haram in May 2014 to the media suggests other motives for the abductions of women and girls: punishing schoolgirls for attending Western schools or forcefully converting Christian women and girls to Islam. A 19-year-old who was one of five secondary students in Konduga abducted while travelling home from school explained:

There were more than 40 insurgents at the road block. As each vehicle drove up they commanded everyone to come down and identify themselves. When my friends and I said we were students, one of the insurgents shouted ‘Aha! These are the people we are looking for. So you are the ones with strong-heads who insist on attending school when we have said ‘boko’ is ‘haram.’ We will kill you here today.’⁴²

The students were released two days later after being made to renounce education and promise never to return to school.

In a May 5, 2014 video message in which Shekau takes responsibility for the abduction of students in Chibok, Borno State, he described the young women and girls as “slaves” who would be sold.⁴³ He added: “Western education is sin, it is forbidden, and women must go and marry.”⁴⁴ One of the schoolgirls from Chibok who managed to escape told Human Rights Watch that, as the girls were being driven out of the school, an insurgent asked the schoolgirls in Hausa, “What kind of knowledge are you looking for here? Since you are here to look for Western education, we are here to confront it and teach you the ways of Islam”⁴⁵

⁴¹ Jaiyeola Andrews and Michael Olugbode, “Boko Haram insists on Prisoners for Girls,” *This Day*, 9 July, 2014, <http://www.thisdaylive.com/articles/boko-haram-insists-on-prisoners-for-girls-swap/183113/> (accessed August 7, 2014).

⁴² Human Rights Watch interview with victim (name withheld), Yola, August 9, 2014.

⁴³ Tomi Oladipo, “Boko Haram ‘to sell’ Nigeria girls abducted from Chibok,” *BBC News Online*, May 5, 2014, <http://www.bbc.com/news/world-africa-27283383> (accessed August 7, 2014).

⁴⁴ John Alechenu et al., “I’ll sell abducted girls, says B’Haram leader, Shekau,” *Punch*, May 6, 2014, <http://www.punchng.com/news/ill-sell-abducted-girls-says-bharam-leader-shekau/> (accessed August 7, 2014).

⁴⁵ Human Rights Watch interview with a 17-year-old Chibok schoolgirl, Yola, June 21, 2014.

II. Abductions of Women and Girls by Boko Haram

Based on interviews with victims, witnesses, medical staff, journalists, and government officials, as well as an analysis of credible media and other reports, Human Rights Watch estimates that Boko Haram has abducted at least 500 women and girls since 2009 from more than a dozen towns and villages in Borno and Yobe states.⁴⁶

Victims interviewed by Human Rights Watch said they were abducted at home, working on their farms, at school, traveling on roads, or during attacks on their village. The victims described seeing scores of other women and children in Boko Haram camps, ranging from infants to 65 years old, but were unable to ascertain how many of them had also been abducted and how many were family members of the combatants.

The abduction of schoolgirls from the Government Secondary School, in Chibok, Borno State, on the night of April 14, 2014, is the biggest single incident of abduction by Boko Haram at time of writing. According to a June 20, 2014 report by Nigeria's Presidential Fact Finding Committee on the Chibok attack, Boko Haram abducted a total of 276 schoolgirls, 57 of whom have since escaped, while 219 are still unaccounted for.⁴⁷ The abductions

⁴⁶ In "Women, Gender and the evolving tactics of Boko Haram," an article in the February 2014 *Journal of Terrorism Research*, authors Elizabeth Pearson and Jacob Zenn, similarly found a distinct increase in gender-based violence as part of Boko Haram's strategy in the same period. They conclude that gender has, since the beginning of 2013, become an essential component of Boko Haram's strategy, noting that Boko Haram sometimes abducted women for tactical purposes, such as luring security forces to an ambush or forcing payment of a ransom, or a prisoner exchange. In other cases, especially when violence was directed at Christian women, the motive appeared to be retributive or punitive, designed to breed fear and drive women and their families out of their homes. Jacob Zenn, Elizabeth Pearson, "Women, Gender and the evolving tactics of Boko Haram," *Journal of Terrorism Research*, vol. 5.1 (2014):46-57.

⁴⁷ Talatu Usman, "Presidential committee on Chibok schoolgirls submits report," *Premium Times*, June 20, 2014, <http://www.premiumtimesng.com/news/163201-presidential-committee-chibok-schoolgirls-submits-report.html> (accessed August 7, 2014). The Presidential Fact-Finding Committee was inaugurated by President Jonathan on May 6, 2014, to investigate "the mass abduction that took place in the small hours of the 14th of April, 2014, at Government Secondary School, Chibok, in Borno State." It had six terms of reference: to liaise with the Borno State Government and establish the circumstances leading to the school remaining open for boarding students when other schools were closed; to liaise with relevant authorities and parents of the missing girls to establish the actual number and identities of the girls abducted; to ascertain how many of the abducted students have returned; to mobilize the surrounding communities and general public on citizen support for a rescue strategy and support; to articulate a framework for a multi-stakeholder action for the rescue effort; and to advise Government on any matter incidental to the assignment. The chairman, in his address at the presentation of the committee's report to the president on June 20, 2014, confirmed that 276 students were abducted, 57 of which had so far escaped. He however recommended that the committee's report and findings should be kept confidential so as not to 'jeopardize on-going rescue efforts and also the possibility of compromising National Security matters.' The government has not made the report public at time of writing.

sparked national and international protests, bringing much-needed attention to the vulnerability of Nigerian women and girls to abduction.

Chibok Abductions

Human Rights Watch interviewed 12 young women and girls who escaped from Boko Haram custody after the school attack. On the day of their abduction, many of the students had taken their West African School Certificate examinations.⁴⁸ Unusually, on the evening of the attack, none of the teachers, the principal, or other administrative staff was within the school grounds, the students told Human Rights Watch.⁴⁹ The school was reopened in April after the closure of Borno schools in March, as a center for the senior secondary certificate examinations, during which female students lived in dormitories while male students came in daily for the month-long exams.⁵⁰

The young women and girls described hearing gunshots some kilometers away between 11:30 p.m. and 11:45 p.m., and soon after, observed the men entering the school compound on motorcycles.⁵¹ An 18-year-old described what happened after Boko Haram gathered the young women and girls together:⁵²

Two men told us we should not worry, we should not run. They said they had come to save us from what is happening inside the town, that they are policemen. We did not know that they were from Boko Haram. The rest of the men came and started shouting ‘Allahu Akbar’ and at that moment we realized, they were Boko Haram. We were told to be quiet. One of them told us that the horrible things we heard happening elsewhere, like burning houses, killing people, killing students, kidnapping people, would happen to us now. We all started crying and he told us to shut up.

⁴⁸ West African School Certificate examinations are administered by the West African Examination Council for students in English-speaking West African Countries after six years of secondary education. The council awards certificates to successful candidates.

⁴⁹ Human Rights Watch interview with victims (names withheld), Yola, June 21, 2014.

⁵⁰ Ola Audu, “Nigerian government confirms abduction of scores of female students by Boko Haram,” *Premium Times*, April 18, 2014, <https://www.premiumtimesng.com/news/158785-nigerian-government-confirms-abduction-scores-female-students-boko-haram.html> (accessed July 7, 2014).

⁵¹ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

⁵² Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

The only guard, a civilian, who had been posted at the gate fled as soon as he saw the Boko Haram fighters approaching the school. According to the teenage students, the lack of security made it easy for the fighters to overrun the compound, seize the young women and girls from their dormitory, and organize their transport. Boko Haram did not arrive with a sufficient number of vehicles, and tried to arrange for more.⁵³ The students said they believed the primary objective of Boko Haram's attack was the theft of a brick-making machine as well as food and other supplies. However, this apparently changed once the men realized they had access to the young women and girls and faced little resistance.

Unlike most of the other abductions by Boko Haram that Human Rights Watch has documented, the group in this case did not discriminate on the basis of religion, but abducted all the students, including Muslims. The students described how the men shot in the air and then threatened two Muslim students and instructed them to show them where the brick-making machine was, otherwise they would kill all the students, starting with the Muslims, the escapees told Human Rights Watch.⁵⁴

After looting and burning the school grounds, the men put as many students as they could fit into one truck.⁵⁵ The remaining young women and girls were forced to walk for about 10 miles at gunpoint on the route to Boko Haram's Sambisa forest camp, until they could be accommodated in other vehicles that later arrived. Three girls, for whom there was still no room, were released. Some of the students escaped by jumping off the back of trucks, or hanging on tree branches and jumping down when the trucks had driven off. They sustained injuries including sprains and fractures. Others escaped when the convoy stopped to replenish food supplies; the girls asked to go to the bathroom and then fled. They returned home often days later with the help of local residents.

Other Abduction Cases

The relative ease with which it carried out the Chibok abductions appears to have emboldened Boko Haram to step up abductions elsewhere. On April 16, six women and two children were abducted from Wala village and taken to a camp in Sambisa forest. Another five women from Gujba village in Yobe State were reportedly abducted on April

⁵³ Human Rights Watch interview with victims (name withheld), Yola, June 21, 2014.

⁵⁴ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

⁵⁵ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

25.⁵⁶ Eleven teenage girls were also abducted during attacks on Wala and Warabe villages in southern Borno State on May 6.⁵⁷ In early June, suspected Boko Haram gunmen reportedly kidnapped another 60 women from Kummabza, in Damboa, Borno State.⁵⁸

There were also numerous abductions before Chibok, including during a February 2014 attack on Konduga, a village 35 kilometers from Maiduguri, during which 20 female students attending the Government Girls Science College and five female street traders were abducted. The Konduga attack left more than 53 people dead.

Boko Haram also reportedly abducted at least 20 women from the Fulani ethnic group from Bakin Kogi, Garkin Fulani, and Rugar Hardo villages near Chibok on June 6, 2014.⁵⁹ Local residents and media reports indicate that the capture of the Fulani women, who are Muslim, was a kidnap for ransom, different from the previous pattern of abductions.⁶⁰ Boko Haram reportedly demanded 800 cattle in exchange for the women's return to their homes.⁶¹

Boko Haram has also abducted numerous men and boys, especially young men of fighting age. Witnesses told Human Rights Watch that the men and boys are often given the option of joining the group or being killed. Other men appeared to have been targeted for abduction because of their specific skills or occupation, which filled a need in the insurgents' camp. This was the case of a 46-year-old pharmaceutical salesman abducted

⁵⁶ Niyi, "Boko Haram Slaughter 3 Civil Servants, Abduct 5 Women In Yobe Ambush," *Information Nigeria*, April 26, 2014, <http://www.informationng.com/2014/04/boko-haram-slaughter-3-civil-servants-abduct-5-women-in-yobe-ambush.html> (accessed August 7, 2014).

⁵⁷ Lanre Ola, "Gunmen abduct eight more girls in northeast Nigeria: police," Reuters, May 6, 2014, <http://www.reuters.com/article/2014/05/06/us-nigeria-girls-idUSBREA450IO20140506> (accessed August 7, 2014).

⁵⁸ Ola' Audu, "60 Women Feared Kidnapped," *Premium Times*, June 20, 2014, <http://www.premiumtimesng.com/news/163569-60-women-feared-kidnapped-boko-haram-attacks-borno-villages.html> (accessed August 7, 2014).

⁵⁹ Aminu Abubakar, "Officials: At least 20 women kidnapped in Nigeria; Boko Haram suspected," *CNN*, June 9, 2014, <http://edition.cnn.com/2014/06/09/world/africa/nigeria-women-kidnapped/> (accessed August 8, 2014); Ola' Audu, "Boko Haram Abducts 20 Fulani Women, 3 Men near Chibok," *Premium Times*, June 10, 2014, <http://www.premiumtimesng.com/news/162493-boko-haram-abducts-20-fulani-women-3-men-near-chibok.html> (accessed August 8, 2014).

⁶⁰ Human Rights Watch telephone interview with human rights worker and journalist, Maiduguri, June 10, 2014.

⁶¹ Ndahi Marama, "20 kidnapped women: Boko Haram demands 800 cows as ransom," *Vanguard*, June 12, 2014, <http://www.vanguardngr.com/2014/06/20-kidnapped-women-boko-haram-demands-800-cows-ransom/#sthash.4GpVy1H8.dpuf> (accessed August 8, 2014).

from Buni Yadi in March 2014 while he sitting outside his shop with a group of friends. A neighbor who witnessed the abduction described what happened:⁶²

Armed men rode up on motorcycles and ordered him to load all the drugs in his shop into his car. An aged neighbor who tried to flee when he saw their guns was told not to run because they had come only for the medicine seller who according to them had a duty to use his skills to serve God in their camp.

A 20-year-old woman who was abducted in May 2013 when she ran into a roadblock mounted by insurgents at Firgi, near Bama, told Human Rights Watch:

The blockade was up to 40 vehicles long. When the men in military uniform separated the Muslims from the Christians, we knew then they were Boko Haram. All young men including Muslims were told to either join the insurgents or be killed. They slit the throat of some of the men, saying they'd not waste bullets on them. Christian women wearing pants were shot in the leg and left to die. Older Muslim men and women wearing Muslim veils were released to go, while the rest of us were driven to their camp in Sambisa forest.⁶³

Abuses Suffered during Abduction

The 30 women and girls interviewed by Human Rights Watch were subjected to a variety of abuses, including physical and psychological suffering during and after their abduction, sometimes for refusing to convert to Islam; forced labor, including forced participation in military operations; forced marriage to their captors; and sexual abuse including rape. While some women and girls seem to have been taken at random, the majority appeared to have been targeted—notably students and Christians.

Forced Labor

Fourteen women and girls who had either escaped or were released from Boko Haram camps in the Sambisa forest and Gwoza hills, as well as other witnesses, described how

⁶² Human Rights Watch interview with witness (name withheld), Yola, June 21, 2014.

⁶³ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

they and others at the camp were routinely forced to cook, clean, and perform household chores while in Boko Haram custody in the camps. In 2010, a woman who had been abducted and held for three days by Boko Haram in 2009 told Human Rights Watch in Maiduguri that she had been forced to wash the bloodied clothes of insurgents killed in the July 2009 violence.⁶⁴

Other abducted women and girls were forced to participate in military operations to support the group. A 19-year-old who was held in several camps in the Gwoza hills for three months in 2013 was forced to participate in attacks and to carry ammunition for her captors:

At first, my job in the camp was to cook for the 14-man group until a month later when I was taken along for an operation. I was told to hold the bullets and lie in the grass while they fought. They came to me for extra bullets as the fight continued during the day. When security forces arrived at the scene and began to shoot at us, I fell down in fright. The insurgents dragged me along on the ground as they fled back to camp.⁶⁵

The victim described another operation:

On the way back from another operation, I was told to approach a group of five men we saw in a nearby village and lure them to where the insurgents were hiding. Afraid because of the killings I had witnessed during the operation, I told the young men, mostly teenage members of the Civilian JTF, that I needed their help. When they followed me for a short distance, the insurgents swooped on them. Once we got back to the camp, they tied the legs and hands of the captives and slit the throats of four of them as they shouted ‘Allahu Akbar.’ Then I was handed a knife to kill the last man. I was shaking with horror and couldn’t do it. The camp leader’s wife took the knife and killed him.⁶⁶

⁶⁴ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, p. 45-46.

⁶⁵ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

⁶⁶ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

Another victim told Human Rights Watch that although she was spared work because she had a three-month-old baby when she was abducted in April 2014, she saw others forced to work. She described seeing some of the Chibok schoolgirls forced to cook and clean for other women and girls whom the insurgents had chosen for “special treatment because of their beauty.”⁶⁷

In Gwoza, an area of Borno State where the hilly terrain makes vehicular traffic almost impossible, abductees described having to carry the loot stolen by the insurgents from villages and towns they had attacked. A 15-year-old girl abducted from her home in Pulka, near Gwoza, noted how tired she was after walking for hours through the night with a bundle on her head:

They added more and more piles of clothing and other items stolen from homes and shops they looted before setting on fire each village they passed until I thought I would collapse from the weight of the load. I was relieved when two more girls were abducted in another village. They took over some of the goods I was carrying.⁶⁸

Targeting of Christian Women and Girls, Forced Conversion

The Chibok students interviewed by Human Rights Watch said that nearly all of those abducted from their school, located in a predominantly Christian area of Borno State, were Christian. This is an assertion supported by Christian leaders who say that 90 percent of the abducted girls were Christian.⁶⁹ In the video released by Boko Haram after the Chibok abductions, scores of the students were seen chanting in Arabic, as Boko Haram’s leader Abubakar Shekau declared that the young women and girls from Christian homes would be sold as slaves in the market.⁷⁰

More broadly, the majority of the abductions documented by Human Rights Watch and many of those credibly reported in the media took place in the predominantly Christian area of southern Borno State. Of the 30 victims of abduction interviewed by Human Rights

⁶⁷ Human Rights Watch telephone interview with witness (name withheld), Abuja, July 2014.

⁶⁸ Human Rights Watch interview with victim (name withheld), Lagos, June 25, 2014.

⁶⁹ Friday Olorok, “Boko Haram Holding 165 Chibok Christian Girls, CAN,” *Punch*, May 4, 2014, <http://www.punchng.com/news/boko-haram-holding-165-chibok-christian-girls-can/> (accessed August 8, 2014).

⁷⁰ Tomi Oladipo, “Boko Haram ‘to sell’ Nigeria girls abducted from Chibok,” *BBC News Online*, May 5, 2014.

Watch, 29 were Christian; most appeared to have been targeted because of their religious affiliation. Many were threatened with death if they refused to convert to Islam.

Most of those interviewed described either Christian women and girls being singled out for abduction or Muslim women and girls being allowed to leave shortly after abduction, while Christians were not. According to the former abductees interviewed by Human Rights Watch, unmarried Christian women and girls seemed particularly vulnerable to being held captive for longer periods than those who were married, who were more frequently released after telling Boko Haram they had converted to Islam.⁷¹

Some Christian women and girls, according to one well-documented report, endured the destruction and looting of their businesses, forced conversions and marriage to Muslim men, or were murdered.⁷²

Witnesses and victims of ten different incidents of abduction told Human Rights Watch how insurgents separated Christian and Muslim women, releasing those confirmed to be Muslims and abducting the Christian women. A 22-year-old woman who was stopped at a Boko Haram roadblock near Bama in April 2013 described this dynamic:

As soon as our bus stopped, the insurgents shouted ‘Muslims, stand on this side. Christians, you infidels, stand on the other side.’ Ten people, including the driver, stood on the Muslim side, while I and seven other passengers were in the Christian group. When two men in our group were shot, three of the women began to scream and they were shot in the legs. I quickly shut my eyes and mouth. They told everyone else, including the Muslims, to get back in the bus, but along the way they saw military men ahead, ordered us out, and drove off. I was lucky to escape before we reached Boko Haram’s dreaded camp.⁷³

⁷¹ A 2013 study by Nigeria’s Political Violence Research Network (NPVRN) found that “with the emergence of Boko Haram, there was an increase in GBV [gender-based violence] against Christian women and children in all the six states of the north-eastern region.” Atta Barkindo, Benjamin Gudaku, and Caroline Wesley, “*Our Bodies, Their Battleground: Boko Haram and Gender-Based Violence against Christian Women and Children in North-Eastern Nigeria since 1999*,” November 2013, working paper for the Nigeria’s Political Violence Research Network NPVRN, pp. 24-25, <https://www.worldwatchmonitor.org/research/3117403> (accessed September 10, 2014).

⁷² Atta Barkindo, Benjamin Gudaku, and Caroline Wesley, “*Our Bodies, Their Battle Ground: Boko Haram and Gender Based Violence Against Christian Women and Children in North-Eastern Nigeria since 1999*,” November 2013.

⁷³ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

A 23-year-old woman described how, after being abducted with her 47-year-old mother in November 2013, they were threatened with death unless they converted to Islam:

We returned to our village to get food after an attack, thinking the insurgents would have left after one week, but several of them grabbed my mother and I. They had guns and took us to a house in the hills where we met four other people who had been taken—two girls and two boys, all between 13 and 17 years old. The insurgent leader addressed us saying ‘today we’re going to convert you to Islam, then you can choose any one of us to marry, and we’ll give you a place to stay.’ My mother and I were already married so we refused but when they threatened to kill us, my mother advised we should agree because I was in the early stages of pregnancy and was too sick to eat. We were made to recite some words in Arabic and showed how to pray. Then they let us go after three days because my mother promised we will convince our husbands to become Muslims. I don’t know what happened to the other four abducted boys and girls we met in the camp. They were still there when we were allowed to leave.⁷⁴

One woman held by Boko Haram in a camp near Gwoza described how Boko Haram combatants placed a noose around her neck and threatened her with decapitation when she refused to renounce her religion. She told Human Rights Watch:

I was dragged to the camp leader who told me the reason I was brought to the camp was because we Christians worship three gods. When I objected to his claim, he tied a rope around my neck and beat me with a plastic cable until I almost passed out. An insurgent who I recognized from my village convinced me to accept Islam lest I should be killed. So I agreed.⁷⁵

A 19-year-old student who was abducted with four friends when travelling home from school described how pretending to be a Muslim led to her release:

⁷⁴ Human Rights Watch interview with victim (name withheld), Yola, August 9, 2014.

⁷⁵ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

Our friend told them we were all Muslims, and when they asked for our veils, our friend opened her bag and handed each of us her veils. They took us to their camp and watched us join the Muslim prayers for two days before we were released. The leader gave us gifts of cloth fabric and cash, as we left admonishing to always wear veils as good Muslim women.⁷⁶

In cases where forced conversion did not lead to the release of abductees, it usually led to “marriage” to members of Boko Haram. A 15-year-old girl described how a commander in the camp threatened to whip two abducted girls until they agreed to renounce Christianity:

Although we were not whipped, the daily pressure became unbearable, so we agreed [to convert] after five days. On that day, the leader handed us green colored hijabs, gave us new Muslim names, and instructed the other women in the camp to daily teach us Arabic words. A week later, he performed a ceremony, reading out words in Arabic language, and then announced that we were now wedded: my companions to two insurgents in the camp, while I became his wife.⁷⁷

Several witnesses described how abducted married women or those abducted with children were often released when they told Boko Haram they had converted to Islam. According to a 38-year-old victim, abducted in April 2014 with five other Christian women and two infants:

As soon as the armed men stopped our vehicle, the men and women identified as Muslims were released to go. They began to insult those of us that confessed to be Christians, calling us pagans, and drove us to a camp in Sambisa forest. They asked us to join the hundreds of women we saw in the camp cooking and cleaning for Muslim prayers or we would get no food. One woman told us we would be spared if we converted to Islam, and she taught us to pray in Arabic language. After watching us pray for four days, they extracted our pledges to instruct our husbands to accept Islam, then

⁷⁶ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

⁷⁷ Human Rights Watch interview with victim (name withheld), Lagos, June 25, 2014.

drove us to a nearby town. We were each given different sums of money to transport us back home.⁷⁸

Abductees interviewed by Human Rights Watch described having to comply with Islamic dress rules, such as wearing of veils or the hijab. When they agreed to convert, they were given Muslim names by Boko Haram or Boko Haram sympathizers.

Forced Marriage

Human Rights Watch spoke with six victims and witnesses who had been forced to marry or had witnessed women and girls forced to marry Boko Haram combatants.

Spokespersons for the group have frequently expressed an aversion to Western-style education for girls, preferring instead that the girls attend Quranic schools or marry. In the May 2014 video, Abubakar Shekau boasted that the Chibok students would be given in marriage to his group members: “We would also give their hands in marriage because they are our slaves. We would marry them out at the age of nine. We would marry them out at the age of 12.”⁷⁹

Four Christian women and girls told Human Rights Watch how they had been forced into marriage after their abduction in late 2013. One was abducted while working on a farm in Gwoza; another was taken from her home near Gwoza when insurgents could not find her father, a pastor, who was their target. The other two girls were taken from their home in the same area, together with their brother’s wife, who later managed to escape as the insurgents led them from the house.

When one of the girls, a 17-year-old farmer, complained to a Boko Haram commander that they were too young for marriage, he pointed at his 5-year-old daughter and said: “If she got married last year, and is just waiting till puberty for its consummation, how can you at your age be too young to marry?”⁸⁰

Another girl held by insurgents for one month told Human Rights Watch, “When I insisted that I could not marry at 15, the leader, though already married, declared he would marry

⁷⁸ Human Rights Watch telephone interview with victim (name withheld), Abuja, July 26, 2014.

⁷⁹ Tomi Oladipo, “Boko Haram ‘to sell’ Nigeria girls abducted from Chibok,” *BBC News Online*, May 5, 2014.

⁸⁰ Human Rights Watch interview with victim (name withheld), Lagos, June 25, 2014.

me himself. He made us recite some words in Arabic after him, handed us new veils, and declared we were now married.”

A 19-year-old girl who was held in a Boko Haram camp in Gwoza told Human Rights Watch that she was offered thousands of naira as dowry to marry one of the insurgents:

I refused the dowry, asking them to go pay to my father if they wanted to marry me. An insurgent who knows my family accepted it on my behalf. He told me he was afraid I would be killed if I continued to refuse. I became confused at the implication of being married to a Boko Haram member, so I pretended to be very ill, and the wedding was postponed until the return of the camp leader, who was travelling to meet the group’s overall leader in the Sambisa camp. He ordered that I should be taken to the hospital [in the local town] for tests before his return. It was the break I’d been praying for. I threatened the woman sent to take me to a hospital in town that I would scream and expose her to Civilian JTF. She quickly walked away as I made my escape.⁸¹

The victim, who escaped almost three months after her abduction, described how Boko Haram combatants took revenge for her escape against her family and Christian community:

Insurgents disguised as Civilian JTF accused my brother to security forces of being a member of Boko Haram, and he was arrested. He spent two weeks in detention before the leadership of our church was able to convince the military authorities of his innocence. But when the insurgents realized he had been released, they attacked and burnt my family home and all four churches in my village. My entire family was forced to leave the village. Even now I am still afraid.⁸²

⁸¹ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014. The exchanges rate for the Nigerian currency is 162 naira (N) to 1 USD.

⁸² Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

Rape and Sexual Violence

Human Rights Watch documented eight cases of sexual violence perpetrated by Boko Haram combatants. Five victims, ranging in age from 15 to 22 years old, described their ordeal, while the three other assaults were described by witnesses.

Four of the sexual assaults occurred after the girl or woman was forced to marry a Boko Haram combatant. Before “marriage,” commanders appeared to make some effort to protect women from sexual assault. However, in two cases, insurgents took advantage of the absence of a commander and sexually abused abductees who had yet to be “married.” An 18-year-old victim described how a Boko Haram combatant sexually abused her when she went to use the bathroom:

I did not know he followed me when I walked a short distance away from the tree under which we slept. He grabbed me from behind, roughly fondling me while trying to take off his pants. I screamed in fright and he hurriedly left me as I continued to shout for help.⁸³

Another woman, who was raped in 2013 in a Boko Haram camp near Gwoza, described how a commander’s wife appeared to encourage the crime:

I was lying down in the cave pretending to be ill because I did not want the marriage the commander planned to conduct for me with another insurgent on his return from the Sambisa camp. When the insurgent who had paid my dowry came in to force himself on me, the commander’s wife blocked the cave entrance and watched as the man raped me.⁸⁴

A 15-year-old who was abducted in 2013 and spent four weeks with Boko Haram told Human Rights Watch:

After we were declared married I was ordered to live in his cave but I always managed to avoid him. He soon began to threaten me with a knife to have sex with him, and when I still refused he brought out his gun, warning that

⁸³ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

⁸⁴ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

he would kill me if I shouted. Then he began to rape me every night. He was a huge man in his mid-30s and I had never had sex before. It was very painful and I cried bitterly because I was bleeding afterwards.⁸⁵

A 19-year-old woman, who was married and had children, described how she and one other woman were raped after having been abducted with four other women in April 2014:

When we arrived at the camp they left us under a tree. I managed to sleep; I was exhausted and afraid. Late in the night, two insurgents shook me and another woman awake, saying their leader wanted to see us. We had no choice but to follow them, but as soon as we moved deep into the woods, one of them dragged me away, while his partner took the other woman in another direction. I guessed what they had in mind and began to cry. I begged him, telling him I was a married woman. He ignored my pleas, flung me on the ground, and raped me. I could not tell anyone what happened, not even my husband. I still feel so ashamed and cheated. The other woman told me she was also raped, but vowed never to speak of it again as she was single and believes that news of her rape would foreclose her chances of marriage.⁸⁶

A 20-year-old woman, abducted in September 2013, told Human Rights Watch that the insurgent she was “married” to wore a mask all the time, even when he raped her. Even though she had since escaped, she said, “I am still afraid to go anywhere because he could be any one of the people around me. Every time I see a huge dark man, I jump in fright that it might be him coming to get me back. I stay awake some nights because I dream of those terrible weeks I spent in their camp.”⁸⁷

A November 2013 study published by Nigeria’s Political Violence Research Network (NPRV), a nongovernmental organization, on violence against Christian women in northeast Nigeria documented 17 cases of women and girls who had been raped. The cases included the rape of six women who said they were repeatedly raped for two weeks in May 2013 by

⁸⁵ Human Rights Watch interview with victim (name withheld), Lagos, June 25, 2014.

⁸⁶ Human Rights Watch interview with victim (name withheld), Yola, August 9, 2014.

⁸⁷ Human Rights Watch interview with victim (name withheld), Lagos, June, 25, 2014.

insurgents holding them in a house in Maiduguri. The men cited the women's religion as a reason for the abuse.⁸⁸

Other credible rapes have been reported in the Nigerian media, including the case of a 44-year-old businesswoman who was allegedly raped by teenage combatants while she was held in their camp for not giving money to their "cause."⁸⁹

A social worker who has worked extensively with families affected by Boko Haram's violence said he believes the rape of abducted women and girls has been underreported, given the culture of silence, stigma, and shame around sexual abuse in the deeply conservative and religious areas of northern Nigeria.⁹⁰

He described how he counseled several victims whose relatives insisted on sending them to other towns to avoid the family being ostracized by neighbors. According to this social worker, the conduct of the victims' family members at times intensified the trauma faced by the victim. In one such case, a husband of a victim abducted in Adamawa State refused to touch his wife after she was raped by an insurgent in a Boko Haram camp in Gwoza in December 2013.⁹¹

Researchers from the NPVRN concluded similarly that, because of the stigma associated with rape, many victims were unwilling to open up about their horrific experiences.⁹²

⁸⁸ Atta Barkindo, Benjamin Gudaku, and Caroline Wesley, "Our Bodies, Their Battleground, Boko Haram and Gender-Based Violence against Christian Women and Children in North-Eastern Nigeria since 1999," November 2013, working paper for the Nigeria's Political Violence Research Network NPVRN, p. 25.

⁸⁹ Hamza Idris and Ibrahim Sawab, "Nigeria: Life in Boko Haram Camps, By Female Ex-Captives," *Daily Trust*, May 26, 2014, <http://allafrica.com/stories/201405261375.html?viewall=1> (accessed August 8, 2014).

⁹⁰ Human Rights Watch interview with social worker, Abuja, June 14, 2014.

⁹¹ Human Rights Watch interview with civil society worker, Abuja, June 14, 2014.

⁹² Atta Barkindo, Benjamin Gudaku, and Caroline Wesley, "Our Bodies, Their Battleground, Boko Haram and Gender-Based Violence against Christian Women and Children in North-Eastern Nigeria since 1999," November 2013, Working Paper for the Nigeria's Political Violence Research Network NPVRN. In January 2014, a 43-year-old woman reportedly ignored the risk of stigma when, in a bank in Maiduguri, she saw the 26-year-old man she alleged had abducted and raped her repeatedly. She held tightly to him as she screamed her allegations publicly until security forces arrested the suspect. Kareem Haruna, "Our Ordeal In Hands of Rapists in Boko Haram Camps," *Leadership*, March 9, 2014, <http://leadership.ng/features/353367/ordeal-hands-rapists-boko-haram-camps> (accessed August 8, 2014).

Women and Girl Insurgents

There is little information about the presence of women and girls in the ranks of Boko Haram. While former abductees interviewed by Human Rights Watch described the presence of hundreds of women and children in Boko Haram camps, it was unclear if they had been abducted or had voluntarily joined their family members involved in Boko Haram.

A few of the apparent wives of Boko Haram commanders were themselves implicated in abuses. One abductee described to Human Rights Watch how the “wife” of a Boko Haram cell leader cut the throat of a young man whom she had been forced to lure into an ambush planned by the insurgents.⁹³ Another abductee described how a woman working with Boko Haram had beaten her grandmother:

My grandmother’s only offence was answering a local Muslim woman roughly. How could we know she was a Boko Haram agent? When she returned with two insurgents who began to hit and kick my grandmother, I came out to help her and they took me away.⁹⁴

Earlier in June a female suicide bomber reportedly died along with a soldier during an attempt on the 301 Artillery Regiment Quarter Guard in Gombe, a northeastern state that had previously not witnessed insurgency-related violence.⁹⁵ The July 2014 arrest in Katsina, northwest Nigeria, of a 10-year-old girl who was allegedly strapped with explosive materials is fueling fears that Boko Haram is increasingly using women and girls, who can easily evade detection, to carry out attacks.⁹⁶

According to a report released by Watchlist on Children and Armed Conflict in September 2014, forces on both sides of the conflict have enlisted children; during a July 10 attack on Marte, Borno State, witnesses claimed that girls as young as 14 were among the

⁹³ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014. The same leader’s wife, a 23-year-old woman, nicknamed Yakwada, was described by the abductee as having stood by when she was raped by a subordinate of her husband.

⁹⁴ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

⁹⁵ Niyi Odebode, John Alechenu, and Fidelis Soriwei, “Female suicide bomber attacks Gombe barracks,” *Punch*, June 9, 2014, <http://www.punchng.com/news/female-suicide-bomber-attacks-gombe-barracks/> (accessed August 8, 2014).

⁹⁶ Stella Omona and Onoja Audu, “Nigeria: 10-Year-Old Female Suicide Bomber, Two Others Arrested in Katsina,” *Daily Independent*, July 30, 2014, <http://allafrica.com/stories/201407311141.html> (accessed August 8, 2014).

attackers.⁹⁷ The Watchlist report also said that Nigerian security forces have caught children as young as 12 fighting alongside members of Boko Haram.⁹⁸

⁹⁷ “Who Will Care for Us?” – Grave Violations Against Children in Northeastern Nigeria,” Watchlist on Children and Armed Conflict, September 2014, <http://watchlist.org/who-will-care-for-us-grave-violations-against-children-in-northeastern-nigeria/> (accessed September 10, 2014).

⁹⁸ “Who Will Care for Us?” – Grave Violations Against Children in Northeastern Nigeria,” Watchlist on Children and Armed Conflict, September 2014, p. 27 (accessed September 10, 2014).

III. Government Response

Residents of villages and towns ravaged by Boko Haram attacks told Human Rights Watch that the government failed both to prevent attacks where women and girls were abducted, and to protect the victims in imminent danger. In addition, they reported that adequate medical and psychological support for injured and traumatized women and girls has been gravely lacking for the victims and their families.

Failure to Prevent or Respond to Attacks

Numerous victims and witnesses interviewed by Human Rights Watch expressed concern about the lack of security force presence in areas particularly vulnerable to attack, notably in towns and villages in Borno State. All 46 victims and witnesses, as well as 6 community leaders, and analysts interviewed by Human Rights Watch said that government security services could have done more to prevent attacks by ensuring the adequate presence and arming of military personnel, and to respond more quickly and effectively to reports of attacks once in progress.⁹⁹ As the pace of attacks in 2014 intensified, many victims, according to credible media reports, said that Boko Haram faced little government resistance in taking over territory, particularly in Borno State.¹⁰⁰

Several victims and witnesses recounted instances when they or members of their community had informed authorities about impending attacks, but encountered slow or belated response by the security forces.¹⁰¹ The victims and witnesses said that soldiers appeared to have been overwhelmed either because an inadequate number of troops had been deployed to a given town or because they seemed to have run out of ammunition during the course of an attack. Several of those interviewed described seeing soldiers

⁹⁹ Human Rights Watch interviews with victims, witnesses, and analysts, Yola, Abuja, Lagos, May – August 2014.

¹⁰⁰ Adam Nossiter, “In Nigeria, No One Has Your Back,” *New York Times*, March 4, 2014, http://www.nytimes.com/2014/03/05/world/africa/in-nigeria-no-one-has-your-back.html?_r=0 (accessed March 22, 2014); “In the shadow of death: Borno residents relive fatal Boko Haram attacks,” *NigeriaNorth*, February 25, 2014, <http://www.nigerianorth.com/in-the-shadow-of-death-borno-residents-relive-fatal-boko-haram-attacks/> (accessed October 15, 2014).

¹⁰¹ Human Rights Watch interviews with victims, witnesses, and analysts, Yola, Abuja, Lagos, May – July 2014.

abandoning their posts either just prior to an attack or while the attack was in progress, a trend Human Rights Watch described in its 2012 report.¹⁰²

Local and international journalists similarly reported the security forces' failure to adequately protect the civilian population.¹⁰³ During a May 2014 attack lasting over 12 hours on the town of Gamboru Ngala, Borno State, which resulted in the deaths of some 300 people, local officials reportedly claimed that soldiers deployed to the town left one hour before the attack and did not return until it was over.¹⁰⁴ The same week, less than one month after the abduction of 276 girls in Chibok, 11 teenage girls were abducted during attacks on several villages near Gwoza, and driven away through several villages to the Sambisa forest without running into security forces.¹⁰⁵

Two Chibok residents, including a parent whose two daughters remained in captivity at time of writing, told Human Rights Watch that as they tried to escape the town, they saw government soldiers also fleeing. One resident told Human Rights Watch that the insurgents were well-armed, and arrived with more than 40 motorcycles and small vehicles to facilitate large-scale and rapid transport.¹⁰⁶ He described the attack in Chibok going on for hours; he and his neighbors watched from their hiding place as Boko Haram set their homes and shops on fire. For fear of repeated attack by Boko Haram, this witness said he continues to spend nights in the surrounding rural areas. A 62-year-old resident of Chibok described what he saw during the same attack:

Chibok's population had swelled because people from surrounding villages were running from Boko Haram violence to the town for refuge.¹⁰⁷ At about

¹⁰² Adam Nossiter, "In Nigeria, No One Has Your Back," *New York Times*, March 4, 2014; "In the shadow of death: Borno residents relive fatal Boko Haram attacks," *NigeriaNorth*, February 25, 2014, <http://www.nigerianorth.com/in-the-shadow-of-death-borno-residents-relive-fatal-boko-haram-attacks> (accessed October 15, 2014).

¹⁰³ "Nigerian authorities failed to act on warnings about Boko Haram raid on school," Amnesty International news release, May 9, 2014, <http://www.amnesty.org/en/news/nigerian-authorities-failed-act-warnings-about-boko-haram-raid-school-2014-05-09> (accessed July 12, 2014).

¹⁰⁴ Kayode Idowu and Olalekan Adetayo, "Boko Haram kills 300, abducts 11 more girls" *Punch*, May 7, 2014, <http://www.punchng.com/news/boko-haram-kills-300-abducts-11-more-girls/> (accessed July 8, 2014).

¹⁰⁵ Ibid.

¹⁰⁶ Human Rights Watch telephone interview with parents of two Chibok schoolgirls (names withheld), Abuja, July 7, 2014.

¹⁰⁷ As Boko Haram attacks intensified in rural villages and towns, residents have fled both in advance of and after the attack. Human Rights Watch interviewed 13 displaced women who said that the fear of abduction was a key factor underscoring their decision to flee. As such, the spate of abductions of women and girls appears to be contributing to the growing humanitarian crisis of internally displaced persons, most of whom are from Borno State.

11 p.m. we started hearing gun shots and the movement of many motorcycles and cars. I was surprised that as I ran with others into the woods, security men were running with us while still wearing their uniforms. We stayed in hiding together until about 4 a.m. when the insurgents left. There was no attempt to resist the attack or protect anyone. Soldiers also ran for their lives.¹⁰⁸

Residents of Buni Yadi, Yobe State, told journalists that security forces guarding a nearby checkpoint withdrew just before the February 2014 attack on the federal government college in the town.¹⁰⁹ The Nigerian military denied that there was ever a checkpoint close to the school.¹¹⁰ A displaced resident of Buni Yadi told Human Rights Watch how armed men shouting ‘Allahu Akbar’ burst into her Buni Yadi home in the early hours of the attack, yelling for students to come out.¹¹¹ She hid herself, relieved that her 15-year-old brother was in the boarding school. But the next day, her joy turned to grief with news of the school attack. “We found nothing to bury. He had been burnt along with fellow students as they slept. The charred remains were unrecognizable.”

When on June 1, 2014, insurgents attacked a church in Attagara, near Gwoza, killing more than a dozen worshippers, local residents reportedly fought back because the military failed to respond to reports of the ongoing violence.¹¹² A local activist was quoted as saying that security forces ignored their pleas to come to their aid, with a claim that: “they had not been given a command (to deploy troops).”¹¹³

In the case of the Chibok school abductions, President Goodluck Jonathan appeared to blame the school for failing to provide security which, he suggested, had led to the girls’

¹⁰⁸ Human Rights Watch interview with Chibok resident, Yola, June 21, 2014.

¹⁰⁹ “Nigeria school attack: Fury at military over Yobe deaths” *BBC News Online*, February 26, 2014, <http://www.bbc.com/news/world-africa-26353622> (accessed August 8, 2014).

¹¹⁰ News Agency of Nigeria (NAN), “Yobe: Army denies withdrawing soldiers from checkpoint before attack,” *Punch*, February 26, 2014, <http://www.punchng.com/news/yobe-army-denies-withdrawing-soldiers-from-checkpoint-before-attack/> (accessed August 8, 2014).

¹¹¹ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

¹¹² “Boko Haram Attacks Church, 12 Worshippers, 6 Militants Killed,” *Sahara Reporters* (New York), June 2, 2014, <http://saharareporters.com/news-page/boko-haram-attacks-church-12-worshippers-6-militants-killed-borno> (accessed September 10, 2014).

¹¹³ Robyn Dixon, “Boko Haram shows no mercy in Nigeria, wrecking churches, homes, lives,” *Los Angeles Times*, July 8, 2014.

abduction.¹¹⁴ “If we had just five security personnel in the compound that night, although they couldn’t have stood the firepower of the invaders, they could have alerted the girls,” Jonathan said on June 20 while receiving the report of the Presidential Fact Finding Committee on Abducted Female Students in Chibok, Borno State.¹¹⁵

On May 7, in response to the Chibok abductions, the Nigerian Government, with the support of the United Nations, Nigerian business leaders, the African Development Bank, and foreign countries, launched a Safe Schools Initiative, which aims to make schools more secure for Nigerian children. The US\$100 million program aims to pilot 500 safe schools in northern Nigeria with a focus on school and community-level interventions.¹¹⁶ The program intends to organize community security groups consisting of teachers, parents, police, community leaders and more robust physical security in schools, including armed guards and a rapid response system, as well as counselors to work with students who are at risk of attack. The program is projected to help some of the 10.5 million children who are out of school in Nigeria feel safe enough to return to their education.¹¹⁷

Human Rights Watch sent letters on September 15, 2014 to the military authorities and the National Human Rights Commission with a summary of the findings, and requests for their comments on these allegations. No response has been received from the two institutions at time of writing.

Lack of Health Care and Related Services

Many of the victims and their family members interviewed by Human Rights Watch showed signs of stress and anguish, sometimes stopping mid-sentence to stare in the distance, weeping, and rocking in agitation as they spoke. A 17-year-old girl repeatedly scrubbed her

¹¹⁴ News Agency of Nigeria, “Jonathan receives committee’s report on Chibok girls,” *Punch*, June 20, 2014, <http://www.punchng.com/news/jonathan-receives-committees-report-on-chibok-girls/> (accessed July 8, 2014).

¹¹⁵ Talatu Usman, “Presidential committee on Chibok schoolgirls submits report,” *Premium Times*, June 20, 2014.

¹¹⁶ “Abducted Nigerian schoolgirls not forgotten, UN chief declares as worldwide vigils begin,” UN press release, July 23, 2014, <http://www.un.org/apps/news/story.asp?NewsID=48331#.U-zFDONdXTo> (accessed August 14, 2014).

¹¹⁷ Gordon Brown, “Update from Nigeria: Launching the Safe Schools Initiative,” *Huffington Post*, May 27, 2014, http://www.huffingtonpost.com/gordon-brown/nigeria-safe-schools_b_5395253.html (accessed October 16, 2014); “Nigeria’s Safe Schools Initiative Gets \$4.2m Boost,” Channels Television, August 27, 2014, <http://www.channelstv.com/2014/08/27/nigerias-safe-schools-initiative-gets-4-2m-boost/> (accessed September 10, 2014).

legs with open palms while narrating her long trek through the night with her abductors to their camp. A 15-year-old girl said:

I could not stop crying even when the insurgents threatened to kill me if I didn't keep quiet. I kept on thinking, is it not better to die now than to face whatever terrible things they could do to me when we get to their camp? Even after I escaped from them and live far away from my village, I am still afraid. I think of death many times. My father tries. He encourages me to forget everything, but it is not easy for me. I have terrible dreams at night.¹¹⁸

A parent whose two daughters, aged 17 and 19, are among the Chibok schoolgirls still held captive by Boko Haram told Human Rights Watch:

I find it difficult to eat or sleep. How can I when my daughters are probably sleeping out in the open exposed to all kinds of danger? My wife looks at me sorrowfully as if I should be able to do something. She is sick, but I know it is only worry and heartache. If even the soldiers are afraid of these militants, how can we civilians confront them? The worst part of it is that no one is telling us anything. We try to gather information from other towns but what we hear gives us no hope. Why can't the government help us or tell us what they are doing to get our daughters back? I am tired of living like this.¹¹⁹

Post-trauma and long-term counseling in the areas worst-affected by the Boko Haram assault are greatly needed. Maiduguri's Federal Neuropsychiatric Hospital said between 10 and 20 percent of people living in Borno need emergency mental-health services.¹²⁰ Doctors interviewed by an international journalist described being overwhelmed. They noted that every day between 20 and 30 people show up requesting counseling, a marked increase over previous years.¹²¹

¹¹⁸ Human Rights Watch interview with victim (name withheld), Lagos, June 25, 2014.

¹¹⁹ Human Rights Watch telephone interview with parents of two Chibok schoolgirls (names withheld), Abuja, July 7, 2014.

¹²⁰ Mahmoud Bukar-Maina, "The Nigerian Insurgency: A Neuroscience Perspective," *Sahara Reporters* (New York), April 3, 2014, <http://saharareporters.com/2014/04/03/nigerian-insurgency-neuroscience-perspective> (accessed September 10, 2014).

¹²¹ Drew Hinshaw, "Boko Haram's Mounting Toll in Trauma," *Wall Street Journal*, May 30, 2014, <http://online.wsj.com/articles/boko-harams-trauma-toll-survivors-of-nigerian-insurgents-mayhem-overwhelm-psychiatric-hospital-1401485016> (accessed August 14, 2014).

A 19-year-old girl who was raped by one of her abductors told Human Rights Watch, “It is just the memories. I can’t shut them out. Even in sleep, it is like I’m back there and everything is still happening. My father has tried to talk to me but it doesn’t help.”¹²²

A 20-year-old girl, abducted on her way home from a college in Maiduguri, said she worries constantly of being abducted again: “I have not been able to go back to school. I am afraid of travelling. I could get abducted again on the way. It is too dangerous.” For the Chibok students who escaped, the continuing captivity of so many of their friends generates considerable anxiety. One girl said that she worries continually about her missing friends and whether the insurgents have slaughtered them. None of the victims who spoke to Human Rights Watch had returned to school at the time of the interviews. In September the Borno State government announced the award of scholarship to 36 of the 57 escaped Chibok students at various schools in north central Nigeria.¹²³ The remaining 15 students had previously received scholarships for remedial courses at a private university in Yola.¹²⁴

Of the victims interviewed, only the Chibok students had received some type of state-supported counseling and medical care. Borno State government officials told Human Rights Watch that the escaped Chibok students had been provided with post-trauma psychological counseling and medical services.¹²⁵ However, the young women and girls interviewed described the counseling received as religion-based; they said the Borno State government had arranged for pastors and Muslim clerics to speak with about 30 of them in a group at the Governor’s office. One girl described the counseling she received:

¹²² Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

¹²³ Agency Reports, “Borno sends 36 Chibok schoolgirls to International schools,” *Premium Times*, September 25, 2014, <https://www.premiumtimesng.com/news/top-news/168637-borno-sends-36-chibok-schoolgirls-to-international-schools.html> (accessed September 26, 2014).

¹²⁴ Chiemelie Ezeobi, “American University of Nigeria Says 15, Not Six Chibok Girls on Scholarship,” *ThisDay*, September 26, 2014, <http://www.thisdaylive.com/articles/american-university-of-nigeria-says-15-not-six-chibok-girls-on-scholarship/189926/> (accessed September 26, 2014).

¹²⁵ Human Rights Watch telephone interview with Borno State government officials, Abuja, July 28 and August 7, 2014; An official said that all the girls, save one whose parent did not permit her to travel, were counselled in two batches, in Maiduguri and Bauchi between May and June 2014. The counselling was carried out by the Kaduna based Interfaith Mediation Center, the International Office of Migrations, and Family Health International: “Inter-Faith Group To Counsel The Escaped Chibok Girls, Says Governor Shettima,” *Sahara Reporters* (New York), June 4, 2014, <http://saharareporters.com/news-page/inter-faith-group-counsel-escaped-chibok-girls-says-governor-shettima> (accessed September 10, 2014); Kareem Haruna “Escaped Chibok girls receiving intensive counseling,” *Leadership*, July 21, 2014, <http://allafrica.com/stories/201407211260.html> (accessed September 10, 2014).

We were all in a big hall, with many people that we did not know. It was when one of the speakers quoted from the Bible that I knew he was a pastor but I cannot remember what he said. As he finished his talk, the microphone was handed to a man dressed like a Muslim preacher, who also recited some Islamic words. Some other people also spoke. No one asked us any questions. I don't think any of my school mates realized either that we were being counseled.¹²⁶

Another girl who escaped from Boko Haram during the Chibok incident explained the type of help she needs: "I just want someone who will listen to me and help me to stop the fear that takes over my mind when I think of my sisters (school mates) who are still with Boko Haram. I am so afraid for them. Why can't the government bring them back?"¹²⁷

None of the other victims of abduction or other violations interviewed by Human Rights Watch had received any government-supported mental health or medical care. Indeed they were unaware of any government services or programs set up to address their psychological or medical needs. Any medical care they received was paid for by their family or church community. The 19-year-old rape victim quoted above noted: "My church community paid for my physical checkup at the hospital. So at least I know I don't have any physical damage. They also took my blood but I don't know what they tested it for."¹²⁸

None of the rape survivors interviewed by Human Rights Watch had any information about how and where to access post-rape care, including treatment for any physical injuries, post-exposure prophylaxis (PEP) to prevent HIV transmission and for sexually transmitted diseases, and emergency contraception for those who escaped or were released by their captors within 72 hours of the rape.

A public health physician involved in the Borno State government-led initiative to provide psychosocial and medical services to the victims acknowledged that the program as presently designed is focused on the Chibok girls, noting that the government does not appear to have information about other abductees.¹²⁹

¹²⁶ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

¹²⁷ Human Rights Watch interview with victim (name withheld), Yola, June 21, 2014.

¹²⁸ Human Rights Watch interview with victim (name withheld), Abuja, June 23, 2014.

¹²⁹ Human Rights Watch interview with physician (name withheld), Abuja, August 7, 2014.

The former Borno State commissioner for health admitted a “dearth of mental health services” in her state even before the conflict, noting as additional challenges the growing number of internally displaced persons and the inadequate number of health-care workers, many of whom had fled their posts in the rural areas for fear of their lives. She said some 40 healthcare workers had recently been trained in counseling, but “because of the insurgency a lot of them were displaced and we are now left with only four counselors.”¹³⁰ Other staff of the ministry told Human Rights Watch that other abductees may eventually benefit from the outpouring of support the state is receiving due to the publicity around the Chibok abductions.¹³¹

On May 20, Borno State Governor Kashim Shettima announced that his administration had set aside 150 million Naira (\$925,000) to fund a program of rehabilitation and support for the 53 girls who have escaped from Boko Haram captivity after being kidnapped from Chibok in April 2014, as well as for their families. He has said nothing publicly about any initiative designed to support other women and girls abducted before and after the Chibok incident.¹³²

In the wake of the Chibok abductions, the federal government established the Terror Victim’s Support Fund to provide assistance to Nigerian communities impacted by Boko Haram violence. The Victim’s Support Fund Committee is guided by Theophilus Danjuma, a retired army general. The Committee determines how to best use the Victim Support Fund’s endowment; as of August 1, 2014, the Committee had raised N58, 790 billion (US\$362 million). The minister of finance, Ngozi Okonjo-Iweala, said the fund is meant to complement the Safe Schools Initiative.¹³³ However, at time of writing, it was not clear what

¹³⁰ “For the 57 girls that escaped, they have all been rehabilitated and we have provided them psychological support,” Testimonial Archive Project, August 10, 2014, <http://testimonialarchiveproject.wordpress.com/2014/08/10/for-the-57-girls-that-escaped-they-have-all-been-rehabilitated-and-we-have-provided-them-psychological-support-and-trauma-management/> (accessed October 16, 2014).

¹³¹ Human Rights Watch telephone interview with Borno State government officials, Abuja, July 28 and August 7, 2014.

¹³² Maina Maina “Chibok: Borno Government to spend N150m on rehabilitation of 53 girls who escaped,” *Daily Post*, May 20, 2014, <http://dailypost.ng/2014/05/20/chibok-borno-government-spend-n150m-rehabilitation-53-girls-escaped/> (accessed August 14, 2014).

¹³³ “Victim Support Fund To Complement Safe School Initiative - Okonjo-Iweala,” *Nigerian Observer*, September 7, 2014, <http://www.nigerianobservernews.com/22072014/22072014/news/news27.html#.VCnB21cRnoo> (accessed September 10, 2014).

practical steps have been taken to ensure that the victims, many of who are seeking refuge in other states and outside the country, are able to access this support.¹³⁴

The National Emergency Management Agency (NEMA), with support from United Nations agencies, international humanitarian organizations, and nongovernmental organizations, is developing a Joint Humanitarian Action Plan (JHAP) to respond to disasters arising from disasters and conflicts, including those involving Boko Haram in north eastern Nigeria.¹³⁵ Through JHAP, the government aims to “provide a common platform to the government and humanitarian community to address humanitarian challenges in a principled, timely and coordinated manner”.¹³⁶ The JHAP established nine sector working groups, one of which is the Protection Sector Working Group (PSWG) co-chaired by Nigeria Human Rights Commission (NHRC) and the United Nations High Commission for Refugees (UNHCR).¹³⁷ UNICEF leads and coordinates water and sanitation, education, nutrition sectors as well as the child protection sub-sectors.¹³⁸

¹³⁴ Talatu Usman, “Boko Haram - Nigeria Constitutes Committee On ‘Victims Support Fund,’” *Premium Times*, July 15, 2014, <http://allafrica.com/stories/201407151736.html> (accessed August 8, 2014); Mfonobong Nsehe, “Africa’s Richest Man Aliko Dangote, Tony Elumelu, Others Raise \$400 Million For Terror Victims,” *Forbes*, August 1, 2014, <http://www.forbes.com/sites/mfonobongnsehe/2014/08/01/africas-richest-man-aliko-dangote-tony-elumelu-others-raise-400-million-for-terror-victims/> (accessed August 7, 2014).

¹³⁵ “Humanitarian Bulletin Nigeria Issue 03 April 2014,” United Nations Office for the Coordination of Humanitarian Affairs (OCHA), April 30, 2014, <http://reliefweb.int/report/nigeria/humanitarian-bulletin-nigeria-issue-03-april-2014> (accessed October 20, 2014).

¹³⁶ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Humanitarian Bulletin Nigeria Issue 01 January 2014,” p. 1, available on file.

¹³⁷ “2014 Humanitarian Needs Overview Nigeria,” UNOCHA, December 5, 2013, https://docs.unocha.org/sites/dms/CAP/HNO_2014_Nigeria.pdf (accessed October 20, 2014).

¹³⁸ “UNICEF Nigeria Monthly Humanitarian Situation Report: September –October 2013,” United Nations International Children Education Fund (UNICEF), October 26, 2013, <http://reliefweb.int/report/nigeria/unicef-nigeria-monthly-humanitarian-situation-report-september-october-2013> (accessed October 20, 2014), p. 2.

IV. Accountability

This report documents numerous serious abuses by Boko Haram, particularly those perpetrated against women and girls. Human Rights Watch and other national and international groups have also documented serious human rights abuses committed by government security forces. Nigerian authorities have an obligation under international law to investigate and prosecute those responsible for these crimes.

National Prosecutions

There have been some limited efforts at investigations and prosecutions of Boko Haram fighters implicated in serious violations of humanitarian and human rights law, including serious violations against girls and women. However, there have been few investigations and no prosecutions of security force members implicated in abuses. Much more is needed to ensure fair and effective justice in Nigeria, in accordance with international standards.

Since 2009 security forces have arrested thousands of people suspected of involvement in Boko Haram's violence. However, the whereabouts of a large majority of those arrested are unknown; others are detained by security forces in military detention facilities for prolonged periods without trial. The few who are facing trial for terrorism-related offences, including the 2011 bombing of the United Nations building in Abuja, often have their cases interrupted for prolonged periods while they remain in detention.¹³⁹ The interruptions were sometimes caused by lack of legal representation for the defendants, absence of the prosecutor, or transfer of defendants to unknown locations in Abuja, outside the court's jurisdiction, while the trial is underway.¹⁴⁰ Human rights groups have raised serious

¹³⁹ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, pp. 78-88; Michael Olugbode, "Boko Haram: Trial of Suspects Adjourned," *This Day*, November 2, 2011, <http://www.thisdaylive.com/articles/boko-haram-trial-of-suspects-adjourned/101854/> (accessed October 9, 2014).

¹⁴⁰ Ihuoma Chiedozie, "UN office bombing: Prosecutor's absence stalls trial," *Punch*, February 17, 2014, <http://www.punchng.com/news/un-office-bombing-prosecutors-absence-stalls-trial/> (accessed March 12, 2014); NAN, "Counsel's absence stalls trial of 7 Boko Haram suspects," *Vanguard*, April 10, 2013, <http://www.vanguardngr.com/2013/04/counsels-absence-stalls-trial-of-7-boko-haram-suspects/#sthash.tQnvOi4a.dpuf> (accessed October 9, 2014); Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, pp. 78-88.

concerns over the torture of suspects in detention and the detention of suspects without charge.¹⁴¹

According to the attorney general of the federation, Nigerian courts have convicted 40 people alleged to be affiliated with Boko Haram for terrorism-related offenses.¹⁴² He did not provide details of the courts that convicted the 40 individuals, but this number includes the conviction of 5 suspects in July 2013 for bombings in Niger and Nasarawa states in 2011,¹⁴³ and the conviction of Kabiru Sokoto in December 2013 on terrorism charges for the December 25, 2011 bombing of St Theresa's Catholic Church, Madalla Niger State. He is currently serving a life sentence.¹⁴⁴ Mustapha Umar, the alleged bomber in April 2012 of the SOJ plaza in Kaduna, which housed *ThisDay* newspapers and two other media establishments, was sentenced to life imprisonment in November 2013.¹⁴⁵ At time of writing, a few more trials of suspected Boko Haram members are ongoing.¹⁴⁶ On September 30, 2014, a federal high court in Lagos sentenced three suspected members of Boko Haram to 25 years imprisonment each for 'participating in acts of terrorism.'¹⁴⁷

¹⁴¹ Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 11, 2012, pp. 78-88; "Nigeria: 'Welcome to hell fire': Torture and other ill-treatment in Nigeria," Amnesty International, September 18, 2014, <http://www.amnesty.org/en/news/nigeria-s-torture-chambers-exposed-new-report-2014-09-18> (accessed September 22, 2014).

¹⁴² News Agency of Nigeria, "Nigerian courts convict 40 Boko Haram members – Adoke," *Premium Times*, February 24, 2014, <https://www.premiumtimesng.com/news/155674-nigerian-courts-convict-40-boko-haram-members-adoke.html#sthash.Of3hcFVy.dpuf> (accessed August 7, 2014).

¹⁴³ News Agency of Nigeria, "Update: Why Abuja judge sentenced four Boko Haram members to life imprisonment," *Premium Times*, July 9, 2013, <https://www.premiumtimesng.com/news/140580-update-why-abuja-judge-sentenced-four-boko-haram-members-to-life-imprisonment.html#sthash.LmDVUppR.dpuf> (accessed September 10, 2014).

¹⁴⁴ Ikechukwu Nnochiri, "Catholic Church Bombing: Court sentences 'Kabiru Sokoto' to life imprisonment," *Vanguard*, December 21, 2013, <http://www.vanguardngr.com/2013/12/catholic-church-bombing-court-sentences-kabiru-sokoto-life-imprisonment/#sthash.zAoQTcRL.dpuf> (accessed September 10, 2014).

¹⁴⁵ "Court sentences Boko Haram's ThisDay bomber to life imprisonment," *Premium Times*, November 15, 2013, <https://www.premiumtimesng.com/news/149666-court-sentences-thisday-bomber-to-life-imprisonment.html> (accessed October 16, 2014).

¹⁴⁶ Ade Adesomoju, "Detained Boko Haram members oppose covering witnesses' faces," *Punch*, May 14, 2014, <http://www.punchng.com/news/detained-boko-haram-members-oppose-covering-witnesses-face/> (accessed September 10, 2014).

¹⁴⁷ Olugbenga Soley, "Nigeria: Three Boko Haram Members Get 75 Years Jail Term," *Leadership*, October 1, 2014, <http://allafrica.com/stories/201410010199.html>, (accessed October 1, 2014). The trial of the suspects including 14 others was conducted in secret allegedly to protect witnesses. During the trial, charges against 13 of the defendants were dropped while another man was acquitted after the trial. The judgment of the court was controversially delivered in secret. Nigeria's 1999 federal constitution as well as international and African regional human rights law provide only for the rendering of judgments in public as a fair trial safeguard. An Abuja federal high court had rejected a similar request for secret trial of Boko Haram suspects in April 2014. Tobi Soniyi, "Boko Haram: Court Rejects Secret Trial for Terrorism Suspects," *This Day*, April 3, 2014, <http://www.thisdaylive.com/articles/boko-haram-court-rejects-secret-trial-for-terrorism-suspects/175291/> (accessed April 10, 2014).

In June 2014 a suspect alleged by military authorities to have been involved in the Chibok abductions and May 2014 killing of the Emir of Gwoza was also arrested along with at least two of his alleged accomplices, both of them women.¹⁴⁸ However, at time of writing, no one has been tried for the abduction of hundreds of women and girls by Boko Haram.¹⁴⁹

Many victims of abduction and their family members who spoke to Human Rights Watch expressed frustration with what they perceived to be the lack of investigation and prosecution by government authorities for the crimes committed against them. Many abduction victims noted their disappointment in the Nigerian police for failing to interview them as part of an effort to identify the perpetrators. The experiences of the victims, many of whom spent weeks in the insurgents' camps, could provide the police and others with valuable information. Interviews with the victims could facilitate police investigations and further action to apprehend Boko Haram perpetrators. The perceived lack of interest by the police and their failure to document abductions and abuses constitutes a further violation of the victims' rights to justice and to an effective remedy.

A 19-year-old victim described how police officers in her village reacted when her father informed them of her escape after many weeks in the insurgents' camp in September 2013: "They told him we were lucky, and did nothing else." Sensing the lack of interest by the police in the girl's case, and fearing for her safety, the family left the village. Their home was burnt by unknown persons, but she believes that Boko Haram members carried out the attack in revenge for her escape.

Another woman, 22 years old, expressed similar frustration: "I did not bother to report to security or police after my escape because they are aware that these abductions have been happening. And even when others had reported to them in the past, they did nothing."

¹⁴⁸ Yusuf Ali, "Troops arrest 'mastermind' of Chibok girls' abduction," *The Nation*, July 1, 2014, <http://thenationonlineng.net/new/troops-arrest-mastermind-of-chibok-girls-abduction/> (accessed August 7, 2014). Michael Olugbode, "Boko Haram Kills Emir of Gwoza in Highway Ambush," *This Day*, May 30, 2014, <http://www.thisdaylive.com/articles/boko-haram-kills-emir-of-gwoza-in-highway-ambush/179815/> (accessed June 5, 2014).

¹⁴⁹ In September, a civil society group in Nigeria requested the ICC to investigate and prosecute Nigerian government officials citing the government's unwillingness to carry out genuine prosecutions of those involved in Boko Haram's crimes. Ben Ezeamalu, "Group petitions ICC; demands Sheriff, Ihejirika's probe," *Premium Times*, September 9, 2014, <https://www.premiumtimesng.com/news/167940-group-petitions-icc-demands-sheriff-ihejirikas-probe.html#sthash.bnYcw1En.dpuf> (accessed September 22, 2014).

There have likewise been few efforts by the Nigerian criminal justice system to credibly and professionally investigate the many serious abuses committed by members of the Nigerian security forces, despite the numerous incidents brought to the attention of the Nigerian authorities by way of reports from national and international human rights organizations, the Nigerian National Human Rights Commission, the media, and diplomats. In July 2013 the military set up a commission called the Joint Investigation Team (JIT) to “screen and categorize detainees apprehended in the course of operations in the northeast.” Out of 1,400 detainees screened at detention centers in the northeast, the JIT recommended the release of 167 detainees and the prosecution of 500. Another 614 cases were to be further reviewed.¹⁵⁰

In December 2013, the National Human Rights Commission established a working group to investigate the detention of people in arbitrary and unofficial places across the country.¹⁵¹ The group is yet to complete its work.

Following the August 5, 2014 release by Amnesty International of a report and video showing alleged executions by members of the Nigerian army in 2013 and 2014,¹⁵² the Defence Headquarters tasked a team of senior officers and forensic experts to investigate the incidents and pledged to hold soldiers involved to account.¹⁵³ The team, comprising of active military officers, may not be sufficiently independent to conduct an impartial, transparent, and credible investigation of the allegations against fellow military personnel.

International Prosecutions

Nigeria ratified the Rome Statute of the International Criminal Court on September 27, 2001, and therefore became a founder member of the Court, which has had, since July 1 2002,

¹⁵⁰ Ade Adesomoju, “Military Panel Recommends Trial of 500 Suspected B’Haram Members,” *Punch*, December 4, 2013, <http://www.punchng.com/news/military-panel-recommends-trial-of-500-suspected-bharam-members/> (accessed September 10, 2014).

¹⁵¹ Nicholas Ibekwe, “Boko Haram: Human Rights Commission investigates illegal detention centres,” *Premium Times*, December 10, 2013, <https://www.premiumtimesng.com/news/151210-boko-haram-human-rights-commission-investigates-illegal-detention-centres.html#sthash.1lwoGpJR.dpuf> (accessed September 10, 2014).

¹⁵² “Nigeria: Gruesome footage implicates military in war crimes,” Amnesty International briefing, August 5, 2014, <http://www.amnesty.org/en/news/nigeria-gruesome-footage-implicates-military-war-crimes-2014-08-05> (accessed August 14, 2014).

¹⁵³ Chris Olukolade, “Defence Headquarters Investigating Amnesty International Video Allegation of Human Rights Abuse by Nigerian Military,” August 5, 2014, <http://defenceinfo.mil.ng/defence-headquarters-investigating-amnesty-international-video-allegation-of-human-rights-abuse-by-nigerian-military/> (accessed September 10, 2014).

jurisdiction over genocide, crimes against humanity, and war crimes committed in the territory of Nigeria or by Nigerian citizens since.¹⁵⁴ Under the Rome Statute, those who can be held criminally responsible for the crimes include not only those who directly commit them, but also those who order them or assist in their commission. Military or civilian commanders whose subordinates commit crimes that the superiors knew or should have known about could be criminally responsible, as could commanders who failed to take all necessary and reasonable steps to prevent the crimes or to submit the matter to the competent authorities for investigation and prosecution.

The International Criminal Court (ICC) is complementary to national criminal jurisdictions, which means that the ICC will not hear a case that is being investigated or prosecuted by Nigeria, unless the Nigerian authorities are unwilling or unable to genuinely carry out the investigation or prosecution. Nigeria has failed to make the Rome Statute part of its domestic law; therefore crimes against humanity, war crimes, and genocide are not crimes in Nigerian law, and neither is the principle of command responsibility for crimes. Suspects of crimes committed in the Boko Haram insurgency have thus been tried for terrorism under the Terrorism (Prevention) Act of 2001, portions of which contravene international human rights and due process standards, including the designation and banning of organizations as terrorist groups with no option of judicial appeal, and the power to detain suspects for prolonged periods without formal charge.¹⁵⁵

The ICC prosecutor opened a preliminary examination of the situation in Nigeria in November 2010, a step that may or may not lead to an investigation, and is yet to take a decision on whether or not to open an investigation. The prosecutor's current analysis is focused on assessing whether Nigerian authorities are conducting adequate domestic proceedings in relation to the crimes allegedly committed by Boko Haram. The ICC Office of the Prosecutor in 2013 requested that Nigerian authorities provide additional information on national efforts "in view of the apparent discrepancy between the high number of Boko Haram suspects detained and the number of national proceedings."¹⁵⁶

¹⁵⁴ Nigeria ratified the Rome Statute on September 27, 2001. See International Criminal Court, "States Parties," at http://www.icc-cpi.int/Menus/ASP/states+parties/States+Parties+_+Chronological+list.htm (accessed September 10, 2014).

¹⁵⁵ Terrorism (Prevention) Act 2001 (as amended in 2013).

¹⁵⁶ International Criminal Court, The Office of the Prosecutor, *Report on Preliminary Examination activities*, November 2013, http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Documents/OTP%20Preliminary%20Examinations/OTP%20-%20Report%20%20Preliminary%20Examination%20Activities%202013.PDF, paras 220-222.

The ICC’s prosecutor, Fatou Bensouda, visited Nigeria in July 2012 and again in February 2014. In 2012 she emphasized that the ICC’s “intention is not to intervene,” but to “ensure that Nigeria has the primary responsibility of investigating and prosecuting” these crimes.¹⁵⁷

¹⁵⁷ Mrs. Fatou Bensouda, Prosecutor of the International Criminal Court, “Remarks of the Prosecutor,” International Seminar on the Imperatives of the Observance of Human Rights and International Humanitarian Law Norms in International Security Operations, Abuja, February 24, 2014, <http://www.icc-cpi.int/iccdocs/otp/SpeechProsecutor-AbujaNigeriaFra.pdf> (accessed August 19, 2014). The ICC is complementary to national criminal jurisdictions, which means that the ICC will not hear a case that is being investigated or prosecuted by Nigeria, unless the Nigerian authorities are unwilling or unable to genuinely carry out the investigation or prosecution.

V. Nigeria's Legal Obligations

Nigeria's 1999 federal constitution provides safeguards for the rights of citizens to dignity of human persons,¹⁵⁸ personal liberty,¹⁵⁹ and freedom of thought, conscience, and religion.¹⁶⁰ Boko Haram insurgents have repeatedly and mercilessly violated these rights. The government at all levels has the obligation to ensure that Boko Haram does not interfere with the enjoyment of these rights.

Nigeria's Child Rights Act of 2003 also provides extensive protection for children in conflict situations and prohibits child labor, sexual abuse and exploitation of children, and child betrothal and marriage. Due to the federal system of government, the Act is applicable only in the federal capital territory, while the parliament in the other 36 states must pass the law for it to operate in those states. None of the three states under emergency rule have passed the Child Rights Law.

In August 2013, the Nigerian government launched a National Action Plan (NAP) on the implementation of Security Council Resolution 1325. In launching the plan, the government committed to prevent sexual violence during and after conflict, establish special courts to prosecute conflict-related sexual violence and take measures to ensure that women can participate at all levels of peace and security negotiations and discussions.

Regional and International Human Rights Law

Nigeria has ratified many regional and international treaties that mandate the protection of residents from abduction, violence, torture and other ill-treatment, slavery, forced prostitution, and discrimination based on sex.¹⁶¹ These instruments also obligate Nigeria to adopt effective measures for the prevention, investigation, prosecution, and

¹⁵⁸ Constitution of the Federal Republic of Nigeria, 1999, Chapter. C23 Laws of the Federation Nigeria, 2004, www.nigeriarights.gov.ng/files/download/43 (accessed September 10, 2014), sec. 34.

¹⁵⁹ Ibid., sec. 35.

¹⁶⁰ Ibid., sec. 38.

¹⁶¹ The International Covenant on Civil and Political Rights (ICCPR) prohibits torture and other cruel, inhuman, or degrading treatment (art. 7) and protects women's right to be free from discrimination based on sex (arts. 2(1) and 26). ICCPR, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Nigeria in 1993; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Nigeria in 2001.

punishment of serious human rights abuses. Under the agreements, Nigeria must ensure its citizens the right to education and the highest attainable standard of health, and provide redress and reparations to victims of serious human rights abuses.¹⁶²

Right to Freedom from Gender-Based Violence

Among their basic human rights, women and girls have the right to bodily integrity, to security of person, and to freedom from torture and cruel, inhuman, or degrading treatment. These rights are enshrined in the Universal Declaration of Human Rights, Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture, the African Charter on Human and Peoples Rights, African Charter on the Rights and Welfare of Women in Africa, Maputo Protocol, and African Charter on the Rights and Welfare of the Child.

Human rights protections against sexual violence also apply to persons under 18 years old. The Convention on the Rights of the Child (CRC), which states that children must be protected from “all forms of physical or mental violence,” ensures that victims of such acts receive legal and psycho-social redress.¹⁶³ The ICCPR grants every child the right to “such measures of protection as are required by his status as a minor.”¹⁶⁴ Under the African Charter on the Rights and Welfare of the Child, states must take preventive and remedial measures against child abuse and torture, particularly sexual abuse.¹⁶⁵

¹⁶² See Human Rights Committee, General Comment No. 31 Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 14 (“a failure to ensure Covenant rights as required by article 2 [prohibiting discrimination] would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”); International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Nigeria in 1993, art. 12 (right to health); African Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Nigeria June 22, 1983; African Charter on the Rights and Welfare of the Child, adopted July 1, 1990, OAU Doc. CAB/LEG/24.9/49 (1990) entered into force November 29, 1999, ratified by Nigeria July 23, 2001; Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), adopted July 11, 2003, entered into force November 2005, ratified by Nigeria December 16, 2004.

¹⁶³ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. doc A/44/49 (1989), entered into force September 2, 1990, art. 19.

¹⁶⁴ ICCPR, art. 24(1).

¹⁶⁵ African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, art. 27.

Right to Education and Health

Boko Haram is systematically undermining several other key rights including the rights to education and health both enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), CRC and Convention on the Rights of Persons with Disabilities (CRPD).¹⁶⁶

The right to education without discrimination is enshrined in the ICESCR and the CRC, which provide that primary education should be compulsory, available and free to all, and secondary education should be available and accessible.¹⁶⁷

Article 12 of the ICESCR obliges governments to ensure non-discriminatory access to health care, especially for vulnerable or marginalized groups.¹⁶⁸ The right to health includes an obligation to protect women and girls from violence. Violations of the right to health include “the failure to regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to health of others” and “the failure to protect women against violence or to prosecute perpetrators.”¹⁶⁹ The United Nations special rapporteur on the right to health has said that rape and other forms of sexual violence represent a “serious [breach] of sexual and reproductive freedoms, and are fundamentally and inherently inconsistent with the right to health.”¹⁷⁰

The right to health also includes the right to access information concerning health. The Committee on Economic, Social and Cultural Rights has stated that “the realization of women’s right to health requires the removal of all barriers interfering with access to health services, education and information.”¹⁷¹ The CRPD requires the government to

¹⁶⁶ ICESCR, art. 13; CRC, art. 28; Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006 by G.A. Res. 61/106, Annex I, U.N. GAOR, 61st Sess., Supp. No. 49 at 65, U.N. Doc A/61/49 (2006), entered into force May 3, 2008, U.N. Doc. A/61/61, ratified by Nigeria on September 24, 2010. The optional protocol gives individuals the ability to submit complaints to the Convention’s monitoring body after they have exhausted all national redress mechanisms in their countries.

¹⁶⁷ ICESCR, art. 13; CRC, art. 28.

¹⁶⁸ See, for example, Committee on Economic, Social and Cultural Rights (ESCR Committee), General Comment No. 14, The right to the highest attainable standard of health, U.N. Doc. E/C.12/2000/4 (2000), para. 43.

¹⁶⁹ Committee on Economic, Social and Cultural Rights (ESCR Committee), General Comment No. 14, The right to the highest attainable standard of health, U.N. Doc. E/C.12/2000/4 (2000), para. 51.

¹⁷⁰ UN Report of the special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/61/338, September 13, 2006, para. 25.

¹⁷¹ ESCR Committee, General Comment No. 14, para. 12(b).

“ensure access ... to health services that are gender-sensitive, including health-related rehabilitation.”¹⁷²

Right to a Remedy

By ratifying the ICCPR, the Convention against Torture, and other human rights treaties, Nigeria has assumed a positive obligation to address violence against women. Whether the violence is perpetrated by government authorities or by others, international law requires that Nigerian authorities exercise due diligence to prevent, investigate, prosecute, and punish acts of violence against women.¹⁷³

A victim also has the right to an effective remedy when rights have been violated.¹⁷⁴ The ICCPR provides that any person claiming a remedy “shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State.”¹⁷⁵

The Human Rights Committee, which monitors implementation of the ICCPR, has emphasized that governments must ensure “accessible and effective remedies” for human rights violations and to take into account “the special vulnerability of certain categories of person,” further noting that “a failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant.”¹⁷⁶

Nigeria assented to these obligations when it ratified CEDAW, ICCPR, ICESCR, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Nigeria’s government has also domesticated the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of Women in Africa (and Maputo Protocol), the African Charter on the Rights and Welfare of the Child, and provisions of the Convention on the Rights of the Child in the Child Rights Act, 2003. It has thus acknowledged its agreement that the abduction of women and girls and the violence

¹⁷² CRPD, art. 25.

¹⁷³ UN Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties: general legal obligation on states parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, (Eightieth session, 2004).

¹⁷⁴ See ICCPR, art. 2.

¹⁷⁵ See ICCPR, art. 2.

¹⁷⁶ See ICCPR, art. 2, para. 15.

against them, by Boko Haram in this instance, constitute human rights violations that require immediate remediation.

Application of International Criminal Law

In 2013 the Office of the Prosecutor of the ICC characterized the situation in northeast Nigeria as a non-international armed conflict.¹⁷⁷ It also concluded that, “With respect to alleged crimes committed by Boko Haram, the information available provides a reasonable basis to conclude that the contextual elements required for such acts to amount to crimes against humanity are met.”¹⁷⁸ The prosecutor noted in February 2014 that the recent upsurge in attacks involved serious crimes, including those targeting women and children.¹⁷⁹

Similarly, the evidence collected by Human Rights Watch very strongly indicates that some of the unlawful killings committed by Boko Haram rise to the level of crimes against humanity. These are grave criminal acts, including murder, committed by an organized group as part of a widespread or systematic attack against any civilian population.

Since 2009 and with even greater frequency since mid-2013, Boko Haram has perpetrated several hundred attacks against civilian individuals and places, including schools, markets, churches, and towns and villages. Several thousand victims—school children, market women, traders, youths watching soccer matches, worshipers, and drivers and passengers plying northern highways—were very clearly non-combatants.

The evidence strongly indicates that the present situation in the three northeast Nigerian states under a state of emergency (Borno, Yobe, and Adamawa states), especially Borno State, constitutes an armed conflict of non-international character and therefore

¹⁷⁷ The Office of the Prosecutor, International Criminal Court, *Report on Preliminary Examination Activities*, November 2013, paras 220-222, pp. 46-51.

¹⁷⁸ ICC, “Situation in Nigeria Article 5 Report,” August 5, 2013.

¹⁷⁹ Mrs Fatou Bensouda, Prosecutor of the International Criminal Court, “Remarks of the Prosecutor,” Abuja, February 24, 2014 at an International Seminar on the Imperatives of the Observance of Human Rights and International Humanitarian Law Norms in International Security Operations.

international humanitarian law (IHL), also known as the laws of war, applies.¹⁸⁰ Human rights law applicable in Nigeria continues to apply during the armed conflict.

The existence of an armed conflict is demonstrated by the degree, intensity and protracted nature of the fighting, and the organizational capacity of the parties to the conflict.¹⁸¹ The intensity of the conflict steadily intensified in 2014 in Borno, Yobe, and Adamawa states with increasing number of casualties during attacks carried out by Boko Haram fighters against towns and villages in these three states.¹⁸²

Since the beginning of 2014 Boko Haram has seized, and in many cases remained in control of numerous towns and villages in Borno, Yobe, and Adamawa states.¹⁸³ The group has effectively repelled security forces efforts to regain most of those territories, inflicted considerable damage to critical infrastructure like bridges and communication installations, and forced thousands of residents to flee.¹⁸⁴ Boko Haram has also demonstrated an ability to synchronize suicide and other bombings in different locations across the three states.¹⁸⁵

Nigeria is state party to the four Geneva Conventions of 1949 and the two Additional Protocols of 1988, which impose upon all parties to an armed conflict a legal obligation to

¹⁸⁰ See generally the discussion of the applicability of international humanitarian law to non-state armed groups in International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge, UK: Cambridge University Press, 2005), pp. 497-98.

¹⁸¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978.

¹⁸² Hamza Idris, "Boko Haram hoists flag in Borno villages," *Daily Trust*, May 28, 2014, <http://www.dailytrust.com.ng/daily/news/25234-boko-haram-hoists-flag-in-borno-villages> (accessed July 23, 2014); Kareem Haruna "Inside Boko Haram's Strongholds," *Leadership*, June 15, 2014, <http://leadership.ng/news/374553/inside-boko-harams-strongholds> (accessed July 23, 2014); Adam Nossiter, "Boko Haram Rebels Seize a Town in Nigeria," *New York Times*, July 21, 2014, http://www.nytimes.com/2014/07/22/world/africa/boko-haram-rebels-seize-a-town-in-nigeria.html?_r=1 (accessed July 23, 2014).

¹⁸³ Human Rights Watch telephone interview with two residents of Gwoza and three displaced people in Maiduguri, Abuja, August 11, 2014; Aminu Abubakar "Nigerian town seized by Boko Haram 'part of Islamic caliphate': leader," Agence France-Presse, August 24, 2014; Bashir Adigun, Michelle Faul, "US Plans Major Border Security Program in Nigeria," Associated Press, September 4, 2014.

¹⁸⁴ Bashir Adigun, Michelle Faul, "US Plans Major Border Security Program in Nigeria," Associated Press, September 4, 2014; Simon Allison, "Analysis: In Nigeria, Boko Haram follows in the footsteps of Iraq's Islamic State," August 14, 2014, <http://www.dailymaverick.co.za/article/2014-08-14-analysis-in-nigeria-boko-haram-follows-in-the-footsteps-of-iraqs-islamic-state/#.VD97f2cRnoo> (accessed September 10, 2014).

¹⁸⁵ Aminu Abubakar "Nigerian town seized by Boko Haram 'part of Islamic caliphate': leader," Agence France-Presse, August 24, 2014; Michael Olugbode, "Boko Haram Kills Another 38 in Borno Attacks," *This Day*, April 13, 2014, <http://www.thisdaylive.com/articles/boko-haram-kills-another-38-in-borno-attacks/176061/> (accessed August 7, 2014).

reduce unnecessary suffering and minimize harm to civilians. International humanitarian law applies to both government armed forces and non-state armed groups.¹⁸⁶

A fundamental principle of the laws of war is that parties must at all times distinguish between civilians and combatants, and between civilian objects and military objectives. Attacks may only be directed at combatants and military objectives.¹⁸⁷

Civilians are only subject to attack when and for such time as they are directly participating in hostilities. Where there is doubt as to whether a person is a civilian or a combatant, that person must be considered a civilian.¹⁸⁸

Military objectives are those targets that “by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”¹⁸⁹ These include, but are not limited to, military personnel, weapons and ammunition, and places of military deployment and operations.

Civilian objects are buildings and structures that are not considered military objectives.¹⁹⁰ In general, the law prohibits direct attacks against what are normally civilian objects, such as homes and apartments, places of worship, hospitals, schools and universities, and cultural monuments, unless they are being used for military purposes.¹⁹¹

¹⁸⁶ “Engaging Armed Non-State Actors on the Protection of Children in Armed Conflict,” Geneva Call 2010, <http://www.genevacall.org/european-parliament-urges-armed-non-state-actors-commit-child-recruitment/> (accessed March 19, 2013), “Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict,” Geneva Call, 2010, http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/CANSA_DoC_EN.pdf (accessed March 19, 2013). To encourage non-state armed groups to abide by international humanitarian law, to which they are bound as a matter of international customary law, Geneva Call, an international NGO, has drafted a “Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict.” Among its commitments for non-state armed groups is the commitment to “avoid using for military purposes schools or premises primarily used by children.”

¹⁸⁷ ICRC, *Customary International Humanitarian Law*, rule 7, arts. 48 and 52(2).

¹⁸⁸ ICRC, *Customary International Humanitarian Law*, rule 6, citing Protocol I, art. 50(1). Some states have expressed reservations about the military implications of a strict interpretation of this rule. According to the ICRC, “when there is a situation of doubt, a careful assessment has to be made as to whether there are sufficient indications to warrant an attack. One cannot automatically attack anyone who might appear dubious.” ICRC, *Customary International Humanitarian Law*, pp. 23-24.

¹⁸⁹ ICRC, *Customary International Humanitarian Law*, rule 8, citing Protocol I, art. 52(2).

¹⁹⁰ ICRC, *Customary International Humanitarian Law*, rule 9, citing Protocol I, art. 52(1).

¹⁹¹ ICRC, *Customary International Humanitarian Law*, rule 8, citing military manuals and official statements.

Individuals who commit serious violations of international humanitarian law with criminal intent can be prosecuted in domestic or international courts for war crimes. Among the war crimes set out under the Rome Statute of the International Criminal Court is “intentionally directing attacks against buildings dedicated to ... education ... provided they are not military objectives,”¹⁹² as well as the taking of hostages. States have an obligation to investigate alleged war crimes committed by their nationals, including members of the armed forces, and prosecute those responsible.¹⁹³ Non-state armed groups also have a legal obligation to respect the laws of war, and thus a responsibility to ensure that their commanders and combatants abide by their requirements.¹⁹⁴

¹⁹² Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 8 (2) (e) (iv).

¹⁹³ Rome Statute, art. 8 (c) (ii); ICRC, *Customary International Humanitarian Law*, rule 158.

¹⁹⁴ ICRC, *Customary International Humanitarian Law*, rule 149.

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Annex

Timeline of Boko Haram Women and Girls Abductions April 2013 – July 2014¹⁹⁵

- April 27, 2013: Three women and at least 10 men were abducted by insurgents near Kawuri, Borno State, but were soon released when the insurgents ran into a security road block.
- May 1, 2013: Six Christian women were abducted and held for two weeks within a hideout in Maiduguri, Borno State, and repeatedly raped.
- May 7, 2013: Twelve people, four women and eight children, were abducted at a police barracks during an attack on security establishments in Bama, Borno State.
- May 9, 2013: Six young women and girls, students of Government Girls Science Secondary School, Konduga, Borno State, were abducted with three men near Bama and taken to Sambisa forest park.
- May 15, 2013: One woman and several other travelers were abducted at Firgi, near Bama, by insurgents and taken to Sambisa forest park.
- July 20, 2013: One girl was abducted by two insurgents at Barawa village, on Gwoza hills, Borno State, during an altercation with a female Boko Haram informant.
- August 9, 2013: An unknown number of Christian women were abducted from a private students' hostel in Maiduguri, Borno State.
- September 17, 2013: Twenty women were abducted when Boko Haram laid siege on the Maiduguri-Damaturu highway near Benisheikh town, killing more than one hundred and sixty people.
- September 28, 2013: Nine girls were abducted at Uvaha village, during Boko Haram attacks on several villages in Gwoza, Borno State. They were taken to camps on Gwoza hills.

¹⁹⁵ Sourced from incidents of abductions documented by Human Rights Watch from interviews with victims, witnesses, and from media reports available from open sources.

- November 1, 2013: Two women were abducted by suspected Boko Haram sect members when they stopped a passenger vehicle near Benisheikh, Borno State, along Maiduguri-Damaturu highway.
- December 11, 2013: Nine women traders were abducted with twenty-seven other young men by suspected Boko Haram members at Bulabulin Ngara, Borno State.
- December 20, 2013: Eighteen people, wives and children of soldiers, were abducted during an attack on Nuhu Muhammed army barracks in Bama, Borno State.
- February 12, 2014: Twenty-five women and girls (twenty students, five street traders) were abducted when gunmen suspected to be Boko Haram terrorists attacked Konduga town, Borno State.
- April 14, 2014: Two hundred and seventy-six girls were abducted at the Government Secondary School, Chibok, Borno State, following a violent attack in the town.
- April 16, 2014: Six women and two children abducted at Wara town while travelling from Gwoza to Biu, Borno State, for a wedding.
- April 25, 2014: Five women were abducted at Gujba, Yobe state during an attack on the town in which three civil servants were killed.
- May 6, 2014: Eight girls, aged twelve to fifteen, were abducted at Warabe and Wala during an attack by armed men on the southern Borno villages. The girls were allegedly taken away on trucks, along with looted livestock and food.
- June 5, 2014: Twenty women and three men were kidnapped in Garkin Fulani settlements, some eight kilometers from Chibok, Borno State. Boko Haram allegedly demanded 800 cows as ransom for the women.
- June 20, 2014: Sixty women, girls, and infants, as well as thirty-one boys, were abducted between by gunmen suspected to be members of the Boko Haram at Kummabza, Yaga, and Dagu villages in Damboa, Borno State.



In April 2014, the Islamist group Boko Haram abducted 276 female students from a secondary school in Chibok, Borno State, in Nigeria's northeast. The group has abducted more than 500 women and girls from Borno, Yobe, and Adamawa States since 2009.

Based field research in northeast Nigeria and Abuja, the capital city, including interviews with women and girls who escaped abduction or were freed from captivity, social workers, journalists, religious leaders, civil society workers, state and federal government officials, and witnesses of abductions, *“Those Terrible Weeks in their Camp”* documents how Boko Haram targets women and girls. The report highlights the harrowing experiences of some of the abducted women and girls, many of whom have endured physical and psychological abuse, forced conversions, coerced marriages, forced labor, sexual violence and rape.

To ensure accountability, the report calls on Nigerian authorities to investigate and prosecute, based on international fair trial standards, those who committed serious crimes in violation of international law, including Boko Haram, members of the security forces and pro-government vigilante groups.

In addition, the government should provide adequate measures to protect schools and the right to education, and ensure access to medical and mental health services to victims of abduction and other violence. The government should also ensure that hospitals and clinics treating civilian victims of Boko Haram atrocities are equipped with medical supplies to treat survivors of sexual and gender-based violence.

(above) Civil society activists marched through the streets of Abuja on April 30, 2014, holding daily sit-ins to press for the release of more than 219 Chibok students still in captivity after they were abducted by Boko Haram with 57 others on April 14.

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(front cover) Three young Christian women abducted by Boko Haram in late 2013 from an area near Gwoza, Borno State. They escaped through the hills three weeks later.

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