



# “WE DRIED OUR TEARS”

ADDRESSING THE TOLL ON CHILDREN OF NORTHEAST NIGERIA'S CONFLICT

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**Cover photo:** A girl sits beside cooking utensils near a school burnt in a camp for internally displaced people in the Monguno local government area of Borno State, Nigeria, 14 February 2017.

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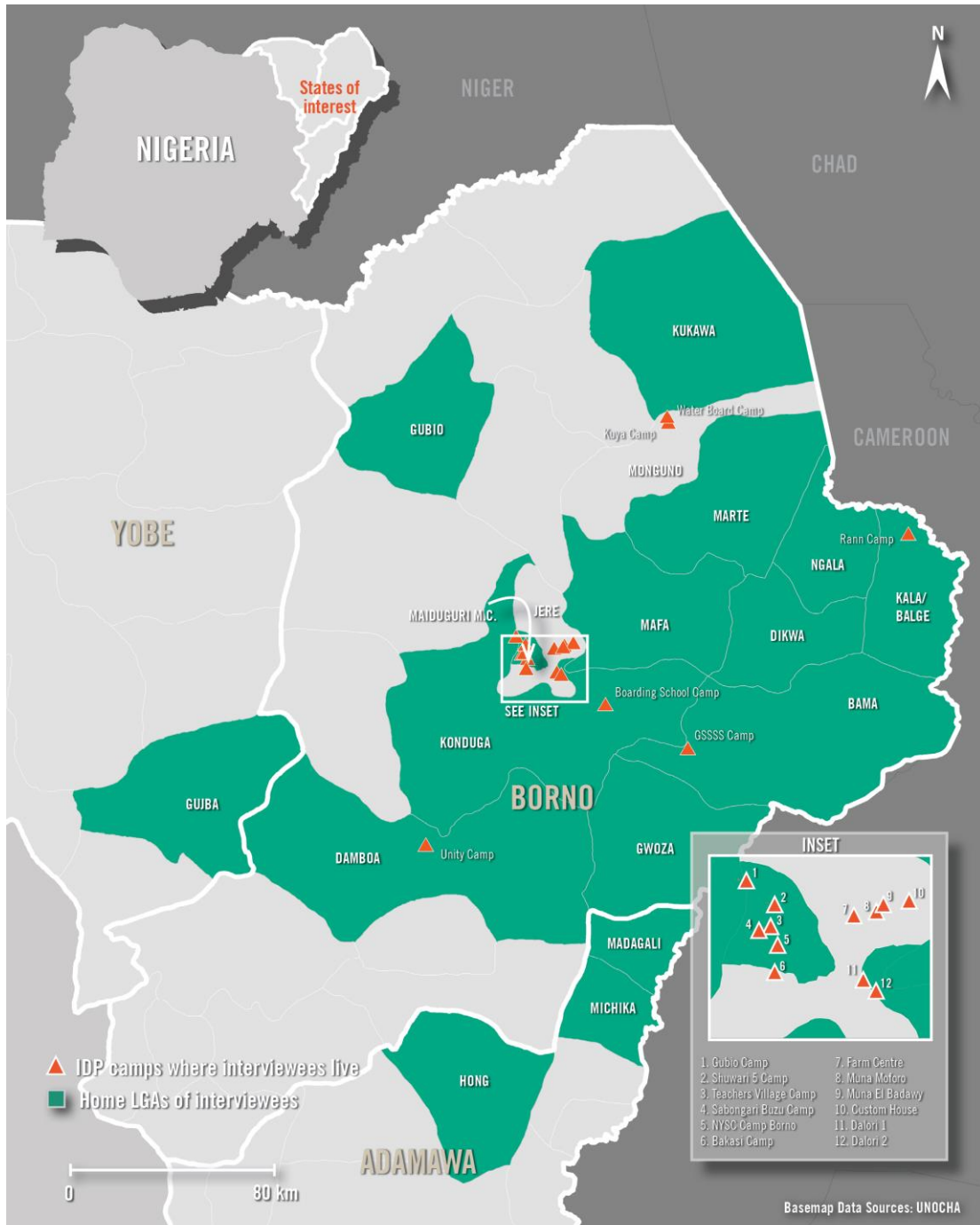


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# MAP



# EXECUTIVE SUMMARY

**“Boko Haram took me and my grandmother to Sambisa when they attacked Michika. We were running when they shot my parents, grandfather, and sister... I did not like Sambisa.”**

A 10-year-old girl who was abducted by Boko Haram from her village in Adamawa State when she was around five or six years old. She and her grandmother later escaped, when the Nigerian military attacked the area where she was held.<sup>1</sup>

**“The conditions in Giwa are horrible. They could make you die. There’s no place to lie down... It’s hot, all your clothes were wet, like they put you in a river... Up to now, nobody has told me why I was taken there, what I did, why I was in detention. I wonder, why did I run from [Boko Haram]?”**

A 14-year-old boy whom Boko Haram abducted as a young child; he fled when about to reach the age at which they would force him to train as a fighter. The Nigerian military detained him for more than a year, prior to releasing him in late 2019.<sup>2</sup>

For children coming out of Boko Haram-controlled areas of Northeast Nigeria, violations build on abuses, with devastating consequences both immediate and long-term. Whether abducted or recruited into Boko Haram, or just living in an area the group contests, boys and girls face an assault on their childhood—unable to obtain an education and often forcibly targeted to be “wives” or soldiers. After escaping Boko Haram, they face further violations by the Nigerian authorities. At best, they end up displaced, struggling for survival and with even primary school often inaccessible. At worst, they are arbitrarily detained by the military for years, in conditions amounting to torture or other ill-treatment; many have died in custody.

Both sides of the long-running armed conflict in the Northeast have committed crimes under international law, including against children. They continue to commit such crimes regularly. Almost everyone in the Northeast has been affected, but the impact on girls and boys has been and continues to be particularly pronounced. Absent a major shift in strategy by the Nigerian authorities, an entire generation may be lost.

The research for this report was undertaken between November 2019 and April 2020. In total, Amnesty International interviewed more than 230 people affected by the conflict, including 119 who were children when they suffered serious crimes by Boko Haram, the Nigerian military, or, most often, both. The organization interviewed people hailing from towns and villages in 15 different local government areas (LGAs) across Borno and north-eastern Adamawa States and who, at the time of the interview, lived in 19 different

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<sup>1</sup> Amnesty International interview, 1 January 2020.

<sup>2</sup> Amnesty International telephone interview, March 2020.

formal or informal displacement sites or in host communities. Forty-eight children detained for months or years by the military were among those interviewed, as well as 22 adults detained with children.

The report builds on a decade of Amnesty International work on the situation in Northeast Nigeria, including previous reporting on war crimes and crimes against humanity by Boko Haram and by the Nigerian military. Hundreds of interviews from those past projects contribute to this report's analysis, including more than 100 prior interviews with people formerly detained in Giwa Barracks, of which more than 50 were with children.

## **BOKO HARAM'S ONGOING ATROCITIES**

Since the armed conflict's beginning, dating to at least May 2013, Boko Haram's atrocities have touched almost every community and person across Northeast Nigeria. Children have been among those most impacted, including through repeated attacks on schools; widespread abductions; recruitment and use of child soldiers; and forced marriage of girls. Within those "marriages," Boko Haram fighters continue to commit widespread rape and other sexual violence as well as sexual slavery.

While the pattern of crimes is well-known, the scale, particularly of abductions, has been often underestimated. The Nigerian authorities and its international partners have focused on several high-profile incidents, like the 2014 abduction of the Chibok girls, while seeming to ignore that abductions have been widespread and remain ongoing. Amnesty International interviewed 44 people abducted as children from villages across Borno and Adamawa States, during attacks that received little attention; family members provided names of dozens more boys, girls, and young women still missing, years after being abducted.

Boko Haram continues to force parents to hand over girls and boys, under threat of death. It continues to forcibly "marry" girls and young women. And it continues to murder people who try to escape; such punishments appear especially common in the faction led by Abubakar Shekau.

In addition, people who recently fled Boko Haram-controlled areas, including children, describe worsening food insecurity. Shekau's faction seems especially under strain, pillaging villages and forcing families to give larger percentages of their harvest than in prior years. Families struggle to feed themselves, though at times still feel that staying and growing their own food is safer than being displaced to a site where they would depend on inconsistent aid delivery. Food insecurity is exacerbated by Boko Haram's attacks on aid workers and the Nigerian military's restrictions on humanitarian access. Amnesty International documented deaths of young children in 2018 and 2019 related to acute malnutrition in Boko Haram-controlled territory.

Children coming out of Boko Haram areas, including former child soldiers, are overwhelmingly victims of serious human rights abuses, including war crimes and crimes against humanity. As a party to the Convention on the Rights of the Children, the Nigerian government must "take all appropriate measures to promote [their] physical and psychological recovery and social reintegration." It has largely failed to do so, and instead often committed serious crimes against the same children, compounding their distress.

## **MILITARY'S WIDESPREAD UNLAWFUL DETENTION, TORTURE**

The Nigerian military has detained thousands of boys and girls during the conflict, most for months or years. The UN has reportedly documented more than 3,600 detentions of children, which likely well understates the real scale. Most such detentions are unlawful, with children never charged, much less prosecuted, for any crime—and denied rights to seek counsel, appear before a judge, or communicate with their families. The military's widespread unlawful detention may amount to the crime against humanity of imprisonment.

When children flee Boko Haram-controlled areas, they, like everyone else, are put through "screening" by the Nigerian military and Civilian Joint Task Force (CJTF), often in informal front-line detention facilities like Bama Prison and barracks in Monguno and Damboa. Over the years, the military has become slightly more discerning, with less frequent detention of young children, older people, and women arriving with husbands. But during interrogations at "screening," soldiers and CJTF members subject many boys and young men—and, at times, alleged Boko Haram "wives"—to beatings and other forms of physical torture, to extract "confessions" of involvement with Boko Haram. Several men and boys interviewed by Amnesty International said they "confessed" to stop the torture, even though they had not been affiliated with Boko Haram, much less committed a crime; they had only lived in a village controlled by the armed group.

After conducting the "screening," the military transfers alleged Boko Haram members and supporters to longer-term military detention facilities, like Giwa Barracks in Maiduguri and the Kainji military base in Niger State, even if there is no evidence the individual ever committed violence against another person. In these facilities, children are regularly detained with adults, despite prohibitions on such mixing under Nigerian and international law. In several military detention facilities, Amnesty International documented rape and other sexual violence against children by other detainees, with the Nigerian authorities failing to respond appropriately, despite being made aware of the abuse in at least some instances.

In Giwa, Kainji, and other military detention facilities, children have lived in conditions that amount to widespread torture or other ill-treatment, constituting war crimes and possible crimes against humanity. Cells are so packed that children are forced to sleep while seated or must lie crammed together on their sides with more than 200 other children and adults. Children describe the cells as brutally hot, full of parasites, and often with only one toilet, forcing them to queue for an hour—with many children urinating or defecating on themselves while waiting, especially when sick. In previous years, detainees, including children, had grossly inadequate access to food and water—often a few cups a day, amid 38+ Celsius heat. Amnesty International estimates that around 10,000 people have died in detention during the conflict, including many children, though the scale of death in custody has decreased significantly in recent years.

There have been some improvements in the conditions in military detention. Children, as well as adults, have better access to water, food, and bathing, in part due to support and pressure from outside observers. And the Nigerian military has released hundreds of children from mid-2018 through March 2020, though many other children, mostly boys, remain in detention, including in Giwa. The conditions in which they are held remain inhumane, especially due to overcrowding, extreme heat, lack of sanitation, and inadequate health care. Children in military detention also do not have access to education, even when held for years.

The military's practice of mass unlawful detention is as ineffective as it is inhumane. Many of the children interviewed by Amnesty International, including those who said they had been recruited "voluntarily" by Boko Haram, described hearing messages on the radio that told them if they fled Boko Haram territory, they would find safety and support in government areas. Instead, they often suffered years of unlawful detention and torture or other ill-treatment, while never facing any charges. Many former child detainees said that, after their experience, they would not counsel others to come out from the bush; several former child soldiers said they would not advise those still in Boko Haram to surrender. Some expressed regret at having fled themselves. And women, men, and children who fled Boko Haram-controlled villages in late 2019, after never having any involvement with the group other than being forced to relinquish part of their harvest, told Amnesty International that there were many more people who want to flee, but are reluctant because they fear the military will detain them or their relatives in brutal conditions for an extended period.

### **UNLAWFUL DETENTION AT SAFE CORRIDOR**

In 2016, Nigeria launched Operation Safe Corridor, a demobilization, disassociation, reintegration, and reconciliation (DDRR) programme coordinated by the Defence Headquarters, in part to persuade Boko Haram members to surrender. The programme brings men and boys detained by the military to another detention facility outside Gombe, where they must undergo vocational training, religious instruction, and other activities meant to start a process of reintegration. Although told the programme will last six months, most detainees have been held for 13 to 19 months. Safe Corridor receives financial and technical support from, among others, the European Union, UK, US, and International Organization for Migration (IOM), in part because it is a rare area in which the Nigerian military has provided some transparency and access.

The programme includes positive elements, including adult education and psychosocial counselling described favourably by people formerly held there. The conditions are also significantly better than at other military-run detention facilities, like Giwa and Kainji. But, overall, Safe Corridor replicates the military's wider violations. For almost everyone held there to date, it amounts to unlawful detention. Many people there are not former fighters who committed crimes, much less were charged or convicted of any crime, but instead farmers who lived under Boko Haram control and escaped—only to be detained unlawfully for years.

At least seven men and boys have died at Safe Corridor, while around 270 people have completed the programme and been released to date. Some of those who died may have had pre-existing health complications due to the grossly inhumane conditions at Giwa, but the health care provided at Safe Corridor appears to have been inadequate, contributing to at least some deaths.

In addition, there appears to be woefully inadequate safety standards in the vocational training departments. In one department, men and boys use sodium hydroxide—a highly corrosive substance—to make liquid cleaner; for a while in Safe Corridor, they were given no protective equipment, even as some suffered serious injuries to their hands, resulting in scarring. The military eventually provided rubber gloves, though even that falls well short of the protective gear needed. The vocational work may also amount to forced labour, since few, if any, of the men or boys in Safe Corridor are held there pursuant to a criminal conviction.

At Safe Corridor, the detained men and boys are promised support for establishing a business once they are released. Of the 15 former Safe Corridor detainees interviewed by Amnesty International in December 2019 and January 2020—between one and 15 months after they were released—only two had actually received such support. They are often in a challenging position: many people in their communities believe they have received significant financial support for "being" Boko Haram, yet no such support had been given and many were never affiliated in the first place. Many wondered why they fled Boko Haram-controlled areas.



If Safe Corridor is to meet its potential as a programme to reintegrate into society former Boko Haram members in detention, it must be fundamentally re-shaped. There must be a fair judicial process for deciding who is to be detained, so that those who reach Safe Corridor are there for a valid, lawful reason and best stand to benefit. It must also be only one aspect of a comprehensive rehabilitation and reparations effort under DDRR and beyond. Such efforts must benefit other individuals, including victims of crimes by Boko Haram and by the military as well as people coming out of Boko Haram-controlled areas who should never be detained, including former members or supporters not convicted of any crimes as well as civilians fleeing such areas. They must also ensure far greater access for women and girls, who are marginalized by existing programmes, including Safe Corridor; and involve much better community consultation and engagement.

### **LACK OF ACCESS TO EDUCATION**

For most children displaced from Boko Haram-controlled areas, education—even primary education—is inaccessible. UNICEF has reported that only around 25 percent of children in Borno State are in school.

Children in some displacement sites—even ones where more than 10,000 people live, around half of whom are children—have had no access to school. In Dalori 2 Camp outside Maiduguri, for example, state authorities dismantled the camp school in mid-2018; as of April 2020, it had still not re-opened.

Other children are unable to access education because of the distance required to travel to the nearest school or because of the associated costs, including transport costs and uniform fees. Any such cost is extremely difficult for many displaced families, for whom every naira of money often goes toward food and other essentials needed to survive. Many children are forced into working or begging for money to help in their families' survival, keeping them out of school or, if they are registered, forcing them to miss class regularly. The restrictions on humanitarian access, as well as problems with on-time and sufficient food assistance in camps where the Nigerian authorities are responsible for aid delivery, exacerbate the problems.

Even for the minority of displaced children who can attend school, the Nigerian authorities are often not fulfilling their right to an education. Class sizes tend to be enormous. Teachers are habitually absent, due in part to the continued insecurity in most of Borno State. Even when teaching occurs, children often described the lessons as rarely going beyond the ABCs and basic numbers. The overall poor quality of the education reinforces some parents' decision to instead have children help with work or attend Quranic schools, despite these institutions also not providing an adequate level of education as required under international law.

### **THE WAY FORWARD**

The crimes committed against children by Boko Haram and by the Nigerian military demand justice and reparations, as do both sides' wider crimes under international law. A decade into the violence, the Nigerian authorities have proven unwilling to ensure such accountability. It is time for the International Criminal Court to conclude its preliminary examination into the situation in Nigeria and open an investigation.

The Nigerian authorities should immediately release all children in military detention or bring them before a civilian court, ensuring due process as enshrined in the Nigerian constitution and ratified treaties. The detention of children should be a last resort under Nigerian and international law rather than, as it has been throughout the conflict, a routine practice; even as a last resort, children should be held separate from adults and protected from torture and other ill-treatment. It is long overdue for the Nigerian authorities, including the military, to uphold these obligations. Children coming out of Boko Haram-controlled areas need support, including psychosocial support and access to education. The Nigerian government needs to make a far bigger, and more gender-equitable, investment in these areas, with donor support.

For their part, the Borno and Adamawa State governments should urgently pass state versions of Nigeria's Child Rights Act (2003), to bring their laws in line with federal law and international treaties. They should also cease school closures and work with the federal government and donors to significantly improve children's access to education through opening additional schools; hiring and training more teachers, to reduce class sizes; inspecting classes regularly; and eliminating costs, including those related to transport.

Nigeria's international partners should be ready to support programmes that help fulfil children's rights and that respond to the enormous needs that exist in Northeast Nigeria. But they should not prop up programmes that would never pass muster at home. And they should ensure that their funding is inclusive of women and girls, given the conflict's enormous impact on them, and is directed toward programmes that involve meaningful community consultation and engagement.

Children have borne the brunt of this crisis. Instead of compounding Boko Haram's abuses, Nigeria must reverse course by protecting children, teachers, and schools from attacks, ending unlawful detention, and guaranteeing access to education and psychosocial support.



*Three women and girls walk home in Maiduguri, Nigeria, on 4 September 2019. One woman had been abducted by Boko Haram as a girl and then detained in Giwa Barracks for 15 months after escaping. Another spent two years in Giwa. © Tom Saater/For The Washington Post via Getty Images*



*After finishing class in primary school, a girl (in blue uniform) plays with other children who are not in school, before going home, Kaleri, Borno State, Nigeria, 2019. The area, located near Jere, has been attacked several times by Boko Haram. © Mohammed Abdulsamad / The Walking Paradox*

# METHODOLOGY

This report is based primarily on field and remote research undertaken between November 2019 and April 2020. Amnesty International delegates undertook three research missions to Northeast Nigeria that focused on the experience of girls and boys coming out of Boko Haram territory, including a two-week mission to Borno State and to Abuja in December 2019; a 10-day mission to the Michika and Madagali local government areas (LGAs) of north-eastern Adamawa State in late December 2019 and early January 2020; and another two-week mission to Borno State and Abuja in January 2020. In addition, Amnesty International carried out telephone interviews with people in Borno State in November 2019 as well as from February to April 2020. Finally, the report draws from 21 interviews undertaken during a research mission to Borno State in April 2019 that focused on children detained in Giwa Barracks.

In total during this research, Amnesty International interviewed 234 women, men, and children affected by the conflict in Northeast Nigeria. That includes 37 interviews with girls and 45 interviews with boys who fled Boko Haram-controlled areas and suffered abuses by one or both parties to the conflict, as well as interviews with another 10 women and 27 men who were between 18 and 22 years old at the time of the interview but spoke to conflict-related abuses they suffered initially as children and that then continued into adulthood. Amnesty International also interviewed parents, grandparents, and other guardians of children who fled from Boko Haram areas; close relatives of children who were abducted by Boko Haram between 2014 and 2019 and remain missing; teachers in schools serving displaced children in Borno State; and adults held in the same cells as children in detention facilities being used in the context of the conflict.

Around 60 interviews were conducted without interpretation, either in Hausa or, much less frequently, English. The rest were conducted with interpretation from Kanuri, Hausa, or Fulfulde to English.

In addition to ensuring representation of girls and boys, Amnesty International prioritized interviewing children from different stages of childhood. Of the girls interviewed, six were between six and eight years old; nine were between nine and 11 years; 10 were between 12 and 14 years; and 12 were between 15 and 17 years. Of the boys interviewed, two were between six and eight years old; 11 were between nine and 11 years; 13 were between 12 and 14 years; and 19 were between 15 and 17 years.

Amnesty International interviewed 48 people who were detained when they were children (42 boys, six girls) for alleged association with Boko Haram. The focus was on boys since the organization published a 2018 report on the conflict's impact on women and girls, which included a chapter on military detention. Amnesty International also interviewed 22 people detained entirely as adults—16 men and six women—who spoke, in part, about children held in the same cells. The people had been held in Giwa Barracks, the Kainji military base, the Safe Corridor facility, Maiduguri Maximum Prison, and a Damaturu military base, as well as in formal and informal detention sites near the front lines, including in Bama, Banki, Damboa, and Monguno.

Amnesty International prioritized speaking with people from across conflict-affected Northeast Nigeria. Delegates interviewed survivors and witnesses from the following LGAs (also on the map on page 5):

- **in Adamawa State:** Michika, Madagali, and Hong LGAs;
- **in Borno State:** Bama, Damboa, Dikwa, Gubio, Gwoza, Kala/Balge, Konduga, Kukawa, Mafa, Maiduguri M.C., Marte, and Ngala LGAs; and
- **in Yobe State:** Gujba LGA.

Finally, Amnesty International sought to interview children and guardians living in different displacement sites across Borno State, as part of examining access to education for children in formal and informal camps as well as in host communities. Delegates carried out interviews with people living in the following places:

- in **Bama LGA**: Government Senior Science Secondary School Camp (“GSSSS Camp”);
- in **Damboa LGA**: Unity Camp;
- in **Jere LGA**: Custom House, Farm Centre, Muna El-Badawy, and Muna Moforo;
- in **Konduga LGA**: Gubio Camp (“400 Housing Estate”), Dalori 1 (“Federal Training Centre Camp”), Dalori 2 (“250 Housing Estate”), and Boarding School Camp;
- in **Maiduguri M.C.**: Bakasi Camp, NYSC Camp Borno, Sabongari Buzu Camp, Shuwari 5 Camp, Teachers Village Camp, and people renting homes or squatting on land in host communities;
- in **Monguno LGA**: Kuya Camp, Water Board Camp, and Water Board Gidon Kwano Extension; and
- in **Kala/Balge LGA**: Rann IDP Camp.

In addition to civilians affected by the conflict, Amnesty International interviewed more than 30 representatives of local and international organizations, including UN agencies, operating in the Northeast; representatives of foreign donors funding humanitarian and reintegration-related programmes; and other experts on the conflict, including several with a focus on women and girls.

The research for this report builds on a decade of Amnesty International work on the conflict, including previous reporting on crimes by Boko Haram and by the Nigerian military.<sup>3</sup> Hundreds of Amnesty International interviews from prior research projects contribute to this report’s analysis, including more than 100 interviews with people formerly detained in Giwa Barracks, of which more than 50 were with children.

Amnesty International informed interviewees about the nature and purpose of the research and about how the information would be used. Delegates obtained oral consent from each person prior to the interview. People were told they could end the interview at any time and could choose not to answer specific questions. Several interviewees did end interviews, because they said they were tired or, in two instances, felt sick.

No incentives were provided to interviewees in exchange for speaking. Amnesty International reimbursed transport and food costs when interviewees had to travel to meet with delegates.

When interviewing children, Amnesty International took precautions to try to avoid re-traumatizing them, especially given the distressing experiences many children in Northeast Nigeria have lived through and, for most, the lack of accessible health services, including for psychosocial care. Amnesty International undertook interviews in a setting that was secure and that was often familiar to the children and/or their guardians. Delegates worked with interpreters some of the children knew and trusted, and who had considerable experience working with children who have experienced trauma. In general, delegates also asked younger children if they wanted to have a guardian, sibling, or friend present for the interview. Some children said yes, typically preferring a sibling or, most often, a friend with a shared experience.

For younger children (6–12 years old), delegates tried to focus on less sensitive issues—including children’s access to education—and kept interviews short (usually 30 minutes or less). In some circumstances, children brought up distressing experiences, such as having spent time in military detention and the death or abduction of parents or siblings. Delegates let the children guide where the discussion went and did not probe into potentially traumatic details. Delegates also ensured interviews ended on more positive topics, such as the child’s favourite subject in school or activity in camp.

For older children, delegates asked more follow-up questions about the child’s experience but still let the child guide the discussion and, when there were signs of discomfort or distress, focused questions on less sensitive issues. In addition to saying at an interview’s outset that a person could stop the interview or take a break anytime, delegates periodically asked children whether they wanted to continue.

Everyone interviewed for this report spoke on condition of anonymity, generally due to concerns they might face reprisals from the Nigerian authorities, and in particular the military, should it become known they had spoken with Amnesty International. Where specific details in a testimony could identify the speaker, Amnesty International has withheld them from this report to protect security and privacy.

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<sup>3</sup> See Amnesty International, *Willingly unable: ICC preliminary examination and Nigeria’s failure to address impunity for international crimes* (Index: AFR 44/9481/2018), 10 December 2018; Amnesty International, *“They betrayed us”: Women who survived Boko Haram raped, starved and detained in Nigeria* (Index: AFR 44/8415/2018), 24 May 2018; Amnesty International, *“If you see it, you will cry”: Life and death in Giwa Barracks* (Index: AFR 44/3998/2016), 11 May 2016; Amnesty International, *Stars on their shoulders. Blood on their hands: War crimes committed by the Nigerian military* (Index: AFR 44/1657/2015), 3 June 2015; Amnesty International, *“Our job is to shoot, slaughter and kill”: Boko Haram’s reign of terror in North-east Nigeria* (Index: AFR/44/1360/2015), 14 April 2015; Amnesty International, *“Welcome to hell fire”: Torture and other ill-treatment in Nigeria* (Index: AFR 44/011/2014), 18 September 2014; Amnesty International, *Nigeria: Trapped in the cycle of violence* (Index: AFR 44/043/2012), 1 November 2012.

On 20 April, Amnesty International sent letters to Nigeria's Minister of Justice, Abubakar Malami; and to the governor of Borno State, Babagana Umara Zulum. The letters detailed the main findings of the research and sought responses to questions related to those findings. Due to the COVID-19 pandemic, Amnesty International had to send the letters by email, rather than deliver them to government offices in person or via registered mail, as is the organization's normal practice in Nigeria. At time of publication, Amnesty International had not received a response from either the federal government or the Borno State government.

On 22 April, Amnesty International also sent a letter to the International Organization for Migration (IOM), related to its findings on Operation Safe Corridor, given the agency's work related to that programme, among its much broader work in Nigeria, including as one of the leads in coordinating humanitarian response in the Northeast. IOM responded in writing on 13 May. It asked Amnesty International not to publish the entirety of its response, due to safety and security considerations for its staff, but Amnesty International has, with IOM's permission, incorporated parts of the response into the report, particularly where people interviewed by Amnesty International raised specific concerns related to IOM. Amnesty International appreciates IOM's willingness to engage with the organization on its findings.

# 1. BACKGROUND

## 1.1 CONFLICT IN NORTHEAST NIGERIA

Violence in Northeast Nigeria has raged for more than a decade. In 2009, Nigerian security forces clashed with members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, and extrajudicially executed its leader, Mohammed Yusuf. Boko Haram was established in 2002 as a religious movement in Northeast Nigeria, with a vision of reforming society based on its interpretation of Islam. From 2010, under its new leader, Abubakar Shekau, the group turned increasingly to violence, carrying out attacks on the Nigerian security forces and, over time, targeting civilians with ever-greater frequency.<sup>4</sup>

Boko Haram began largely as an urban movement, with its leaders and members living among the population in Maiduguri and other major cities and towns across the Northeast. In 2013, the Nigerian security forces, together with state-sponsored civilian militias like the Civilian Joint Task Force (CJTF), pushed Boko Haram out of cities and into more remote areas.

Amnesty International, like the Office of the Prosecutor of the International Criminal Court (ICC), considers the situation to have constituted a non-international armed conflict since at least May 2013.<sup>5</sup> In the three years from that period, Boko Haram attacked across the Northeast and elsewhere, and, at its peak, controlled significant territory, including most of Borno, northern Adamawa, and eastern Yobe States.<sup>6</sup> It committed war crimes and crimes against humanity, including the murder of thousands of civilians, through bombings and other unlawful killings; widespread abductions, especially of girls, boys, and younger women; rape and other sexual violence; widespread attacks on schools; and recruitment and use of child soldiers.<sup>7</sup>

In early 2015, the Nigerian military, with the armed forces of Cameroon, Chad, and Niger, launched a major counter-offensive. By March 2015, the Nigerian military had recaptured Gwoza, which Boko Haram had proclaimed its capital, as well as most other major towns, pushing fighters into remote areas like Sambisa Forest and around Lake Chad.<sup>8</sup> During their operations, the Nigerian armed forces have also committed war crimes, crimes against humanity, and other serious violations, including extrajudicial executions; indiscriminate attacks; torture and other ill-treatment; arbitrary detention; and sexual violence.<sup>9</sup>

In the year after the Nigerian military and regional allies pushed Boko Haram out of cities and towns, the group fractured, reflecting “longstanding personality clashes and doctrinal differences”.<sup>10</sup> Mamman Nur and Abu Musab al-Barnawi, a son of Mohammed Yusuf, split from Shekau, who had been one of Mohammed Yusuf’s lieutenants. Nur and al-Barnawi took the name Islamic State West Africa Province (ISWAP) and were recognized by the armed group calling itself the Islamic State (IS), then under Abu Bakr al-Baghdadi; Shekau had previously pledged allegiance to the armed group IS, but, over time, it disapproved of Shekau’s interpretation of Islam, which led his faction of Boko Haram to target and murder Muslims whom it

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<sup>4</sup> For more on this early period, see Amnesty International, *Nigeria: Trapped in the cycle of violence*; Human Rights Watch, *Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria*, October 2012; and International Crisis Group, *Curbing Violence in Nigeria (II): The Boko Haram Insurgency* (Africa Report No. 216), 3 April 2014.

<sup>5</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 28-30; ICC Office of the Prosecutor, *Report on Preliminary Examination Activities—2013*, November 2013, paras 214-218.

<sup>6</sup> Amnesty International, “*Our job is to shoot, slaughter and kill*”; International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province* (Africa Report No. 273), 16 May 2019, pp. 1-3.

<sup>7</sup> See, for example, Amnesty International, “*Our job is to shoot, slaughter and kill*”; Human Rights Watch, “*They Set the Classrooms on Fire: Attacks on Education in Northeast Nigeria*”, April 2016.

<sup>8</sup> International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, p. 1.

<sup>9</sup> See, for example, Amnesty International, *Stars on their shoulders. Blood on their hands*; Amnesty International, “*If you see it, you will cry*”; Amnesty International, “*They betrayed us*”.

<sup>10</sup> International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, p. 1.

considered “apostate” for living in Nigerian government-controlled areas.<sup>11</sup>

Most fighters went with Nur and al-Barnawi, though Shekau maintained a significant faction, now referred to by Boko Haram’s original name, Jama’atu Ahlis Sunna Lidda’awati wal-Jihad (JAS). It is based around Sambisa Forest and other parts of southern Borno State and is estimated to have 1,500 to 2,000 fighters; ISWAP, for its part, is headquartered around Lake Chad and reportedly numbers around 3,500 to 5,000 fighters.<sup>12</sup> In early 2020, ISWAP had further internal conflict among its senior ranks, resulting in the removal of Ba Idrisa, who had been the group’s leader.<sup>13</sup> Despite the violent infighting and seeming turmoil, ISWAP has been responsible for most of the recent major attacks in Northeast Nigeria, including the brief capture of Baga town in December 2018; rocket attacks on Maiduguri in February 2019; the raiding of Gubio and Magumeri in mid-2019; and a deadly ambush of a Nigerian military convoy in March 2020.<sup>14</sup>

ISWAP remains deeply abusive but has made efforts to treat Muslim civilians more humanely than Shekau’s JAS has.<sup>15</sup> Over time, the latter group has seemed to drop any strategy of gaining wider community support among Muslims in Northeast Nigeria in favour of attaining power and control through fear. ISWAP has established close links with some communities, especially around Lake Chad, and usually prioritized attacks on the military and other security targets.<sup>16</sup> But it has also targeted aid workers and other civilians, including by carrying out abductions and unlawful killings in late 2019 and early 2020.

Faced with the ongoing threat from Boko Haram—a term used in this report to denote ISWAP, JAS, and other potential splinter factions—the Nigerian military continues to carry out abusive operations across the Northeast, with civilians often paying the heaviest cost. It has fortified recaptured towns, digging trenches and erecting perimeters. But the authorities’ control rarely extends to rural areas. Land travel is often limited, given frequent road attacks; humanitarian operations in Borno State rely mostly on air transport.

In August 2019, the Nigerian military pulled back further, announcing it was leaving some smaller towns and other areas with poorly fortified posts in favour of “super camps” it could better defend.<sup>17</sup> The decision ceded more rural areas to Boko Haram, leading to tensions between the military and the governor of Borno State, who had pushed for a return of civilian authorities—and displaced civilians—to areas now largely abandoned.<sup>18</sup> The region by Lake Chad has almost no state presence, and is one of several the government and humanitarians refer to euphemistically as “hard to reach” local government areas (LGAs).<sup>19</sup>

Borno State is the conflict’s epicentre, with other parts of Northeast Nigeria experiencing less violence over time; many displaced people in Adamawa and Yobe States have returned home. As of March 2020, there were 292,194 Nigerians displaced to neighbouring countries and another 2,046,604 displaced internally in the Northeast.<sup>20</sup> Of those displaced internally, more than 1,670,000 were from Borno State and around 55 percent were children, with a slightly higher proportion of girls than boys.<sup>21</sup>

## 1.2 ACCOUNTABILITY

To date, there has been no genuine effort by the Nigerian authorities to investigate and prosecute crimes under international law and other serious human rights violations perpetrated by Boko Haram and by the Nigerian security forces. Between 2009 and 2018, the Nigerian government established more than 20 inquiries—commissions, committees, and panels—to examine such allegations. None of these were intended or undertaken so as to result in criminal prosecutions.<sup>22</sup>

<sup>11</sup> See International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, pp. 1-2; Jason Warner and Charlotte Hulme, “The Islamic State in Africa: Estimating Fighter Numbers in Cells Across the Continent,” *CTCSentinel* (August 2018), pp. 21-22.

<sup>12</sup> See International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, p. 2 and Appendix C; Jason Warner and Charlotte Hulme, “The Islamic State in Africa: Estimating Fighter Numbers in Cells Across the Continent,” pp. 21-23. JAS has a sub-faction around Lake Chad. See Remadji Hoinathy, “Is counter-terrorism history repeating itself in Lake Chad Basin?” *ISS Today*, 15 April 2020.

<sup>13</sup> See Bassim Al-Hussaini, “Nigeria: ISWAP, Terror Group in Nigeria, Rebrands, Reversing Tradition,” *Premium Times* (Nigeria), 27 February 2020; Jacob Zenn, “Islamic State in West Africa Province’s Factional Disputes and the Battle with Boko Haram,” *Jamestown Foundation Terrorism Monitor* vol. 18(6), March 2020.

<sup>14</sup> Abdulkareem Haruna, “How Boko Haram killed 47 Nigerian soldiers – Official,” *Premium Times*, 24 March 2020; International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*, p. 2.

<sup>15</sup> See International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*.

<sup>16</sup> See International Crisis Group, *Facing the Challenge of the Islamic State in West Africa Province*.

<sup>17</sup> See, for example, Jacob Zenn, “The Humanitarian Dilemma Around the Military’s ‘Super Camp’ Strategy in Nigeria,” *Council on Foreign Relations*, 5 September 2019, <https://www.cfr.org/blog/humanitarian-dilemma-around-militarys-super-camp-strategy-nigeria>

<sup>18</sup> Motunrayo Ogundipe, “Military decision to set up super camps responsible for recent Boko Haram attacks -Borno Gov” *NigerianEye*, 25 August 2019; Reuters, “Islamic State fills the void in Nigeria as soldiers retreat to ‘super camps,’” 16 September 2019.

<sup>19</sup> See, for example, IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019)*, 7 March 2020, p. 7.

<sup>20</sup> UNHCR, *Nigeria Situation*, <https://data2.unhcr.org/en/situations/nigeriasituation> (accessed 11 May 2020).

<sup>21</sup> IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019)*, 7 March 2020, pp. 5-8.

<sup>22</sup> For a more detailed analysis of the various national initiatives, see Amnesty International, *Willingly unable*.

The Nigerian authorities claim two inquiries initiated in 2017 represent genuine measures to investigate allegations of crimes by the military and CJTF. They were not. The first, a Special Board of Inquiry (SBOI) established by the Chief of Army Staff in March 2017, concluded its “investigation” two months later; its full report was never published, but in a summary released to the media, it dismissed most allegations of serious human rights violations as well as all allegations of individual criminal responsibility. The second, a Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement (PIP), held hearings and presented its final report to the presidency in February 2018. The report has never been made public, and the way the PIP conducted its work demonstrated it was never intended, designed, or conducted with a view to result in criminal prosecutions.<sup>23</sup>

For alleged Boko Haram members, in 2017 and 2018 Nigeria held three “mass trials” before the Federal High Court of Abuja, sitting in the Wawa military barracks in Kainji, Niger State. The trials of hundreds of people took place in improvised court chambers within the military detention facility, with simultaneous hearings over the course of two to four days. These sham proceedings were organized to establish legal cover for the thousands of people who had already spent years in unlawful detention, and to hide the Nigerian authorities’ failure to investigate and prosecute individuals who bear the greatest responsibility for Boko Haram’s crimes against civilians (for more, see the text box on page 41).<sup>24</sup> Further “mass trials” were planned in 2019 for those held in Giwa military barracks, but have been repeatedly postponed.

In November 2010, the ICC opened a preliminary examination into the situation in Nigeria. In its 2019 annual report on preliminary examinations, the Office of the Prosecutor concluded that it “does not appear that the authorities are investigating and/or prosecuting cases concerning substantially the same conduct or cases that are otherwise similar to those identified by the Office.”<sup>25</sup> However, the court has yet to determine whether it will open an investigation.

## 1.3 CHILDREN AND ARMED CONFLICT

In 1999, the UN Security Council issued its first resolution on children and armed conflict, expressing concern about the grave violations committed against children and calling for the Secretary-General to present a report the following year, putting the issue squarely within the Council’s peace and security agenda.<sup>26</sup> Six years later, in 2005, the Council created a Monitoring and Reporting Mechanism (MRM) to document and report on six grave violations, and to provide the basis for the Secretary-General to list state forces and non-state groups committing such violations and for the UN to engage with such actors so as to secure concrete commitments through action plans.<sup>27</sup> The six grave violations are: recruitment and use by armed actors; killing and maiming; sexual violence; abduction; attacks on schools and hospitals; and denial of humanitarian access. All but denial of humanitarian access are triggers for the listing of an armed actor.

Since the conflict’s outbreak in Northeast Nigeria, the Secretary-General has reported to the Council on its impact on children, including in yearly reports that examine conflicts around the world, most recently in June 2019; and in an April 2017 report specifically on Nigeria.<sup>28</sup> The Secretary-General currently lists Boko Haram, for all five grave violations that can be triggers; and the CJTF, for the recruitment and use of children.<sup>29</sup> Although the Nigerian military has committed grave crimes against children, including killing, sexual violence, and denial of humanitarian access, it is not listed. In general, while the MRM has been and remains a potentially valuable tool for gathering credible and timely information, it has been criticized for seeming to apply different standards to different groups, instead of a consistent evidence-based approach.<sup>30</sup>

The UN’s reporting on the conflict in Northeast Nigeria has suffered from a lack of specificity and consistency, for example in reporting the number of abductions or child soldiers.<sup>31</sup> Access constraints, due

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<sup>23</sup> Amnesty International, *Willingly unable*.

<sup>24</sup> Amnesty International, *Willingly unable*.

<sup>25</sup> ICC Office of the Prosecutor, *Report on Preliminary Examination Activities—2019*, 5 December 2019, para. 199. The Office of the Prosecutor said it had identified 10 cases, seven related to Boko Haram and three related to the Nigerian security forces. Para. 189.

<sup>26</sup> See UN Security Council, Resolution 1261 (1999).

<sup>27</sup> For more, see UN Security Council, Resolution 1612 (2005).

<sup>28</sup> See Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017; Children and armed conflict: Report of the Secretary-General, UN Doc. A/73/907–S/2019/509, 20 June 2019.

<sup>29</sup> See Office of the Special Representative of the Secretary-General for Children and Armed conflict, Nigeria, <https://childrenandarmedconflict.un.org/where-we-work/other-countries/nigeria/>. In 2017, the CJTF signed an action plan to end the use of children. UNICEF, “Civilian joint task force in northeast Nigeria signs action plan to end recruitment of children,” 15 September 2017.

<sup>30</sup> See, for example, Human Rights Watch, Amnesty International, et al., “Joint letter to the UN Secretary-General on children and armed conflict,” 24 May 2019, <https://www.hrw.org/news/2019/05/24/joint-letter-un-secretary-general-children-and-armed-conflict>; World Vision, “Why we need naming and shaming,” 5 August 2019, <https://www.wvi.org/stories/it-takes-world/why-we-need-naming-and-shaming>

<sup>31</sup> Compare, for example, UNICEF, “More than 1,000 children in northeastern Nigeria abducted by Boko Haram since 2013,” 13 April 2018; with Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017, para. 69 (“[B]etween October 2015 and



to restrictions by both Boko Haram and the Nigerian military, have affected the UN's ability to document and report, but the result is a limited understanding of the scale of many crimes against children. This appears often to lead to gross understatement of the prevalence of certain crimes, like abduction, as discussed in Chapter 2. Such problems reflect a lack of documentation more generally; there is, for example, no reliable estimate of the total number of people killed during the conflict—estimates vary by the tens of thousands.<sup>32</sup>

Northeast Nigeria also demonstrates some of the MRM's limitations. While it captures statistics of the six grave violations and allows for some year-on-year comparisons—assuming consistent budgeting and staffing of relevant teams as well as consistent access, neither of which exists in reality—it at times misses the inter-connection of violations and, often, how one party's crimes build on another's. It is also devoid of children's voices, essential to understanding the impact of violations on children's broader rights and needs.

This report looks to fill some of that gap, building on other human rights work on the conflict's impact on children.<sup>33</sup> It examines how violations build on violations for children coming out of Boko Haram territory. After suffering for years under Boko Haram, whether as fighters, "wives," or unaffiliated children in areas the state withdrew from, children find themselves routinely detained unlawfully by the Nigerian military, in lack of access to much-needed psychosocial and other support, and unable to start or return to school.

## PROTECTION OF CHILDREN UNDER INTERNATIONAL LAW

International law includes special protections for children. Nigeria has ratified the principal treaties, including the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), and Additional Protocol II to the Geneva Conventions, on non-international armed conflicts.

Under the CRC, the core international treaty on children's rights, a child is considered anyone below the age of 18.<sup>34</sup> The CRC enshrines the rights, among many others, to education, to the highest attainable standard of health, to protection from physical or mental violence, to protection from arbitrary detention, and to protection from torture and other ill-treatment.<sup>35</sup> In situations of armed conflict, it requires states to "take all feasible measures to ensure protection and care of children" and to "take all appropriate measures to promote physical and psychological recovery and social reintegration" of children.<sup>36</sup>

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), which Nigeria has also ratified, requires states to ensure their armed forces do not have compulsory recruitment of children and take all feasible measures to ensure children are not used in hostilities; it also requires states to protect children from recruitment or use by armed groups.<sup>37</sup>

In the ACRWC, the regional treaty in Africa on children's rights, a child is defined without exception as "every human being below the age of 18 years" and, as with the CRC, in all actions concerning children, "the best interests of the child shall be the primary consideration".<sup>38</sup> It includes many of the same rights and guarantees as the CRC, including related to armed conflict and for displaced children.<sup>39</sup>

Under international humanitarian law, Additional Protocol II has among its fundamental guarantees that "children shall be provided with the care and aid they require".<sup>40</sup> Special considerations for children include: "protection against all forms of sexual violence... separation from adults while deprived of liberty, unless they are members of the same family... access to education, food and health care... [and] evacuation from areas of combat for safety reasons."<sup>41</sup> The recruitment or use in hostilities of children under 15 is a war crime.<sup>42</sup>

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June 2016, the United Nations documented accounts of 8,707 children who had been rescued, escaped or surrendered to the Nigerian security forces... Of this number, 2,506 children (1,148 boys and 1,358 girls) reportedly had been abducted by Boko Haram."

<sup>32</sup> See, for example, Council on Foreign Relations, Nigeria Security Tracker, 1 February 2020 (estimating more than 69,000 deaths), <https://on.cfr.org/2LioeU7>; UNICEF, Emergencies: Nigeria (more than 20,000 killed), <https://uni.cf/3cqp1Ky>; OCHA, About OCHA Nigeria (more than 36,000 killed), <https://bit.ly/2WnBOXR> (all figures from 1 May 2020); Andalou Agency, "100,000 killed by Boko Haram, Nigerian governor says," 13 February 2017; Jacob Zenn, "Where will Boko Haram go next after ten years of moving around?" *African Arguments*, 23 July 2019 (death toll of at least 30,000, while saying "observers suggest the real total could be closer to 70,000").

<sup>33</sup> Global Coalition to Protection Education from Attack (GCPEA), "I Will Never Go Back to School": *The Impact of Attacks on Education for Nigerian Women and Girls*, October 2018; Human Rights Watch, "They Didn't Know if I Was Alive or Dead": *Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria*, September 2019; Human Rights Watch, "They Set the Classrooms on Fire".

<sup>34</sup> Convention on the Rights of the Child (CRC), art. 1. Nigeria ratified the CRC on 19 April 1991.

<sup>35</sup> CRC, arts. 24, 28, and 37.

<sup>36</sup> CRC, arts. 38 and 39.

<sup>37</sup> CRC-OP-AC, arts. 1-4. Nigeria signed the CRC-OP-AC in 2000 and ratified on 25 September 2012.

<sup>38</sup> African Charter on the Rights and Welfare of the Child (ACRWC), arts. 2, 4. Nigeria ratified the ACRWC on 23 June 2001.

<sup>39</sup> ACRWC, arts. 22, 23, 25.

<sup>40</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 7 December 1978, art. 4(3).

<sup>41</sup> International Committee of the Red Cross (ICRC), Customary IHL: Rule 135. Children.

<sup>42</sup> Protocol II, art. 4(3); Rome Statute of the International Criminal Court, ratified by Nigeria on 27 September 2001, art. 8(2)(e)(vii).



Boys sort through fruit at a vendor in the Bakasi IDP Camp on 6 July 2017, Maiduguri, Borno State. © Stefan Heunis/AFP via Getty Images

## THE STORY OF E.G., A 17-YEAR-OLD GIRL FROM A VILLAGE IN MADAGALI LGA, ADAMAWA STATE<sup>43</sup>

After reaching junior secondary school, E.G. was abducted and held by Boko Haram from 2014 to around late 2018, when she escaped with two children born during her captivity. She described her experience:

“In 2014, while fleeing from Boko Haram after they attacked Gulak, we spent three days... mov[ing] through the bush. Our legs were swollen... Boko Haram stopped us and brought us back to Gulak in their vehicles. They converted one house to a prison and locked us inside. We were there for three months... They insulted us and called us non-believers, because we were Christians. The only thing we did while in the house was learn the Qur’an three times a day, compulsorily.

One day, they brought me out and asked if I was married. I said yes, although I wasn’t. They didn’t believe me and married me off to one of them. They sent me back in the house, while their colleagues outside did some sort of marriage ceremony. Everything lasted about 20 minutes. After, they took me to Sambisa... I was in Shekau’s area. It was only when I arrived in Sambisa that I met my supposed ‘husband’.

He was a wicked ‘husband’ and always beat me, saying I didn’t study the Qur’an. My daily activities included praying, cooking if there was food, [and] going for Quranic lessons... No movement was allowed, and no visiting friends... It was a terrible experience, and I witnessed different punishments, from shooting to stoning to lashing. I once witnessed the stoning of a Boko Haram member accused of rape. They buried him in a grave, leaving only his head, and then they stoned the head until he died. Another time, I saw the lashing of a man... He was lashed 80 times, and there was blood on his back...

I started planning with other women how to escape. On the day of the escape, 10 of us agreed to leave in the middle of the night, but one [person] informed them... Boko Haram lay in wait on the way we planned to use. The luck we had was, because it was dark, we missed the route we planned to follow, but we weren’t very far from them. When they heard footsteps and rumpling of grass, they started running after us and shooting. I had my two-year-old son on my back and my four-month-old girl in my arms...

Boko Haram caught three of the women, but the rest of us managed to escape. They turned back because we got close to a military post. We didn’t approach the military post in that dark period, because they’d think we were suicide bombers and maybe shoot us. We decided to wait until daybreak... so we slept in the open. By morning, we were woken by the sound of gunshots from the soldiers. They’d seen us sleeping and decided to wake us with gunshots in the air. We didn’t run or move, so they beckoned us to come closer. They asked what we were doing there, and we narrated everything.

They gave us water to bathe because we looked dirty, with bruises all over our bodies—the seven of us. They gave us food and then took us to the IDP camp in Bama. At the camp, some people working there took us to the hospital and took our urine and blood sample. After some hours, they asked us to go and said we had no problem... We got shelter, three women in a shelter... They gave us 12 modules of guinea corn, one module of beans, vegetable oil, salt, and spice. There was no rice. This became our monthly ration, but it never lasted the entire month because I had to sell part of the food to buy things like fish and firewood... We begged for cooking utensils from people in the camp, [from other] IDPs...

In Sambisa, soldiers came several times to engage Boko Haram... Whenever soldiers came, Boko Haram sent us into hiding to prevent the soldiers from taking us. One time, while running to safety because it was late before Boko Haram knew soldiers were coming, one woman was killed by a stray bullet.

In the Bama IDP camp, I didn’t have psychosocial support or counselling. After four months, my father came and brought me to [Madagali LGA]. One week later, a Christian organisation took us to Jos for three days... They prayed for us... They asked about our experiences with Boko Haram and told us not to allow the experiences to define our lives. They told those of us with children to love the children and not take out our frustrations on them. After this, there’s been no other support, whether from the government or NGOs.

In Bama, when I saw my father, he couldn’t recognize me because I’d become emaciated, but I recognized him. I ran towards him and hugged him, but he was surprised. It was only when he took another look that he recognized me. He started crying, and I also cried. It was the same thing with my mother when we got home, she cried seeing me. It was very emotional, and I was excited to be home.

I’d like to go to school, but there’s no money. My parents can’t send me, because they don’t have the money. The biggest help for me would be to go to school... The security situation is still a concern. We hear gunshots when Boko Haram attacks nearby villages. People can’t go far to farm, only near the town.”

<sup>43</sup> Amnesty International interview, 5 January 2020. For this and other extended testimonies that appear in this report, Amnesty International has used initials that do not reflect the survivors’ real names or initials, to protect their identity.

## 2. BOKO HARAM ABUSES

**“At times while sleeping I wake up with a start, thinking Boko Haram are around. My younger sister sometimes wakes screaming... I want Boko Haram to stop the attacks, so we can go back home.”**

A 15-year-old boy from a village in Kala/Balge LGA, Borno State, that Boko Haram attacked several times, forcing the family to flee to Rann IDP camp, which was likewise attacked repeatedly. His family is displaced to an IDP camp outside Maiduguri.<sup>44</sup>

**“One Boko Haram man saw me and informed the Emir he wanted to marry me, so they ‘married’ me off to him. I wasn’t happy because I felt I wasn’t old enough to be married.”**

A 15-year-old girl from Michika town in Adamawa State, who was abducted, held in captivity by Boko Haram for more than four years, and forcibly “married,” before escaping when she pretended to search for firewood.<sup>45</sup>

For a decade, Boko Haram has targeted boys and girls, committing crimes under international law; children have indeed often been the principal target, through attacks on schools, widespread abductions, the use of child soldiers, and forced “marriage”. Some of these patterns of crimes, including abductions and forced recruitment, are well known, and have been documented by Amnesty International, Human Rights Watch, and the UN in prior reports. The scale, however, appears to have been often underestimated, with a focus on specific, high-profile incidents, ignoring the persistent and ongoing nature of such atrocities.

Some children have been recruited by Boko Haram through its teachings, through encouragement from family or friends, or through access to economic or social status. But many have been brought into the group by force. Boko Haram procures and maintains many child soldiers and “wives” through fear—fear provoked by killing parents in Boko Haram-controlled areas who refuse to hand over children; by forcing children to watch brutal punishments, including executions; and by murdering many of those who try to escape.

Boko Haram’s actions have violated international humanitarian and human rights law, which includes special protections for children,<sup>46</sup> and amount to war crimes and crimes against humanity. For many children, the crimes have marked the beginning of years of abuse compounded by the Nigerian authorities.

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<sup>44</sup> Amnesty International interview, 18 January 2020.

<sup>45</sup> Amnesty International interview, 4 January 2020.

<sup>46</sup> Protocol II, art. 4(3); CRC, arts. 38-39; ACRWC, arts. 22, 25.

## BOKO HARAM'S CRIMES UNDER INTERNATIONAL LAW

Boko Haram's crimes amount to war crimes and crimes against humanity under international law.

War crimes are serious violations of international humanitarian law, committed in the context of an international or a non-international armed conflict. As discussed in Chapter 1, Amnesty International considers the situation in Northeast Nigeria to constitute a non-international armed conflict since at least May 2013. All crimes discussed in this chapter occurred after that date. Most amount to war crimes, including prohibitions against "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture"; the taking of hostages, including through abductions; directing attacks against the civilian population, including against girls and boys; attacks on humanitarian workers and material; attacks on buildings dedicated to education; pillaging; rape; sexual slavery; and the recruitment and use of children under 15 years old.<sup>47</sup>

Crimes against humanity are certain prohibited acts when committed as part of a widespread or systematic attack directed against a civilian population.<sup>48</sup> In a 2015 report, Amnesty International already determined that Boko Haram had an organizational policy to attack a civilian population and had done so in both a widespread and systematic nature.<sup>49</sup> That attack on a civilian population remains ongoing through the research and writing of this report. Based on previous Amnesty International documentation as well as the documentation for this report, the organization believes that Boko Haram fighters and commanders should be investigated for the crimes against humanity of murder; enslavement; imprisonment or other severe deprivation of physical liberty; torture; rape; sexual slavery; persecution; enforced disappearance; forced marriage; and other inhumane acts.<sup>50</sup>

In its preliminary examination, the ICC Office of the Prosecutor has identified similar war crimes and has indicated that there is a reasonable basis to conclude that at minimum Boko Haram has committed the crimes against humanity of murder and persecution.<sup>51</sup>

## 2.1 WIDESPREAD ABDUCTIONS

Throughout the conflict, Boko Haram has abducted many girls and boys during attacks and when taking control of areas from which the Nigerian authorities have withdrawn. The abductions constitute war crimes and likely crimes against humanity.<sup>52</sup> Estimates of the number of abductions by Boko Haram to date vary wildly; some commonly cited figures appear to vastly understate the scale.

Several mass abductions have received the vast majority of attention, including the abduction of 276 Chibok schoolgirls in April 2014; the more than 300 students taken from a primary school during a March 2015 attack in Damasak; and the 111 girls abducted from the Government Girls Science and Technical College during a February 2018 attack in Dapchi.<sup>53</sup> During this research, Amnesty International focused on incidents that have received less media attention and for which there has been little campaigning, domestically or internationally, for answers or accountability. Some of the abducted boys and girls have been able to escape Boko Haram and return to their families and communities. Many others remain unaccounted for.

Amnesty International spoke with 44 people who said they had been abducted by Boko Haram as a child. In addition, people interviewed for this report named a total of 49 family members or close friends who remain missing, including 38 who were abducted as girls or young women and 11 as boys.<sup>54</sup> There are social pressures that might influence people to say they or their relatives were abducted, even if they were recruited voluntarily.<sup>55</sup> However, many children and younger adults Amnesty International interviewed spoke

<sup>47</sup> Rome Statute, arts. 8(2)(c) and 8(2)(e).

<sup>48</sup> Rome Statute, art. 7.

<sup>49</sup> Amnesty International, "Our job is to shoot, slaughter, and kill", pp. 25-26.

<sup>50</sup> Rome Statute, art. 7. See also Amnesty International, "Our job is to shoot, slaughter, and kill"; Amnesty International, *Nigeria: Trapped in the cycle of violence*; and Amnesty International, "They betrayed us".

<sup>51</sup> ICC Office of the Prosecutor, *Report on Preliminary Examination Activities—2013*, November 2013, paras 209-210; ICC Office of the Prosecutor, *Report on Preliminary Examination Activities—2019*, 5 December 2019, paras 178, 181, 189.

<sup>52</sup> Rome Statute, arts. 8(2)(c)(iii) and 8(2)(e)(i) (war crimes), and arts. 7(1)(i) and 7(1)(k) (crimes against humanity).

<sup>53</sup> For more, see GCPEA, "I Will Never Go Back to School"; Human Rights Watch, "They Set the Classrooms on Fire"; Amnesty International, "Nigeria: Security forces failed to act on warnings about Boko Haram attack hours before abduction of schoolgirls," 20 March 2018; Amnesty International, "Nigerian authorities failed to act on warnings about Boko Haram raid on school," 9 May 2014.

<sup>54</sup> None of the people interviewed relate to the Chibok, Damasak, or Dapchi abductions. Amnesty International also interviewed witnesses who described seeing Boko Haram abduct dozens of people, mostly girls, during specific attacks, together totaling hundreds more abductions. Amnesty International has not included their estimates here; the figures in the text reflect only when the person being interviewed could provide the name of the person who was abducted, as well as information about the abduction itself.

<sup>55</sup> See, for example, Hilary Matfess, *Women and the War on Boko Haram: Wives, Weapons, Witnesses*, pp. 93-94, 198.

openly about having been recruited voluntarily; this was far more common among men and boys, which could reflect harsher social condemnation of women and girls seen as having “chosen” Boko Haram.

“When Boko Haram came, they pointed a gun at my grandfather’s head and said they would kill him if he did not let them take me, my mother, and my uncle away,” recalled an 11-year-old boy from Michika town, in Adamawa State. “So, he let them take us, and they took us to Sambisa.”<sup>56</sup>

The boy was one of 24 people Amnesty International interviewed who were abducted as children from Michika and Madagali LGAs in Adamawa State, primarily in 2014 and 2015; interviews with them, as well as with parents and other guardians, suggest an enormous scale of abduction there.<sup>57</sup> Many described having four to 10 relatives taken. Most were held in captivity for years, including E.G., whose story is on page 19. Amnesty International also interviewed an 18-year-old woman who was 13 and had just finished primary school in 2014, when she accompanied a sick aunt to the Michika hospital. After returning home to Gulak:

**Boko Haram attacked... Following the hospital stay, I’d also become sick and was lying down... Everyone at home ran, leaving me and my aunt, and when Boko Haram came into the house, they took me away. They left my aunt because she was too old. They said she was useless to them.**

**They put me in a room they’d converted to a prison. There were about 30 of us. After one month, they brought me and other women [and girls] out and said we’d been married... They took me to my “husband,” who I was seeing for the first time... One month later, they heard soldiers would be coming, so they loaded us women and girls in their vehicles and took us to Sambisa.<sup>58</sup>**

She was finally able to escape in mid-2018, after more than four years in captivity.

Amnesty International’s previous reporting, as well as interviews during this research, also indicate large-scale abductions of children and younger women during attacks in Borno State on Gwoza and surrounding areas in mid-2014; on Bama in September 2014; and on Baga and surrounding areas in January 2015.<sup>59</sup> Girls were often targeted disproportionately, though boys were abducted on a large scale at least from Baga and surrounding areas. While the attacks received significant attention, coverage typically focused on mass killings, rather than abductions. There was also little reporting on the abduction of children from smaller surrounding villages. Many of the children remain missing, more than five years later. For example, Amnesty International interviewed three people from Doro, a village several kilometres from Baga, who said dozens of children were taken; one person estimated more than 60.<sup>60</sup> They remain largely unaccounted for.

From Baga town, Amnesty International interviewed five older women and two older men who could not flee when Boko Haram attacked in 2015. The older women described how, after Boko Haram fighters seized control of the town, they put scores, if not hundreds, of women and girls together in several houses. The younger women were taken away. “All of the teenage girls became their property—they said they could marry them or give them away, as they liked,” recalled a 65-year-old woman who was among those held for more than a week. “One of my [daughters]-in-law was taken. Up to now, we don’t know where she is.”<sup>61</sup>

Another 65-year-old woman, whose children and grandchildren were able to flee in advance of the Baga attack in 2015, could not escape herself and was held by the fighters for almost two months, before the military retook the town. She said several of her neighbours’ children were among those abducted. “So many women and children were taken away. Nobody talks about it, up to now,” she said.<sup>62</sup>

In addition to abductions linked to major attacks, there have been more frequent abductions of girls and boys from villages in areas Boko Haram controls, even loosely. This regular taking of children against their and their parents’ will in areas the authorities have withdrawn from receives comparatively little attention. A man around 60 years old from a village in Bama LGA, Borno State, told Amnesty International that, several years earlier, Boko Haram fighters demanded to marry his daughter, who was then around 15. He initially refused, but they threatened to kill him. “So I married my daughter, and they took her to Sambisa,” he said. “I told her to be patient, that at some moment she should run to us.”<sup>63</sup> He had not heard from her since.

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<sup>56</sup> Amnesty International interview, 1 January 2020.

<sup>57</sup> See also Amnesty International, “*Our job is to shoot, slaughter, and kill*”, pp. 71-72 (prior reporting on abductions in Adamawa State).

<sup>58</sup> Amnesty International interview, 5 January 2020.

<sup>59</sup> For past reporting, see Amnesty International, “*Our job is to shoot, slaughter and kill*”; Amnesty International, “Nigeria: Satellite images show horrific scale of Boko Haram attack on Baga,” 15 January 2015; and Amnesty International, “Nigeria: Nigerian authorities were warned of Boko Haram attacks on Baga and Monguno,” 28 January 2015. For more on the Baga attack and abductions, see Sarah A. Topol, “Trained to Kill: How Four Boy Soldiers Survived Boko Haram,” *New York Times*, 21 June 2017.

<sup>60</sup> Amnesty International interview, 19 January 2020.

<sup>61</sup> Amnesty International interview, 13 December 2019.

<sup>62</sup> Amnesty International interview, 15 December 2019.

<sup>63</sup> Amnesty International interview, 9 December 2019.



*Sandals are strewn in the yard of the Government Girls Science and Technical College staff quarters in Dapchi, Nigeria, on 22 February 2018, after more than 100 girls were abducted by Boko Haram several days earlier. © Aminu Abubakar/AFP via Getty Images*

The abductions have a cascade of negative effects on families, including the pain of not knowing whether the person is alive. “I never saw or heard about my mother or siblings and always wondered what happened to them,” said a 16-year-old girl who was abducted with them from a village in Michika LGA, Adamawa State, and then separated from them in Sambisa, which she escaped in late 2018.<sup>64</sup>

A 73-year-old man from a village in Dikwa LGA, Borno State, told Amnesty International that Boko Haram threatened to harm his family if they could not “marry” three of his granddaughters, who were then between 13 and 15 years old. The family relented, and Boko Haram took the girls away. “Even now, I wonder, what is their life like there,” he said. “I know their situation may be bad. It’s been more than four years.”<sup>65</sup>

Amnesty International documented abductions from nine villages and towns in Adamawa State and another 12 villages and towns in Borno State. Together, these incidents—both irregular large-scale abductions and more quotidian individual abductions—indicate that commonly reported statistics on Boko Haram abductions, including UNICEF data that “at least 1,000 children” have been abducted, woefully understate the scale.<sup>66</sup> The three mass incidents described at the start of the section alone total around 700 child abductions.<sup>67</sup> Baga, Gwoza, Bama, Michika, Gulak, and Madagali seem very likely to total at least as many, if not double, or more, and still would not account for the regular abductions in Boko Haram-controlled areas.

Abductions continued through 2019 and early 2020. During a February 2020 attack by ISWAP on the Maiduguri-Damaturu highway, around 30 people were reportedly killed and women and children were reportedly abducted.<sup>68</sup> Unfortunately, the authorities provided no specific number, or even rough estimate, of those abducted, which has been a recurrent problem outside the high-profile incidents.

Amnesty International interviewed 12 people who fled villages in Bama LGA in the second half of 2019 and described ongoing abductions of girls for forced “marriage”. A man in his 60s said several girls had been forcibly “married” recently, including his brother’s daughters. Boko Haram fighters then came for his own daughter. He recalled, “I found her crying in the farm... She said, ‘Those guys came and want to marry me by force, and you’re here doing your farming.’”<sup>69</sup> After his 14-year-old daughter’s pleas, the family fled, running from the village at night to a military post in Bama town, where they now live in an IDP camp.<sup>70</sup>

<sup>64</sup> Amnesty International interview, 30 December 2019.

<sup>65</sup> Amnesty International interview, 14 December 2019.

<sup>66</sup> UNICEF, “More than 1,000 children in northeastern Nigeria abducted by Boko Haram since 2013,” 13 April 2018.

<sup>67</sup> The “around 700” figure comes from 276 from Chibok; 300 from Damasak, which is a conservative figure; and 111 from Dapchi.

<sup>68</sup> See Agence France-Presse, “Jihadists Kill, Abduct Dozens in Northeast Nigeria,” 10 February 2020.

<sup>69</sup> Amnesty International interview, 9 December 2019.

<sup>70</sup> Amnesty International interview, 9 December 2019.

## 2.2 CHILD SOLDIERS AND “WIVES”

Boko Haram’s use of children as soldiers and forced “wives” is well documented, though estimates of the scale vary enormously. In 2017, the UN estimated that Boko Haram had recruited at least 8,000 children, many through abduction.<sup>71</sup> Subsequent UN reports have continued to document recruitment.<sup>72</sup> The balance between “voluntary” recruitment and conscription by force has tilted toward the latter over time.

Amnesty International interviewed 12 men and boys who said that, as children, they were abducted by Boko Haram and forced to become fighters and another five who said they “chose” to be recruited as children.<sup>73</sup> All such recruitment or use violates international law.<sup>74</sup> All but two of those interviewed were recruited before 15 years old, which constitutes a war crime.<sup>75</sup> They described training—usually around three months—in shooting a gun and taking defensive positions. Younger boys typically said they were deployed to checkpoints in Boko Haram territory, while older boys described also being sent to attack Nigerian military and civilian targets. Since the split, both ISWAP and JAS have had children take part in hostilities.<sup>76</sup>

Documenting recent child recruitment is challenging, as access to Boko Haram-controlled areas is non-existent, and those who escape, even as boys between 10 and 15 years old, are almost all put in prolonged military detention. (For more on detention, see Chapter 3.) Amnesty International interviewed boys who were with Boko Haram as recently as 2018; those who escaped more recently are likely still in detention.

The role of women and girls in Boko Haram is complex; since its origins, many have been recruited or otherwise provided support voluntarily.<sup>77</sup> However, thousands of girls and younger women have been abducted and, in most cases, subjected to forced marriages, which are crimes against humanity.<sup>78</sup> Primarily within such “marriages,” women and girls have been subjected to rape and other sexual violence and to sexual slavery—all war crimes and/or crimes against humanity.<sup>79</sup> Many braved the risk of death to flee. “Living with Boko Haram was scary, but it helped us understand them well enough to plan our escape from Sambisa,” said a 16-year-old girl from Michika LGA, Adamawa State, held in captivity for 18 months.<sup>80</sup>

Amnesty International interviewed 13 women and girls who were forced to “marry” a Boko Haram fighter. Most were between 13 and 16 years old at the time of “marriage”; one was as young as 11. Among those interviewed, a few older girls and younger women were already married in their community when Boko Haram captured them and forcibly re-“married” them to a fighter.

Refusal to “marry” results in prolonged detention at best, and often with torture or even death. A girl who was eight or nine years old when Boko Haram held her and her mother in captivity said a fighter decided he wanted to “marry” her mother. “They brought a ‘husband,’ but my mum refused to marry the man, so they used sticks to beat her up and a knife to cut her middle finger, so she agreed,” the girl described.<sup>81</sup>

Within “marriages,” the vast majority of women and girls described having no ability to move freely, or to socialize outside the house or detention room where they were kept, though some described using connections with emirs or others of influence to obtain slightly more freedom.<sup>82</sup>

Almost every abducted girl Amnesty International interviewed described suffering beatings, lashings, or canings at the hands of an abusive “husband” (see E.G.’s story, on page 19), for missing religious instruction or reciting the Qur’an poorly, or for any sign of wanting to leave. “One day, I told Boko Haram that I wanted to go to my parents, and they gave me 20 lashes for trying to forsake the righteous path,” recalled one woman, 20, who had been abducted when she was 15 and escaped at 19.<sup>83</sup> Another girl, 16, described

<sup>71</sup> Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017, para. 29.

<sup>72</sup> Children and armed conflict: Report of the Secretary-General, UN Doc. A/73/907–S/2019/509, 20 June 2019, para. 207.

<sup>73</sup> “Fighter” includes children used to defend checkpoints and other positions in Boko Haram territory, as well as children sent on attacks who were not provided weapons but supported those who did, for example by carrying supplies or looting villages. The figure here does not include children abducted by Boko Haram and forced into their “schools” but who escaped before being trained or used as a fighter.

<sup>74</sup> CRC-OP-AC, art. 4.

<sup>75</sup> Protocol II, art. 4(3); Rome Statute, art. 8(2)(e)(vii).

<sup>76</sup> Amnesty International interviews with former child soldiers from each faction, December 2019 and January 2020.

<sup>77</sup> For an insightful examination, see Hilary Matfess, *Women and the War on Boko Haram: Wives, Weapons, Witnesses*.

<sup>78</sup> For abductions, see Rome Statute, art. 7(1)(i) and/or (k). For forced marriage, see Rome Statute, art. 7(1)(k); *Prosecutor v. Brima, Kamara, and Kanu* (Case No. SCSL-2004-16-A), Appeal Judgment, 22 February 2008 para. 196 (first time forced marriage was recognized by an international court as the crime against humanity of “other inhumane acts”); *Prosecutor v. Dominic Ongwen* (Case No. ICC-02/04-01/15), ICC Pre-Trial Chamber II, Decision on the confirmation of charges against Dominic Ongwen, 23 March 2016, paras 87-95 (confirming forced marriage can be the crime against humanity of “other inhumane acts”).

<sup>79</sup> Rome Statute, art. 7(1)(g) (crimes against humanity) and art. 8(2)(e)(vi) (war crimes).

<sup>80</sup> Amnesty International interview, 2 January 2020.

<sup>81</sup> Amnesty International interview, 22 January 2020.

<sup>82</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>83</sup> Amnesty International interview, 6 January 2020.



being lashed so badly that her body was swollen and she fell sick for a month.<sup>84</sup>

Girls with disabilities potentially face higher risks. A 17-year-old girl abducted by Boko Haram from Michika town when she was 12 or 13 said the fighters separated her from her grandmother, even though the grandmother told them the girl had a psychosocial disability. The girl also had a speech impediment, which she said led to daily beatings: “There, they made us recite the Qur’an and would lash those who couldn’t. Because I stammer in my speech, it was difficult to cope, and they beat me every day—60 lashes.”<sup>85</sup>

Punishments also seem particularly severe or frequent for abducted Christian girls. An 18-year-old woman who was abducted at age 12 or 13 and held for four years recalled: “They forced us to learn the Qur’an and would lash whoever was not paying attention or not able to recite their verses... As a Christian, it meant they lashed me every day, because I could not learn. They’d lash me... and call me an infidel.”<sup>86</sup> The woman had a son from her forced marriage and said her “husband” was killed two years into her captivity. “They said after my first menstruation [after the son’s birth], I’d have to remarry,” she recalled. “They kept coming to ask if I’d started menstruation and I said no.”<sup>87</sup> She later escaped with another woman.



*A 17-year-old girl abducted by Boko Haram and held captive for two years holds her young child, after having escaped. She is displaced to an IDP camp in Borno State, Nigeria, 2019.*  
© Mohammed Abdulsamad / The Walking Paradox

Women and girls consistently described being forced to “remarry,” usually quickly, if their Boko Haram “husband” died. Amnesty International did not examine the issue of female suicide bombers, as it has been well covered in other reporting and appears to have decreased significantly over the last 18 months.<sup>88</sup> However, three girls interviewed by Amnesty International said they fled their Boko Haram captors because of the risk of being made a suicide bomber; each girl said, in separate interviews, that woman and girls who had three “husbands” die were forced to become bombers, instead of remarrying again. One of the girls had had two “husbands” die, and another had one husband who died and a second fall sick.<sup>89</sup>

Several senior humanitarian workers engaged in reintegration programmes in Northeast Nigeria told Amnesty International that women and girls formerly married to Boko Haram fighters, whether by choice or force, seemed particularly marginalized in many communities. One humanitarian worker said the stigmatization of “wives” may be decreasing, as indicated in an International Crisis Group report,<sup>90</sup> but they continued to have limited ability to tell their stories and relatively few advocates, compared to former boy soldiers.<sup>91</sup>

<sup>84</sup> Amnesty International interview, 30 December 2019.

<sup>85</sup> Amnesty International interview, 2 January 2020.

<sup>86</sup> Amnesty International interview, 5 January 2020.

<sup>87</sup> Amnesty International interview, 5 January 2020.

<sup>88</sup> See International Crisis Group, *Returning from the Land of Jihad: The Fate of Women Associated with Boko Haram*, 21 May 2019;

Dionne Searcey, “They Ordered Her to Be a Suicide Bomber. She Had Another Idea,” *New York Times*, 13 March 2020.

<sup>89</sup> Amnesty International interviews, January 2020.

<sup>90</sup> International Crisis Group, *Returning from the Land of Jihad*.

<sup>91</sup> Amnesty International telephone interview, 6 March 2020.

Stigma seems especially likely to affect women and girls whom the Nigerian military detained after they fled Boko Haram. An 18-year-old woman said she was abducted by Boko Haram as a girl and forcibly “married”; after escaping, she was detained in Bama Prison and Giwa Barracks. She described: “Reintegrating back into the community has not been easy. People look at me suspiciously. You can hear or feel when someone is talking about you, especially when you walk past them. Some people would not want to talk to me.”<sup>92</sup>

Many women and girls have children from their captivity with Boko Haram; they, too, have elevated risks of social stigma and mental distress. Amnesty International interviewed five women and girls with children born of rape during captivity. A 15-year-old girl who was abducted, forcibly “married,” and held for four years described, “I feel bad about the crisis because it’s taken away part of my childhood. My two-year-old son reminds me of the experience, because I bore him there... There’s been a difficulty reintegrating into the community because some people look at me as a Boko Haram ‘wife’ and my son as a Boko Haram child.”<sup>93</sup>

In Amnesty International’s interviews, almost none of those who were abducted as girls and forced to be “wives” had benefited from psychosocial support since escaping. One exception was two girls who were Christians and had been sent to several days of faith healing after escaping; they were primarily told to forget about what happened and to accept their children born of rape (see E.G.’s story, on page 19).

The mother of one girl, 17, who had been forcibly “married” and held in captivity for 18 months when she was 13 and 14 said that when the girl returned, after escaping, she suffered from a serious psychosocial disability. The girl tried to return to school, but the school kicked her out for being violent towards the teacher and other students. Three years after her escape, she has received no psychosocial support.<sup>94</sup>

## 2.3 FORCED TO WITNESS AND COMMIT ATROCITIES

Boko Haram has long forced children, and people under its control more generally, to witness and commit atrocities, including killings. Such practices amount to torture and are likely to have devastating long-term psychosocial effects, especially on children. In the context of the conflict, they amount to war crimes.<sup>95</sup>

During attacks, Boko Haram fighters have often forced children to witness the killing or abduction of their parents and siblings. Such atrocities continue, though appear to have been more frequent during previous periods of the conflict. An 11-year-old girl from a village in Gwoza LGA, Borno State, described a Boko Haram attack in 2014:

**We were cooking at home the day Boko Haram came. We’d just returned from school... When my dad heard the sound of bikes, he went into the house and hid under the bed. A boy entered our house and lifted the bed and found my dad... He dragged him from under the bed and brought him outside; they were four [Boko Haram] boys that came to our house.**

**They took him to a tree in our compound; my father kept begging, asking them, “Please, you people should leave me. Please, because of God, you people shouldn’t kill me, look at my children. Please don’t kill me.” They asked him to keep quiet... He was still talking, then [a fighter] quickly brought a knife to [my dad’s] throat and started slaughtering him. My mom started screaming, and they told her, “If you don’t keep quiet, we’ll kill you next and kill all the children.” We put our faces inside our hijab and were crying so they wouldn’t see, and before we brought them out, we dried our tears... After killing him, they put my mom in a car and took her away... She had my little brother on her back. They also took four of my older sisters... I don’t know if they’re still alive.”<sup>96</sup>**

In total, 34 of the people interviewed by Amnesty International described witnessing, as children, the murder or abduction of family members or close friends by Boko Haram.<sup>97</sup>

After being recruited or abducted by Boko Haram and taken to areas it controlled, children described being forced to watch fighters commit brutal punishments. Several women and girls said some of the most common punishments, including executions, were against men and boys who broke rules related to interacting with “married” women and girls. “They were very jealous and protective of their ‘wives,’” said one

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<sup>92</sup> Amnesty International interview, 1 January 2020.

<sup>93</sup> Amnesty International interview, 4 January 2020.

<sup>94</sup> Amnesty International interviews with 17-year-old girl and with her mother, 2 January 2020.

<sup>95</sup> Rome Statute, art. 8(2)(c)(i).

<sup>96</sup> Amnesty International interview, 22 January 2020.

<sup>97</sup> As noted in the Methodology, Amnesty International did not ask younger children questions to solicit such information.

woman, 22, who was abducted at 17 and forcibly “married”.<sup>98</sup>

Amnesty International interviewed children who were forced to witness lashings; canings; the amputation of hands and feet; and execution by stoning, shooting, and throat slitting. Sometimes the victims were family members or friends; other times they were neighbours or strangers.

“I did not like witnessing the punishments meted out to offenders,” said a 17-year-old girl from a village in Madagali LGA, who had been in secondary school when, at 14, she was abducted by Boko Haram. “The one I hated most was the stoning to death of someone accused of adultery, where they were buried alive, with only their head out and the head would be stoned until they were dead.”<sup>99</sup> The girl said she herself had been lashed three times for being absent from compulsory Quranic school, when she was sick.<sup>100</sup>

Punishments are typically public displays, used to instil fear. A 17-year-old boy who was abducted by Boko Haram when around 11—considered too young at the time to be trained as a fighter—recalled, “Whenever they want to kill someone, everybody will be asked to assemble... Saying, “This is this person, from this family... Today we slaughtered him for this and that, and if anyone does something like this, he’ll meet the same fate.”<sup>101</sup> A 12-year-old boy from a village in Michika LGA, Adamawa State, who was abducted and taken to Sambisa, before eventually escaping, described similarly: “I saw slaughtering of people by Boko Haram more than 15 times... Boko Haram would gather people to watch the execution and say it’s what would happen to them if they did the same. I felt bad and shivered seeing the slaughter at the beginning.”<sup>102</sup> Punishments that instil a fear of fleeing are particularly common and brutal, as discussed on page 29.

Several children who were young when held in Boko Haram territory said public punishments were a rare occasion they were let outside. “I stayed with other children, and we weren’t allowed to go out, only for Quranic lessons,” recalled a 10-year-old boy, who was abducted at age six and escaped Sambisa when nine. “The other times we were allowed out was to watch punishments. I saw... lashing and amputation.”<sup>103</sup>

Under international human rights and humanitarian law, forcing someone to witness the murder or torture of another is itself an act of torture.<sup>104</sup> Torture is a grave breach of the Geneva Conventions, and a war crime under the Rome Statute of the International Criminal Court. The Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment noted, in a February 2020 report:

**The extreme psychological distress and enormous inner conflicts triggered by fear are often underestimated... [P]rolonged experience of fear can be more debilitating and agonizing than the actual materialization of that fear, and even the experience of physical torture can be experienced as less traumatizing than the indefinite psychological torment of constant fear and anxiety.**<sup>105</sup>

Many children across Northeast Nigeria have experienced both specific traumatic incidents, such as being abducted or witnessing the murder of a parent, as well as prolonged fear and distress—while living under Boko Haram control or in areas that Boko Haram attacks. Medical literature shows child soldiers specifically, and children in areas of armed conflict more generally, suffer enormous physical and mental health effects, with mental health impacts often underappreciated as children are perceived as especially resilient and may not be able to communicate trauma and distress.<sup>106</sup>

Boko Haram has also forced many children to commit atrocities, including murder, rape, and torture. Amnesty International policy is to not ask former child soldiers about crimes they may have committed, so such acts were not documented here. However, others have reported on atrocities committed by Boko Haram child soldiers as well as on some of the impact on mental and physical health.<sup>107</sup>

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<sup>98</sup> Amnesty International interview, 4 January 2020.

<sup>99</sup> Amnesty International interview, 6 January 2020.

<sup>100</sup> Amnesty International interview, 6 January 2020.

<sup>101</sup> Amnesty International interview, 22 January 2020.

<sup>102</sup> Amnesty International interview, 7 January 2020.

<sup>103</sup> Amnesty International interview, 6 January 2020.

<sup>104</sup> See, for example, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 14 February 2020, UN Doc. A/HRC/43/49, para. 47; Hernan Reyes, “The worst scars are in the mind: psychological torture,” *International Review of the Red Cross*, September 2007: vol. 89 (867), p. 594.

<sup>105</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 14 February 2020, UN Doc. A/HRC/43/49, para. 48.

<sup>106</sup> See, for example, Ayesha Kadir et al., “The Effects of Armed Conflict on Children,” *Pediatrics* (2018), vol. 142(6); Elisabeth Schauer & Thomas Elbert, “The Psychological Impact of Child Soldiering,” *Trauma rehabilitation after war and conflict: Community and individual perspectives* (2010), pp. 311–360; Ayesha Kadir et al., “Effects of armed conflict on child health and development: A systematic review,” *PLoS ONE*, 16 January 2019, <https://doi.org/10.1371/journal.pone.0210071>

<sup>107</sup> See, for example, Sarah A. Topol, “Trained to Kill: How Four Boy Soldiers Survived Boko Haram,” *New York Times*, 21 June 2017; Audu Bulama Bukarti, “Nigeria’s Child Veterans Are Still Living a Nightmare,” *Foreign Policy*, 15 August 2019; Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017.

## 2.4 PILLAGE AND OTHER ATTACKS ON FOOD SECURITY

Boko Haram's attacks and pillaging have worsened food insecurity in both Boko Haram- and government-controlled areas across Northeast Nigeria, especially in Borno State. Children have often suffered disproportionately, along with other groups with specific risks and needs, including older people.

For civilians in Boko Haram-controlled areas, fighters have long seized a significant part of people's harvest and animal stock. The specific amount varied from interview to interview, likely linked to the faction and even commander or emir in charge of an area, but was regularly more than 25 percent of a household's harvest and animals.<sup>108</sup> Most people said the looting worsened over time; several speculated that Boko Haram has had a tougher time feeding itself. People who fled Boko Haram-controlled villages in Bama LGA in late 2019 told Amnesty International that, in 2015 and 2016, they had to give around 20 percent of the harvest and occasionally a few animals; by the time they fled, Boko Haram was seizing 50 or more percent of the harvest and had stolen the vast majority of their cows, goats, and sheep.<sup>109</sup> Refusal to give the demanded amount, or any perception that a family is hiding goods, is met with severe punishment, and often death.

While families can still produce some food for themselves, Boko Haram's pillaging undermines food security. A poor harvest can devastate communities and put young children at risk of starvation and related disease, as described by a 30-year-old woman from a village in Bama LGA who fled to Bama town in late 2019:

**What we farmed, they took. For the normal crops, they'd come and say, "You have to share a percentage as zakat." But even when people didn't get a good harvest, because bad grass came, all that we had in the house, [Boko Haram] searched and if they found anything—like guinea corn—they took it away. They said, "If you don't pay zakat, we'll take everything."**

**Our children even died from malnourishment, because of what [Boko Haram] took. I lost two children from malnourishment and two others from disease... Mustafa was 12 months old... There was no supplementary food we could give him on top of breastfeeding, and I wasn't producing [much milk]. It must have been 18 months ago [he died]... Ali was three years old [when he died]... There was no food, because what we were getting on the farm was little, and they even took some of that. We could see [the children] were losing weight. Their bellies were [bloated]... We couldn't tell them our children are dying, because they have guns and will easily shoot you.<sup>110</sup>**

Pillage is a war crime.<sup>111</sup> Boko Haram fighters continue to commit it regularly, through the widespread theft of food, crops, and livestock, backed by threat of violence.

Food insecurity in areas controlled or contested by Boko Haram is compounded by the lack of humanitarian access, due to the insurgents' attacks on aid workers, including the murder of four in December 2019,<sup>112</sup> as well as due to the severe humanitarian restrictions and other limitations on the food supply imposed by the Nigerian military.<sup>113</sup> Attacks on humanitarian workers are prohibited under international humanitarian law and a war crime, as is the denial of access to humanitarian assistance.<sup>114</sup>

Many children abducted by Boko Haram described extreme hunger when in captivity around Lake Chad or, worse, Sambisa. A 10-year-old boy from a village in Madagali LGA who was abducted with his mother and spent four years with Boko Haram in Sambisa, before escaping in early 2019, described, "There was so much hunger. Sometimes you were given a food ration in your palm, and that was all."<sup>115</sup> A 16-year-old girl who was abducted from a village in Michika LGA, Adamawa State, in 2014 and escaped Sambisa in late 2018, as they were set to forcibly "marry" her, said similarly: "I can't explain how we survived sometimes, because we could go a week or two without food from Boko Haram. You felt so weak that all you could do

<sup>108</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>109</sup> Amnesty International interviews, December 2019.

<sup>110</sup> Amnesty International interview, 10 December 2019.

<sup>111</sup> Rome Statute, art. 8(2)(e)(v). See also Protocol II, 4(2)(g); ICRC, Customary IHL: Rule 52. Pillage.

<sup>112</sup> See Reuters, "Armed group claims killing four humanitarian hostages in Nigeria, aid organization says," 13 December 2019; Human Rights Watch, Attacks on Aid Workers in Northeastern Nigeria, 23 January 2020, <https://www.hrw.org/news/2020/01/23/attacks-aid-workers-northeastern-nigeria>

<sup>113</sup> See Human Rights Watch, "Nigeria: Army Restrictions Stifling Aid Efforts," 4 March 2020; Amnesty International, "They betrayed us"; and UN OCHA, *Nigeria humanitarian response plan: January-December 2018*, December 2017, p. 8 ("[I]t limited the supply of food and goods to civilians remaining in hard-to-reach areas. These people who have stayed in the hard-to-reach areas are cut-off from basic services and international humanitarian assistance"), [https://reliefweb.int/sites/reliefweb.int/files/resources/2018\\_hrp\\_v5.4.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2018_hrp_v5.4.pdf)

<sup>114</sup> Rome Statute, art. 8(2)(e)(iii). See also ICRC, Customary IHL: Rule 55. Access for Humanitarian Relief to Civilians in Need, and Rule 56. Freedom of Movement of Humanitarian Relief Personnel.

<sup>115</sup> Amnesty International interview, 6 January 2020.

was lie down. You couldn't stand or walk because you had no strength."<sup>116</sup>

As with villages loosely controlled by Boko Haram, the food insecurity in its core territory appears to have worsened over time, especially for JAS; children held during earlier parts of the insurgency (2013-2016) described more consistent access to food. Extreme hunger forces some children to steal food, which leads to further torture. "I was lashed two separate times," recalled an 11-year-old boy who was abducted from a village in Michika LGA and taken to Sambisa, before escaping several years later. "The second time, it was 30 strokes because I stole guinea corn from the market because I was hungry and there was no food."<sup>117</sup>

The extreme hunger inflicted on some children abducted by Boko Haram amounts to the war crime of cruel treatment and/or torture.<sup>118</sup> Several former child soldiers said the stark inequality amid Boko Haram, including in access to food, is part of what led them to flee and surrender to the military.<sup>119</sup>

Boko Haram attacks also contribute significantly to food insecurity in government-controlled areas. Amnesty International documented Boko Haram attacks in 2019 around IDP camps in Bama, Damboa, Monguno, and Rann towns, as well as on Gubio town, where some people still lived at home; in many other camps, including Dalori 1 and Dalori 2 near Maiduguri, people described hearing gunshots regularly.<sup>120</sup> Such attacks devastate families' livelihood options and their ability to obtain adequate food, as described by a 61-year-old man in a Damboa IDP camp who, together with his wife, is the principal caregiver for eight grandchildren:

**What we get in a month [for food distribution]—six kilograms of guinea corn and two kilograms of beans, per person—is not enough... The problem is livelihood. I wanted to go [collect] firewood [to sell], but once when I went with a group, 14 people were killed that day by Boko Haram... We could just hear gunshots in the bush, but we couldn't see the shooters... It was less than 30 days ago... [The military] brought the bodies to the camp—to the families.**<sup>121</sup>

In late 2019 and early 2020, Boko Haram carried out repeated attacks on the Damaturu-Maiduguri highway, the main road for goods to reach Borno State. At first, the attacks were primarily on military targets but, over two months, increasingly seemed to target civilians as well, culminating in attacks on 9 February 2020 in which 30 civilians were reportedly killed and 18 vehicles burned.<sup>122</sup> The attacks threatened to further cut Borno State off from the rest of Nigeria and had severe impacts on livelihoods.<sup>123</sup> They fit a longstanding pattern of Boko Haram attacks on roads across Northeast Nigeria, devastating civilian lives.

Under international humanitarian law, attacks on civilian objects are prohibited, with specific protections for "objects indispensable to the survival of the civilian population, such as foodstuffs... crops, livestock..."<sup>124</sup>

## 2.5 PUNISH, KILL THOSE WHO FLEE

While some people living in Boko Haram territory believe in the group's mission, or benefit from it economically, many others remain because of fear. Boko Haram has long punished civilians and fighters who try to flee, typically through public execution. That practice continues, at least among Shekau's faction.

A 61-year-old man from a village in Damboa LGA, Borno State, recalled what happened when Boko Haram extended its authority to his area: "We were making our plans to leave, when [Boko Haram] announced, 'No one can leave.' They said they'd kill you if you tried. They started taking our animals, taking our crops. We wondered, 'What religion says to steal people's property?' They started threatening us."<sup>125</sup>

Many people interviewed by Amnesty International said they knew someone whom Boko Haram had murdered for trying to flee; the vast majority had witnessed the execution. "Boko Haram killed people a lot, people who tried to escape," recalled a 14-year-old boy who was abducted by Boko Haram from his village

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<sup>116</sup> Amnesty International interview, 30 December 2019.

<sup>117</sup> Amnesty International interview, 1 January 2020.

<sup>118</sup> Rome Statute, art. 8(2)(c)(i).

<sup>119</sup> Amnesty International interviews, December 2019.

<sup>120</sup> Amnesty International interviews, December 2019 and January 2020. See also, for example, Amnesty International, "Nigeria: Deadliest Boko Haram attack on Rann leaves at least 60 people murdered," 1 February 2019.

<sup>121</sup> Amnesty International interview, 17 January 2020.

<sup>122</sup> See Agence France-Presse, "Jihadists Kill, Abduct Dozens in Northeast Nigeria," 10 February 2020; Abdulkareem Haruna, "SPECIAL REPORT: Increasing Boko Haram attacks on highways threaten to cut Borno off from Nigeria," *Premium Times* (Nigeria), 23 January 2020.

<sup>123</sup> See Abdulkareem Haruna, "SPECIAL REPORT: Increasing Boko Haram attacks on highways threaten to cut Borno off from Nigeria".

<sup>124</sup> Protocol II, art. 14.

<sup>125</sup> Amnesty International interview, 17 January 2020.

in Michika LGA, Adamawa State. “They would gather people to watch as they shot the people dead.”<sup>126</sup>

A 22-year-old man who was recruited by Boko Haram as a child, after they came and preached in his village in Konduga LGA, said he eventually disagreed with the group’s violence and, with another former child soldier, decided to flee. As they left at night from ISWAP-controlled territory, other fighters heard them. “They started shooting at us,” the man described. “They hit [my friend], and he died right there. I kept running. They followed me until the next day, when they realized I was close to the military barracks.”<sup>127</sup>

The punishment also applies to child soldiers and others seen to flee from fighting the Nigerian military. “If you try escaping, the punishment is death, and if they go for war and you run or try running, they will bring you home and slaughter you,” said a 17-year-old boy who was abducted by Boko Haram.<sup>128</sup>

Even the rumour of preparing to flee often leads to execution. Amnesty International interviewed a 70-year-old man from a village in Bama LGA, Borno State; he had lived with his 17- or 18-year-old grandson. In late 2018, they planned to escape. The 70-year-old man recalled: “Three Boko Haram came [to my house]. They said, ‘We heard you speaking with your boy, discussing how you’re going to escape.’ So they shot the boy. Two bullets—pop-pop... He was the one working in the field, he was the one cooking. They didn’t touch me. They just said, ‘Your boy, the one taking care of you, he’s dead. So you’ll stay here and die.’”<sup>129</sup>

As in that incident, Boko Haram at times spares older men and older women from execution, though Amnesty International documented other incidents in which they too were murdered for trying to flee. Older children and younger adults, regardless of gender, seem rarely to be spared. A 22-year-old woman interviewed by Amnesty International was abducted from her village in Michika LGA, Adamawa State, when she was 17 years old. She was forcibly “married” to a fighter in Sambisa who beat her repeatedly; she thought frequently of fleeing, but had witnessed what happened to those who were caught:

**There was a time that 20 women and girls tried to escape, and they were caught. Eighteen of them were killed, some slaughtered and some shot. The two women spared were nursing mothers, but they were warned that if they tried to escape again, they’d be slaughtered. They gathered us to watch so we’d know what would happen if we tried the same thing.**<sup>130</sup>

The murder of people who try to flee continues, at least in areas controlled by Shekau’s JAS faction. A 60-year-old man from a village in Bama LGA, who fled JAS-controlled territory in November 2019, said he had stayed for so long in Boko Haram territory because his mother was in her 80s and largely bound to her house; there was no way to flee with her, and he did not want to leave her behind, alone. After she passed away, he prepared to flee, when another person in his village was caught. He described:

**They say that to leave, you’re coming to the disbelievers. They kill you for that... Boko Haram boys are up in the trees. They stay there regularly, checking on what’s happening... [Name redacted] left early one night, so they saw him and his family. The children were able to escape, but they caught him and brought him back to the village... They assembled everyone and said anyone who wants to leave, this is what we can do to you. And they slaughtered him—they cut his throat... I witnessed it. [When they kill you], they seize all your property and send your family to Sambisa.**<sup>131</sup>

Despite the risks, the 60-year-old man fled with his family around three weeks after witnessing his neighbour’s execution. He said he had just reconstructed his house and been actively harvesting crops, to give the appearance of staying. He, his wife, and several young grandchildren left at 1 a.m. to avoid detection and walked through the night to a military checkpoint.<sup>132</sup>

One person who had been a child soldier with ISWAP around Lake Chad said they stopped executing people for trying to flee. “Before, if they caught you trying to escape, they’d kill you immediately,” he said. “Now, if they catch you, they’ll take you to their court and detain you.”<sup>133</sup> That is consistent with eight testimonies Amnesty International took of primarily older people who stayed in Baga when ISWAP took control of the town in December 2018; ISWAP fighters told them they could stay or leave and would not be harmed either way, even apologizing for past actions.<sup>134</sup> Amnesty International has not determined whether ISWAP has

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<sup>126</sup> Amnesty International interview, 7 January 2020.

<sup>127</sup> Amnesty International interview, 9 December 2019.

<sup>128</sup> Amnesty International interview, 22 January 2020.

<sup>129</sup> Amnesty International interview, 8 December 2019. The older man survived and, almost a year later, feigned needing to collect firewood and then walked slowly, over several nights, to a military checkpoint.

<sup>130</sup> Amnesty International interview, 4 January 2020.

<sup>131</sup> Amnesty International interview, 8 December 2019.

<sup>132</sup> Amnesty International interview, 8 December 2019.

<sup>133</sup> Amnesty International interview, 9 December 2019.

<sup>134</sup> Amnesty International interviews, December 2019 and January 2020.

stopped executing all Muslims civilians who try to flee, or whether it is commander specific; the group continues to commit grave crimes, including the murder of abducted aid workers and other civilians.<sup>135</sup>

Boko Haram's killings of people who try to flee, carried out without due process and a competent court's judgment, are prohibited under international humanitarian law. They constitute the war crime of murder of civilians and fighters *hors de combat* and/or the war crime of the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees generally recognized as indispensable.<sup>136</sup> Parties to a conflict also may not impede civilians from leaving conflict areas, which fails the general rule on precautions against the effects of attacks and the affirmative duty to remove civilians from areas of likely attack.<sup>137</sup> In some instances, Boko Haram's conduct may also violate the prohibition of the use of human shields.<sup>138</sup>

## 2.6 ATTACKS ON SCHOOLS AND TEACHERS

Since the first years of the insurgency, Boko Haram has targeted schools perceived to provide secular or "Western" education. The name Boko Haram itself translates loosely as "Western education is forbidden" in Hausa.<sup>139</sup> The attacks have had a devastating impact on children's access to education and resulted in the death or abduction of thousands of children and teachers.

In 2018, UNICEF reported that more than 1,400 schools in Northeast Nigeria had been destroyed during the conflict and that at least 2,295 teachers had been killed.<sup>140</sup> Due to Boko Haram attacks and the military response, all schools in Northeast Nigeria closed from December 2013 to June 2015.<sup>141</sup> Boko Haram attacks on schools have continued in the last two years, though appear to be on a lesser scale,<sup>142</sup> likely in part because many destroyed schools have never reopened and because Boko Haram factions now undertake mostly hit-and-run attacks, as opposed to larger assaults that lead to extended control of towns.

Amnesty International did not examine the issue in depth for this report, as Boko Haram's attacks on schools have been documented extensively by Amnesty International in previous work, as well as by the UN, Human Rights Watch, and the Global Coalition to Protect Education from Attack (GCPEA), the last of which examined the specific impact of attacks on women and girls.<sup>143</sup> Still, most children interviewed by Amnesty International during this research described how Boko Haram stopped their education, either by attacking their school or by taking over their village and banning secular education.

"Before Boko Haram entered our village, I was going to school, because they recently renovated the school for us," recalled an 18-year-old man from a village in Dikwa LGA, Borno State, attacked around 2015. "They burnt the school and all the items in it. If they saw a 'Western' teacher, they'd kill the teacher."<sup>144</sup>

Many children interviewed never returned to school after the Boko Haram attack, due to a combination of years spent in Boko Haram territory without access to education; being detained for months or years by the military after fleeing; and the challenge of finding livelihoods to pay for school fees, at times compounded by the death or detention of parents or other caregivers (see Chapter 5, for more on education).

Boko Haram's attacks, and the shortcomings of the Nigerian government response, have ultimately denied an education to a large part of an entire generation of children and young adults. For example, an 18-year-old woman told Amnesty International she had just completed primary school when she was abducted by Boko Haram during an attack on her village in Madagali LGA, Adamawa State, in 2014. She spent more than four years in captivity with the group, before finally escaping. "I was about to start secondary school when

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<sup>135</sup> See, for example, Associated Press, "Islamic extremists kill Nigerian pastor, attack his hometown," 28 February 2020; Ruth Maclean and Eric Schmitt, "ISIS Affiliate in Nigeria Releases a Video Showing 11 Executions," *New York Times*, 27 December 2019; Al Jazeera, "ISIL-linked group executes 4 hostages in Nigeria: NGO," 13 December 2019.

<sup>136</sup> Rome Statute, arts. 8(2)(c)(i) and 8(2)(c)(iv). See also Geneva Conventions, Common Article 3; Protocol II, art. 4(2)(a).

<sup>137</sup> See Protocol II, art. 13(1); ICRC, Customary IHL: Rule 22. Principle of Precautions against the Effects of Attacks, and Rule 24. Removal of Civilians and Civilian Objects from the Vicinity of Military Objectives.

<sup>138</sup> See ICRC, Customary IHL: Rule 97. Human Shields.

<sup>139</sup> For more on the meaning of the name, see, for example, Dan Murphy, "Boko Haram' doesn't really mean 'Western education is a sin'," *Christian Science Monitor*, 6 May 2014, <https://bit.ly/2Wxh2sy>

<sup>140</sup> UNICEF, "More than 1,000 children in northeastern Nigeria abducted by Boko Haram since 2013". See also Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017, para. 59; Human Rights Watch, "They Set the Classrooms on Fire".

<sup>141</sup> Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017.

<sup>142</sup> Children and armed conflict: Report of the Secretary-General, UN Doc. A/73/907-S/2019/509, 20 June 2019, para. 211.

<sup>143</sup> GCPEA, "I Will Never Go Back to School"; Report of the Secretary-General on children and armed conflict in Nigeria, 10 April 2017; Human Rights Watch, "They Set the Classrooms on Fire"; and Amnesty International, "Keep away from schools or we'll kill you": Right to education under attack in Nigeria (Index: AFR 44/019/2013), 4 October 2013.

<sup>144</sup> Amnesty International interview, 18 January 2020.

they came, but now I can't go back to school because there is no money," she said.<sup>145</sup>

Under international humanitarian law, civilian objects like schools are protected from attack unless they become military objectives.<sup>146</sup> They are presumed to maintain their civilian status.<sup>147</sup> Schools, universities, and other educational buildings indeed receive heightened protections as cultural property, requiring forces to act with a special duty of care.<sup>148</sup> Attacks against schools or other buildings dedicated to education thus constitute war crimes.<sup>149</sup> The protection of children's right to education is explicit in international humanitarian law, in addition being a fundamental right under international human rights law.<sup>150</sup>

## 2.7 ASSAULT ON CHILDHOOD

For hundreds of thousands of boys and girls across Borno State, Boko Haram's insurgency has amounted to an attack on childhood itself. For nearly a decade, the group—and the factions that have splintered from it—has undermined children's most basic rights: to education, to physical and mental development; and to protection from violence, exploitation, and abuse. In its wake, it has left widespread distress and trauma.

Every child Amnesty International asked about play and recreation said such activities were forbidden in areas of Boko Haram control. Although it may not seem as important amid Boko Haram's widespread atrocities, the denial of children's right to play and to leisure, guaranteed by the Convention on the Rights of the Child (CRC), exemplifies the wider loss of childhood.<sup>151</sup> Conditions that allow for such activities "protect the unique and evolving nature of childhood. Their realization is fundamental to the quality of childhood... [and] to the promotion of resilience and to the realization of other rights."<sup>152</sup>

"I did not like Sambisa because I could not play with other children," said a 10-year-old girl whose parents and sister were killed by Boko Haram and who was abducted and held in captivity for several years.<sup>153</sup> A 12-year-old boy described similarly, "Boko Haram took all of us to Sambisa—my parents, me, and my three siblings... I had a friend, but we didn't play together because children were not allowed to play. We only went to Quranic school, after which we just sat doing nothing."<sup>154</sup>

Even beyond its core areas of control, around Sambisa and Lake Chad, Boko Haram appears to regularly stop child recreation when taking over a village. "When Boko Haram came to stay in our village, it was quite difficult for us because they stopped us from doing so many things," said an 18-year-old man from a village in Dikwa LGA, Borno State, who eventually escaped, when a child. "They stopped us from playing ball, they stopped us from attending school... When they saw us playing ball, they burnt the ball."<sup>155</sup>

Throughout the conflict, Boko Haram has attacked civilians and civilian objects, and children have suffered disproportionately—through the shutting down of schools; widespread abductions; and being forced to witness and participate in atrocities. The long-term psychosocial consequences are devastating. Several children interviewed by Amnesty International described recurrent nightmares; others talked of constantly wondering whether abducted parents or siblings are alive; others still, particularly those in north-eastern Adamawa State and in camps or towns in Borno State outside Maiduguri, live in fear of further attacks. A 15-year-old girl who was abducted from a village in Michika LGA, Adamawa State, said, "Since I came back home, I don't go out so that Boko Haram will not take me again... People have lost their businesses, trust has been broken, people are living in fear, you can't go to certain areas or stay as long as you'd like."<sup>156</sup>

A 15-year-old boy from Kala/Balge LGA in Borno State, whose village was attacked several times, forcing the family to flee to an IDP camp in Rann, which was also attacked repeatedly, forcing them to flee to a camp near Maiduguri, likewise described, "At times while sleeping, I wake up with a start, thinking Boko Haram are around. My younger sister sometimes wakes at night screaming, then they calm her down. I just want them to end everything, I want Boko Harm to stop the attacks, so we can go back home."<sup>157</sup>

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<sup>145</sup> Amnesty International interview, 5 January 2020.

<sup>146</sup> See ICRC, Customary IHL: Rule 7. The Principle of Distinction between Civilian Objects and Military Objectives, and Rule 9. Definition of Civilian Objects.

<sup>147</sup> See ICRC, Customary IHL: Rule 10. Civilian Objects' Loss of Protection from Attack.

<sup>148</sup> See ICRC, Customary IHL: Rule 38. Attacks Against Cultural Property; Protocol II, art. 16.

<sup>149</sup> Rome Statute, art. 8(2)(e)(iv).

<sup>150</sup> See Protocol II, art. 4(3)(a); CRC, arts. 28-29.

<sup>151</sup> For children's right to play, see CRC, art. 31.

<sup>152</sup> Committee on the Rights of the Child, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), 17 April 2013, Section III.

<sup>153</sup> Amnesty International interview, 1 January 2020.

<sup>154</sup> Amnesty International interview, 7 January 2020.

<sup>155</sup> Amnesty International interview, 18 January 2020.

<sup>156</sup> Amnesty International interview, 4 January 2020.

<sup>157</sup> Amnesty International interview, 18 January 2020.



Although Boko Haram is the main perpetrator of these crimes and individuals responsible should be prosecuted in fair trials without recourse to the death penalty, the Nigerian government, as a party to the CRC, is obligated to “take all appropriate measures to promote physical and psychological recovery and social reintegration of” children who have suffered “neglect, exploitation, or abuse”; torture or other ill-treatment; or due to armed conflict.<sup>158</sup> The CRC says “recovery and reintegration shall take place in an environment which fosters the health, self-respect, and dignity of the child.”<sup>159</sup>

To date, the Nigerian government has fallen well short of that obligation. Instead, as subsequent chapters detail, the military has detained thousands of boys and girls coming out of Boko Haram territory for months and even years; subjected the vast majority of those in detention to torture or other ill-treatment; reached few children with psychosocial support; impeded humanitarian assistance and otherwise failed to respect many displaced children’s rights to food and to physical and mental health, exacerbating underlying distress; and failed to ensure children have access to education.



*Displaced children unable to access education in Dalori 1 Camp outside Maiduguri, Borno State. © Mohammed Abdulsamad / The Walking Paradox*

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<sup>158</sup> CRC, art. 39.

<sup>159</sup> CRC, art. 39.

## THE STORY OF F.N., AN 18-YEAR-OLD MAN FROM A VILLAGE IN BORNO STATE<sup>160</sup>

"I went to primary school to Class 3. Because of the insurgents, I had to leave school... I was in the bush [in a village under Boko Haram control] for three years. It started when I was around 13...

Several years ago... we thought about it and said we had to leave. We'd seen this [conflict] was always continuing. People are dying. People are being executed [by Boko Haram] without any investigation, without any fault. We were seeing all these things, and it was worsening...

We started the journey in the night... The next afternoon, we came to Konduga. We surrendered ourselves to the military, at a checkpoint. They took us to a room in the service station. We spent two days there, then they transported us to Bama [Prison]...

We stayed in Bama Prison for 90 days. In the afternoon, they brought us beans. In the evening, maize flour. My father and the women and children, they sent them to the Bama IDP camp. For three months, they kept asking all these things, and I told them [the same answers] again and again...

We were beaten thoroughly in Bama. Even my hand now, it's not feeling well because of the beating. They beat me with sticks. They beat me so much, I even went unconscious... It was the first days when I arrived, they did the beating. After I was locked up, it stopped. It was one soldier and one CJTF. They were saying, 'You didn't tell us the whole story! How many people did you kill? What type of gun did you operate?' I said I hadn't killed anyone, that I wasn't Boko Haram. I said Boko Haram had come to our area, they were in control, but I hadn't participated in any attack. Later, when they kept beating me, I said, 'If you want me to say I'm Boko Haram, I'll say I'm Boko Haram.' Then the beating stopped...

Later we were taken to Giwa [Barracks]. In Bama, I didn't sign any document, but in Giwa, I signed some. There was a place for people to sign and a place to give the thumbprint. I don't know [what the document said]. What they wrote, I don't know what language it was. They didn't read it to me. They told me to sign, and I did the thumbprint.

They took all our details, and they took me to Cell 9. I spent about three months [there]—something like that. Then I went to Cell 1. Then to Cell 10... Then to Cell 7, the children's cell, I think for two months.

In Cell 9, we were more than 390 [detainees]. In a week, two or three people died. There was so much congestion, and the weather was very hot. You would have to sit like this through the whole night. There was no space to lie down. All that stress, that's why people died... It was a little different in Cell 1, there was space to lie down there. The people weren't as many...

They gave us food: local pap in the morning; sometimes beans, sometimes rice [for lunch]; and in the night, maize flour. At 6 p.m., we'd get water, and then we wouldn't get it again until 10 or 11 a.m. We'd get one cup, and if you said it wasn't enough, sometimes we'd get a second. We had chairmen [in each cell]. When there was fighting or anything, the chairman beat you or designated [someone to beat you].

[After four or five months], they selected the small ones, the underage, from the other cells and moved us to Cell 7. It was 20 of us [they moved]... The conditions were the same. But for [Cell 7], they made a cage outside. When the inside was full, they took people out to the cage [to lessen overcrowding]...

On a Thursday, they called our names, along with people from other cells. On Friday morning, they called us again and told us we should take a shower. They gave us new clothes... They brought a bus and said we were going to Gombe, then we went to the airport and were put on an airplane. They said we were going to a vocational training.

[At Safe Corridor in Gombe], we had beds, we could get a bath. The problem in Gombe was they kept us too long. We overstayed there, for a long period. And the quantity of food was small—even smaller than Giwa. The quality [was better than Giwa], but the quantity was less. We complained. They kept saying, 'We'll increase it, we'll increase it,' but no change ever happened. We complained so many times.

When we went [to Safe Corridor], they said we'd spend six months there. But after we graduated, we didn't leave. We stayed for [almost] 20 months. They said that after the elections [we'd be released], then the elections came and went. They said [we'd be released] after the governor was sworn in, then it came and went. All these excuses. They said a state delegation had to come. After the delegation came, we still [were held]. We did a hunger strike, for two days. After that, they understood our commitment. Someone from the state government came, and they brought us [to Maiduguri]—not more than a week later.

[I learned] cosmetology. There were many [vocational training] departments. There was carpentry, shoemaking, tailoring, barbing, welding. They asked, and we chose. We were doing the training; it was around six months. After that, we practiced the trade ourselves... They'd bring the items, and we made

them... What we produced, they'd put some in the storage, and other items we'd use in the [sleeping quarters of the detention facility]...

Early in the morning, we washed the toilets and our bodies. Then we had breakfast. After, we went to the workshop departments. Then we had a break and lunch. After that, we had classes. [During the classes], they'd ask us questions, one by one. 'Did you surrender yourself or did the military capture you?' 'When you leave here, are you going back to the bush?' 'What is your ambition?' ...

Six people died [in our Safe Corridor batch]. They were sick, and then they died. There was a disease—their legs became very swollen. One of the boys, even his belly was swelling...

They promised they'd support us [after being released], they told us this even in Gombe, but nothing has happened... They said that if we finished, it wouldn't be more than two months [before] they gave us support. But now, it's been more than three months, and we haven't seen or heard from them.

I can't say we have a bright future. We learned how to do the skill, we learned how to do everything, but up to now, nothing is happening. Even registration for food, we haven't had it yet. We're just relying [on other people]. When we talked to the camp management, they said there isn't any registration right now. They said that when they started again, they'll include my name.

Our situation is very bad. The government should address it.”

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<sup>160</sup> Amnesty International interview, 10 December 2019. The initials do not reflect his real name or initials, to protect his identity.

# 3. MILITARY DETENTION

## **“Giwa is not a place for people, let alone children.”**

A 19-year-old man held in Giwa Barracks for more than two years, beginning when he was 16. He said he was never affiliated with Boko Haram, and had fled his village in Dikwa LGA, despite the risk of being killed if caught, because Boko Haram was stealing his family's food, crops, and other valuables.<sup>161</sup>

## **“There was one day, in the hot season, when I'd just arrived there, [the heat] killed so many people. There was no water, people were so dehydrated. They put bodies in an ambulance and took them away, put more bodies in... over and over.”**

An 18-year-old man who was recruited by Boko Haram at age 13 and stayed for several years as a fighter before fleeing and surrendering to the military. He spent almost three years in detention, including around six months in Giwa Barracks.<sup>162</sup>

The Nigerian military has detained thousands of boys and girls coming out of Boko Haram territory, often with no evidence the child was affiliated with Boko Haram, much less committed crimes against civilians. In the vast majority of cases, no charges are brought, even as children are held for months or years. Due process is routinely flouted. And while the military has released several large groups of children between July 2018 and March 2020, its unlawful detention of children has continued through this report's writing.<sup>163</sup>

This chapter builds on Amnesty International's past reporting on detention, including of women and girls, in Giwa Barracks, the most notorious detention facility in Northeast Nigeria, as well as on Human Rights Watch's September 2019 report on the detention of children in Giwa.<sup>164</sup> This chapter also examines other facilities, including the military barracks in Kainji, Niger State, as well as bases and prisons in Bama, Damboa, and other towns where people are often held initially, before transfer to Giwa. Chapter 4 looks at the next stage of detention, linked to demobilization and reintegration, as part of Operation Safe Corridor.

According to Human Rights Watch, the UN documented more than 3,600 cases of children being detained between January 2013 and March 2019 for alleged involvement with Boko Haram, including 1,617 girls.<sup>165</sup>

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<sup>161</sup> Amnesty International interview, 2 April 2019.

<sup>162</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>163</sup> For information on the releases, see UNICEF, “UNICEF Nigeria welcomes release of over 180 children suspected of Boko Haram ties from administrative custody,” 9 July 2018 (indicating the release of 183 children); Human Rights Watch, “Nigeria Releases More Children and Youth from Military Prison,” 8 November 2019 (updated 8 March 2020) (release of 25 children from Giwa in September 2019 and another 86 children and youth in early November 2019); UNICEF, “More than 300 persons, including 223 children, released from administrative custody for their alleged association with armed groups in north-east Nigeria,” 4 March 2020.

<sup>164</sup> See Amnesty International, “*They betrayed us*”; Amnesty International, “*If you see it, you will cry*”; Human Rights Watch, “*They Didn't Know if I Was Alive or Dead*”. As noted in the Methodology, the interviews for this report build on more than 100 Amnesty International interviews with people formerly detained in Giwa carried out during past research, including more than 50 of which were with children.

<sup>165</sup> Human Rights Watch, “*They Didn't Know if I Was Alive or Dead*”. During this research, Amnesty International sought updated statistics from the UN. In response, it sent statistics indicating that, since 2015, as part of the MRM process, it had verified the release of 2,879

The real number is likely significantly higher, as the military has repeatedly denied access to detention facilities—both where initial “screening” occurs and in places like Giwa, where people are held for years—to the UN and other independent observers who might report publicly. The UN wrote to Amnesty International in May 2020 that the access restrictions “hinder[] any documentation effort. Therefore, the actual number of children in detention for their alleged association with armed groups is not available.”<sup>166</sup>

In earlier years, the military routinely detained most people coming out of Boko Haram territory.<sup>167</sup> Since 2017 or 2018, the military’s screening seems more discriminating, resulting in the detention of fewer girls and young boys. In a 2019 report, the UN stated that in the prior year the Nigerian authorities detained at least 418 children, including at least 86 girls, “for their or their parents’ alleged association with Boko Haram,” and “the majority (52 per cent) of the children had been in detention for over two years.”<sup>168</sup>

Amnesty International interviewed 48 people detained as children for alleged affiliation with Boko Haram, including children detained as young as six years old, and another 22 adults detained in cells with children. Of those interviewed, detention started as early as 2012 and continued as late as November 2019 for Giwa Barracks and as late as February 2020 in pre-release “transit centres” like Bulumkutu, in Maiduguri. The conditions are universally deplorable in military detention facilities, with severe overcrowding and poor sanitation; insufficient food and water; sexual violence; and, in some cases, beatings by either soldiers or designated cell “chairmen”. The overcrowding, poor sanitation, and insufficient water have often led to serious illness and disease and, in many cases, death—including of both younger and older children.

Interviews with children and adults released from Giwa in late 2019 suggest at least 200 boys remain in Giwa as of this report’s writing, even after releases in November 2019 and March 2020.<sup>169</sup> There are also children still in Maiduguri Maximum Prison as well as in Kainji military base, though Amnesty International did not obtain enough information to reliably estimate the number in either facility. Over the last four years, some detention conditions have improved for children, and more generally, while other conditions have worsened. The conditions have always remained well below those required under international law and amounted to torture or other ill-treatment for thousands of children, at times causing death.

## **NIGERIAN LAW RELATED TO ARREST, DETENTION, AND TORTURE**

In 2003, the Nigerian federal government enacted the Child Rights Act (CRA) which is, in most respects, in line with international law. It defines a child as under age 18.<sup>170</sup> It requires the authorities to inform immediately, or within the “shortest time possible,” the parent or guardian of an apprehended child, and to consider release “without delay.”<sup>171</sup> It requires pre-trial detention to be “a measure of last resort and for the shortest possible period of time,” and those who are detained to “be given care, protection and all necessary individual assistance, including social, educational, vocational, psychological, medical and physical.”<sup>172</sup> After conviction, holding a child in a state institution is only allowed as a “last resort” when “there is no other way of dealing with the child.”<sup>173</sup> The child’s best interests are always paramount.<sup>174</sup>

Unfortunately, the three states in Northeast Nigeria are among a handful whose state legislatures have not enacted the CRA, meaning it is not the law there under Nigeria’s federal system. They, instead, continue to adhere to a law dating to the colonial period, which is inconsistent with Nigeria’s obligations

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children held in custody in the context of the conflict in Northeast Nigeria. After follow-up questions, including about the inconsistency in information provided to Human Rights Watch and Amnesty International, a representative stated that it had only included verified data based on published MRM reports and noted, “Access to detention centers (Giwa and Maimalari Barracks in Maiduguri, Borno State) continued to be restricted to the CTFMR, hence hindering any documentation effort.” CTFMR stands for the Country Task Force on Monitoring and Reporting on Grave Child Rights Violations. Amnesty International email correspondence, May 2020.

<sup>166</sup> Amnesty International email correspondence, May 2020.

<sup>167</sup> Amnesty International interviews with children and adults detained during this period, December 2019 and January 2020; with humanitarian officials, December 2019; and with donors and diplomats working on Northeast Nigeria, January 2020.

<sup>168</sup> Children and armed conflict: Report of the Secretary-General, UN Doc. A/73/907–S/2019/509, 20 June 2019, para. 208.

<sup>169</sup> Amnesty International interviews, January 2020, and telephone interviews, March 2020 (including detailed estimates of the number of children in each cell). For information on the recent releases of children from detention, see footnote 163. In its response to questions from Amnesty International, the UN indicated that, at the end of March 2020, it had only eight verified cases of children currently deprived of their liberty for alleged association with an armed group in Northeast Nigeria. Amnesty International email correspondence, May 2020. That does not reflect the reality of the number of children in detention, but instead the extent of the military’s restrictions on independent access and its efforts to obfuscate the continued unlawful detention of children, in part due to external pressure on that issue. Amnesty International interviews and telephone interviews, including with a representative of the UN, January, March, and April 2020.

<sup>170</sup> Child Rights Act of 2003, Section 277.

<sup>171</sup> Child Rights Act of 2003, Section 211.

<sup>172</sup> Child Rights Act of 2003, Section 212.

<sup>173</sup> Child Rights Act of 2003, Section 221.

<sup>174</sup> Child Rights Act of 2003, Sections 1 and 2.

under international law. This law defines a child as under 14, sets the age of criminal responsibility at seven, and says those older than 16 should be tried as adults.<sup>175</sup>

The state governments in Northeast Nigeria are also among those that have yet to domesticate the federal Administration of Criminal Justice Act, 2015, which enacts essential protections, including the right to be informed of the reason for an arrest; the right to legal representation; the right to be treated humanely; the right of a suspect that does not understand English to have an interpreter record and read back a statement before endorsing it; and a prohibition on arresting someone in lieu of the actual suspect.<sup>176</sup> In the states of Northeast Nigeria, the 1960 Criminal Procedure Code remains in force.<sup>177</sup>

Nigeria's Constitution prohibits torture and guarantees, among other things, the right to remain silent; the right to counsel; the right to be informed of the basis of the arrest or detention; the right to be brought promptly before a court of law; and the right to compensation for unlawful arrest or detention.<sup>178</sup>

In 2011, Nigeria enacted the Terrorism (Prevention) Act, which was amended in 2013. The Act is widely inconsistent with Nigeria's Constitution and its international human rights obligations. The Constitution requires that a person in custody be brought before a court within two days, while the Act allows for extended detention of individuals suspected of involvement in terrorism, if there is reasonable suspicion and oversight by the courts.<sup>179</sup> The Act is also incredibly broad and vague in the acts it criminalizes, including associating with a terrorist group, even if no act of violence is committed; concealment of information from the authorities; participating in a terrorist group meeting; receiving training; and providing funds, property, or other material assistance.<sup>180</sup> None of the provisions have exceptions for duress. Most are punishable by a minimum of 20 years and allow for the death penalty. Nothing in the Act makes exceptions for children.

Despite the prohibition of torture in Nigeria's Constitution, the country's laws long failed to explicitly prohibit the use of torture and other forms of ill-treatment and to make it a criminal offense. In 2017, Nigeria enacted the Anti-Torture Act, finally criminalizing acts of torture and other ill-treatment and providing protections for people in custody. However, the Act makes no provisions as to the State's obligation to investigate and prosecute allegations of torture as well as for victims' right to reparations.<sup>181</sup>

### 3.1 OPAQUE SCREENING, TORTURE AT INITIAL ARREST

Almost everyone coming out of Boko Haram territory goes through a "screening" process involving the military—usually military intelligence—and the Civilian Joint Task Force (CJTF). These tend to occur in formal or informal detention facilities in front-line towns, like Bama, Monguno, and Damboa. There, some of the worst physical torture has occurred, generally to extract confessions. The "screening" process has started what has been, for tens of thousands of women, men, and children, prolonged unlawful detention.<sup>182</sup>

The "screening" process is opaque.<sup>183</sup> International observers are not given access to sites where it occurs. There is no transparency around what questions are asked or how answers are weighed to determine if someone should be detained.<sup>184</sup> Screening does not appear uniform across different sites or even commanders, based on Amnesty International's interviews with people who went through the process as well as with international observers and donors working on security in the Northeast.

One researcher who was able to interview a screening team member reported there are three categories: those "engaged deeply" with Boko Haram, those "peripheral," and those "not at all" involved. She found

<sup>175</sup> Child and Young Persons Act, 1958 (the date enacted for Northern Nigeria).

<sup>176</sup> Administration of Criminal Justice Act, 2015, Sections 6, 7, 8, 17, and 267, among others.

<sup>177</sup> For one analysis of differences, see Evelyn Okakwu, "Analysis: Main features of Nigeria's Administration of Criminal Justice Act (Part 1)," *Premium Times* (Nigeria), 9 August 2018, <https://bit.ly/2zlfvbw>

<sup>178</sup> Constitution of the Federal Republic of Nigeria, Sections 34-36.

<sup>179</sup> Compare Constitution of the Federal Republic of Nigeria, Section 35, with Terrorism (Prevention) (Amendment) Act, 2013, Section 27.

The Terrorism (Prevention) (Amendment) Act allows for a court to order the detention of a "suspect" for up to 90 days and allows that to be renewed "until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention". Section 27(1).

<sup>180</sup> Terrorism (Prevention) (Amendment) Act, 2013.

<sup>181</sup> Anti-Torture Act of 2017, December 2017, Sections 1 (Duty of government), 2 (Acts of torture), 5 (Assistance), and 8 (Penalties).

<sup>182</sup> In 2015, Amnesty International said the minimum estimate was at least 20,000 people, mostly young men and boys, who had been arbitrarily arrested in the context of the conflict. Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 75-86. See also Amnesty International, *Willingly unable*, footnote 70. Arbitrary arrests and detentions have continued to be widespread, even if at a lower rate, in the years since 2015. As a result, the total number over the course of the conflict easily reaches "tens of thousands".

<sup>183</sup> For a good discussion of "screening" issues, see Vanda Felbab-Brown (United Nations University), *The Limits of Punishment: Transitional Justice and Violent Extremism – Nigeria Case Study*, May 2018, pp. 88-90.

<sup>184</sup> Amnesty International interviews, December 2019 and January 2020.

that even coerced activities—like an abducted “wife” doing work for Boko Haram, or a farmer being forced to provide crops—qualified a person as at least “peripheral”. And even those determined to be “not at all” involved would not generally be released quickly, if they had lived under Boko Haram “for a long time”.<sup>185</sup>

A person who visited the Safe Corridor facility and spoke with military and civilian staff there similarly described officials referring to “active perpetrators”; “non-active perpetrators,” which include people who farmed for Boko Haram; and “victims of circumstances”—those deemed to have lived under Boko Haram against their will. People from each group can be sent to Giwa Barracks, for months or years of detention. From there, through Nigeria’s Joint Investigation Centre (JIC), detainees can be deemed “high-risk” and sent to Kainji for prosecution; “low-risk” and sent to Safe Corridor; or sent to “transit centres” and released.<sup>186</sup>

Such a process happens irrespective of duress. In Boko Haram territory, almost everyone is forced to provide food and crops, under threat of death (see Chapter 2.4). Defining such people as “peripheral Boko Haram” or “non-active perpetrators” allows, in effect, for the detention of almost the entire population living in areas the authorities have abandoned; this is reflected in the problematic Terrorism (Prevention) (Amendment) Act of 2013, discussed in the text box above. Amnesty International interviews with people who fled Boko Haram territory in late 2019 suggest “screening” has been relaxed, in recent years, for older people, young children, and some women.<sup>187</sup> For men and older boys, however, as well as for women and girls suspected of being married to Boko Haram fighters, by choice or by force, screening is less a funnel than an open faucet.<sup>188</sup>

The screening process violates international humanitarian and human rights law as it denies basic rights of civilians and fighters hors de combat, who must all be protected from torture and other ill-treatment. Amnesty International has long documented a widespread pattern of torture and other ill-treatment in military custody across Nigeria, including in the context of the conflict in the Northeast.<sup>189</sup> Soldiers and CJTF members use physical violence more often against men and boys, but Amnesty International also documented cases against women and girls.<sup>190</sup> F.N., 18, whose story is on page 34, described being beaten unconscious as a child when soldiers questioned him in Bama Prison, after he fled his village; the beating continued until he said falsely that he had been affiliated with Boko Haram.<sup>191</sup> A 19-year-old man similarly described his and his younger brother’s experience in Bama Prison, after he fled his village as a child:

**CJTF men were the ones beating us, while the soldiers sat and watched. My legs and hands were bound together at the back and I was hung from a tree, head facing down...**

**When they untied me, I couldn’t feel my legs and hands and could barely walk. The same thing was done to my younger brother. They did that to us because we refused to accept that we were Boko Haram, during interrogation. The interrogation was done by soldiers and CJTF. They said it wasn’t possible we would live for years with Boko Haram and not join them, so they said we were lying... My younger brother was beaten so badly that he could not eat with his hands.<sup>192</sup>**

Boys taken to Kainji described a similar experience upon first arriving, as described by someone brought there as a 13-year-old and held for almost four years: “If you said you were Boko Haram, they’d stop. If you didn’t, they kept beating you. I denied it, so they beat me. So many [men and boys] were innocent. Even me, there was one time they were beating me badly, and they asked [if I was Boko Haram] and I delayed [in answering]. Then they stopped beating me and took me back to my cell. They were happy.”<sup>193</sup>

Amnesty International interviewed 14 people tortured through physical violence, nine of who were children at the time, to extract confessions. Others said they were not beaten—though had often witnessed the torture of others—because they immediately confessed affiliation. “They didn’t beat me,” said one man, 55, about his time in Bama Prison. “They said I’d spoken the truth, that’s why they didn’t touch me. Later, they said I was a surrendered Boko Haram, so I had to go to Giwa... They beat people too much [in Bama]. They beat

<sup>185</sup> Vanda Felbab-Brown, *The Limits of Punishment*, p. 88.

<sup>186</sup> Amnesty International telephone interview, March 2020. Representatives of one UN agency indicated that JIC stood for Joint Investigation Committee, rather than Centre; representatives of two UN agencies said it was Centre, which is also the term that has been used in Nigerian media, including in statements by senior Nigerian officials. Amnesty International email correspondence, May 2020; The Governor of Borno State Facebook page, “Gov. Zulum Received 983 Cleared Boko Haram Suspects From The Nigerian Army,” 27 November 2019 (“these categories of detainees are screened, investigated and cleared at the joint investigation centre”); “Troops rescue 88, kill 3 insurgents in Bama, Borno,” Premium Times, 16 August 2016 (quoting the army spokesperson).

<sup>187</sup> Amnesty International interviews, December 2019.

<sup>188</sup> Arriving to a “screening” location without a husband is often enough to lead soldiers and CJTF members to suspect a woman or girl is “married” to a Boko Haram fighter and to detain her arbitrarily. See *They betrayed us*, pp. 67-69.

<sup>189</sup> See Amnesty International, “Welcome to hell fire”; Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 90-91.

Amnesty International has reviewed and authenticated dozens of videos showing arbitrary detention and torture and other ill-treatment.

<sup>190</sup> Amnesty International interviews, December 2019 and January 2020. See also Amnesty International, *They betrayed us*, pp. 70-71.

<sup>191</sup> Amnesty International interview, 10 December 2019.

<sup>192</sup> Amnesty International interview, 4 April 2019.

<sup>193</sup> Amnesty International interview, 13 December 2019.

people until they convinced you to say you're Boko Haram, even if you're not Boko Haram."<sup>194</sup>

An 18-year-old man who surrendered in Banki in mid-2017, at age 15, and was also transferred to Bama Prison, described similarly, about his initial interrogation: "I told them Boko Haram went to our town and preached to us, so we joined... They need to be able to say you're this and that. If you tell them, they'll be happy and not beat you... Others were beaten—beaten too much. [The soldiers] took a rubber belt, and they beat people with that and with a stick. Some people fell sick from the beating."<sup>195</sup>

The result of the opaque screening, forced confessions, and decision to detain people who are victims of Boko Haram's theft and abduction means a high percentage of people in military detention were never affiliated with Boko Haram, much less committed crimes against civilians. An 18-year-old man told Amnesty International he was recruited by Boko Haram at 13; he was trained as a fighter but said he later grew tired of the "disunity" between factions and the group's violence against civilians, and escaped. After surrendering to the military, he was taken to Giwa, where, he says, he realized he was in the minority:

**When we entered [the cell], people asked if we were Boko Haram. We said no, we weren't Boko Haram. The people there [in Giwa], they're all innocent—so many of them. If we'd told them we were Boko Haram, they would have killed us, because they say we brought all this on them... We were 350 [in the cell]. Among the 350, we [from Boko Haram] know ourselves. Not more than 50 were Boko Haram. The other 300, they were all innocent.**<sup>196</sup>

Several others who had been in Boko Haram similarly said they were surrounded in Giwa and Safe Corridor by men and boys with no affiliation. Of the 58 detained men and boys interviewed by Amnesty International, 18 said they had been with Boko Haram—five were recruited and 13 abducted. The other 40 detained men and boys said they were never affiliated, only fled Boko Haram-controlled territory. Of the 12 detained women and girls interviewed, none was recruited voluntarily or a combatant; they had been abducted, usually as "wives," had a family member in Boko Haram, or had escaped from Boko Haram areas. The findings here reflect longstanding patterns documented by Amnesty International throughout the conflict.<sup>197</sup>

The military's policy of mass arrest and detention is as counterproductive as it is inhumane. Former child detainees quoted on pages 6, 53, and 69, for example, reflect the feelings of many interviewed by Amnesty International, saying that, after their experience, they sometimes regretted having chosen to flee Boko Haram territory and might not countenance other people affiliated with the armed group to come out from the bush and surrender themselves. Likewise, a 35-year-old man who fled his village in Bama LGA in late 2019 said, about those he left behind in Boko Haram territory: "Innocent people like us, there are many of us in the bush. If the government didn't kill people, detain people, people would come. People fear the way the military is mistreating people, that's why you see them there [in Boko Haram areas]."<sup>198</sup>

## 3.2 WIDESPREAD UNLAWFUL DEPRIVATION OF LIBERTY

If the initial screening results in transfer to a longer-term military detention facility, such as Giwa or Kainji, children, like adults, usually find themselves trapped for months or years without due process. The result has been the widespread unlawful deprivation of liberty of boys and girls.

Of the 48 formerly detained children interviewed for this report, none had access to a lawyer while in front-line detention facilities or after transfer to Giwa or Safe Corridor; their detentions ranged from three months to more than six years—with most lasting at least two years.<sup>199</sup> Adult detainees said the same thing. The only children interviewed who ever saw a lawyer were five who were transferred from the Kainji barracks to Kuje Prison, a federal prison near Abuja, following the process of the sham "mass trials" in Kainji in 2018 (see text box below); even those children's access to counsel came only after three to five years of detention.<sup>200</sup>

Likewise, none of the children interviewed was charged or appeared before a competent court while in military detention in Giwa, Safe Corridor, or the initial front-line facilities. Again, the only children who had ever appeared before a judge were those who, typically after years of unlawful detention, had their cases

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<sup>194</sup> Amnesty International interview, 10 and 11 December 2019.

<sup>195</sup> Amnesty International interview, 12 December 2019.

<sup>196</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>197</sup> Amnesty International, *"They betrayed us"*, pp. 64-72; Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 75-86.

<sup>198</sup> Amnesty International interview, 8 December 2019.

<sup>199</sup> The interviewee detained for three months was a girl around 15 years old at the time she escaped Boko Haram and was detained by the military. Among formerly detained boys interviewed by Amnesty International, the shortest total time in military detention was seven months.

<sup>200</sup> Amnesty International interviews with Kainji detainees, December 2019 and January 2020, and telephone interview, March 2020. In 2018, Amnesty International also interviewed former Kainji detainees while they were held in Kuje Prison, which informs this analysis.



transferred from Kainji to Kuje. Those children were not clear on what exactly happened in their cases, other than that, from Kuje, the judge ordered the boys' transfer to Safe Corridor and the girls' transfer to a Maiduguri "transit centre," even though the children believed they were not found guilty of any crimes.<sup>201</sup> No child interviewed, or adult, had been able to contest their continued detention.

Children's lack of access to counsel as well as their prolonged detention without ever being informed of charges or any other legal basis for their detention and without appearing before a court reflect longstanding patterns of violations documented by Amnesty International in the context of the conflict.<sup>202</sup>

Formerly detained children and adults almost all said soldiers forced them to sign or thumbprint statements without indicating what the document said. "They took my thumbprint," said a 15-year-old girl, about a statement soldiers presented in the early part of what became five years in detention, starting when she was 10. "They didn't translate it for me, they didn't tell me what it said, they just said to put my thumbprint."<sup>203</sup>

The statements were written in English, which is read by extremely few children in the rural areas of Northeast Nigeria from which people are disproportionately detained. Everyone interviewed said the soldiers did not translate what was written. A few people could identify dates, of arrest and detention, but nothing else. "They'd just ask us to sign a document, but we didn't know what the document said—it was in English," said a 20-year-old man detained in Giwa at age 16 or 17.<sup>204</sup>

While the people Amnesty International interviewed have been released, coerced statements like these have been used to justify detention and are being used as evidence in ongoing investigations and prosecutions of alleged Boko Haram, according to several international officials supporting such efforts.<sup>205</sup>

Finally, none of the detained children had access to family—other than relatives detained in the same cell—while held in Giwa, Kainji, or detention facilities in front-line towns. Amnesty International interviewed more than 30 family members of people in detention, and none had received official news about if their relative was held, much less where. Family members said they primarily received information from detainees who were released; people often go years without knowing if someone is alive or dead.<sup>206</sup> This remains the case for those with relatives still in detention and qualifies as incommunicado detention under international law.

Any of these issues, on its own, amounts to unlawful detention (see text box on page 56). Together, they represent a flagrant violation of Nigeria's responsibilities as a party to the Geneva Conventions and to human rights treaties, and, as a widespread practice, may qualify as the crime against humanity of imprisonment.<sup>207</sup> Children indeed have heightened protections under the law. The Convention on the Rights of the Child requires that the "arrest, detention or imprisonment of a child... be used only as a measure of last resort and for the shortest appropriate period of time."<sup>208</sup> Nigeria has, instead, routinely used military detention as a first resort and unlawfully held children for years without due process or even bringing charges.

### SHAM TRIALS IN KAINJI

In 2017 and 2018, hundreds of suspects detained in Kainji, including many children, were tried during three sessions before the Federal High Court of Abuja, sitting in the Wawa military barracks in Kainji, Niger State. The "mass trials" appear to have mainly targeted civilians caught in the conflict, charging them with offences like support to Boko Haram or concealment of information from the authorities.<sup>209</sup> The vast majority of charges in the July 2018 mass trials, for example, related to membership or support for Boko Haram; very few cases related to crimes under international law or even crimes against persons.<sup>210</sup>

<sup>201</sup> Amnesty International interviews with Kainji detainees, December 2019 and January 2020, and telephone interview, March 2020. The boys were held at Safe Corridor for between five and eight months.

<sup>202</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*; Amnesty International, "If you see it, you will cry", pp. 10-13.

<sup>203</sup> Amnesty International interview, 20 January 2020.

<sup>204</sup> Amnesty International interview, 9 December 2019.

<sup>205</sup> Amnesty International interviews, January 2020. See also Amnesty International, *Willingly unable*, pp. 19-20, 36-37. Amnesty International's conclusions are also based on, among other things, first-hand observations of the July 2018 trials in Kainji.

<sup>206</sup> This has been the case for years, as documented by Amnesty International. See Amnesty International, "If you see it, you will cry", pp. 11, 20; Amnesty International, "Welcome to hell fire"; Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 42, 76.

<sup>207</sup> Rome Statute, art. 7(1)(e). For more, see Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 36-37, 75-86.

<sup>208</sup> CRC, art. 37. In an outcome statement, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) urged all African Union member states, like Nigeria, to "[e]nd military detention of children and adopt formal handover protocols that provide for the swift transfer of children from military custody to civilian child protection authorities". ACERWC, "Outcome statement for the day of general discussion on children affected by armed conflict," 26 November 2019.

<sup>209</sup> Amnesty International, *Willingly unable*, pp. 18-20. For that report, Amnesty International examined 179 court documents, including 52 judgments and 82 prosecution documents (containing charges brought against suspects), as well as dozens of media and other observers' reports related to the "mass trials". Since 2017, Amnesty International delegates also directly observed hearings of the July 2018 trial session in Kainji and have conducted more than 20 interviews with detainees who were subject to these "mass trials".

<sup>210</sup> Amnesty International, *Willingly unable*, pp. 18-20.

In the absence of access to all the trial sessions and judgments, Amnesty International cannot provide precise numbers on prosecutions and convictions from these “trials”. Some were convicted and sentenced to years in prison (sometimes below or equivalent to years already spent in detention); others were acquitted or had their charges abandoned, often for lack of evidence. Amnesty International has not been able to determine if all those who were ordered to be released following these judgments have in fact been released.

Some detainees, including children, had their cases transferred to the Federal Capital Territory and were moved to Kuje Prison. More than a dozen were then transferred to Safe Corridor, as discussed in Chapter 4.

The Kainji trials were marred by egregious violations of defendants’ fundamental rights. Interpreters were not available to defendants, who mostly did not speak the language used in court. Defendants, even when they understood the language, were not properly informed of the charges against them nor of their rights, and they were not generally in a position to understand the proceedings and to prepare and defend their case.<sup>211</sup>

Almost all defendants appeared to be victims of arbitrary arrests, unlawful and incommunicado detentions, and torture and other ill-treatment. The trials were marked by prosecutions without evidence and convictions based on unreliable and untested confessions and guilty pleas. Defendants lacked adequate access to legal defence before and during trials, and all trial sessions were unduly rushed indicating the judges did not have appropriate time to adequately examine and deliberate on each case.<sup>212</sup>

Amnesty International considers these proceedings to be “sham trials” meant to provide legal cover for thousands of people who had already spent years in unlawful and arbitrary detention, and to hide the Nigerian authorities’ failure to investigate and prosecute individuals who bear the greatest responsibility for Boko Haram’s crimes against civilians.

### 3.3 DETAINING CHILDREN WITH ADULTS

In most military detention facilities, children have been and continue to be detained with adults, in violation of international law. For several years, Giwa Barracks maintained a children’s cell; while that cell usually held only children, other children continued to be held with adults in different cells. In mid-2018, the military eliminated the children’s cell in Giwa and, ever since, has held most children with adults, likely to give the false impression that children were no longer being detained there, or only in small number.

All five interviewees who were children when detained in the Kainji barracks were in cells with adults, whom they described as between 20 and 55 years old.<sup>213</sup> Likewise, dozens of boys from six years of age said they were held with adults upon initial arrest and detention in military bases or other facilities in Bama, Banki, Damboa, and Monguno, among others. Detention in those places usually lasts anywhere from several days to two or three months. Very young children and older girls have typically been detained in “women’s cells,” separate from men and older boys—often, though not always, with mothers or grandmothers.<sup>214</sup>

Prior to mid-2018, children detained in Giwa tended to fall in three categories. (For a general layout of Giwa, including the expansion of its detention area, see the satellite imagery on page 44.) First, boys under five or six years old as well as all girls were usually held in a “women’s cell,” often for months or even years. In 2016, a measles outbreak ravaged the cell, killing at least 29 babies and young children—leading to long-overdue vaccination and, after outrage and pressure, the release of many women and young children.<sup>215</sup>

Second, the vast majority of boys between six and 13 years old were, for several years, held in Cell 7, commonly referred to as the “children’s” or “underage” cell. For example, a 13-year-old boy detained at Giwa for around seven months at age nine said he spent all his time there in the children’s cell, with other children between seven and 15 years old; the boy’s grandfather, around 70 years old, died in detention at Giwa and the boy’s father remains in detention, more than four years later.<sup>216</sup>

<sup>211</sup> Amnesty International, *Willingly unable*, pp. 18-20, 38.

<sup>212</sup> Amnesty International, *Willingly unable*, pp. 18-20, 38.

<sup>213</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>214</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>215</sup> Amnesty International interviews, with women and girls held in the cell at the time, December 2019 and January 2020. See also Amnesty International, *They betrayed us*, pp. 64-72.

<sup>216</sup> Amnesty International interview, 12 December 2019.

Third, for older boys, placement was often based on luck; some were sent immediately to the children's cell, while others bounced between different cells for adults until the children's cell opened space. F.N., whose story is on page 34, was one of many who described extended detention with adults before transfer to the children's cell. Another 18-year-old man told Amnesty International he was arrested at age 15 after fleeing Boko Haram-controlled area; the military took him to Giwa, where he was put in Cell 8 with adults. "I was there for 15 months before being taken to Cell 1," he said. "I was in Cell 1 for six months and then taken to Cell 7, [the] 'underage' cell. I was there for about three months before being transferred to the new cell, the 'A/C Cell'... before our release [in mid-2018]... There were about 250 boys in the 'underage' cell."<sup>217</sup>

In July 2018, the military released 183 children from Giwa and eliminated the old children's cell.<sup>218</sup> The military tried to give the appearance that it had released all children,<sup>219</sup> negating the need for a children-only cell; in reality, some children continued to be detained and were distributed to different, predominantly-adult cells. New children were also brought to Giwa and sent to cells with adults. A 16-year-old boy from a fishing village near Lake Chad, who said he was never affiliated with Boko Haram and eventually fled his village in the latter part of 2016, told Amnesty International, about the three years he spent in military detention:

**In 2018, they said they closed the children's cell. Some children were taken to [Operation Safe Corridor in] Gombe, others to maximum prison... The few of us remaining we were put in other cells... If you put a calf with bulls, you can't see them, so nobody could recognize us [as children] in these cells. Later they put children in Cell 11, but there were adults in that cell as well.<sup>220</sup>**

Several people detained through that period estimated that more than 100 boys remained in Giwa after the children's cell closed, and said more children were added in subsequent months. One boy said the conditions deteriorated significantly, as the children's cell, which by mid-2018 had a television and a caged area outside, was less inhumane than the adult cells to which he and other children were sent. "There are now 14 cells in Giwa," he said. "In each cell you will find underaged [children]—10 to 30 per cell."<sup>221</sup>

Adding to the problem, several children said soldiers at times wrote down ages older than the child indicated when arriving to detention. They said some children were detained with adults or not released with other children because military records wrongly indicate the person is an adult.<sup>222</sup> Amnesty International was unable to determine the scale of age-changing or why it occurred—for example because the in-take officer thought the person was lying or assumed an older age based on appearance. Determining ages in Northeast Nigeria is challenging, as most people, particularly from rural areas, are unsure of birthdates. The authorities should err on the side of overprotecting, rather than under-protecting, those around the age of 18.

Nigerian law requires that children in conflict with the law "shall not be kept in adult custodial facilities".<sup>223</sup> Under the African Charter on the Rights and Welfare of the Child, state parties like Nigeria must "ensure that children are separated from adults in their place of detention or imprisonment".<sup>224</sup> The Convention on the Rights of the Child similarly calls for separation of children and adults in detention "unless it is considered in the child's best interest not to do so," which does not apply here.<sup>225</sup>

As discussed on page 50, the detention of children with adults has contributed to sexual violence against boys, with inadequate response by soldiers and other officials overseeing detention facilities.

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<sup>217</sup> Amnesty International interview, 2 April 2019.

<sup>218</sup> Amnesty International interviews with children who were among those who were released in July 2018 from Giwa Barracks, April 2019, and telephone interviews with children released in November 2019 who described the closing of the children's cell, March 2020. See also UNICEF, "UNICEF Nigeria welcomes release of over 180 children suspected of Boko Haram ties from administrative custody," 9 July 2018 (indicating the military released eight girls and 175 boys, though bizarrely referring to Giwa, a site of well-documented unlawful detention and torture, as "administrative custody").

<sup>219</sup> Amnesty International telephone interview with a UN representative in Nigeria, April 2020.

<sup>220</sup> Amnesty International telephone interview, March 2020.

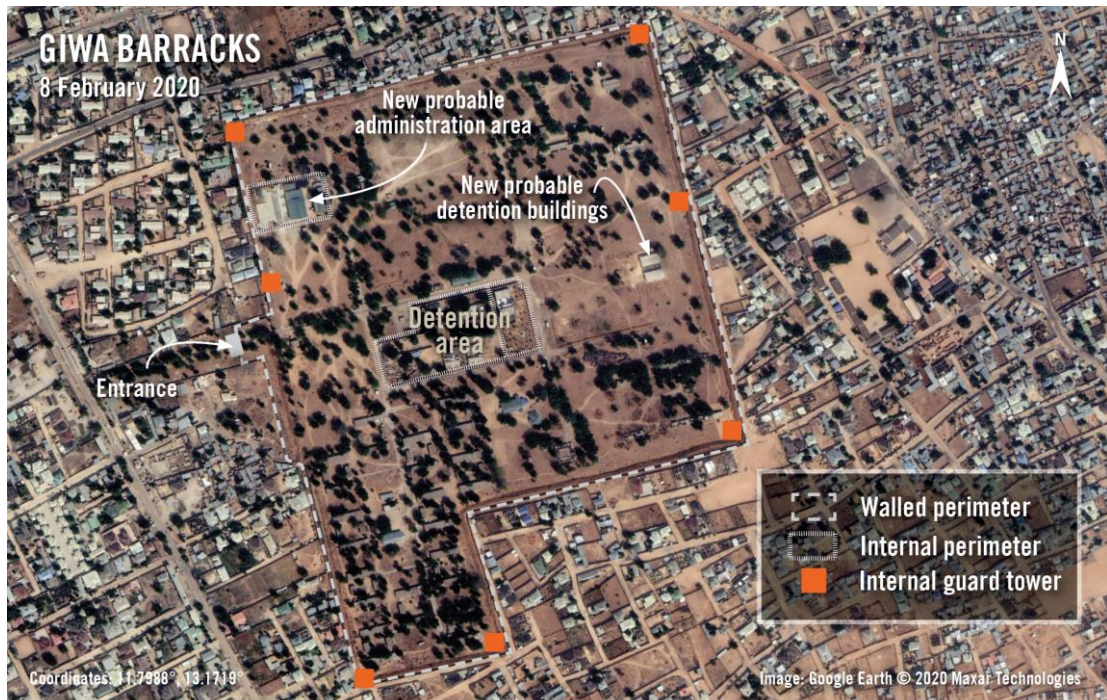
<sup>221</sup> Amnesty International telephone interview, March 2020.

<sup>222</sup> Amnesty International interviews, April 2019, and telephone interviews, March 2020.

<sup>223</sup> Nigerian Correctional Service Act of 2019, Section 35. But most children detained amid the conflict have never even been charged.

<sup>224</sup> African Charter on the Rights and Welfare of the Child, art. 2(b).

<sup>225</sup> CRC, art. 37(c).



Satellite imagery from 8 February 2020 shows an overview of Giwa Barracks in Maiduguri. The barracks is enclosed with a walled perimeter and a controlled entrance on the west side. Seven guard towers and two areas with walled perimeters are visible within the compound. One perimeter encloses the detention area.



Giwa Barracks has an internal, secondary perimeter that encloses the detention area. In 2015, new detention buildings were constructed within the detention area. The two sets of buildings are separated by a common area that is also enclosed. In 2017, new similar but larger buildings were built in a separately enclosed area. In 2018, construction began on new buildings east of the main detention area. In 2020, they appear to be close to completion but not visibly occupied. The buildings are larger, but the layout is similar to the detention buildings constructed in 2015 and 2017.

## 3.4 INHUMANE CONDITIONS

For children and adults alike in military detention, the horror often lies in cell conditions so inhumane that, even to an Amnesty International delegate who has covered conflicts and other major crises in a dozen countries, they seem unfathomable. Yet every detainee interviewed offered consistent, highly specific descriptions: extreme overcrowding; a lack of ventilation amid stifling heat; ubiquitous parasites; urine and faeces on the floor, because of the lack of toilets; and an inability to bathe. For many, including children, these conditions have been deadly, as discussed on page 49. For everyone—for the tens of thousands who have gone through these facilities—they constitute torture. There have been improvements in recent years, especially for some children, but they are far too limited and far too late.

The inhumane conditions' assault on detainees' senses is often immediate upon arriving to a detention facility. An 18-year-old man detained for almost three years total described his arrival in mid-2017 to Giwa, where, when he was 15 or 16, he spent six months: "When they opened the cell, the odour that came out—started regretting leaving [Boko Haram]. There was no place to sit. Someone was in your lap... The heat was so much, it was unbearable, everyone was sweating so much that you could see water everywhere on the cell floor."<sup>226</sup> He was initially in an adult cell, before being transferred to the children's cell.

Although the number of people changed constantly in cells, with new detainees added and others dying or, less often, being transferred or released, those in Giwa's children's cell described about 200 to 275 boys held in an area estimated as 10 by 13 metres.<sup>227</sup> In adult cells, where children are also held, even more are packed in—250 to 360 in most cells, and more than 500 in a large cell that was later divided in two. Like O.A., on page 53, those in the children's cell usually describe a level of overcrowding in which lying down is only possible on one's side, with everyone packed together.<sup>228</sup> In late 2016 or early 2017, the military created a caged area outside the cell, where it allowed some children to sleep sometimes, in order to reduce overcrowding in other cells—moving adults from those other cells to the children's cell.<sup>229</sup>

The situation is worse for children in Giwa's adult cells; as discussed above, among those detained at age 14 or older, the clear majority interviewed by Amnesty International spent time—typically months, but often more than a year—in adult cells. F.N., on page 34, described having to sleep while sitting when in an adult cell in 2017. A 19-year-old man detained for two years in Giwa, beginning in 2016 when he was 16, said similarly, "We were ushered into Cell 8, an adult cell. It was very overcrowded with no place to sleep. We slept sitting till daybreak. I was in the cell for more than one year... The fewest we were in the cell was 250... You couldn't move because there's no space. When you got tired, you sat up with your knees folded up."<sup>230</sup>

Although cells are significantly smaller in Kainji, the congestion was described similarly. An 18-year-old held there for almost four years, beginning at age 13, said there were nine others in his three-by-four metre cell. "Some people would sit down, some would stand up," he recalled. "After a while, those who were standing would say, 'Okay, let's switch.' It was too small. At night... because some of us were small boys, we could lie down. After two or three hours, the others would wake us, and we'd stand, and they'd sleep."<sup>231</sup>

In Northeast Nigeria, temperatures regularly reach at least 38 Celsius during the hot season, from March through May, before the rains come. Given the overcrowding and poor ventilation, it is even hotter inside cells. "The heat was unbearable, and we'd take off our clothes and use them as fans," described an 18-year-old man detained for two years beginning at age 15, and who spent most of his time in adult cells.<sup>232</sup> Another 18-year-old man who was also detained at age 15, for more than two years, said similarly, "People fainted in Giwa during heat and were revived when water was poured on their bodies and they were fanned. The heat there is not something you can describe."<sup>233</sup> Many could not be revived.

The former children's cell had slightly better ventilation, with some children saying they caught a little breeze, but the extreme overcrowding meant it only benefited some. "The older boys would push the younger ones to the end of the cell where there was no ventilation, while they stayed by the door," said a 17-year-old boy who spent seven months in Giwa before release in mid-2018.<sup>234</sup> Several boys said there were fans in the children's cell, but they were rarely turned on as they often made it worse by blowing hot air.<sup>235</sup>

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<sup>226</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>227</sup> Several former detainees specifically recalled an outside observer measuring the cells and finding them to be 130 square metres.

<sup>228</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>229</sup> Amnesty International interviews, April and December 2019 and January 2020.

<sup>230</sup> Amnesty International interview, 2 April 2019.

<sup>231</sup> Amnesty International interview, 13 December 2019.

<sup>232</sup> Amnesty International interview, 2 April 2019.

<sup>233</sup> Amnesty International interview, 2 April 2019.

<sup>234</sup> Amnesty International interview, 3 April 2019.

<sup>235</sup> Amnesty International interviews, April and December 2019.

In 2018, soon before the former children's cell was closed, around 200 boys were moved to Cell 11, which they called the "A/C cell," as it had air-conditioning as well as many windows. It was still overcrowded, but the heat was less stifling and the ventilation better.<sup>236</sup> At the time of this research, boys continued to comprise the majority of Cell 11, though boys and men released from Giwa in November 2019 said some men were in the cell as well. And, as discussed above, many children continue to be detained in other adult cells, where the problems of overcrowding, poor ventilation, and heat remain rife.

Children detained in all Giwa cells, including the children's cell, as well as in Kainji, also universally described an infestation of parasites, including lice. "There were parasites everywhere in the cell," said a 17-year-old boy detained for seven months in 2017 and 2018, only in the children's cell and A/C cell.<sup>237</sup> A girl held in Kainji for four years, whose age is withheld to protect her identity, said similarly, "There were many parasites and lice there."<sup>238</sup> A man in his 60s held in Giwa for four years, before his release in late 2019, described how detained men and boys dealt with the situation, "There was too much lice and parasites. When we came out for counting, we'd pick lice off our bodies. It was disgusting in there."<sup>239</sup>

Perhaps the biggest complaint, among children interviewed, was for the lack of toilets. Through early 2016, many cells in Giwa did not have a toilet; detained men and boys had to use buckets or sacks and take the waste outside the cell the next morning. The situation was similar in Kainji, as described by a 17-year-old boy held there for four years, beginning when he was around 12:

**There was no toilet. When they brought the food in a bag, when we needed to shit, we could do it in the bag and put it by the cell door. The soldiers came with gloves on, and they'd come and pick up all the shit [in the bag]. In the front of the cell, they put a bucket, and we'd urinate in that.**<sup>240</sup>

Former detainees said that after the Red Cross obtained access to the detention facilities, toilets were gradually built, though that in almost all Giwa cells, including the former children's cell, it was one toilet per cell—holding 200 to 350 people.<sup>241</sup> They described a queue of dozens of people, requiring a 30- to 60-minute wait.<sup>242</sup> O.A., in his story on page 53, was one of many to describe how boys, especially younger boys, often urinated or defecated on themselves when forced to wait. An 18-year-old detained in Giwa during the second half of 2017, when he was 15 years old, said similarly:

**In all the cells, there was only one toilet. Even at night, there was a queue... Sometimes, when people were sick, they would defecate or urinate on their own body. The military would just give a [1-litre] bottle of water and say, "Clean yourself." They wouldn't [give new clothes]. They'd just say, "Wash your body, wash yourself" [with the water]... I got sick. All of my body had rashes.**<sup>243</sup>

Several older boys described washing the clothes of younger boys who urinated or defecated.<sup>244</sup>

Eventually, in the children's cell, the boys had two buckets, in addition to the toilet. One bucket was used for urine; the other was used when the main toilet became so backed up it was unusable.<sup>245</sup>

Children and adults released in late 2019 said the situation of toilets remained unbearable. A small number of cells have two toilets, but the rest continue to have one, despite the number of detainees. In general, recently released children and adults said there had been few improvements during their detention, which for some lasted as many as five years, related to toilets, overcrowding, and parasites.<sup>246</sup>

One area where there has been significant improvement is in allowing detained children and adults to bathe. Children detained in 2016 said they were lucky to bathe once every two months.<sup>247</sup> In 2017, it started increasing, as described by a 19-year-old man detained in Giwa for a year, beginning when he was 17, before being released in mid-2018: "Where I arrived in Giwa, we bathed once in two months. It later became once in a month, and then once a week when we went to the A/C cell."<sup>248</sup> A man released in late 2019

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<sup>236</sup> Amnesty International interviews, April 2019 and January 2020, and telephone interviews, March 2020.

<sup>237</sup> Amnesty International interview, 2 April 2019.

<sup>238</sup> Amnesty International interview, 20 January 2020.

<sup>239</sup> Amnesty International interview, 22 January 2020. A 49-year-old man detained in Giwa in 2017 described the lice situation colourfully, if horrifyingly, "When we got there, the next day when we woke up, I saw something crawling on me, and I was like, 'What is this, is this lice?' Others were asking, 'Look at other people's backs now'. The lice were lined up like cars in a motor park. If you see [people's] armpits and the back of their heads, everything is just filled with lice." Amnesty International interview, 21 January 2020.

<sup>240</sup> Amnesty International interview, 13 December 2019.

<sup>241</sup> Amnesty International interviews with dozens of former detainees, April 2019, December 2019, and January 2020.

<sup>242</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>243</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>244</sup> Amnesty International interviews, April and December 2019.

<sup>245</sup> Amnesty International interviews, April 2019.

<sup>246</sup> Amnesty International interviews, January 2020, and telephone interviews, March 2020.

<sup>247</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>248</sup> Amnesty International interview, 3 April 2019.

likewise described being able to bathe once a week by the end of his detention.<sup>249</sup>

Most, if not all, of these conditions amount on their own to torture or other ill-treatment under international law. The detention conditions are war crimes and may also constitute the crime against humanity of torture, as part of a widespread or systematic attack on a civilian population.<sup>250</sup> During the conflict, the Nigerian military has subjected thousands of boys and girls—and tens of thousands of adults—to such crimes; it continues to subject around 200 children, and many more adults, to the same crime.

## 3.5 INADEQUATE FOOD AND WATER

For years, children and adults detained after leaving Boko Haram territory were provided grossly insufficient food and water, amounting to torture and other ill-treatment. Many died, as discussed on page 49. Former detainees said that after the military granted more access to the Red Cross, the provision of food and water improved steadily, though at least thousands of children and adults suffered in the process.

Amnesty International reported previously on the dire conditions in Giwa between 2011 and 2014, when detained men, women, and children were typically given one small meal a day and often denied water for days, leading to mass starvation.<sup>251</sup> The early years of detention at the Kainji barracks were similar. A 17-year-old boy arrested at around 10 years old said he was moved to Kainji in mid-2014; he and others said it was at least five months before the Red Cross gained access to the facility, and longer before regular access. During that period, the boy described, “We were so hungry. People were dying all the time. There was no water. Sometimes I was so thirsty I had to drink my urine. I lost so much weight.”<sup>252</sup> He said there was a slight increase in food and water from 2015, after the Red Cross dug a borehole.<sup>253</sup>

An 18-year-old man detained in Kainji for almost four years from April 2014, when he was 12 or 13, said similarly, “For water, sometimes they’d bring it, we’d hold out our hands and if you were lucky, you’d get some, and if you weren’t lucky, it would spill... We could hear other detainees saying, ‘Please, give us water, please.’ Every day, people were dying... When the Red Cross came, food [and water] increased some.”<sup>254</sup>

In Giwa, access to food and water likewise increased gradually, as the military faced public and private pressure. Children and adults detained in 2015 and 2016 typically described two small meals and two to three cups of water a day. (See O.A.’s story, on page 53.) A 10-year-old boy held in Giwa when he was age six or seven recalled, “There was water inside [the cell]. We could drink from it two times a day. Some children were crying because they were so thirsty.”<sup>255</sup> A 21-year-old man detained in Giwa for around three years, beginning when he was 16 or 17, said similarly, “There was water in the cell but there were periods for giving water. If it wasn’t time, you wouldn’t be given water, no matter how thirsty you got.”<sup>256</sup> Children described being beaten by a cell chairman if they asked for water at an unscheduled time.<sup>257</sup>

That water was grossly insufficient always, but particularly during the hot season, when temperatures in Maiduguri regularly top 38 Celsius—even hotter in the poorly ventilated, obscenely overcrowded cells.

By around 2017, food increased to three meals a day, though remained small and some detainees described persistent hunger. The water and food situation seem to have been slightly better in the children’s cell than for children and adults in other cells. In response to the malnourishment that existed, former detainees said the Red Cross at some point began providing an extra serving of gruel or Plumpy’nut—a “therapeutic food” marketed for “severe acute malnutrition”.<sup>258</sup> Amnesty International interviewed at least six children who received Plumpy’nut in Giwa and five adults who received the extra serving of gruel, after being weighed by outside observers and determined to be severely malnourished.<sup>259</sup>

Although the Red Cross’s access has helped improved conditions, it also put children and adults in a vulnerable position. A 20-year-old man interviewed by Amnesty International said he fled his village at age 16 or 17 because the family feared Boko Haram would steal their cattle. He was arrested and detained for more than two years in Giwa, including 20 months in the children’s cell. He described, “The soldiers would

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<sup>249</sup> Amnesty International interview, 22 January 2020.

<sup>250</sup> Rome Statute, art. 7(f) (crimes against humanity) and art. 8(2)(c)(i) (war crimes).

<sup>251</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 6-8, 58-74.

<sup>252</sup> Amnesty International interview, 13 December 2019.

<sup>253</sup> Amnesty International interview, 13 December 2019.

<sup>254</sup> Amnesty International interview, 13 December 2019.

<sup>255</sup> Amnesty International interview, 18 January 2020.

<sup>256</sup> Amnesty International interview, 5 April 2019.

<sup>257</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>258</sup> See Nutriset, “Plumpy’Nut,” <https://www.nutriset.fr/products/en/plumpy-nut> (accessed 25 March 2020).

<sup>259</sup> Amnesty International interviews, April 2019, December 2019, and January 2020.

sometimes ask the cell chairman and workers to beat the children for telling the Red Cross or UNICEF about our bathing or food situation. So we stopped telling the organizations the truth.”<sup>260</sup>

An 18-year-old man who fled his village in Ngala LGA out of fear of Boko Haram and, from age 15, was detained for several years in Giwa, said likewise, about outside observers: “Whenever we complained about food, bathing, and heat, the soldiers would come later and ask the cell chairman to flog us.”<sup>261</sup>

Children released from Giwa between mid-2018 and late 2019 said water access improved further, perhaps, at least in some cells, to the point of respecting international law. “There was enough water,” said an 18-year-old man from Dikwa LGA, detained in Giwa for more than two years before his release in mid-2018. “There were three plastic drums in the cell filled with water. Whenever you were thirsty, you went there, and the cell chairman would instruct his men to give you water.”<sup>262</sup> An 18-year-old man from Mafa LGA, released from Giwa in late 2019 after three years in detention, likewise said the water had improved considerably during his time there, contrasting it with the continued lack of access to a toilet.<sup>263</sup>

## 3.6 BEATINGS BY OTHER DETAINEES

Since around 2016, soldiers appear not to have regularly beaten detainees, especially children, in Giwa; however, designated cell leaders still impose physical violence—at times with the military’s support and at times its neglect. There has been some improvement under the current military leadership in Giwa.

About half of those detained as children whom Amnesty International interviewed described being beaten at the direction of a “cell chairman”—a detainee, designated and empowered by the military, who is put in charge of the cell in which they are held and tasked with maintaining order.<sup>264</sup> On page 53, O.A., who was detained in the children’s cell in Giwa in the second half of 2017, describes being beaten with a plastic cane that soldiers gave the cell chairman.<sup>265</sup> A 17-year-old boy released from Giwa in July 2018 after seven months of detention, mostly in the children’s cell, likewise said his chairman, a detainee slightly older than him, flogged him as punishment with a “whip he made from the rope used as a handle for food flasks”.<sup>266</sup>

Many younger boys said the beatings or floggings were often for talking or fighting with other children. “They told us not to talk,” said a 10-year-old boy who was detained at Giwa when he was six or seven years old. “If we talked, there were two cell chairmen who’d flog us.”<sup>267</sup> A 13-year-old boy held at Giwa for around seven months when he was eight or nine said the cell leaders “would torture us sometimes. If we were making noise or if you were fighting with your cellmate, they’d beat you. They’d hit you and leave you crying.”<sup>268</sup>

Children detained in adult cells face the same, if not greater, risks. “The adults would flog the younger ones for staying too long to urinate, fighting, or stealing food,” said a 19-year-old man who was detained for more than three years in Giwa, beginning at age 15, before being released in July 2018.<sup>269</sup>

Several children detained in Giwa until November 2019 said beatings by cell chairmen continued, including with rope, for reporting poor conditions to outside observers and for “misbehaving,” among other reasons.<sup>270</sup> Others said they had good cell chairmen and were not beaten, but, as one boy described, “The punishment was being in Giwa. The conditions in Giwa are horrible. They could make you die.”<sup>271</sup>

Since these beatings are inflicted as corporal punishments with the consent or acquiescence of the military officials, they constitute torture or other ill-treatment under international law.

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<sup>260</sup> Amnesty International interview, 5 April 2019.

<sup>261</sup> Amnesty International interview, 6 April 2019.

<sup>262</sup> Amnesty International interview, 2 April 2019.

<sup>263</sup> Amnesty International telephone interview, March 2020.

<sup>264</sup> Some men and boys recently released from Giwa said that, in the last 18 to 24 months, the military officials in Giwa still control who is made a “cell chairmen,” but the detainees have some ability to complain and have the person removed. They also said that during the same period, the military officials in Giwa set up “cell committees” in charge of discipline and bringing complaints to the military, in lieu of detainees speaking to outside observers. Amnesty International interviews, January 2020, and telephone interviews, March 2020.

<sup>265</sup> Amnesty International interview, 9 and 10 December 2019.

<sup>266</sup> Amnesty International interview, 3 April 2019.

<sup>267</sup> Amnesty International interview, 18 January 2020.

<sup>268</sup> Amnesty International interview, 12 December 2019.

<sup>269</sup> Amnesty International interview, 4 April 2019.

<sup>270</sup> Amnesty International telephone interviews, March 2020.

<sup>271</sup> Amnesty International telephone interview, 20 March 2020.



## 3.7 DEATHS IN CUSTODY

The severe overcrowding, inhumane sanitation, extreme heat, and insufficient food and water have, during the conflict, led to thousands of deaths in custody—likely more than 10,000 total. Many of the deceased were children, though precise figures are unlikely to ever be known, due to the military’s efforts to conceal these deaths. The scale of death in custody has decreased considerably in recent years but continues.

In a 2015 report, Amnesty International documented more than 7,000 deaths, primarily of men and boys, in military detention from March 2011; the report focused on detention in Borno, Adamawa, and Yobe States, with most deaths occurring in Giwa.<sup>272</sup> In May 2016, the organization documented 149 more deaths in Giwa in early 2016, including 11 children under six years old.<sup>273</sup> This report examines deaths in custody in other facilities, notably Kainji, throughout the conflict, as well as deaths in Giwa subsequent to the May 2016 report, building on hundreds of deaths in custody the organization documented contemporaneously.<sup>274</sup>

A 17-year-old boy detained in Kainji for three years, beginning in mid-2014, described, “The conditions were worse than being beaten. People were dying all the time, because of hunger. We saw all the bodies being taken. The soldiers brought a car—sometimes two cars, an ambulance and a Helix—and they’d put the bodies in and take them away.”<sup>275</sup> He said tuberculosis was rampant. Another boy held in Kainji for around four years similarly described bodies being brought from cells daily in the first year, as soldiers grabbed the legs and dragged the body out. He said he sometimes counted more than 10 bodies a day.<sup>276</sup>

Girls held at Kainji around the same time appear to have had significantly better access to water and cleaner cell conditions, resulting in few deaths.<sup>277</sup> It further shows the military’s imposition of inhumane conditions, including a lack of water, has been a deliberate choice.

In Giwa, while the scale of deaths has decreased from the conflict’s first years, detainees have continued to die in significant number, especially in the hottest months. “There was one day, in the hot season, when I’d just arrived there, [the heat] killed so many people,” recalled an 18-year-old man who was recruited by Boko Haram at age 13 and detained in Giwa for around six months in 2017. “There was no water, people were so dehydrated. They put the bodies in an ambulance and took them away, put more bodies in and took them away, over and over.”<sup>278</sup> A man in his early 20s who was detained in Giwa for almost four years, beginning at age 17, before being released in late 2019, described similarly: “In Cell 6, the first year was very difficult. On a daily basis people died. In the hot season, sometimes five or six people in a day. Even me, I became sick and thought I would die. But then I got better. In the morning, we’d take the bodies out of the cell.”<sup>279</sup>

Both former detainees said they regularly witnessed deaths when they were held in adult cells, as opposed to the children’s cell. In general, from 2016 to 2018, death in custody appears to have occurred mostly in adult cells—overwhelmingly affecting children, directly or through having witnessed the deaths, detained in them. It had a dehumanizing effect in general, as described by a 30-year-old man held in Giwa for much of 2017, who said his cell was so overcrowded that many people could not lie down: “If someone died, we’d be happy we had some space to lie down on the dead body. In the morning, the soldiers would bring a body bag. We’d put the dead body in, and they’d zip it up and take it out.”<sup>280</sup>

According to former detainees, children have died in the children’s cell. An 18-year-old man detained in Giwa for more than two years, before being released in mid-2018, said that during the months he was detained in the children’s cell, five of his cellmates died.<sup>281</sup> A 20-year-old man also detained for more than two years, before his release in mid-2018, said that of the 17 children he was arrested and detained with in 2016, one died; he said he spent most of his detention in the children’s cell and said others also died.<sup>282</sup>

Children released in late 2019 said deaths in custody had reduced further, to a much smaller number, in the last year. In mid-2018, many, though not all, had been moved to Cell 11, with air-conditioning and better ventilation; access to food and water was also better, as discussed above. Recently released children and

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<sup>272</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 58-75.

<sup>273</sup> Amnesty International, “*If you see it, you will cry*”. A 2018 report on the conflict’s impact on women documented the death of 32 babies and young children as well as five women held in Giwa’s “women’s cell” between 2015 and 2017, a figure which includes some of the same deaths of children documented in the 2016 report. See Amnesty International, “*They betrayed us*”, pp. 70-72.

<sup>274</sup> See, for example, Amnesty International, *Report 2017/18: The state of the world’s human rights—Nigeria*, p. 282 (documenting at least 340 deaths in Giwa Barracks between January and April 2017, with credible information that the death toll was much higher).

<sup>275</sup> Amnesty International interview, 13 December 2019.

<sup>276</sup> Amnesty International interview, 13 December 2019.

<sup>277</sup> Amnesty International interviews, January 2020.

<sup>278</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>279</sup> Amnesty International interview, 22 January 2020.

<sup>280</sup> Amnesty International interview, 17 January 2020.

<sup>281</sup> Amnesty International interview, 2 April 2019.

<sup>282</sup> Amnesty International interview, 5 April 2019.

adults both credited the change in military leadership at Giwa, with the current commander in charge seen as taking more action to improve conditions, even if still inadequate.<sup>283</sup>

The total number of deaths in custody, including of children, will likely never be known. As Amnesty International reported previously, in August 2012 the military instructed mortuaries in Maiduguri not to keep records, and soldiers also buried bodies in mass graves.<sup>284</sup> The organization estimated more than 7,000 deaths in custody by early 2015, not including Kainji and some other detention facilities; the current death toll in custody seems likely to exceed 10,000, even as the scale of deaths has slowed in recent years.

Given the thousands who died deliberately in Giwa and Kainji, among other facilities, these deaths may also amount to the war crime of murder and the crimes against humanity of murder, extermination, and enforced disappearances.<sup>285</sup> To date, there has been no accountability for the crimes under international law the Nigerian military has committed against women, men, and children held in detention related to the conflict. Neither the commanders in charge of Giwa, Kainji, and Bama Prison during periods that deliberate military actions led to large-scale death in custody, nor more senior officials who oversaw them, have faced credible investigation, much less prosecution. Indeed, no one in the military has been credibly investigated.

## 3.8 SEXUAL VIOLENCE

Children held in detention for alleged association with Boko Haram continue to be subjected to sexual violence. During this research, Amnesty International interviewed seven boys and two men who described sexual violence against boys in Giwa Barracks as well as two boys who described sexual violence in Maiduguri Maximum Prison, building on past reporting by the organization and by *Sahara Reporters*.<sup>286</sup> The perpetrators are primarily men held in the same cell, with the military and prison authorities failing to take sufficient action to stop the abuse—above all, by continuing to detain men and boys together.

Rape and other sexual violence in Giwa appear to have worsened after the children’s cell was closed in July 2018. Since that time, as described above, children have been held with adults. “We children had no rights, they started maltreating us,” said one boy, 16, who was released from Giwa in November 2019 after several years of detention, including through when the children’s cell was closed. “When they brought the big men, things really changed. It was much better in children’s cell... Some men give the small children food or Plumpy’nut. If they give children something, later they will sexually mistreat them. This happened openly.”<sup>287</sup>

A 16- or 17-year-old boy told Amnesty International he was captured by Boko Haram when around 12, taken to Sambisa, and forced to work as a slave—fetching firewood and working on farms without pay. He escaped but was detained in Giwa for around 15 months, beginning in July 2018. He was held with adults in Cell 11, where he likewise said some men hoarded food and used that to commit sexual violence against boys. “[The food] was not enough for the children,” he said. “Because of that, some children took the adults’ food and then when they sleep, [the adults] will [sexually] harass them. Those who are powerful do it.”<sup>288</sup>

The 16- or 17-year-old boy, along with three other boys formerly detained at Giwa, said the sexual violence was reported to the military, which would sometimes move the perpetrator or survivor to another cell; they said some perpetrators were later returned to the same cell, or other adult men were brought in who continued the same abuse.<sup>289</sup> One of those four boys, who was released from Giwa in November 2019, said soldiers there told them “you have to shout if someone abuses you. But at night [the victims] can’t shout” easily, because those committing the sexual violence “hold their mouth”.<sup>290</sup>

Three formerly detained boys, all released from Giwa in late 2019, described how children gathered at night in cell corners to try to protect themselves. A 14-year-old boy released in November 2019, after 12 to 18 months in detention, said he was abducted by Boko Haram at around age eight and kept in a madrasa—considered too young to train as a fighter throughout his captivity. He recalled, in describing Giwa:

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<sup>283</sup> Amnesty International interviews, January 2020; and telephone interviews, March 2020.

<sup>284</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*, p. 59.

<sup>285</sup> Rome Statute, art. 7(1)(a), (b), and (i). For more on the legal analysis, see Amnesty International, *Stars on their shoulders. Blood on their hands*, p. 34-38; Amnesty International, “*They betrayed us*”, pp. 12, 77-78.

<sup>286</sup> See Amnesty International, “Nigeria: Children and women face sexual violence in Borno prisons,” 29 April 2019; Sahara Reporters, “Child Prostitution, Sodomy, Forced Abortions... It’s Hell Inside Maiduguri Maximum Security Prison,” 23 March 2019. Sexual violence is a sensitive and underreported topic. Several boys Amnesty International interviewed hinted at such abuses but did not feel comfortable speaking further; delegates did not press them. Those interviews are not reflected in the numbers referenced above.

<sup>287</sup> Amnesty International telephone interview, 19 March 2020.

<sup>288</sup> Amnesty International telephone interview, 21 March 2020.

<sup>289</sup> Amnesty International telephone interview, 21 March 2020.

<sup>290</sup> Amnesty International telephone interview, 19 March 2020.

**Some children are sleeping in the night, but a man is stronger than him... You'll hear, they take off their trousers and harass them. So later we gathered ourselves in a corner. If you're lucky, you are in the corner... We children spoke about it. We said we had to be careful when we sleep...**

**There was a time a boy shouted in the night. We all woke up. They spoke to him—some children wanted to beat the man. The next morning, they changed his cell. He wasn't brought back. Others were brought back again. Some will be taken [away] for five days or more, and then he returns.<sup>291</sup>**

In April 2019, Amnesty International published a release documenting that other detainees had committed sexual violence against women and against children held in Maiduguri Maximum Prison; and that soldiers had committed rape and other sexual violence against women held in Giwa. The organisation urged the authorities to investigate and to immediately release children who had not been charged and to transfer those who had been charged to a children's facility.<sup>292</sup>

For this report, Amnesty International interviewed two boys released in mid-2019 from Maiduguri Maximum Prison who described sexual violence by men against boys in the same cell, building on court documents as well as interviews with a detainee and a former prison warder for the organization's April 2019 release. In the recent interviews, detained boys further confirmed the sexual violence, saying men often gave children money or food in exchange for sex. One boy, 14, said the prison warders knew of the abuse and sometimes took perpetrators to isolation for several days, but often then returned them to a cell with children. However, the boy said the abuse had decreased significantly after a detainee named Charles Okah spoke out about the abuse, leading to the Sahara Reporters and Amnesty International investigations.<sup>293</sup>

## **THE NIGERIAN MILITARY'S CRIMES UNDER INTERNATIONAL LAW**

The findings in this report build on years of Amnesty International documentation of crimes under international law by the Nigerian military in the Northeast.

All crimes discussed in this chapter occurred in the context of the non-international armed conflict, which is ongoing in Northeast Nigeria since at least May 2013. Many amount to war crimes, including prohibitions against "cruel treatment and torture" and potentially, for the deaths in custody, of murder.<sup>294</sup> In past reports, Amnesty International has also documented, among other possible war crimes, intentional attacks against the civilian population; extrajudicial executions, which also constitute the war crime of murder; torture and other ill-treatment; and rape and other sexual violence.<sup>295</sup>

In a 2015 report, Amnesty International determined that the Nigerian military had an organizational policy to attack a civilian population and had done so in a widespread and systematic nature.<sup>296</sup> That attack on a civilian population remains ongoing through the research and writing of this report. Based on previous Amnesty International documentation as well as the documentation for this report, the organization believes that individuals in the Nigerian military should be investigated for the crimes against humanity of murder, extermination, imprisonment, torture, rape, and enforced disappearance.<sup>297</sup>

In its preliminary examination, the ICC Office of the Prosecutor has also indicated that there is a reasonable basis to believe that the Nigerian security forces and the CJTF have committed crimes under international law, including at least the war crimes of murder; torture or other ill-treatment of alleged Boko Haram members or supporters; attacks against the civilian population; and the recruitment and use of children under 15 to participate in hostilities.<sup>298</sup>

<sup>291</sup> Amnesty International telephone interview, 20 March 2020.

<sup>292</sup> Amnesty International, "Nigeria: Children and women face sexual violence in Borno prisons," 29 April 2019.

<sup>293</sup> Amnesty International telephone interview, March 2020.

<sup>294</sup> Rome Statute, arts. 8(2)(c)(i).

<sup>295</sup> See, for example, Amnesty International, "*They betrayed us*"; Amnesty International, "*If you see it, you will cry*"; Amnesty International, *Stars on their shoulders. Blood on their hands*; Amnesty International, "*Welcome to hell fire*"; Amnesty International, "Nigeria: Military razes villages as Boko Haram attacks escalate," 14 February 2020.

<sup>296</sup> Amnesty International, *Stars on their shoulders. Blood on their hands*, pp. 36-38.

<sup>297</sup> Rome Statute, art. 7. See also Amnesty International, *Stars on their shoulders. Blood on their hands*; Amnesty International, "*Welcome to hell fire*"; Amnesty International, "*If you see it, you will cry*"; and Amnesty International, "*They betrayed us*".

<sup>298</sup> ICC Office of the Prosecutor, *Report on Preliminary Examination Activities—2019*, 5 December 2019, para. 189.



*Men and boys released from Giwa Barracks after months or years of unlawful detention walk in a line as they are handed over to state officials in charge of a “transit centre” where they will be held before returning to their communities, 27 November 2019, Maiduguri, Borno State. © Adu Marte/AFP via Getty Images*

## THE STORY OF O.A., A 16-YEAR-OLD BOY FROM A VILLAGE IN BAMA LGA, BORNO STATE<sup>299</sup>

“I was a cattle raiser. Since I was a child, I was with animals. I never went to school. One time when I went to the fields, Boko Haram came and took me and the animals... I stayed in the madrasa [at first], because I was too small. At the time, I was 10. When I was 12, they put me in training. We went for six months of training, then I graduated and became one of the fighters. I stayed with one of the commanders in Lake Chad. They used me at checkpoints. We young fighters, they didn't have us go far from the bush.

The madrasa contained so many children. In each group, you get 100, 150 children. And you'll see so many groups. Some of the children, their parents were there too. But most of the children, they were abducted when Boko Haram attacked a village, because [Boko Haram believed] they'd be useful...

When my brother saw me, he came and took me to the CJTF, and I said I surrendered. I was brought to Giwa. The military asked me, 'Do you have a mobile phone?' So I gave mine. They took the SIM card out... Those who had contacts, [the military] called the contacts one by one to ask, 'Who is this? Who is this?' It took a long time for many others, not for me. Then they called us for interrogation. They asked me, 'So have you been trained?' I said yes. 'Which attacks were you on?' I said I didn't know the places, that I usually didn't go out [from] the forest, that I usually fought if the military came to us—I provided security. They asked, 'What type of gun did you have?' I said an AK47. They asked me what all guns were there. I said I didn't know them all, just my gun... I wasn't beaten when they interrogated me.

After, they took me to Cell 7, for children. The cell was overcrowded. They had to show me how to lie down [in the cramped space]. We couldn't turn when we were sleeping. We couldn't turn left to right, because of how crowded it was. There was one toilet, and we were so many. Sometimes I had to wait for an hour because of the queue... Sometimes boys would urinate on themselves, and they'd be beaten. Or if a boy's stomach hurt from the food, he might [defecate on himself], and he'd be beaten...

There wasn't much drinking water. People were very thirsty... You'd see 100 plastic containers full of water. If you went to get a drink, they'd beat you. They'd say you can't drink the water, they had to manage it for the day. Sometimes I was so thirsty... I think they might have supplied us twice—two or three cups per day... Sometimes because of a lack of water, the children couldn't eat well. Because they'd think, if I eat, I'll be so thirsty... It was a small cup, maybe one-fourth of a litre. [If someone] asked for more, they'd be beaten... I saw one person die because of thirst...

There was a cell chairman—a detainee [put in charge]. He was the one who beat me [in Giwa]. He was always beating people. He'd say, 'Don't talk,' and beat you. They had a cane the military gave them. It was made of plastic. They'd beat us with it... If we went to arrange ourselves for sleeping, if I said there was no more space, it was too tight, they'd say to keep quiet and beat me. There were deputy chairmen. The chairman, he would designate the person to beat [to one of his deputies].

We were kept indoors, and the [cell] door was closed. If the door was opened, it meant they were bringing food... The place was unhygienic. I started to wonder, why did my brother bring me to this place? Did he want to kill me? Sometimes I even regretted it, [fleeing Boko Haram territory].

In three months [in Cell 7], it was just once that I took a bath. The day we went to [Operation Safe Corridor] in Gombe, they said we should go and take a bath... They said they were taking us to Gombe to get vocational training. When we took the bath, after that they gave us new clothes. They brought us on a bus and took us to the airport and then to Gombe. It was 12 of us [from Cell 7].

Life in Gombe was better, because you got sufficient water when you were thirsty. They even brought pure water. We had our own bed and mattress, so we could sleep well. The place was hygienic.

At 5:30 a.m., we'd wake and clean our surrounding areas. At 6:30 a.m., we'd do running [and other] exercises. Then we'd take a bath and have time to eat breakfast. Around 9 or 10 a.m., we'd start vocational class, up to around 1:30 or 2 p.m. Then we had prayers and lunch. From 3 to 4:30 p.m., there were lectures—from social workers, religious leaders, the NDLEA... There was an adult education class... [They taught us] our ABCs, 123s, how to spell...

I did cosmetology... After we 'graduated', we had nothing to do. So after like a week, they told us to continue [with the cosmetology work]... The tile cleaners and some of those things, the toilet cleaner and room freshener and soap, we needed those in the hostel, so they gave us some [of what we made] and we used it. For the rest, they'd package it and take it to the storehouse [at Safe Corridor]...

<sup>299</sup> Amnesty International interview, 18 January 2020. The initials do not reflect his real name or initials, to protect his identity. Although the boy said that seven people died in his batch at Safe Corridor, the actual number was six, as discussed in Chapter 4.

We spent a lot of time there [at Safe Corridor]. They'd said we wouldn't stay long. So many times they promised [we were leaving], and they broke the promise... Eventually we did a hunger strike for two days. All of us. The commander [of Safe Corridor] came and said next week, they'd take us, and then the Borno State government sent a delegation the next week [and brought us to Maiduguri].

We came as [159]—Batch 3. I think it was seven people who died. Yes, I knew them, some of them. Some of them were teenagers like me. Two or three were older men. Adam Baba Alhadji, we'd been together in the children's cell in Giwa... [Those who died], their legs were swollen, very swollen. Everywhere became swollen. When we went there [to Gombe], almost all of them were healthy...

In Gombe, they said they'd give us working materials to start the work [we'd been trained on]. But nothing... We met with IOM. They made fake promises. Everything they said they'd do, there's been nothing. IOM said they'd give us what we needed to start producing... Even in the [Bulumkutu] 'transit centre' [in Maiduguri], they said, 'Don't worry, we'll help you.'...

The situation [in the IDP camp] is not fair. There's a scarcity of food, and we are staying idle... They gave us guinea corn—three kilograms—and a kilogram of beans. Nothing else... I'm ready [to go] to school, I even went to the [camp] school, but they said they're not ready for me yet, they're finishing the term...

It's been more than four years [since I saw my parents]. Maybe my brother told them I was in Giwa, I don't know. They knew I was out of the bush, but they didn't know where.

What I want to happen is to start my business or go to school.”

# 4. OPERATION SAFE CORRIDOR

**“Gombe was a waste of time. They took us there to waste our time. There was little food, no medicine—just when they saw you would die, they’d take you to Gombe town.”**

A 63-year-old man reflecting on the Safe Corridor military detention facility, located in Gombe State, after 19 months there.<sup>300</sup>

**“They made fake promises, they just dumped us in the [IDP] camp... What can I say to those still in the bush? All the government is saying [on the radio], they are telling lies.”**

An 18-year-old man reflecting on his experience in military detention, including in Safe Corridor. He had been recruited by Boko Haram and then fled, after hearing on the radio that those who surrendered would be welcomed back.<sup>301</sup>

In 2016, the Nigerian federal government launched Operation Safe Corridor, a demobilization, disassociation, reintegration, and reconciliation (DDRR) programme coordinated by the Defence Headquarters.<sup>302</sup> The programme brings detained men and boys—primarily, to date, from Giwa Barracks—to a facility 30 kilometres outside Gombe, where they are required to undergo vocational training, religious instruction, and other activities meant to start the reintegration process. Although told the programme will last six months, most have been held for either 13 or 19 months. The programme has overwhelmingly targeted men and boys the military deems “low-risk” Boko Haram; they also need to have surrendered, instead of having been captured.<sup>303</sup> The programme has received significant financial and technical support from, among others, the European Union, UK, US, and International Organization for Migration (IOM).<sup>304</sup>

<sup>300</sup> Amnesty International interview, 16 January 2020.

<sup>301</sup> Amnesty International interview, 12 December 2019.

<sup>302</sup> See “Camp Established for Repentant Boko Haram Members,” 5 April 2016 (Defence Headquarters press release published on *Sahara Reporters*), <http://saharareporters.com/2016/04/05/camp-established-repentant-boko-haram-members>. It is a successor to discussions and plans dating back to President Jonathan that envisioned a combination of amnesty for fighters, rehabilitation, and victim compensation.

<sup>303</sup> Amnesty International interviews, December 2019 and January 2020. See also Vanda Felbab-Brown, *The Limits of Punishment*.

<sup>304</sup> Amnesty International interviews, December 2019 and January 2020. See also UK Government, “North East Nigeria Security and Conflict and Stabilisation Programme,” <https://bit.ly/2YF5179> (funding from April 2019 to March 2020, including for Safe Corridor); European Union, “Action Document for Support for reintegration and reconciliation of former armed nonstate combatants and Boko Haram associates,” (€15 million funding for reintegration-related programmes, including Safe Corridor, under the European Development Fund); USAID, Nigeria – Program Highlights, <https://bit.ly/2WzBURd> (accessed 15 May 2020) (“direct support to more than 240 former affiliates who have successfully completed deradicalization or rehabilitation portions of this pipeline managed by Operation Safe Corridor”).

As of early 2020, four groups, or batches, of men and boys have completed Safe Corridor, totalling around 270 people. Amnesty International interviewed 15 such individuals, including at least nine who were children when in Boko Haram territory and through all or part of their detention in military barracks, prior to being sent to Safe Corridor.<sup>305</sup> Delegates also spoke with family members of three people who died while held at Safe Corridor; senior representatives of relevant UN agencies in Nigeria; several donor officials who visited the facility; and someone else with direct knowledge, including through touring the facility.

The largest batch to complete the programme to date comprised 159 men and boys; the current batch, which started in January 2020, has more than 600 people. Officials from organizations and donors supporting Safe Corridor told Amnesty International the military planned to increase future batches to 750 people.<sup>306</sup> The human rights problems with the first groups are likely to be compounded with this expansion.

Safe Corridor's conditions are an enormous improvement over those in Giwa and Kainji, and the programme has achievements, including in psychosocial support—though its expansion threatens these. The military is also more transparent about Safe Corridor than it is about other aspects of its Boko Haram operations. But despite the relative transparency, and the considerable investment from donors, Safe Corridor remains beset by human rights violations, including those related to inadequate food and health care as well as the lack of safety in vocational training. At least seven men and boys have died while in the Safe Corridor programme.

Moreover, no matter how well intentioned and managed, Safe Corridor is a detention facility that reflects the military's wider violations. Almost all men and boys held in Safe Corridor are there absent a judicial decision or any other legal basis. The military decided unilaterally, without transparency, that they were "Boko Haram" (see Chapter 3.1) and never allowed the designation to be contested. For most people there, Safe Corridor is another stage in their prolonged, unlawful detention, even if the facility has better conditions.

If Safe Corridor is to meet its potential as a programme for former Boko Haram members in detention, it must be fundamentally re-shaped. There must be a fair judicial process for deciding who is to be detained, so that those who reach Safe Corridor are there for a valid, lawful reason and best stand to benefit. It must also be only one aspect of a comprehensive rehabilitation and reparations effort under DDRR and beyond. Such efforts must benefit other individuals, including victims of crimes by Boko Haram and by the military as well as people coming out of Boko Haram-controlled areas who should never be detained, including former members or supporters not convicted of any crimes as well as civilians fleeing such areas. They must also ensure far greater access for women and girls, who are largely marginalized by existing programmes, including Safe Corridor; and involve significantly better community consultation and engagement.

## UNLAWFUL DETENTION UNDER INTERNATIONAL LAW

Deprivation of liberty may take place anywhere where individuals are held, whether or not the detention facility is characterized as such by the authorities. The UN Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights (ICCPR), has specified that the rights of detainees apply to "any one deprived of their liberty... who is held in prisons, hospitals... detention camps or correctional institutions or elsewhere".<sup>307</sup>

Under the ICCPR, "No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."<sup>308</sup> The protections from arbitrary arrest and detention include the rights to be promptly informed of the reason for an arrest and of any charges; to "be brought promptly before a judge"; to be able to challenge the lawfulness of the detention before a court<sup>309</sup>; and, throughout these processes, to have access to a lawyer.<sup>310</sup> The Convention on the Rights of the Child provides even stronger protections for children, stating that the "arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."<sup>311</sup>

<sup>305</sup> Amnesty International interviewed multiple people from the second batch, which had around 95 people; the third batch, which started with 159 people; and the fourth batch, which had around 15 people. The only batch not represented in interviews is the first batch at Safe Corridor, which had only six people. In addition to Amnesty International's interviews with former detainees and with other people with direct knowledge, confirmation on the number of people in different batches comes from statements by senior military officials in Nigerian media. See, for example, "95 ex-Boko Haram fighters set for release – CDS," *Premium Times*, 18 January 2018 (citing the Chief of Defence Staff in referencing the 95 in the second batch as well as the six from the first batch); Haruna Gimba Yaya, "Army releases 155 ex-Boko Haram fighters in Gombe," *Daily Trust* (Nigeria), 24 November 2018 (referring to the third batch, which began with 159 but had only 155 by "graduation," as some died at Safe Corridor; more died before they were actually released, as discussed on pages 63–65).

<sup>306</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>307</sup> CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty), 10 April 1992, para. 2.

<sup>308</sup> ICCPR, art. 9(1).

<sup>309</sup> ICCPR, art. 9.

<sup>310</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 17.

<sup>311</sup> CRC, art. 37(b).



International humanitarian law provides similar protections against unlawful detention, including during non-international armed conflicts, as in Northeast Nigeria. And for everyone, whether civilian or combatant, international humanitarian law affords the right to challenge the detention's legality, which the Nigerian military continues to deny those in Safe Corridor and in other detention facilities.<sup>312</sup>

## 4.1 UNLAWFUL DETENTION

For the vast majority of men and boys in Safe Corridor, the programme amounts to unlawful detention under international law. The restrictions lay bare that it is, and should only be considered, a detention facility. Responsibility for the facility is split: the military oversees security, through a heavy presence of soldiers, officers, and military intelligence; and the prison authorities oversee the “deradicalization” programmes. Overall command and control belong to the military, overseen by a commandant, of Brigadier General rank, at the site; and Major General Bamidele Shafa, the Coordinator of Safe Corridor, based in Abuja.<sup>313</sup>

Despite it being a detention facility, almost all men and boys have been transferred to Safe Corridor by military decision. They have not been charged with any crime, they have not seen a lawyer, and they have not been able to contest the lawfulness of their initial transfer or their continued detention.

### A DETENTION FACILITY

Conditions at Safe Corridor show it is a military-run detention facility. The detainees do not have basic freedoms, including free movement outside the facility, and are closely monitored in all respects.

#### NO MOVEMENT OUTSIDE COMPOUND

The detained men and boys cannot go outside the Safe Corridor facility. They are not free to visit family or go to the market. They spend their entire time inside the walled compound some 30 kilometres outside Gombe, monitored by soldiers and prison officials. The only exception is if a detainee is deemed to need urgent medical attention, which can lead to a transfer to the teaching hospital in Gombe; when the medical treatment is completed, the detainee is returned to Safe Corridor.<sup>314</sup>

A 63-year-old man in Batch 3 at Safe Corridor described: “We couldn’t even go to the main gate, much less outside [the facility]. There was a soldier there [by the] main gate. They said it was to ensure we didn’t run. Outside the wall, they kept mounted military... Inside, too, soldiers surrounded the place.”<sup>315</sup>

An analysis of satellite imagery shows the Safe Corridor facility has a walled perimeter (see below). There are nine structures that are possible external guard posts, and another four likely internal guard towers. As of February 2020, there were also six buildings in the northeast corner with secondary, internal perimeters.

#### LOCKED IN ROOMS AT NIGHT

In addition to not being able to move outside the facility, the men and boys are locked in their sleeping quarters at night. A 61-year-old man in Batch 3 said, like many others, “At night, there was no movement, they locked us in [our rooms]... around 8 or 9 p.m., and they opened the doors around 6 a.m.”<sup>316</sup>

The detainees described fencing around the buildings where they are housed—likely the internal perimeter seen in the images below. Inside that fence, guards are stationed at night. A 19-year-old man in Batch 3 said, “Inside the fence, soldiers were doing guard duty—watching us. So if we started pounding on the door, saying someone was sick, then they might open [the gate]. But only if military intelligence was with them.”<sup>317</sup>

As described in more detail in the section below, on food and health care, on at least one occasion it appears urgent medical treatment was delayed due to the time it took the detained men and boys to get the guards to open the gate. The detainee died in the facility.<sup>318</sup>

#### MOVEMENTS ACCOMPANIED BY MILITARY OR PRISON OFFICIALS

When moving inside Safe Corridor, the detained men and boys are always accompanied by a soldier or

<sup>312</sup> ICRC, Customary IHL: Rule 99. Deprivation of Liberty.

<sup>313</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>314</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>315</sup> Amnesty International interview, 16 January 2020.

<sup>316</sup> Amnesty International interview, 17 January 2020.

<sup>317</sup> Amnesty International follow-up interview, 16 January 2020. The original interview was on 8 and 9 December 2019.

<sup>318</sup> Amnesty International interviews, December 2019 and January 2020.

prison official. A 30-year-old man who went through Safe Corridor after seven months in Giwa described, “After we arrived in Gombe, they called us out. They said they had rules and regulations... They said, ‘If you see any nail, don’t touch it. If you see someone with a gun or a stick, don’t go near them.’ They told us, ‘Army intelligence will accompany you everywhere and be watching you at all times.’”<sup>319</sup>

Former detainees at Safe Corridor consistently described these instructions being followed throughout their stay. For example, a 61-year-old man from Batch 3 said: “We were always with the army intelligence. They would take us to the mosque, to the vocational centre, to the place we ate—they were always with us.”<sup>320</sup>

A person with direct knowledge said that with the current batch of more than 600 people, prison officials may now sometimes accompany detainees, rather than army intelligence. But the person said all movements still seem to be accompanied by a guard and that the environment is “highly regimented”.<sup>321</sup>



*This area is located approximately 33 kilometers north of Gombe town. The entire facility is surrounded by a walled perimeter with one controlled entrance on the south side, next to the main road. There are nine structures along the walls outside the facility which could be guard posts, though the locations of the structures are somewhat erratic. There are also four probable guard towers inside the perimeter, at each corner. There are five buildings in the northeast corner that have a secondary perimeter. There is also a sixth building with a separate perimeter. The secondary perimeter and cluster of guard posts suggest it could be a detention area.*

<sup>319</sup> Amnesty International interview, 17 January 2020.

<sup>320</sup> Amnesty International interview, 17 January 2020.

<sup>321</sup> Amnesty International telephone interview, March 2020.

## EXTREMELY LIMITED VISITS, MONITORED TELEPHONE CALLS

Contact with family is rare. Among completed batches, IOM-led family tracing supported a single visit by family or a community leader for some detained men and boys—during their 13 to 19 months at Safe Corridor. The rare visitation continues for the current batch of more than 600, with family tracing strained by the enormous programme expansion; few people had benefitted from visits as of mid-March 2020.<sup>322</sup>

In addition, on some Saturdays telephone communication is permitted between detainees and families, but it is monitored. Such telephone communication is rare, at least for previous batches; of the 15 people Amnesty International interviewed, only one had spoken with family members, placing one call during his detention. In addition, a relative of Mohammed Issa, who died in Safe Corridor (see page 64), said he received one telephone call while Mohammed Issa was detained there.<sup>323</sup>

Two people detained at Safe Corridor said they chose not to use the telephone because it was monitored; they said calls were recorded and an interpreter present.<sup>324</sup> Others said that while calls were supposed to be allowed every Saturday, in practice it was shut off for months at a time; they did not know why.

A person who toured Safe Corridor confirmed that detainee calls “are monitored. I asked one of the officials, and they said it’s because they don’t know who they’re talking to. It could be people in the bush. So they want to know what information they’re sharing.”<sup>325</sup>

## PROLONGED DETENTION WITHOUT LEGAL BASIS

Almost all men and boys in Safe Corridor have three things in common: they were not brought to the facility through a fair judicial process; they did not come voluntarily; and they are not able to leave, even if they do not want to stay. They are held against their will, without legal basis, often for months longer than is initially promised; one batch of detainees was held for 19 months, after the military said they would stay for six.<sup>326</sup>

Every person in the first three batches, comprising around 260 people, was sent to the facility pursuant to a military decision made without independent scrutiny or review. Based on interviews with former detainees at Safe Corridor, as well as with others with direct knowledge, Amnesty International has concluded that none of the men or boys in these three batches had been charged with a crime, much less convicted after a fair trial. None had access to a lawyer. None could contest their months- or years-long military detention prior to their transfer to Safe Corridor. Most interviewees did not even know they were being sent to Safe Corridor until less than 48 hours before the transfer was carried out; some did not know until arriving in Gombe.<sup>327</sup>

“No one told us we were going to Gombe,” said a 19-year-old man who had been a child soldier with Boko Haram and then spent several months in Giwa Barracks, after surrendering. “They called our names, and they put us on a plane to Gombe.”<sup>328</sup> A man in his 60s from Batch 3 said he lived for several years in a village under Boko Haram control but had no affiliation himself, and indeed had a daughter whom a Boko Haram fighter abducted and forcibly “married”. He described the transfer similarly:

**One day, they called us by our names. They brought us out from the cells into the yard, and they measured us. They didn’t tell us [what was happening]. Several days later, they told us to come out and gave us new clothes... They took us on a bus to a plane. Some people were so scared. They thought they’d drop us in the water. But then we arrived—we saw we were in Gombe.**<sup>329</sup>

For the first three batches, the military selected men and boys to send to Safe Corridor from Giwa Barracks based on their determination as “low-risk Boko Haram” by Nigeria’s Joint Investigation Centre (JIC).<sup>330</sup> An international official working with the Nigerian authorities on Northeast Nigeria referred to the JIC as a “black box” and said it did not appear to do “real investigations” itself to distinguish Boko Haram combatants from civilians escaping Boko Haram territory; the person said the JIC relies on testimony from the CJTF as well as

<sup>322</sup> Amnesty International telephone interviews, March 2020.

<sup>323</sup> Amnesty International interview, 16 January 2020.

<sup>324</sup> Amnesty International interviews, December 2019.

<sup>325</sup> Amnesty International telephone interview, March 2020.

<sup>326</sup> Amnesty International wrote to the Nigerian federal government and asked, among other things, about the legal basis for the detention of individuals in Safe Corridor. As noted in the Methodology, the Nigerian authorities have not responded.

<sup>327</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>328</sup> Amnesty International interview, 8 December 2019.

<sup>329</sup> Amnesty International interview, 17 January 2020.

<sup>330</sup> Amnesty International interviews, January 2020; and Vanda Felbab-Brown, *The Limits of Punishment*, pp. 88-89. The JIC is based in Giwa Barracks and its determination often comes largely from the files put together during initial screening at front-line military detention facilities. That initial screening and interrogation process is led by the Joint Forces Intelligence Command (JFIC)—run by military intelligence and co-located with Theatre Command. Amnesty International interviews, January 2020, and email correspondence, May 2020.

confessions secured by military intelligence at locations like Bama and Monguno.<sup>331</sup> Everyone selected for Safe Corridor has to have “surrendered” to the military—also referred to as “defected”—rather than being captured, ignoring that many do not flee due to fear that Boko Haram will catch and murder them.<sup>332</sup>

The fourth batch at Safe Corridor, which comprised 15 people, included boys held for years in the Kainji barracks and then transferred to Kuje Prison near Abuja as part of the Kainji mass trials (see page 41); from Kuje, a civilian court ordered them to be transferred to Safe Corridor, even though the judge does not appear to have found them guilty of any crimes. “I didn’t want to go to Safe Corridor, but the judge ordered it,” said a 17-year-old boy from Batch 4.<sup>333</sup> Batch 4 is an exception. Every other batch, including the current one of more than 600 men and boys, appears to be overwhelmingly, if not entirely, comprised of people sent pursuant to military decision, without independent review or respect for due process.

Ultimately, the screening problems and due process violations that have resulted in civilians being detained in Giwa and Kainji for years, as described on page 38, lead to some of the same civilians being sent to Safe Corridor. While some from Safe Corridor told Amnesty International they had been in Boko Haram—some by choice, others by abduction—many others were adamant that they had only stayed in a village where they lived prior to Boko Haram’s emergence. Many, like the man in his 60s quoted above, suffered grave abuses by Boko Haram, but stayed out of fear that Boko Haram would catch and kill them if they fled. Others stayed because they knew displaced people relied on others for food and often faced extreme food insecurity, and at times starvation, whereas in the village they could farm, even if Boko Haram stole some of the harvest.<sup>334</sup>

None of the 15 men and boys interviewed by Amnesty International chose to participate in Safe Corridor. While many had positive things to say about aspects of the programme, they said they had not wanted to be there at the time or in retrospect; after years in detention incommunicado, they wanted to be with their families. Those feelings became even stronger when the authorities prolonged the detention beyond what the military promised. A 55-year-old man from Batch 2,<sup>335</sup> which had around 95 people, described:

**We spent more than one year in Gombe... When we were taken, they asked us if we came willingly or for money or by force. We said by force. They didn’t tell us [how long we’d stay]. They said at one point eight months, but we found ourselves there for more than one year. Several times, they said, “Next month, next month,” but then it came, and they said “next month” again.<sup>336</sup>**

Batch 2 arrived at Safe Corridor in July 2017 and “graduated,” according to the military, on 28 February 2018; there were reportedly 20 boys in the group.<sup>337</sup> Even after “graduating,” the detainees continued to be held at Safe Corridor until August 2018, when they were transferred to a “transit centre” in Maiduguri, where they were held for several more months before release.<sup>338</sup>

Batch 3, which also had around 20 boys, spent even longer at Safe Corridor.<sup>339</sup> They arrived in December 2017 and “graduated” on 24 November 2018.<sup>340</sup> They remained at Safe Corridor until late July 2019, 19 months after arriving. They were then transferred to the “transit centre” and held for another two months.<sup>341</sup>

The men and boys repeatedly complained to Safe Corridor officials about their delayed release. Each time, they received a new excuse, as recalled by a 16-year-old boy from Batch 3:

**They’d said we wouldn’t stay long. So many times they promised [we were leaving], and they broke the promise. They gave several excuses. They said there was bad weather... Then they said we couldn’t go until after the elections... Then, after the election, they said the new governor hadn’t been sworn in, we**

<sup>331</sup> Amnesty International interview, 24 January 2020.

<sup>332</sup> Amnesty International interviews, December 2019 and January 2020; Vanda Felbab-Brown, *The Limits of Punishment*, pp. 74, 89-90.

<sup>333</sup> Amnesty International interview, 13 December 2019.

<sup>334</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>335</sup> Batch 2 was the first main group of men and boys to be held at Safe Corridor. Batch 1 was a pilot batch of six people that finished in June 2017. See, for example, Voice of Nigeria, “Repentant boko haram members graduate from de-radicalisation training,” 2 March 2018; “95 ex-Boko Haram fighters set for release – CDS,” *Premium Times* (referencing the Chief of Defence Staff in mentioning a first group at Safe Corridor in which “six cleared suspected terrorists successfully underwent the programme”).

<sup>336</sup> Amnesty International interview, 9 December 2019.

<sup>337</sup> Voice of Nigeria, “Repentant boko haram members graduate from de-radicalisation training” (“20 of the 95 graduating clients are people below the ages of 18”); *Daily Trust* (Nigeria), “95 former Boko Haram insurgents graduate in Gombe,” 28 February 2018.

<sup>338</sup> Amnesty International interviews with people in Batch 2, December 2019 and January 2020, and telephone interview with someone the military provided exact dates of the different batches, which corresponded with Amnesty International’s interviews, March 2020.

<sup>339</sup> See Sahara Reporters, “151 Repentant Boko Haram Members Return to Borno,” 23 July 2019 (citing the military in referring to “19 teenagers” among those released from Batch 3; at least one or two other “teenagers” in Batch 3 died at Safe Corridor, as discussed below).

<sup>340</sup> See Haruna Gimba Yaya, “Army releases 155 ex-Boko Haram fighters in Gombe,” *Daily Trust*, 24 November 2018.

<sup>341</sup> Amnesty International interviews with people in Batch 3, December 2019 and January 2020, and telephone interview with someone the military provided exact dates of the different batches, which corresponded with Amnesty International’s interviews, March 2020. See also Sahara Reporters, “151 Repentant Boko Haram Members Return to Borno,” 23 July 2019 (referring to date of transfer from Safe Corridor).

**had to wait until he was sworn in. Then we still didn't go.**<sup>342</sup>

Other former detainees from Batch 3, as well as representatives of an international organization, said the Nigerian authorities indicated the delay in being transferred from Safe Corridor was initially because of an escalation of Boko Haram attacks in December 2018, not long after the “graduation”.<sup>343</sup>

A representative of an international organization as well as another person who toured Safe Corridor said the military was itself frustrated by the delays, blaming the Borno State government. They said the delays meant the military had to house and feed detainees longer and rotated through fewer batches. They said the Borno State government had indicated it was not ready, as it and its supporting partners needed more time to prepare communities for reintegration—as such communities were sceptical about and not yet ready for the detainees’ return—and the military could not release people absent state government support.<sup>344</sup>

For Batch 3, which had 159 people initially and 151 who returned to communities in Nigeria,<sup>345</sup> it took a several-day hunger strike to get the authorities to transfer them to the Maiduguri “transit centre”.<sup>346</sup> “All these excuses,” recalled an 18-year-old man who lived in Boko Haram territory as a boy but said he was never affiliated with the group, before escaping and being detained for 10 months in Bama Prison and Giwa. “[The military] said a state delegation had to come. After the delegation came, we were still there. Nothing was done. We did a hunger strike, for two days. After that, they understood our commitment. Someone from the state government came then, and they brought us [to Maiduguri]—not more than a week later.”<sup>347</sup>

Regardless of which actor, or both, is at blame, the Nigerian authorities are responsible. None of the men and boys in Safe Corridor appeared before a court during their time there. They could never contest their detention, even as it was prolonged. As with the failure to observe due process in initially holding the men at Safe Corridor, the failure to ensure proper review makes the detention unlawful under international law.

## 4.2 DECENT CONDITIONS, ENCOURAGING EFFORTS

Although Safe Corridor is plagued by the problems of screening and due process that underlie military detention across Northeast Nigeria, the facility’s conditions are, without question, significantly better than other military detention sites. The military leadership in charge appears to want to run Safe Corridor better than those other facilities, including with a unique level of transparency. And the programme has some notable human rights successes, including adult education and psychosocial support.

For all detainees, the conditions at Safe Corridor are a stark and welcome improvement from prior places of deprivation of liberty—most often, Giwa. There are sufficient toilets; they do not queue for an hour and risk urinating on themselves. Sleeping quarters have mattresses; they do not sleep while sitting or lying packed together. They can bathe daily. There are not parasites everywhere. They have two uniforms and civilian clothes for Fridays. They can socialize and exercise. And they can drink as much water as they need.<sup>348</sup>

These are positive, compared to the alternative, though the alternative is the daily torture or other ill-treatment of thousands of men and boys (see Chapter 3); it is not a baseline to normalize. A representative of an international donor to Safe Corridor, who visited the facility several times, contrasted its conditions not only with other military detention facilities and the Bulumkutu “transit centre,” but also with most IDP camps across Borno State.<sup>349</sup> Even if true, and it likely is true in terms of reliable access to food and water, it ignores that the men and boys in Safe Corridor have fundamental rights unlawfully curtailed. They may have water to drink, but they cannot see their families, pursue a livelihood, or even step outside the facility’s walls.

International officials also say positive things about the military leadership overseeing Safe Corridor, especially for the programme’s relative transparency and efforts to benefit the detained men and boys. The leadership meets with and gives tours to representatives of donors, other governments, and some international organizations. The Coordinator, Major General Shafa, and the current commandant at the facility, Brigadier General Musa Ibrahim, were praised for their openness, including to constructive feedback

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<sup>342</sup> Amnesty International interview, 9 and 10 December 2019.

<sup>343</sup> Amnesty International interviews, December 2019, and communications, May 2020.

<sup>344</sup> Amnesty International interview, 24 January 2020, and telephone interview, March 2020. This perception is also reflected in the IOM letter response to Amnesty International, 13 May 2020 (on file with Amnesty International).

<sup>345</sup> Six of the 159 died in Safe Corridor, as discussed more on pages 63-65. Two were foreign nationals and deported to their home country. Amnesty International interviews, December 2019 and January 2020.

<sup>346</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>347</sup> Amnesty International interview, 10 December 2019.

<sup>348</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>349</sup> Amnesty International interview, 24 January 2020.

from their civilian and military staff and from donors and others supporting the programme.<sup>350</sup>

“At least there’s something we can see with [Safe Corridor],” said a donor representative who had toured the facility several times and met with senior leadership. “That’s the point we’re focusing most on. That’s the centre of gravity for our implementing partners.”<sup>351</sup> The person noted that, apart from Safe Corridor, “the military do what they want,” unconcerned with private or public criticism.<sup>352</sup>

The transparency seems to be increasing. Since July 2019, and particularly with the current batch of more than 600 detainees, the military has granted IOM direct access to the facility and even allowed some independent observers not involved in programme support to visit.<sup>353</sup> However, a person who toured the facility said that did not extend to interviewing detainees confidentially, without an official present.<sup>354</sup>

Several aspects of Safe Corridor have had a meaningful impact. Many men and boys, particularly those who grew up in Boko Haram-controlled areas, arrive with limited or no formal education; some are illiterate. Several boys and younger men told Amnesty International they learned the ABCs, counting, and spelling at Safe Corridor, along with basic grammar, during weekly adult education classes.<sup>355</sup>

Many said the classes sparked a desire to continue their education post-release. For example, a 17-year-old boy who had reached Class 4 in school before he was arrested at 11 years old and spent the next six years in detention, including at Kainji, was able to re-start his education through Safe Corridor’s classes. “Now I know how to read and write, so I want to go to secondary school,” he said.<sup>356</sup>

They face enormous challenges, however, because of costs, especially for secondary education, and how far behind they are (see Chapter 5). None of the interviewed children or young men who went through Safe Corridor had, as of the interviews, been able to register and enrol in school—months after their release.<sup>357</sup>

In addition to adult education, several men and boys formerly detained at Safe Corridor mentioned a positive impact of the psychosocial programmes. Encouragingly, every person interviewed by Amnesty International said most sessions were one on one, with an interpreter as needed, and that soldiers and military intelligence respected privacy and confidentiality—remaining outside the room where psychosocial professionals and detainees spoke. For example, a 19-year-old man who was a child soldier in Boko Haram for five years, then detained in Giwa for three months before his transfer to Safe Corridor in Batch 3, told Amnesty International:

**The psychologists saw us and asked us about what happened before we got there, they asked us if we were thinking about it. We spoke one on one. They would tell the [military] intelligence officer to wait outside. It was helpful for me, and for the others... They asked if we were seeing in our dreams that we were killing anyone, or that someone was coming to kill us. It was once a week.**<sup>358</sup>

A man in his 60s who was detained in two military barracks for around five months before being transferred to Safe Corridor said similarly that psychologists “saw us one by one... He’d ask what was worrying us, what we had nightmares about, if there were things I couldn’t forget. It was helpful. He helped me. The army intelligence stayed outside... The psychologist didn’t speak Kanuri, but they’d bring an interpreter.”<sup>359</sup>

Safe Corridor’s contributions to detainees’ rights to education and to mental health are important and should be replicated in other detention facilities holding people related to the crisis in Northeast Nigeria; some parallel programmes, including in Kuje Prison and in “transit centres,” appear to be more limited.<sup>360</sup>

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<sup>350</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>351</sup> Amnesty International interview, 24 January 2020.

<sup>352</sup> Amnesty International interview, 24 January 2020.

<sup>353</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020; and IOM letter response to Amnesty International, 13 May 2020.

<sup>354</sup> Amnesty International telephone interview, March 2020.

<sup>355</sup> Amnesty International interviews, December 2019. The men and boys also described regular lectures and instruction from the National Drug Law Enforcement Agency (NDLEA), from religious leaders, and from the National Orientation Agency (NOA), among others.

<sup>356</sup> Amnesty International interview, 13 December 2019.

<sup>357</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>358</sup> Amnesty International follow-up interview, 16 January 2020. The original interview was on 8 and 9 December 2019.

<sup>359</sup> Amnesty International interview, 17 January 2020.

<sup>360</sup> An examination of those “transit centres” is beyond the scope of this report, though they likewise deserve scrutiny—as they hold girls, boys, and adults who have been released from military detention, including Giwa and Safe Corridor. Detention in the “transit centre” tends to last for one to three months. A representative of a UN agency in Nigeria said there had been significant improvements to the Bulumkutu “transit centre” in recent years, to better prepare detainees to return to their communities—and to prepare the communities as well. Some basic education is provided to children held there—mostly the ABCs, numbers, and writing one’s own name, according to children formerly held there who were interviewed by Amnesty International. There are at least two major problems with Bulumkutu, however. First, the authorities have held women, men, girls, and boys there all at the same time—which the UN representative said has caused major problems that undermine protection. Second, the military often releases large groups of people to Bulumkutu with little notice to relevant officials, which means the “transit centre” is at times severely overstretched, undermining the health care, including psychosocial care, and other assistance provided. Amnesty International interviews, January 2020, and telephone interviews, March and April 2020.

In general, donors and other international observers understandably see Safe Corridor as a step forward by the Nigerian military, and the federal government more generally. Better conditions and transparency are encouraging. On the other hand, Safe Corridor remains an outlier; elsewhere, the military continues to commit widespread human rights violations and to suppress oversight and criticism. Moreover, focusing on the facility's relatively better conditions and transparency ignores the underlying unlawful nature of the detention. Treating people well at Safe Corridor is less praiseworthy when almost no one is there pursuant to due process, and most have no legal basis for being detained. And, as the rest of the chapter details, serious human rights violations have occurred, even with the relative transparency.

## 4.3 INADEQUATE FOOD, HEALTH CARE

The most common complaints among those detained at Safe Corridor are about inadequate food and poor health care. The problems appear less about supply and staffing, and more about indifference to detainees' care. Seven people have died in Safe Corridor, including at least two in their late teens or early 20s who were children when in Boko Haram territory. The military has reportedly blamed the deaths on their physical health when arriving at Safe Corridor, though there is strong evidence to doubt that alone is responsible.

Detainees generally said the food quality was good at Safe Corridor, but the quantity was insufficient. Six different people all described it with the same comparison as an 18-year-old man in Batch 3, who was in Boko Haram for three years and military detention for more than two: "The quantity of food was small—even smaller than Giwa. The quality [was better], but the quantity was less."<sup>361</sup> A 63-year-old man from Batch 3 said similarly: "The quantity was very small. Even a small child would have been hungry."<sup>362</sup>

A person who toured Safe Corridor heard the same Giwa comparison from a detainee. He said the military and civilian staff at Safe Corridor and the detainees all appeared to receive the same cooked food, but that it seemed likely that staff received a greater amount.<sup>363</sup> Several detainees said they brought complaints to the military leadership about the lack of food, and received promises it would change, but said it never did.<sup>364</sup>

Inadequate medical care appears to have been a bigger problem. Among Batch 3, which began with 159 men and boys, six people died at Safe Corridor; a seventh died in Batch 2, which began with around 95 people. Amnesty International interviewed six men and boys who spent significant time in the Safe Corridor clinic, including one treated there for tuberculosis. They described inadequate and indifferent care, for themselves and those who died. A man who spent seven months in Giwa before Safe Corridor recalled:

**After one month of going to [vocational] training, I became sick. My legs were swollen, my whole body was swollen. I struggled to go to the training. I became sicker and sicker. My colleagues had to help me go, they even carried me eventually. It became so hard for them [to take me].**

**Eventually [staff] took me to the clinic in Safe Corridor. I'd been sick for more than two months. They saw I couldn't move, no one could help me. In the clinic, I even needed help to urinate. I did it in a plastic bucket, and a nurse would come and clean it. After a while, even they couldn't help me. The problems were getting worse. I started doing stool in the bed. A cleaner would come and clean me and my clothes. Sometimes it was hours [before she came].<sup>365</sup>**

Safe Corridor has an agreement with the teaching hospital in Gombe town, to transfer particularly ill patients. The man quoted above said he was taken to the Gombe hospital several times but was always brought back the same day; he said only those considered close to death were allowed to stay overnight at the hospital.<sup>366</sup> Even seriously ill men and boys were often transferred too late, or not at all.

Former detainees said the first man who died in Batch 3 was "Saly" Tidjani. A man who went with him to the clinic said Saly was given medication and allowed to rest there during the day but was sent back to the sleeping quarters in the evening. Several men said Saly vomited repeatedly and crawled on the floor, saying he wanted to die. They pounded on the hostel door for soldiers to come, since the detainees were locked in.<sup>367</sup> Saly became unresponsive; soldiers took him out, telling the others Saly had "fainted," not died. The

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<sup>361</sup> Amnesty International interview, 10 December 2019.

<sup>362</sup> Amnesty International interview, 16 January 2020.

<sup>363</sup> Amnesty International telephone interview, March 2020.

<sup>364</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>365</sup> Amnesty International interview, 17 January 2020.

<sup>366</sup> Amnesty International interview, 17 January 2020.

<sup>367</sup> Amnesty International interviews with four witnesses, December 2019 and January 2020.

men knew otherwise, and the next day soldiers took Saly's mattress and belongings and burned them.<sup>368</sup>

Essential medical care appears to have been delayed on multiple occasions. Mohammed Issa, also referred to as Modu Kanto, was a child when Boko Haram abducted him from his village in Yobe State; after escaping, the military detained him in Giwa for around eight months, then transferred him to Safe Corridor. A person who spent time with Mohammed Issa in the clinic recalled:

**Mohammed Issa would come and take medications, and when it became much worse, they admitted him with me. He couldn't go to the toilet on his own power. He'd have to work his way along the wall, using his hands [to brace himself]. When he came back, he couldn't get into bed. He'd have to sit there for three or four minutes before he had the strength to get himself up.**

**One day they took Mohammed Issa to [Gombe Hospital]. He was admitted, because his stomach had become very big... [and] he had a very high fever—he took his shirt off, he was sweating so much... Seven days later, they brought his belongings back from the hospital. They didn't say he'd died. But two military officers went with an imam to the hospital, so I knew.<sup>369</sup>**

Mohammed Issa's death was confirmed by eight other men in Batch 3 as well as by a family member.

Adam Baba Alhadji was around 13 years old when Boko Haram attacked his village in Yobe State and abducted him. He surrendered himself to the military after escaping Boko Haram several years later and was detained in Giwa's children's cell and then in Safe Corridor. His death, at around 18 years old, came relatively late in the time at Safe Corridor—after the batch “graduated,” according to other former detainees. The same person who was in the clinic when Mohammed Issa died told Amnesty International:

**Adam, they didn't take him to the hospital... In the night, we both fell asleep. In the morning, they brought breakfast. Adam didn't eat, he was just lying in bed. One of the nurses asked, 'Is he sleeping?' I said I didn't know, I didn't think he was breathing. A nurse opened his eyes and then got a stethoscope. She called in some soldiers, and they saw he wasn't breathing. They took him to Gombe. Later, they told me he was in a coma, but I knew he'd died.**

**All the time, Adam was coming to the clinic, saying he was sick and couldn't walk properly. They'd give him medication and tell him to go back [to the hostel]. He became so ill. He came [to the clinic] on a Saturday. They said there was no hospital doctor available on Saturday or Sunday, so they'd take him on Monday. Adam died that Saturday, at night.<sup>370</sup>**

The problems seem more about the attitude with which the detainees are treated, rather than the clinic's facilities. The same clinic that serves the detained men and boys also serves at least most military and civilian staff.<sup>371</sup> People who toured the facilities told Amnesty International the clinic looked clean, and the medical supply well stocked, compared to most Nigerian public hospitals,<sup>372</sup> though the clinic was expanded and additional medical equipment provided during the latter part of Batch 3's detention.<sup>373</sup> The Gombe teaching hospital is also considered one of the better public hospitals in the Northeast.<sup>374</sup> But the clinic facility quality matters only if consistently used to provide adequate care, and access to Gombe hospital matters only if transfers occur early enough, before the situation becomes critical.

A person with direct knowledge said that, as of early March 2020, there had been no deaths in the current batch; he speculated that the current commandant in charge, who took over in August 2019, might have made a difference.<sup>375</sup> Several people said the current commandant was invested in the programme's quality, open, and actively sought staff suggestions.<sup>376</sup> Such practices must be standard, not tied to one leader.

Amnesty International has not received a response from the Nigerian federal government to questions the organization asked about Safe Corridor, including about health care. However, delegates interviewed several people who had visited the facility and spoken with military leadership. Representatives of one Safe Corridor donor said the military informed them of the deaths all at once, belatedly, and indicated there was nothing the programme could have done, as those who died had arrived sick.<sup>377</sup> Another person who toured the

<sup>368</sup> Amnesty International interviews with four witnesses, December 2019 and January 2020.

<sup>369</sup> Amnesty International interview, 17 January 2020.

<sup>370</sup> Amnesty International interview, 17 January 2020.

<sup>371</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>372</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>373</sup> Amnesty International communications, May 2020.

<sup>374</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>375</sup> Amnesty International telephone interview, March 2020.

<sup>376</sup> Amnesty International interviews, January 2020, and telephone interview, March 2020.

<sup>377</sup> Amnesty International interview, 24 January 2020.



facility said similarly that a senior officer acknowledged seven deaths—six from Batch 3 and one from Batch 2—but said they died early in their time at Safe Corridor after arriving sick.<sup>378</sup>

Even if all deaths were from pre-existing and untreatable conditions, the military would still be responsible because of the inhumane conditions in Giwa and Kainji that preceded Safe Corridor. But the testimonies taken by Amnesty International, as well as the timing of some of the deaths, strongly suggest the deaths were not all due to pre-existing conditions, or at least not to that element alone. Several men, including Adam Baba Alhadji, appear to have died well into their time at Safe Corridor, after “graduation”.<sup>379</sup> At least one man in Batch 3, Abana Dawa, died less than 48 hours before the men were released to the “transit centre”—19 months after arriving from Giwa.<sup>380</sup> Many detainees from Batch 3 were also adamant that most of those who died were not sick upon arrival or during the first month, saying illnesses developed later.<sup>381</sup>

As a final insult, the authorities never informed the families of the men’s deaths. Nor did IOM, despite being the lead in family tracing—and despite having spoken with several of the deceased men’s families before their death. A family member of Adam Baba Alhadji said IOM staff came to Yobe State with photographs of Adam, to trace his family. The family was ecstatic to learn Adam was alive, as they had heard no news since he escaped Boko Haram and surrendered to the military. The family received no further information, and later heard other people from Adam’s batch had returned to Yobe State. A family member recalled:

**After they released people from the “transit centre” [in Maiduguri], I saw one of the boys [from Safe Corridor]. I asked him, “You’ve come back? Where’s [Adam]?” And he said he’d died... I went and told [Adam’s] father. He was sick at that time. I made a mistake—I wonder why I told [him]. He died later... about one month after I told him... No authority—no one has come back and told us Adam died. Not even IOM. I just heard it from his mate in Gombe.<sup>382</sup>**

A brother of Abana Dawa, a man around 60 who died right before Batch 3 was released, said similarly:

**Those in Safe Corridor told us he’d died... Never ever has someone come officially to say my brother died. IOM had come with photographs [to trace him]. They said, “Who is this?” I said, “My older brother.” They asked, “Are you sure?” I said, “Yes, that’s him.” They said he’d be released in three months. But since he died, no one [came]. Abana came [out of Boko Haram territory] despite all the risks. He came to the authorities, to a safe place, and yet that’s where he suffered. They took him to Giwa. He suffered. Later he died, and they didn’t even tell us. It’s very painful.<sup>383</sup>**

In its response to Amnesty International, IOM wrote, with respect to the seven deaths and the fact that families were not informed, that it “does not have information about these facts... IOM didn’t gain direct access to beneficiaries at the OPSC centre until July 2019.”<sup>384</sup>

Although access improved considerably in July, IOM’s involvement in certain aspects of reintegration, including in family tracing and reunification, existed previously.<sup>385</sup> Even with limited access, IOM should have had sufficient information—at least for those whose families it had already traced.

Principal responsibility for informing the families rests, of course, with the Nigerian authorities. A UN representative told Amnesty International in January 2020 that the Nigerian authorities told them the families of the deceased were informed.<sup>386</sup> Amnesty International interviewed family members of three of the deceased; no Nigerian authority had informed any of them. They learned only from other detainees.

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<sup>378</sup> Amnesty International telephone interview, March 2020.

<sup>379</sup> This is also seen in reporting on the military’s statements, even if the military did not directly acknowledge the deaths. For Batch 3, for example, the military indicated there were 155 people who “graduated” in November 2018 but, eight months later, in July 2019, indicated it handed over only 151 people from the same batch. Compare Haruna Gimba Yaya, “Army releases 155 ex-Boko Haram fighters in Gombe,” *Daily Trust* (Nigeria), 24 November 2018, with Sahara Reporters, “151 Repentant Boko Haram Members Return to Borno,” 23 July 2019. That would seem to indicate that either two or four people died in Batch 3 after “graduation”—as two people in Batch 3 were foreign nationals who were deported, according to interviews with former detainees and others with direct knowledge, but Amnesty International has not determined whether they were deported before or after “graduation”.

<sup>380</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>381</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>382</sup> Amnesty International interview, 16 January 2020.

<sup>383</sup> Amnesty International interview, 17 January 2020.

<sup>384</sup> IOM letter response to Amnesty International, 13 May 2020.

<sup>385</sup> Amnesty International interview, 24 January 2020, and communications, May 2020.

<sup>386</sup> Amnesty International interview, 24 January 2020.

## 4.4 UNSAFE, EXPLOITATIVE VOCATIONAL TRAINING

Vocational training comprises a core part of Safe Corridor. The detained men and boys can choose among different departments, including haircutting, shoemaking, tailoring, carpentry, welding, and cosmetology. They spend at least six months training and practicing the craft, with promises of support for starting a business after release. Many of the men and boys interviewed by Amnesty International appreciated the opportunity to learn a trade and viewed the experience positively. But there were two main concerns: the practices in some departments are unsafe, and none of the work is compensated.

The most glaring example of unsafe labour practices is in the cosmetology department, where men and boys make soap, air freshener, and liquid cleaners. Amnesty International interviewed five people who did cosmetology; they described having to work with sodium hydroxide, also called lye or caustic soda. A 61-year-old former detainee at Safe Corridor recalled: “The caustic soda is dangerous. If it touches your body, it will remove the flesh. It’s very hot. Even if we put it in a plastic gallon, you’d see, it’s very hot. The younger ones [in cosmetology] would put it inside. I’d just shake [the container], I didn’t want to get close.”<sup>387</sup>

A former detainee who did cosmetology in the second batch at Safe Corridor said he was never given any protective equipment for the work. People from the third batch of detainees said they did not initially receive any protective equipment, but more than a year into being held at Safe Corridor—after people had suffered serious injuries to their hands, resulting in scars—were finally given rubber gloves.<sup>388</sup>

Sodium hydroxide is highly corrosive. Contact with the eye or skin can cause severe burns,<sup>389</sup> and the U.S. Agency for Toxic Substances and Disease Registry says “chronic exposure to dusts or mists of sodium hydroxide may lead to ulceration of the nasal passages.”<sup>390</sup> Standard personal protective equipment (PPE) for sodium hydroxide includes chemical safety goggles, chemical protective clothing, and a respirator.<sup>391</sup> Other than gloves, the detainees have none of those—further confirmed by someone who toured the vocational area and said those in cosmetology were working without safety equipment.<sup>392</sup>

Of the six men who died in Batch 3, at least five, and perhaps all six, were in cosmetology, including the two who were children when in Boko Haram and military detention.<sup>393</sup> Although none of the deaths may have been caused by the cosmetology work—the concentration could be random or related to the spread of an unrelated disease—it merits further investigation. Even if the deaths are unrelated, the lack of protective equipment violates the detainees’ right to safe and healthy working conditions and right to health.<sup>394</sup>

Adding insult to injury, the men who graduated from cosmetology were told, prior to release, that they could not receive support for their trained profession. “If you had the materials, I could [make] them now,” said one former detainee from Batch 3. “But before we left, the commander said there was an ingredient—caustic soda—that couldn’t be sold to us because it’s used to make bombs. He said that when we went home, we’d have to choose something else.”<sup>395</sup> A 63-year-old detainee from Batch 3 said similarly, “When we graduated, the commander said, ‘We can’t give you those chemicals, because they’re dangerous.’”<sup>396</sup>

In January 2020, Amnesty International raised concerns about the use of sodium hydroxide without protective equipment in meetings with donors and others providing support to Safe Corridor; they said they would examine the issue further.<sup>397</sup> As noted above, the Nigerian federal government has not responded to the organization’s questions and concerns. As of March 2020, the cosmetology training with inadequate protective gear continued—though there seems to be little benefit to the detainees, given that when the men and boys return to their communities, they appear unable to receive support for setting up a cosmetology business and are told to choose something else. Although the major problems of worker safety were voiced by those in cosmetology, the lack of protective equipment raises safety concerns in Safe Corridor more generally, particularly for other potential at-risk departments like welding and carpentry.<sup>398</sup>

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<sup>387</sup> Amnesty International interview, 17 January 2020.

<sup>388</sup> Amnesty International interviews, December 2019 and January 2020, and telephone interview, April 2020.

<sup>389</sup> See U.S. National Library of Medicine, Compound Summary: Sodium Hydroxide, <https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-hydroxide>; and Canadian Center for Occupational Health and Safety (CCOHS), Sodium Hydroxide, 3 January 2017, <https://bit.ly/2WcJEsb>

<sup>390</sup> U.S. Agency for Toxic Substances and Disease Registry (ATSDR), Sodium Hydroxide, <https://bit.ly/2xJE5YX>

<sup>391</sup> See Canadian Center for Occupational Health and Safety, Sodium Hydroxide, 3 January 2017.

<sup>392</sup> Amnesty International telephone interview, March 2020.

<sup>393</sup> Amnesty International interviews with five men in cosmetology, December 2019 and January 2020.

<sup>394</sup> International Covenant on Economic, Social, and Cultural Rights (ICESCR), art. 7(ii)(b) and art. 12. Nigeria ratified it on 29 July 1993.

<sup>395</sup> Amnesty International interview, 17 January 2020.

<sup>396</sup> Amnesty International interview, 16 January 2020.

<sup>397</sup> Amnesty International interviews, January 2020.

<sup>398</sup> Amnesty International interviewed one person from the carpentry department who, along with another former detainee with direct knowledge, said they were only given a basic covering for their mouth and nose. Amnesty International did not interview anyone who had done welding but was told by other detainees that the welding department received protective glasses and ear covering, but no gloves.

Many former detainees voiced another complaint: they received no compensation for their work. Most described working in their vocational department for four to five hours a day, five days a week; those kept long after “graduation” continued to work.<sup>399</sup> A 19-year-old man who had escaped from being a child soldier in Boko Haram and was then detained for several years in Giwa and Safe Corridor told Amnesty International that he and other detainees complained to the military command: “We said, ‘You just brought us here to make chairs for you, to make furniture, to make shoes, to make beds, and we get paid nothing.’”<sup>400</sup>

People from the shoemaking department in Batch 3 said they collectively made about 50 to 60 pairs of shoes a week.<sup>401</sup> Those in haircutting said they cut the hair of soldiers, officers, prison warders, and other staff, in addition to other detainees. The carpentry department makes furniture; cosmetology, as described above, produces bars of soap, liquid cleaner, and other goods; and the tailoring department sews clothes, including uniforms worn in Safe Corridor.<sup>402</sup> Everyone interviewed said he did not receive any compensation.

Some of the produced goods are used for the detainees, or in Safe Corridor more generally. An 18-year-old former child soldier from Batch 3, for example, said each of the 151 men and boys who survived received a pair of shoes upon release; he, and many others interviewed by Amnesty International, said the rest of the shoes were put in a warehouse.<sup>403</sup> Likewise, some soap was given to detainees, some cleaning materials were used for the facility, and some car cleaner was used for military vehicles; the rest was put in a warehouse. A person who toured Safe Corridor said some furniture being crafted is used in the facility.<sup>404</sup>

Many detainees speculated that the military was selling much of what they produced, but Amnesty International was not able to confirm that. At minimum, the detainees’ work reduces the operational costs of Safe Corridor, as it means the authorities are not having to supply basic materials.

Under Nigerian law, “inmates shall not be held in slavery or servitude, and labour carried out by inmates shall neither be of an afflictive nature nor for the personal or private benefit of any correctional officer.”<sup>405</sup> The cosmetology and welding work, at minimum, likely qualify as “of an afflictive nature” if carried out without proper protective equipment. Nigerian law allows for uncompensated prison labour if “necessary to keep the Correctional Centre environment clean or for the general purpose of their wellbeing.”<sup>406</sup>

However, the work may amount to forced labour under the Forced Labour Convention, to which Nigeria is a state party. The convention exempts from forced labour “any work or service exacted... as a consequence of a conviction in a court of law,” so long as it occurs under certain conditions, but, as discussed above, the overwhelmingly majority of those in Safe Corridor are detained unlawfully, not pursuant to a conviction.<sup>407</sup> The question of whether it amounts to forced labour, particularly when Safe Corridor detainees continue to be held and to work in their departments after “graduating” from vocational training, would depend on whether there is any penalty or threat against those who do not want to take part.<sup>408</sup> Customary international humanitarian law likewise prohibits “uncompensated or abusive forced labour”.<sup>409</sup>

## 4.5 LACK OF TRANSPARENCY ON REINTEGRATION AID

At Safe Corridor, the detained men and boys are told frequently that, after completing the programme, they will swiftly receive support to start a business—either in the trade on which they were trained or another that fits the local market. But for many, support has not come in the months, or even year, after their release.<sup>410</sup> The lack of transparency about how long support will take leaves them in a vulnerable position—aggravating

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<sup>399</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>400</sup> Amnesty International interview, 8 and 9 December 2019, and follow-up interview, 16 January 2020.

<sup>401</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>402</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>403</sup> Amnesty International interview, 11 and 12 December 2019.

<sup>404</sup> Amnesty International telephone interview, March 2020.

<sup>405</sup> Nigerian Correctional Services Act of 2019, Section 15(1).

<sup>406</sup> Nigerian Correctional Services Act of 2019, Section 15(6).

<sup>407</sup> Forced Labour Convention, 1930 (No. 29), art. 2(2)(c).

<sup>408</sup> Forced Labour Convention, 1930 (No. 29), art. 2(1) (“[T]he term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”).

<sup>409</sup> ICRC, Customary IHL: Rule 95. Forced Labour.

<sup>410</sup> Amnesty International does not take a position on the merits of DDRR programmes that provide monetary or other forms of support to those perceived to be former fighters. Most of the population in Northeast Nigeria is out of work and faces food insecurity; there is urgent need to support livelihoods across the region. Perceived support for former fighters alone can lead to resentment among communities and create perverse incentives that encourage other people to join an armed group, to benefit from future rounds of demobilization. On the other hand, many of those in Safe Corridor are not former fighters. They are civilians unlawfully detained by the military simply for having fled from Boko Haram-controlled territory. And almost everyone in Safe Corridor has suffered serious human rights violations, especially during their time in Giwa or Kainji. As such, they merit redress, including compensation, under international law.

communal tensions. For some, it is the final insult, leaving them wondering why they surrendered.

Each of the men and boys who went through Safe Corridor described soldiers and prison officials regularly telling them they would receive materials and financial support to start a business after release. For example, an 18-year-old man trained in haircutting in Batch 3 described: “The problem is that, when we finished, they didn’t give us the materials. So why did we learn? ... All the people in charge said, ‘The government told us to teach you, and they will give you the materials to become a professional.’”<sup>411</sup>

The promises have come from the senior-most military officials overseeing Safe Corridor, as related by an 18-year-old man held in Kainji for four years, before being part of Batch 4:

**They promised everyone that they would settle themselves [in the community] and start a business. General Shafa himself came... One guy said to him that he’d been arrested with a lot of money, with his car. Shafa said, “I can’t promise you’ll get your car back, but through Safe Corridor, you’ll get money and tools to start a business.” But we have nothing. We came to Maiduguri with nothing in our pocket—maybe 500 or 1000 naira (US\$1.25–\$2.50). They didn’t give us anything.**<sup>412</sup>

After transfer to the Bulumkutu “transit centre,” and again after release, the detained men and boys said they heard similar promises from the state government and from international partners, including IOM, to reintegration programmes. Yet, of the 15 people interviewed, only two from Batch 2 had received business start-up kits as of January 2020. None of those interviewed from Batch 3 had received support at that time, six months after their transfer from Safe Corridor; they said none of their fellow detainees from Batch 3 had received start-up kits either, which was confirmed by an international official with direct knowledge.<sup>413</sup> A 20-year-old man forced into Boko Haram at 15 or 16, during an attack in which fighters killed his father, told Amnesty International that after four months in Giwa, 19 in Safe Corridor, and another two in Bulumkutu:

**In the morning now, it’s very hard to find something to eat. The government promised to keep us busy, doing something useful, but they’ve forgotten about us. IOM promised they’d give us something... They promised that what we’d learned, they’d give us materials, and if we wanted to change to a provision shop [we could], but up to now, we haven’t heard anything.**<sup>414</sup>

Worse, the perception in Borno State is that those from Safe Corridor have received money and access to livelihoods, according to former detainees themselves as well as several humanitarian officials with community reintegration programmes. One humanitarian official also said Safe Corridor was seen to provide status and influence.<sup>415</sup> When an Amnesty International delegate said he was looking at Safe Corridor, several people from a small organization in Maiduguri expressed disgust, referring to it as a programme giving money to serial rapists and murderers.<sup>416</sup> That sentiment reflects some local news coverage as well.<sup>417</sup>

As a result, most people who have gone through Safe Corridor are confronted with a challenging situation: already facing hostility from communities that see them as former “Boko Haram”—whether they were or not—they are now perceived to benefit greatly from that affiliation, despite often not having yet received tangible support. “So many people think we’ve graduated and been given money,” said a 19-year-old man from Batch 3, who was recruited by Boko Haram as a child. “Even the CJTF, they see us, and they say we’re very rich people—they think we were given 300,000, 400,000 [naira], that we got this and that.”<sup>418</sup>

Amnesty International heard from someone with direct knowledge that, by March 2020, IOM had started providing business start-up kits to people from Batch 3.<sup>419</sup> In its letter response, IOM indicated that, “[a]s of the start of the COVID 19 pandemic, IOM had provided business start-up kits to 150 individuals already in their communities. Additionally, it has approved 60 business plans.”<sup>420</sup> The 150 individuals suggest that all, or almost all, of Batch 2 had received support, along with around half, or slightly more, of Batch 3.

IOM also detailed the substantial work that precedes providing start-up kits, including psychosocial support; business counselling to help the person develop their own business plan; review of the relevant market to ensure the plan’s sustainability; community outreach, to help ensure the community “will patronize the

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<sup>411</sup> Amnesty International interview, 12 December 2019.

<sup>412</sup> Amnesty International interview, 13 December 2019.

<sup>413</sup> Amnesty International interviews, January 2020.

<sup>414</sup> Amnesty International interview, 9 December 2019.

<sup>415</sup> Amnesty International telephone interview, 6 March 2020.

<sup>416</sup> Amnesty International interview, January 2020.

<sup>417</sup> See, for example, Emmanuel Onwubiko “Releasing terrorists is evil and wicked,” *The Nigerian Voice*, 28 January 2020; Dataphyte, “Operation Safe Corridor and the Misplaced Investment on Terrorism,” 4 March 2020, <https://bit.ly/2YHZwEP>

<sup>418</sup> Amnesty International interview, 9 December 2019.

<sup>419</sup> Amnesty International telephone interview, March 2020.

<sup>420</sup> IOM letter response to Amnesty International, 13 May 2020.

business”; the intended beneficiary finding a “secure place for the business”; and a “business ready assessment” prior to the delivery of the start-up kit. IOM further indicated that some of those steps were delayed by people being transferred from the “transit centre” to communities “before the planned dates”.<sup>421</sup>

IOM’s preparatory work is very likely to better ensure the sustainability of the livelihood activities, as does its monitoring and follow-up counselling after providing a start-up kit. One person from Batch 2 who had received support for establishing a provision shop in an IDP camp told Amnesty International that he appreciated the continued “supervision” and guidance; he said that having the shop allowed him to pay school fees for a child in secondary school and to better meet his family’s food needs.<sup>422</sup>

Putting in place sustainable livelihood support undoubtedly takes time, especially given delays and other impediments outside IOM’s control. The bigger problem appears to be inadequate transparency—transparency with the detainees themselves, about how long support will take; and transparency with communities the men and boys are returning to, about what they have gone through and what they have (and have not) received.<sup>423</sup> As quoted above, former detainees consistently described statements by Safe Corridor officials that led them to believe support would be imminent upon their release.

For many who have gone through Safe Corridor, the lack of support to start a business, despite repeated promises, is felt as a final betrayal, as described by an 18-year-old man who had been a child soldier with Boko Haram for several years before becoming “fed up” with the group and surrendering to the military:

**In Sambisa, I wasn’t a poor man. I got what I needed. I took care of my mother. I would go to Cameroon and buy hundreds of goods and come back to Sambisa and sell them. I wasn’t jobless. Later, I heard them say on the radio, “You have to surrender. You’ll be taken care of. You’ll be welcomed back.” I convinced my friend to go, because they said things would be good.**

**We embraced peace. But when we came, on all my journey, there has been no sign of a brighter way. They told us to be sincere, not to tell lies. So we did. They told us to go to vocational training. We did. And after that, nothing has happened. They said we’d be producing, but when we’ve come back, we’ve just become a burden. They made fake promises, they just dumped us in the camp.**

**So what can we tell those in the bush? That in the camp now, I’m living a miserable life? Six kilograms of guinea corn, two kilograms of beans, and a little salt—this is what I have for a month. Imagine! People have to give me stuff now. What can I say to those still in the bush? All that the government is saying [on the radio], they are telling us lies... What can we tell the others? To come? When IOM [staff] came to speak with us [in the IDP camp], they started laughing at us—they mocked us. They said, “We told you detention is better than this place.”**

**They should be honest. They should say, “If you come out, you have to depend on yourself.” Poverty breaks everything. If you have nothing, maybe people will break the chain and go back [to Boko Haram]. I need peace. But if the condition there was stable, I would prefer being there [in Boko Haram territory]. What we’ve heard from the radio and what we’ve come and seen is very different. We want peace, but the government needs to fulfil its promises.<sup>424</sup>**

## 4.6 CHALLENGES OF PROGRAMME EXPANSION

The military’s rapid expansion of Safe Corridor, from a previous high of 159 people to the current batch of more than 600—with plans to expand to 750 in future batches—has the potential to exacerbate problems. It also threatens to undo some of the programme’s successes, including around psychosocial care.

Several international officials involved in supporting Safe Corridor felt the expansion reflected positively on the military’s increasing willingness to release alleged “low-risk Boko Haram” from detention centres like

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<sup>421</sup> IOM letter response to Amnesty International, 13 May 2020.

<sup>422</sup> Amnesty International interview, 9 December 2019.

<sup>423</sup> For its part, IOM said “staff are instructed to provide a realistic timeline in which they can expect to receive business start-up kits while they provide business counselling and inform beneficiaries whenever it takes more time than expected. However, the beneficiaries do not always accept the reasons and want to receive the start-up kits immediately.” IOM letter response to Amnesty International, 13 May 2020.

<sup>424</sup> Amnesty International interview, 12 December 2019. Several former detainees in Safe Corridor similarly described, in separate interviews, being laughed at or otherwise insulted by someone from IOM in this way. Amnesty International brought the allegations to IOM, which indicated that it had not been able to confirm them, but still “immediately conducted refresher training for all staff on how to speak and interact with the beneficiaries.” IOM letter response to Amnesty International, 13 May 2020.

Giwa; but also negatively in that adequate preparation had not been made.<sup>425</sup> They expressed concern about the capacity of the health facilities to treat that many more people, of the kitchen to feed that many more people, and of the vocational centre to properly train that many more people.<sup>426</sup> One person involved in supporting Safe Corridor said they had planned for 200 and the military tripled it without consultation.<sup>427</sup>

Another person involved in supporting Safe Corridor said the sharp increase would affect reintegration, indicating that, at the current budget and staffing, it would be difficult to manage reintegration interviews with the detainees, family tracing, the organizing of family visits, and community outreach.<sup>428</sup> Interviews with detainees from previous batches, as well as with someone involved in family tracing, suggest the challenge may be considerable: in the more than 19 months that the 159 people from Batch 3 were at Safe Corridor, not all families were traced; current plans would require four times as many families to be traced in one-third the time, if detainees are released on the six-month schedule the military promises.

Of particular concern is the impact on one of Safe Corridor's strengths: psychosocial support. As described on page 61, many detainees from the first three batches had positive things to say about the programme's psychologists and social workers. They were able to speak one on one and have regular, meaningful sessions about highly distressing experiences and about reintegrating into communities.

A person with direct knowledge who had toured Safe Corridor said there were 12 psychologists for the current batch of more than 600 detainees; the number of psychologists had barely increased, if at all, from previous batches with one-fourth or less detainees. "They said it affects the quality of the psychosocial care they give," the person who toured said. "If you're bringing more people, there should be more staff, more psychologists. If there aren't, you should bring fewer people."<sup>429</sup>

A representative of a major donor to Safe Corridor said similarly that he had met with the programme's psychologists during his last visit, in late 2019; he said there were around 10 at the time. "We're talking about deradicalization. How do you do that with 600 people and 10 psychologists? It's the same with the imams [providing religious instruction]... The problems [from past batches] will only accelerate."<sup>430</sup>

In its letter response to Amnesty International, IOM also noted that, with respect to the increase in programme size, at the same time that other people are arriving in communities directly from Boko Haram-controlled areas or after being released from detention without having gone through a "rehabilitation" programme, that "communities are confused by the different profile of returnees arriving to their villages and don't always understand the difference. This requires an important effort in terms of outreach and sensitization as well as coordinated efforts to provide a comprehensive assistance to the communities."<sup>431</sup>

Amnesty International agrees far greater investment is needed in consultation and outreach, and in gender-equitable reparations and rehabilitation efforts in communities, alongside programmes like Safe Corridor. Outreach and sensitization efforts with host communities should include information about the fact that detention alone does not mean there is evidence the former detainee committed any crime, as none of the individuals released from military detention have been brought to a fair trial.

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<sup>425</sup> Amnesty International interviews, 24 January 2020.

<sup>426</sup> Amnesty International interviews, 24 January 2020.

<sup>427</sup> Amnesty International interview, 24 January 2020.

<sup>428</sup> Amnesty International interviews, 24 January 2020.

<sup>429</sup> Amnesty International telephone interview, March 2020.

<sup>430</sup> Amnesty International interview, 24 January 2020.

<sup>431</sup> IOM letter response to Amnesty International, 13 May 2020.

## THE STORY OF S.H., A 10-YEAR-OLD GIRL DISPLACED FROM BAMA LGA TO MUNA EL-BADAWY CAMP<sup>432</sup>

“When I was in the village, I was going to school. I was in Class 1, before Boko Haram took over the school and started staying in the school with their families, so we all stopped going...

We left our village because Boko Haram was disturbing us... My oldest sister... was taken to Sambisa Forest. Boko Haram came and took her husband to Sambisa, so she and her two kids had to follow... Whenever we harvested our millet, [Boko Haram] would come and collect it; if we harvested our onions, they'd come and collect. If we sold our onions in the market, they'd come to the house and collect the money. Anything we did, they'd come for their share. That's how they were disturbing us...

Whenever Boko Haram killed someone in our village, they'd call the women, saying we should come and see. If you refused to go see the person who was being killed, you'd be punished. There was a time they killed a man who tried escaping the village; they slit his throat and held his head by the ear, and they showed his head to us all. If anybody cries, they'll call you a heathen. If you cry because they killed someone, they'll call you a heathen and beat you...

Whenever they came, they preached to us that we should buy [clothing] that reaches the ground... and that all men should not look at another man's wife and women should not look at another woman's husband. They told us children to also wear long dress; if it isn't long enough, they say, 'You didn't listen to our preaching,' and they punish you. They killed six women in our village they accused of witchcraft. They brought them to the middle of the town and asked everyone to assemble, then they shot them...

My dad decided we should come to Maiduguri. We journeyed by foot. I walked on my own... I was around six or seven years old. We left the village at night... When we got to the Mafa checkpoint, [the military] stopped us and asked our dad to stay behind... The soldiers asked us, 'Where are you going to?' We told them we were going to Maiduguri. 'Where are you coming from?' We responded, and they told us to stay there for a while. We stayed there for four days. Then they asked us to continue our journey, but when we asked after our dad, they said we should continue... [and] that our dad would meet us on the way before we got to Maiduguri... When we got to Yerwa, we slept in the bush for three days waiting for our dad to meet us, before we got the information that he was taken to [Giwa] Barracks with others.

Some men were released from Giwa Barracks, and we asked after our dad, and they told us he died in detention. [They] were released two years ago, that's when I learned my dad was dead. The people said the sleeping condition was terrible... They told us that the smell was too much and if someone dies in the cell, they don't remove his body on time... The day I got the news, I cried for a long time...

When we got to Maiduguri, we were staying in an open field... The soldiers later brought us to Muna, and my mom got a space to build [a shelter] with my grandmother...

My mother is now at [another displacement site]... She remarried and is staying with her husband... Some of my siblings are with her... but I stay with my grandmum at Muna Camp. [My mom] asked us to join her in her new husband's house, but we told her we'd rather stay in the camp with our grandmum...

Our room in the camp is very small, and we are eight. We have only one blanket and two mats. My grandmum and my younger [siblings] sleep with the blanket, while big children like me are asked to sleep inside our hijab. The food they give us is not always sufficient; whenever the food finishes, we go to the bush to look for firewood... I even went to the bush yesterday to get firewood, which I sold for 200 naira (US\$0.51). I go to the bush like twice daily. I sell the firewood to the women who live in town, and once they buy it, I use the money to buy food. Most times I go to the bush when I come back from school...

I go to school in Muna Camp. They gave us a bag and books... They don't study in the school, the children always just come and play... When I was in school in my village, we studied a lot. They used to teach us addition and subtraction and how to read, but here they only teach us ABC and 123, they don't teach us how to spell. I am in Class 2... I'm not happy with my school, I want them to teach us well...

My older [siblings] don't go to school. They go to the bush every day to look for firewood or beans to sell. Some of them haven't finished primary school... I want you to talk to the teachers in my school, so that they will teach us well. I want to work in the hospital when I grow up. I'd like to be a nurse. I want to go back home. I want them to make my village peaceful, so we can all go back and live in peace.”

<sup>432</sup> Amnesty International interview, 18 January 2020.

# 5. BARRIERS TO EDUCATION

**“I want to become a doctor, [but] there’s no school here [in Dalori 2 Camp]. It’s been about two years like that.”**

A 10-year-old girl from a village in Bama LGA displaced for several years to Dalori 2 Camp outside Maiduguri, Borno State.<sup>433</sup>

**“I want to continue my schooling. What we need is something to do. When we just sit there, thinking, people think about going back [to re-join Boko Haram].”**

A 20-year-old man who finished primary school but has been unable to continue his schooling for the last five or six years, due to being abducted by Boko Haram and then, after escaping, spending several years in military detention.<sup>434</sup>

Driving into Maiduguri from the airport, a sign stretching across the main road reads, “With gun you can kill a terrorist, with EDUCATION you can KILL terrorism,” quoting activist Malala Yousafzai.<sup>435</sup> Nigeria promotes investments being made in education in Northeast Nigeria, and has received significant donor support, including more than \$100 million from the World Bank, as part of a bigger nation-wide project supporting education; and another \$23 million from the European Union in 2019.<sup>436</sup> Yet in December 2019, UNICEF reported that, in Borno State, “nearly 75 per cent, or just over 1.4 million children,” were out of school.<sup>437</sup>

As discussed in Chapter 2, Boko Haram has, since the insurgency’s beginning, made an assault on education core to its mission. In Borno State at the end of 2019, “824 out of 1,359 government schools (or nearly 61 per cent) remain closed due to insecurity and the ongoing conflict.”<sup>438</sup> As a result, many school-age children fleeing Boko Haram-controlled areas have been unable to access schooling for years.

The Nigerian authorities have compounded the crisis by failing to ensure children can access education even after reaching government-controlled areas. This chapter examines why, in displacement camps and

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<sup>433</sup> Amnesty International interview, 14 December 2019.

<sup>434</sup> Amnesty International interview, 9 December 2019.

<sup>435</sup> Photograph of sign on file with Amnesty International. The original quote appears to be, “With guns you can kill terrorists, with education you can kill terrorism.” See OHCHR, “Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 26,” <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23977&LangID=E> (quoting Malala Yousafzai).

<sup>436</sup> See World Bank, Nigeria - State Education Program Investment Project, <https://projects.worldbank.org/en/projects-operations/project-detail/P122124> (accessed 26 March 2020); World Bank, “World Bank Scales up Support for Nigeria’s North-East Region,” 7 June 2016; European Commission, “EU supports education in Boko-Haram hit region of Nigeria,” 1 July 2019.

<sup>437</sup> UNICEF, *Nigeria – Every Child Learns: UNICEF Education Strategy 2019-2030*, December 2019, p. 1.

<sup>438</sup> UNICEF, *Nigeria – Every Child Learns: UNICEF Education Strategy 2019-2030*, December 2019, p. 2.



camp-like settings—some of which have hosted people for half a decade—hundreds of thousands of children are out of school.<sup>439</sup> In some places, there is no accessible school. In others, a variety of factors effectively deny most children an education, including the distance required to reach school, the costs, the displacement conditions that push children into work, and the prolonged military detention of children or their parents. Even for displaced children who are in school, and especially those attending camp schools, the right to education is often not fulfilled, as teachers regularly fail to show up and instruction is limited.

Although military use of schools is beyond this report’s scope, in March 2019 Nigeria took the important step of formally committing to the Safe Schools Declaration, a political agreement endorsed by 103 states, as of 30 April 2020, with “a set of commitments to strengthen the protection of education from attack and restrict use of schools and universities for military purposes.”<sup>440</sup> In light of that action, the federal government has begun the process of revising the Armed Forces Act to protect schools from military occupation and use.



People in Maiduguri cross a pedestrian bridge with a large banner proclaiming the importance of education in the context of the conflict, Borno State, Nigeria, 2019. © Tom Saater/For The Washington Post via Getty Images

## RIGHT TO EDUCATION

Under the Compulsory, Free Universal Basic Education Act of 2004, the Nigerian federal government has established that every state and local government in Nigeria “shall provide free, compulsory and Universal basic education for every child of primary and junior secondary school age,” which collectively accounts for nine years of schooling.<sup>441</sup> The Act stresses that such “services... shall be free of charge.”<sup>442</sup>

<sup>439</sup> Beyond this chapter’s scope is a discussion of the military’s failure to protect schools and children from attacks, even when there were warning signs. See Amnesty International, “Nigeria: Security forces failed to act on warnings about Boko Haram attack hours before abduction of schoolgirls”; GCPEA, “*I Will Never Go Back to School*”; Human Rights Watch, “*They Set the Classrooms on Fire*”, pp. 63-66.

<sup>440</sup> See Safe Schools Declaration, May 2015, <https://ssd.protectingeducation.org/> (accessed 30 April 2020) and *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, December 2014. Nigeria endorsed the Safe Schools Declaration in 2015 but needed to go through a more formal process of “ratification” to provide legal backing domestically. See GCPEA, “Safe Schools Declaration News #5,” 18 December 2019. For more information on military and Boko Haram use of schools in the context of the conflict in Northeast Nigeria, see GCPEA, “*I Will Never Go Back to School*”, pp. 39-44.

<sup>441</sup> Compulsory, Free Universal Basic Education Act of 2004, 26 May 2004, Section 2. See also Universal Basic Education Commission (UBEC), “Who We Are,” <https://www.ubec.gov.ng/about/who-we-are/>. Under the federal system, the UBEC supports local government education authorities (LGEAs) and the state government, which together lead in managing primary education, while the state government alone leads for junior secondary education. The bureaucracy is beyond this report’s scope, but its complexity likely contributes to some challenges. See World Bank Group, *Governance and Finance Analysis of the Basic Education Sector in Nigeria*, September 2015.

<sup>442</sup> Compulsory, Free Universal Basic Education Act of 2004, 26 May 2004, Section 3.

Nigeria's Child Rights Act (2003) also guarantees the right to "free, compulsory and universal basic education," in addition to protection from abduction, forced or exploitative labour, and other abuses.<sup>443</sup> The Child Rights Act calls for state governments to "safeguard and promote the welfare of the children in need," defining "in need" to include children with disabilities and those who are "internally displaced... [or] otherwise in especially difficult circumstances".<sup>444</sup> Almost two decades later, however, state governments in Northeast Nigeria have yet to pass a state version of the federal Child Rights Act, which, under the country's federal system of government, only applies directly to the Federal Capital Territory.

International law imposes similar requirements. The Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) all guarantee the right to an education without discrimination. As a state party to these treaties, Nigeria must ensure primary education is free, accessible, and compulsory for all children and that secondary education is accessible and available, with progress made toward ensuring it is free.<sup>445</sup> The CRC calls for education to ensure the "development of the child's personality, talents and mental and physical abilities to their fullest potential".<sup>446</sup>

In a case on Nigeria, the Economic Community of West African States (ECOWAS) Community Court of Justice ruled in 2010 that the right to free and compulsory basic education was justiciable and that, related to allegations of the mismanagement of funds for education, the Nigerian federal government "should take the necessary steps to provide the money to cover the shortfall to ensure a smooth implementation of the education programme, lest a section of the people should be denied a right to education".<sup>447</sup>

In assessing whether countries are fulfilling their obligations, monitoring bodies such as the Committee on Economic, Social, and Cultural Rights and the Committee on the Rights of the Child do take into account relevant constraints such as resource limitations and armed conflict.<sup>448</sup> Boko Haram's attack on education, and the wider humanitarian crisis caused by the conflict, undeniably create significant challenges in realizing the right to education. However, a set of minimum core obligations exists always. Among these, Nigeria must not act or fail to act in a way that hinders children's access to education; must devote the maximum available resources to education; must protect children and school officials from Boko Haram attacks; and must only take measures proportionate to security threats, for example in closing schools, and "find appropriate alternatives or arrangements within a reasonable time".<sup>449</sup>

## 5.1 NO ACCESSIBLE SCHOOL

In some displacement sites across Borno State, children do not have any accessible school—even a primary school. At times, state officials have closed nearby schools, undermining children's access to schooling and thus violating their right to education.

The most egregious example Amnesty International has documented is in Dalori 2 Camp, outside Maiduguri, where more than 11,000 displaced people live, most from villages in Bama LGA.<sup>450</sup> Amnesty International interviewed 17 people living in Dalori 2, including parents, school-age children, and a volunteer teacher. The teacher said there had been a camp primary and junior secondary school, with around 3,700 registered students, but, in mid-2018, people in charge of the school dismantled the building and took away property like desks, saying the school was closing and teachers and administrators were to return to Bama LGA.<sup>451</sup>

At the time, Dalori 2 sheltered around 12,000 people. Almost two years and at least three school terms later, the vast majority still live there—afraid Bama is too insecure to return to—and yet have no accessible school. None of the nine children interviewed, or the 13 school-age children of guardians interviewed, was in school.

<sup>443</sup> Child Rights Act of 2003, Section 15.

<sup>444</sup> Child Rights Act of 2003, Section 171.

<sup>445</sup> See CRC, art. 28; ACRWC, art. 11; ICESCR, art. 13.

<sup>446</sup> CRC, art. 29.

<sup>447</sup> *SERAP v. Nigeria*, Judgment no. ECW/CCJ/JUD/07/10, 30 November 2010 (indicating it was justiciable under the African Charter on Human and People's Rights), [http://www.worldcourts.com/ecowasccj/eng/decisions/2010.11.30\\_SERAP\\_v\\_Nigeria.htm](http://www.worldcourts.com/ecowasccj/eng/decisions/2010.11.30_SERAP_v_Nigeria.htm)

<sup>448</sup> See British Institute of International and Comparative Law & Education Above All, *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook* (2012), pp. 18, 77-78; Geneva Academy, *United Nations Human Rights Mechanisms and the Right to Education in Insecurity and Armed Conflict* (2014), pp. 16-23 (including references to comments and reviews by those monitoring bodies).

<sup>449</sup> Geneva Academy, *United Nations Human Rights Mechanisms and the Right to Education in Insecurity and Armed Conflict*, pp. 13-25.

<sup>450</sup> IOM and NEMA figures from December 2019 indicate that there are 11,267 people from 2,657 households living in Dalori 2, also referred to as 250 Housing Estate Camp. See IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019): List of Displacement Sites Assessed*, 7 March 2020, p. 6.

<sup>451</sup> Amnesty International interviews, 14 December 2019 and 24 January 2020.

A few children attended occasional open-air lessons with a single volunteer teacher, who said he was unpaid and tried to figure out basic lessons for an hour or two a day for kids as young as four and as old as 18.<sup>452</sup> A nine-year-old boy in Class 3 when the school was dismantled, who wants to be a doctor, said he just plays football and helps with domestic work. “We weren’t happy, because our school was destroyed,” he said.<sup>453</sup>

A 12-year-old girl who had never been to school in her village, because of Boko Haram, said she started school after her family was displaced to Dalori 2. “I’m in Class 1—I’m the oldest in it,” she said. “I’ve almost forgotten everything [I learned]. We were learning, then they destroyed [the school]. It’s painful.”<sup>454</sup>

Parents and camp leaders in Dalori 2 campaigned the Nigerian authorities as well as UN agencies to re-open a school. Amnesty International reviewed two letters—one by camp leaders in Dalori 1 and Dalori 2 and another by the Knifar Movement, a group of women survivors—presented to Borno State education authorities in late September 2018, asking for the camp schools to be re-opened; the letters indicated the schools had been closed for four months, after the buildings were destroyed and the teachers left.<sup>455</sup>

When Amnesty International visited Dalori 2 in late January 2020, a reconstructed school building was finally near completion. As of April 2020, however, classes had not resumed. It was unclear when and how many teachers would be assigned to the school, and from which local government education authorities (LGEA); even when re-opened, it is unlikely to have sufficient classes and trained teachers to fulfil children’s right to education. Several children said they were so far behind in education due, first, to Boko Haram closing their village school and, second, the extended closing of the Dalori 2 school, that their families would not register them even when it reopened—though most of the children still wanted to attend school.<sup>456</sup>

Children in Dalori 1 Camp, which shelters more than 19,000 people outside Maiduguri, around a kilometre from Dalori 2, were similarly denied an education for more than a year, after education officials ransacked and closed the existing school in 2018, saying staff should return to Bama.<sup>457</sup> Konduga LGEA finally sent teachers to Dalori 1 in 2019 and NGOs reconstructed the school, after extensive campaigning from parents and camp leaders; the school, which a teacher said has around 1,200 registered students—itsself a small percentage of the camp’s school-age children—remains incredibly understaffed, as discussed on page 83.

Likewise, in Sabongari Buzu Camp in Maiduguri, where 785 people live, a primary school existed for around 240 children, supported by several local NGOs.<sup>458</sup> But during the rainy season in 2019, the school collapsed and flooded. The teachers also stopped being paid; most stopped coming, leaving only a few volunteer teachers who lived in the camp and tried to teach in the open air or in the part of the school that had not collapsed from rain. Eventually, the school closed.<sup>459</sup> A 13-year-old boy who wanted to become a politician told Amnesty International, “We went to school, but there was rain, the class collapsed and there was no teacher, so they closed the school. Then they took me to an Islamiyya school. But we couldn’t pay the school fees, so I could no longer go. So I stay home.”<sup>460</sup> An 11-year-old boy in the same camp, who reached Class 3 before the school closed, now collects and sells sugar cane. “I worry,” he said. “My friends go to school, and I’m not, because I have no money for the fees,” he said. “I’m no longer staying with my friends, because they go to school and talk about it. I can’t [relate to] it. So I’ve left them.”<sup>461</sup>

To get to the nearest primary school, children in Sabongari Buzu Camp must now travel about two to three kilometres, taking around one hour each way on foot. A 13-year-old girl who wants to study law and become a judge said that of the 12 children in her family, only four go to school, including her, in Class 4. She said:

**The burden is too much. The others remain at home. We live with our mother as my father died. It takes me one hour to walk to school; the school is very far... My brothers want to go to school. All of us want to be educated, but my mother cannot pay for it. We want a school in the camp, but even far away, my brothers are ready to go. But someone needs to arrange for the transport.**<sup>462</sup>

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<sup>452</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>453</sup> Amnesty International interview, 14 December 2019.

<sup>454</sup> Amnesty International interview, 21 January 2020.

<sup>455</sup> Letters on file with Amnesty International, dated 24 and 25 September 2018 (from the Knifar Movement and camp leaders, respectively).

<sup>456</sup> Amnesty International interviews, 21 January 2020.

<sup>457</sup> Amnesty International interviews, 16, 17, and 24 January 2020; and Letters to education authorities, on file with Amnesty International.

<sup>458</sup> Amnesty International telephone interviews, February and April 2020. Statistics on the number of people in Sabongari Buzu come from IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019): List of Displacement Sites Assessed*, p. 6.

<sup>459</sup> Amnesty International telephone interviews with a volunteer teacher and with seven school-age children, February 2020.

<sup>460</sup> Amnesty International telephone interview, February 2020. An Islamiyya school, also sometimes referred to in Northeast Nigeria as a modern Islamic school, combines secular, government curricula with Islamic studies. They are generally run by individuals or Islamic organizations and, as private schools, cost money. For more, see, for example, Adam Higazi, “Mobilisation into and against Boko Haram in North-East Nigeria” in *Collective Mobilisations in Africa* (Leiden: Brill, 2015), pp. 335-338; Alex Thurston, “Nigeria’s Islamiyya Schools: Global Project, Local Target,” 18 May 2012, *The Revealer*, <https://therevealer.org/islamiyya-schools-draft/>

<sup>461</sup> Amnesty International telephone interview, February 2020.

<sup>462</sup> Amnesty International telephone interview, February 2020.

In its Displacement Tracking Matrix (DTM) from December 2019, IOM and NEMA reported that 100 percent of children in camp or camp-like settings in Northeast Nigeria had “access to formal/informal education services”<sup>463</sup>—a statistic out of touch with Amnesty International’s investigations as well as with UNICEF’s and IOM/NEMA’s own statistics showing that only a small minority of children in Borno State are in school.<sup>464</sup>

In its letter response to Amnesty International, IOM confirmed that the data on access to education “does not differentiate between formal and informal schools”; IOM wrote that it was therefore “important to triangulate the findings against other data” in the DTM, such as the number of children attending school, the reasons children do not attend, and the state of school buildings, among others.<sup>465</sup> IOM also indicated that “DTM staff are specifically trained in collection and triangulation of displacement information and are not necessarily experts at Sectoral information. The on-ground realities also make it hard for non-sectoral specialists to capture nuanced findings... For example, sometimes we find that formal education syllabus however limited are included in some [of] the teachings used in the informal Islamia schools.”<sup>466</sup>

Amnesty International recognizes the many important findings in the DTM assessments, some of which are referenced in this chapter. It also understands that additional training and analysis would be needed to distinguish formal from informal schools. At the same time, any framework that leads to a conclusion that 100 percent of children in Northeast Nigeria currently have access to education does not reflect reality, based on our research, and is even counterproductive in seeking to effectively understand and address the issue. While potentially important for psychosocial recovery and the right to play, most “informal education services” would not meet the definition of adequate education as part of the right to an education, as set out above. In places like Dalori 1 and Dalori 2, there has been no meaningful access to such a school. More reliable statistics are needed on the percentage of displaced children without a readily accessible school that conforms with international and Nigerian law, in addition to the existing UNICEF and IOM/NEMA data on the percentage of children not enrolled in school. Encouragingly, IOM indicated in its response that it “is discussing with Education Sector on how best to reflect formal and informal schools in future reports.”<sup>467</sup>

## 5.2 DISTANCE AND COST

Even in displacement settings with affiliated schools, displaced children’s right to education is often not fulfilled due to costs and the distance required to reach school. Displaced people in Northeast Nigeria have limited, and often no, livelihood options, making even seemingly insignificant costs unaffordable. Long travel also puts children at risk of attacks by Boko Haram.

In the December 2019 DTM, IOM and NEMA reported that around 22 percent of children in Borno State need to travel more than one kilometre to get to the nearest educational facility, including more than five percent of children who have to travel between two and five kilometres.<sup>468</sup> It is unclear, given that the DTM refers to both formal and informal education services, as noted above, whether “educational facility” also includes informal settings that would not satisfy children’s right to education; if so, the reported distances understate the challenge. Without any free transport available, long distances often result in guardians not sending children, and particularly girls, to school.

For example, in January 2020 Amnesty International interviewed 14 people displaced to Monguno since early 2019; they lived in Water Board main camp, Water Board’s Gidon Kwano Extension, and the Kuya Primary School Camp. Of those with school-age children or grandchildren in their care, every person interviewed said there was no school available in the camp where they lived, or in the vicinity; even for primary school, children had to travel two to three kilometres to Monguno town.

“If they go by foot, it will take 45 minutes to one hour,” said a 62-year-old man in the Gidon Kwano Extension with one school-age child and several school-age grandchildren in his care.<sup>469</sup> A community leader in Kuya Camp, who has two school-age grandchildren in his care, said similarly: “To go by foot [to school]

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<sup>463</sup> IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019)*, 7 March 2020, p. 26

<sup>464</sup> As noted in the opening of the chapter, UNICEF reports that only around 25 percent of children in Borno State are in school. IOM and NEMA indicate that around 65 percent of camp and camp-like settings in Borno State have fewer than half of school-age children attending school. IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019)*, 7 March 2020, p. 26

<sup>465</sup> IOM letter response to Amnesty International, 13 May 2020.

<sup>466</sup> IOM letter response to Amnesty International, 13 May 2020.

<sup>467</sup> IOM letter response to Amnesty International, 13 May 2020.

<sup>468</sup> See IOM and NEMA, *Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019)*, 7 March 2020, p. 26. Those figures understate the problem, as children, including displaced children, cannot always register in the closest school. Several parents and camp officials, for example, described to Amnesty International being actively discouraged or even blocked from registering children at a school in a nearby host community if the school was already overcrowded. Amnesty International interviews, December 2019 and January 2020.

<sup>469</sup> Amnesty International interview, 19 January 2020.

takes at least 40 minutes. Longer for the younger ones. The distance is too far, and it discourages some parents... Maybe 40 percent of our children go [to school], 60 percent don't go."<sup>470</sup>

A few parents and grandparents of school-age children in the three Monguno sites said that when they can reserve some money, they give it to their children to take *keke* tricycle taxis to school.<sup>471</sup> A 30-year-old father of two school-age girls living in the Water Board camp told Amnesty International:

**The school is far... From Water Board to the front of the market [near the school] is 50 naira each. For the two of them it's 100, to come back is also 100, so I give them 200 naira (US\$0.51) daily for transport... What I do for work is go to the bush and get firewood; I sell it, leaving some for cooking, and out of the money [made], I pay their daily fare. Sometimes I won't even have money to pay for their transport. Those days they come back on foot. If [the school] close[s] at 1pm on days they don't have money, they get home around 3pm. If you're an adult and you're walking very fast, you may get to the camp in 45 minutes, but you know children will want to play on the road.<sup>472</sup>**



A girl washes a sleeping mat in Bakasi IDP Camp, Maiduguri, Borno State, 2019.  
© Mohammed Abdulsamad / The Walking Paradox

Parents, children, and community leaders in the three Monguno sites all said that only a small minority of families can afford transport costs; humanitarian assistance is limited and often delayed, meaning almost every naira is used for household essentials, and especially food, as discussed below. Gathering and selling firewood is one of the few available livelihood options; even that requires walking more than an hour each way at risk of a Boko Haram attack. Children in households headed by women or with grandparents as primary caregivers are less likely to have access to transport money, due to limited livelihood options.

Travelling long distances by foot to reach school can be dangerous, particularly for young children, due to the risk of traffic accidents. In Muna Moforo Camp, where around 3,000 displaced people live, there is no school in the camp; even primary school students walk to a nearby village. In 2019, a *keke* tricycle taxi ran into two children crossing a road to get to school, seriously injuring them. As a result, some families have kept children out of the school, out of fear of similar injury.<sup>473</sup> An 11-year-old boy in Muna Moforo told Amnesty International: "I was in Class 2 when we moved to the IDP camp. Then I went to Muna school, up to Class 5. Last year there was an accident with a girl, and then I stopped going when we saw that. Also, we had to get a school uniform [and] writing materials, so we stopped going."<sup>474</sup>

As with the 11-year-old boy in Muna Moforo, multiple factors tend to undermine children's access to education. Cost is often one of the most significant impediments. Although primary school in Nigeria is ostensibly free, there are often associated costs, including for uniforms, transport, exercise books, and

<sup>470</sup> Amnesty International interview, 19 January 2020.

<sup>471</sup> "Keke-NAPEP" or "keke," are tricycle taxis, one of the most common and cost-effective means of transport in Northeast Nigeria's towns.

<sup>472</sup> Amnesty International interview, 19 January 2020.

<sup>473</sup> Amnesty International telephone interviews with three children and with a camp official, February 2020.

<sup>474</sup> Amnesty International telephone interview, February 2020.

Parent Teacher Association (PTA) fees. In some camps, the Nigerian government, UN agencies, or NGOs at least partially fill the gap, including by providing free uniforms, or the cloth to sew the uniforms. School-age children and their guardians living in Bakasi and Farm Centre Camps near Maiduguri said uniforms and school bags had been provided for free, for example.<sup>475</sup> Both camps, unsurprisingly, have some of the highest rates of children registered to attend primary school.<sup>476</sup> Some camp schools even provide a meal, including in Dalori 1, where the Nigerian Air Force has provided cooked food to students.<sup>477</sup>

In other camps across Borno State, parents are expected to pay for uniforms and school supplies. In January 2020, OCHA reported that, in Gubio Camp, “about 1,300 children were out of school due to lack of uniforms.”<sup>478</sup> Several parents or other guardians from Gubio Camp told Amnesty International they could not send children to school, due in part to uniform costs.<sup>479</sup> For those who do purchase uniforms, the cost often restricts their ability to satisfy other basic needs. A 65-year-old woman who is the primary caregiver for two school-age grandchildren in Gubio Camp said she paid around 3,000 naira (US\$8) for each grandchild’s uniform. To do so, she sold part of her food distribution, which amounts to 13,500 naira (US\$35) a month; she said that was already insufficient to feed her and her grandchildren with two meals a day for a month.<sup>480</sup>

## SECONDARY SCHOOL

Distance and cost impact children at all education levels in Northeast Nigeria but are more pronounced for children wanting to attend secondary school. School fees and transport costs are greater, and there are far fewer secondary schools—including very few within displacement sites—requiring children to travel further. In Borno State, only two of the displaced children interviewed by Amnesty International were in secondary school, as was one young adult. Displaced parents and other guardians overwhelmingly said their children had never completed primary school or, if they had, were forced to stop before starting secondary school.

A 15-year-old boy in Farm Centre Camp, where more than 20,000 displaced people live, said, like many others, “The school at Farm Centre is a primary school, and I’m finished with that. I need to start junior secondary school, but there’s no money. The junior secondary school isn’t in the camp. So I don’t attend for now.”<sup>481</sup> A 55-year-old woman with three grandchildren in her care in Teachers Village camp, where more than 16,700 people live, said similarly: “When we were in Baga before fleeing, [my 12-year-old grandson] was in Primary 6. In the camp, he finished and took the exam. It’s been several months now he should’ve gone to secondary school... but there’s no money. There are many like him in Teachers Village.”<sup>482</sup>

Children in displacement sites in areas surrounding Maiduguri must generally travel into town for secondary school—a journey that is often more than four kilometres each way.<sup>483</sup> Education is possible mainly for those who can afford paying for daily transport, which applies to very few displaced families. A teacher in Dalori 1, about four kilometres outside Maiduguri, told Amnesty International in January 2020 that children ready for junior secondary school (JSS) had come pleading for teachers to teach them, “but we had to explain to them [the teachers’] contract ended and... from JSS upwards, you go to town to attend the school. The place is quite far, so they have to use the tricycle... If you don’t have transport money, you won’t go to school.”<sup>484</sup>

Even when displaced children can register for secondary school, many end up missing most days due to lack of money. “Most times I don’t go to school due to lack of transport money,” said a 16-year-old boy in Bakasi Camp, who was in junior secondary school. “Two of my younger siblings don’t go to school. They stay home and help knit caps” to support the family’s livelihood.<sup>485</sup> The military has detained the boy’s father and older brother for years, so his mother alone takes care of six children in the camp. The boy said he tries to get work on surrounding farms, to pay for his school fees and, when possible, the transport.<sup>486</sup>

As with the 16-year-old boy in Bakasi, school costs mean that, in many families, one or two children are sent to school, while others are kept in the camp to help provide water, food, and firewood, or are sent to religious schools, known as almajiri schools, where children are entrusted to a religious teacher for their upbringing

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<sup>475</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>476</sup> See IOM, *DTM: Nigeria — Location Assessment — Round 30*, 7 March 2020, <https://bit.ly/2SLVur1>

<sup>477</sup> Amnesty International interviews, January 2020.

<sup>478</sup> OCHA, Fact Sheet: Gubio IDP Camp, January 2020, p. 3, [https://reliefweb.int/sites/reliefweb.int/files/resources/ocha\\_nga\\_gubio\\_idp\\_camp\\_factsheet\\_200119-2.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ocha_nga_gubio_idp_camp_factsheet_200119-2.pdf)

<sup>479</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>480</sup> Amnesty International interview, 23 January 2020. Making matters worse, at the time of the interview, her distribution card had not worked for more than six months. She had repeatedly met with a camp chairman and with humanitarian officials, who promised to resolve the issue, but month after month the card still did not work. She and the two grandchildren in her care were having to rely on support from an adult daughter, who had her own children in the camp.

<sup>481</sup> Amnesty International interview, 18 January 2020.

<sup>482</sup> Amnesty International interview, 12 December 2019.

<sup>483</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>484</sup> Amnesty International interview, 24 January 2020.

<sup>485</sup> Amnesty International interview, 22 January 2020.

<sup>486</sup> Amnesty International interview, 22 January 2020.

and, in exchange, the children beg for alms and give them to the teacher.<sup>487</sup> An 18-year-old man in Farm Centre Camp, whose father has been in military detention for five years, said an older brother paid his school and uniform fees for junior secondary school, but there was not enough money to send his younger siblings:

**My older brother is the one who paid my school fees and also gave money to buy the uniform [and] for the tricycle; we pay 100 naira every day, 50 naira per trip.**

**Two of my younger brothers are in *almajiri* school... It's so painful seeing them attend the *almajiri* school; sometimes when coming back from school, I see them begging. When I see them, I get irritated but there's nothing I can do, and my older brother said he doesn't have enough money to send us all to school, that's why he took them there. When they go to beg, they take the money to the teachers. The second one, who is five years old, hates going... He always comes back crying.**<sup>488</sup>

Amnesty International heard similar accounts of only some children being sent to school from almost every displaced child and guardian interviewed. Such choices did not begin during the decade-long conflict. Education rates in the Northeast, and especially in Borno State, were low prior to the conflict, and the practice of sending children to *almajiri* schools dates back decades.<sup>489</sup>

But representatives from local and international humanitarian organizations in Northeast Nigeria said the dynamics have changed over the last five years—in part due to campaigns emphasizing the importance of schooling—and that most parents want their children to get a formal education.<sup>490</sup> That perception is consistent with the overwhelming majority of Amnesty International's interviews, in which parents repeatedly, and often before questions on education were posed, identified costs and other impediments to their children's education as one of the most pressing problems in displacement—often only after food.<sup>491</sup>

In many respects, a confined displaced population—particularly those in relatively big camps for years—should reduce barriers to education, including distance and costs, provided there is a commitment to progressively realize access over time. Yet most displaced children in Borno State are denied a primary education and exceedingly few can attend secondary school, due to the barriers described above. Such barriers are failing to realize children's right to education, the effects of which will be felt for years to come.

## 5.3 FORCED INTO HELPING FAMILIES SURVIVE

Most children living in displacement sites across Borno State are out of school or miss school regularly.<sup>492</sup> Many must instead spend their days helping the family obtain sufficient food and water to survive. Northeast Nigeria presents a challenging environment for humanitarian response, given the conflict in general as well as Boko Haram's attacks on roads and aid workers. The Nigerian authorities have contributed significantly to the challenges, by responding poorly themselves while also undermining humanitarian organizations' work.<sup>493</sup> The result is a level of food insecurity that pushes children out of school and into work.

In some displacement sites, the Nigerian Emergency Management Agency (NEMA) and its state counterpart, the Borno State Emergency Management Agency (SEMA), lead in providing food assistance. Amnesty International carried out dozens of interviews with school-age children and their guardians in at least four such sites, and there were consistent accounts of food aid being woefully insufficient and routinely delayed, which affected children's access to education by forcing them to earn money to help the family buy food.

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<sup>487</sup> Such schools, on their own, do not meet the international standard for children's right to an education, as outlined in the text box on pages 73-74. For more on the *almajiri* system, see Hannah Hoehner, *Quranic Schools in Northern Nigeria: Everyday Experiences of Youth, Faith, and Poverty* (Cambridge University Press, 2018); M.A. Yusha'u et al., "Problems and prospects of integrated *almajiri* education in northern Nigeria," *Scientific Journal of Pure and Applied Sciences*, vol. 2(3) (2013), pp. 125-134.

<sup>488</sup> Amnesty International interview, 18 January 2020.

<sup>489</sup> See Hannah Hoehner, *Quranic Schools in Northern Nigeria*.

<sup>490</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>491</sup> Most of Amnesty International's interviews were carried out by a researcher from the Global North, which could have introduced bias, with some interviewees focusing on education, or feeling uncomfortable dismissing formal education, to say what they believed the researcher wanted to hear. Particularly given the international resources invested in education in Northeast Nigeria, and in campaigns around education's importance, there is likely a perception that saying education is prioritized is socially acceptable and beneficial.

<sup>492</sup> See IOM and NEMA, Nigeria – Displacement Tracking Matrix (DTM) Report 30 (December 2019), p. 26 (reporting that for 65 percent of camp and camp-like settings in Borno State, fewer than half of school-age children attend school, including around 14 percent of settings with less than 25 percent of children in school; the DTM reports similar percentages for children displaced to host communities). Even those numbers do not reflect the percentage of children who are registered for school but unable to attend regularly.

<sup>493</sup> Amnesty International interviews with representatives of humanitarian organizations, December 2019 and January 2020, and telephone interviews, March 2020. See also Amnesty International, "*They betrayed us*", pp. 35-51 (documenting how government failures contributed to starvation in some displacement camps); Human Rights Watch, "Nigeria: Army Restrictions Stifling Aid Efforts," 4 March 2020.



*Nasir (not his real name), the oldest boy in his family, works menial jobs around Maiduguri to support his family, instead of being able to attend school, Borno State, Nigeria, 2019. © Mohammed Abdulsamad / The Walking Paradox*



*A girl picks up charcoals inside an IDP camp on 21 April 2019 in Maiduguri, Nigeria. © Jean Chung/Getty Images*



For example, a 68-year-old woman in Farm Centre Camp outside Maiduguri said she takes care of three grandsons between age five and nine, whose father was killed by Boko Haram. For the four of them, she receives 18 kilograms of rice and around 10 kilograms of beans from NEMA. The distribution is supposed to occur monthly, but she, and many others interviewed at Farm Centre, said it was routinely 15 to 30 days late, and sometimes more. Eating twice a day, she said the food lasted the boys and her half a month. The two older grandsons had attended the camp primary school, but the grandmother said once the family ate the provided food, she was often forced to bring them with her to beg at a market several kilometres away.<sup>494</sup>

She eventually took the grandsons out of school and sent them to an *almajiri* school, where they beg but, she said, face less acute hunger. “Because of the lack of food, I had to send them,” she said. “The number one priority is food. We are hungry. The food provided is very small, and it doesn’t come on time... I was a guinea corn farmer [in my village]. Now we are beggars. I’m suffering. My grandsons are suffering.”<sup>495</sup>

Amnesty International heard similar accounts of routinely delayed food distributions from people in three other large displacement sites where NEMA and SEMA manage assistance: Teachers Village Camp, where more than 16,000 displaced people live; Bakasi Camp, where more than 32,000 displaced people live; and Muna El-Badawy Camp, where close to 40,000 displaced people live.<sup>496</sup> “My three grandchildren go for firewood [and] for work” instead of school, said a 73-year-old man in Muna El-Badawy, adding there had recently been a three-month delay in food distribution. “That’s how we manage to eat.”<sup>497</sup>

A 14-year-old girl who reached Class 6 when in Gwoza said Boko Haram killed both of her parents; her mother was a schoolteacher. The girl now lives in Bakasi Camp with her grandmother and siblings and has been unable to continue school; she said she goes each morning at 8 a.m. to queue for water, often waiting for several hours, and also knits traditional caps to sell to help supplement the food distribution.<sup>498</sup>

In addition to problems in camps where the Nigerian authorities provide the assistance, the military has undermined the wider humanitarian response through ever-increasing restrictions, including related to staff movement and fuelling supply.<sup>499</sup> At the most extreme, the military closed offices of Action Against Hunger and Mercy Corps in September 2019, over baseless accusations they were supporting Boko Haram.<sup>500</sup>

Five people in Monguno’s Water Board Camp told Amnesty International they received no food assistance for three months during and after the military suspension, as Action Against Hunger was the organization that provided their food assistance.<sup>501</sup> Several had kept children out of school during that time, to help with gathering and selling firewood. A leader in Water Board, who was among those who stopped receiving food during the suspension, estimated that “less than 50 percent of our children are attending school... They’re IDPs, so they’re thinking about what they’re going to eat, what clothes they’ll be able to wear. Due to the hardship, they don’t send their children.”<sup>502</sup>

Aspects of the wider humanitarian response at times compound problems with assistance, undermining children’s education.<sup>503</sup> Amnesty International interviewed more than 25 displaced people from six camps who had not received a single food distribution for months—often more than six months—because their card stopped working. They recounted going to camp leaders and NGO offices week after week to try and resolve the situation and just being told to be patient. The problems seem to particularly affect households headed by women and older people, who said they were dismissed when trying to raise issues with camp officials.<sup>504</sup>

A 73-year-old woman in Gubio Camp, where almost 30,000 people live, said she cared for eight young children: three from a son who died, unrelated to the conflict; and five from two younger brothers who were killed by Boko Haram. Six of the eight children are school age, but none were in school. Although NGOs came to register her after the family arrived in August 2019, they had not received any assistance as of mid-December 2019. “I go to beg, and some of the grandchildren go to beg too,” she said. “What we get, we eat

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<sup>494</sup> Amnesty International interview, 18 January 2020.

<sup>495</sup> Amnesty International interview, 18 January 2020.

<sup>496</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>497</sup> Amnesty International interview, 14 December 2019.

<sup>498</sup> Amnesty International interview, 22 January 2020.

<sup>499</sup> Amnesty International interviews with humanitarian workers, December 2019 and January 2020. See also Human Rights Watch, “Nigeria: Army Restrictions Stifling Aid Efforts,” 4 March 2020.

<sup>500</sup> See Nigerian Army HQ, “Press release: Sabotage of the counter insurgency operations in the North East,” 19 September 2019, <https://www.facebook.com/354312648014400/posts/2164617166983930/>; Action Against Hunger, “Nigeria: Action against hunger forced to close its office in Maiduguri,” 19 September 2019; Human Rights Watch, “Nigeria: Army Restrictions Stifling Aid Efforts,” 4 March 2020.

<sup>501</sup> Amnesty International interviews, January 2020.

<sup>502</sup> Amnesty International interview, 19 January 2020.

<sup>503</sup> In a 2018 report, Amnesty International similarly reported that “even in the camps where international humanitarian assistance was provided, it fell short of meeting the basic needs.” Amnesty International, “*They betrayed us*,” p. 49.

<sup>504</sup> Amnesty International interviews, December 2019 and January 2020.

from that. Sometimes we have nothing. The grandchildren cry and can only take some water.”<sup>505</sup>

Even for children registered to attend school, the dire humanitarian conditions and the need to work often means they routinely miss classes. A seven-year-old girl in Class 2 in Farm Centre Camp, who had lived with her grandmother since Boko Haram killed her father, said she goes to school early in the morning, but at the daily break halfway through class, she usually must leave to fetch water or firewood, and does not return.<sup>506</sup>

## 5.4 MILITARY DETENTION

As described in Chapter 3, the military has detained thousands of girls and boys, including very young children, during the conflict. Some children have been detained for weeks or months; others have been detained for years. Throughout their detention, children have no meaningful access to education.<sup>507</sup> The military has likewise detained at least tens of thousands of men and women, most unlawfully, which often significantly impedes their children’s ability to go to school, without state action to mitigate the effects.

Between July 2018 and March 2020, the Nigerian military released more than 500 children from detention.<sup>508</sup> Military screening at front-line locations also now appears to lead to fewer detentions of young children, among others, than several years ago (see Chapter 3.1). These are positive developments.

Still, for most of the thousands of girls and boys detained during the conflict, the right to education has been violated. None of the children formerly detained in Kainji said they had access to learning there. For a while in Giwa, prior to 2017, a detained man, who had been a teacher, at times provided boys basic instruction in the alphabet and numbers, amid the overcrowded cell; the man was later transferred to Maiduguri Maximum Prison.<sup>509</sup> After his transfer, a few boys said that, on occasion, soldiers selected other detainees to teach them. There was no indication this selection was made because the detainee had teaching qualifications or skills, and the boys said the learning never happened consistently and often stopped for extended periods.<sup>510</sup> None of the children, even those detained for years, received an adequate education as defined by the CRC.

Such children are usually years behind in school because of the state’s actions, and, in the cases Amnesty International documented, there has been no effective action—or even attempt—to remedy the situation. An 18-year-old from Maiduguri town said he was in JSS Class 3 when he was arrested in 2014; he spent more than five years in Giwa, Kainji, and Safe Corridor before release in late 2019. “We are out, but the situation is bad,” he said. “I want to go back to school, to further my education. There’s been no help from anybody... I sit in the house, and I’m searching for a job. There’s no money for school.”<sup>511</sup>

Similarly, a 15-year-old girl reached JSS Class 1 in a modern Islamic school, which combined government curricula with religious instruction, before she was arrested in Maiduguri in 2014. She spent the next five years in military detention, without charges ever brought against her. In January 2020, she said she wanted to study to become a nurse. “I want to go back to school—to the modern Islamic school,” she said. “But my father died [while I was in detention]. I don’t know who will support me. My mother won’t be able to.”<sup>512</sup>

In other conflict-affected countries, including in West Africa, there has been investment in accelerated learning for children who are years behind, permitting them to finish primary school in half or less the time.<sup>513</sup> Amnesty International interviewed many eight to 10 year olds who had never gone to school and many teenagers who had stopped their education in primary school, often because Boko Haram seized their village and the child spent time in military detention. The age gap between such children and peers in the same class is likely to discourage many from attending school, even if other barriers are minimized. Although there have been some accelerated programmes in Northeast Nigeria, and the EU provided funding in mid-2019 to reach 18,000 more children with accelerated learning, they have been far too limited, given the

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<sup>505</sup> Amnesty International interview, 13 December 2019.

<sup>506</sup> Amnesty International interview, 18 January 2020. Younger children in families struggling to have sufficient food also at times miss classes not necessarily to work but simply because the hunger means they cannot concentrate on, or feel unmotivated to go to, school. For example, a 65-year-old man in a Monguno IDP camp, who cares for 10- and 9-year-old grandchildren, said: “Before, when the food [from the distribution] finished, when we told [the grandchildren] to go to school, they wouldn’t go, they’d go and hide somewhere. I realized they weren’t going, and I asked why. They said the school was far and they were hungry. So now, sometimes when the food is finished and there’s no breakfast to eat, we just keep them home from school.” Amnesty International interview, 20 January 2020.

<sup>507</sup> One partial exception is the adult literacy classes in Safe Corridor, as detailed in Chapter 4.

<sup>508</sup> For a detailed breakdown of the releases, see footnote 163.

<sup>509</sup> Amnesty International interviews, December 2016, April 2017, and April 2019.

<sup>510</sup> Amnesty International interviews, April 2019, December 2019, and January 2020.

<sup>511</sup> Amnesty International interview, 13 December 2019.

<sup>512</sup> Amnesty International interview, 20 January 2020.

<sup>513</sup> See, for example, UNICEF and Liberia Ministry of Education, *Evaluation of the Accelerated Learning Programme in Liberia – Final Report*, November 2011; The Pierson Institute, *Accelerated Education Programs in crisis and conflict*, 2016; Save the Children, *Accelerated education programming (AEP): Children, families, teachers and educational stakeholders’ experiences of AEP in Uganda*, February 2019.

problem's scale.<sup>514</sup> No child or parent interviewed by Amnesty International was aware of such programmes.

Many children interviewed by Amnesty International, some of whom had been detained themselves, said the ongoing detention of a parent—overwhelmingly the father—was the biggest impediment to education. The Borno State authorities have opened schools for orphaned children, but, at least publicly, have explicitly framed these as for “Boko Haram victims”.<sup>515</sup> Children living without their parents because of Nigerian military killings, or unlawful detention, would not seem to qualify. And even that would be too narrow a framing, as, in the patriarchal Northeast, men are overwhelmingly breadwinners; displaced children living in female-headed households, or with grandparents as primary caregivers, are likewise enormously at risk of being unable to attend school, due to pressures to support family livelihoods, as discussed above.

## 5.5 DENIAL OF EDUCATION FOR THOSE IN SCHOOL

Even for displaced children in school, the Nigerian authorities are routinely not adequately fulfilling their right to education, due to the regular absence of teachers, the enormous number of children in classes, and the lack of even basic pedagogy in some camp schools. When parents see the poor quality of education, they often stop sending children to school, particularly given challenges in accessing adequate food.

### ABSENT TEACHERS

In many camps and camp-like settings where Amnesty International interviewed children, guardians, and school officials, people complained frequently about too few and absent teachers.

For example, a teacher in Dalori 1 Camp, where more than 19,000 displaced people live, said there were only 10 teachers assigned to a camp primary school with more than 1,200 students registered.<sup>516</sup> The teacher, along with several camp residents and leaders, said there had been 12 more teachers, but the funding, which an NGO provided for one term, ended in December 2019.<sup>517</sup> “Even when we were 22 teachers, it was still difficult for us to control the students,” the Dalori 1 teacher said, due to the large class sizes, which, based on his and other accounts, would have been an average of 54 even with 22 teachers.<sup>518</sup>

Worse, many of the 10 teachers still employed at the school regularly fail to come. “In a week, some come to school two or three times,” the teacher said. “Some come in the morning and go out after registering their name, and you don't see them again. Only a few teachers come daily.”<sup>519</sup> A girl in Class 3, who said she wanted to work in an NGO when older, described similarly: “They don't teach us all the time. Sometimes when we come to school we'll just be playing, because there's no teacher to teach us... Only one teacher is always around. The teachers who don't come to school every day are more than the teachers who come.”<sup>520</sup>

When Amnesty International visited Dalori 1 on a weekday in late January 2020, only two teachers were present. One teacher described the challenge the persistent absenteeism creates:

**We just pack the students in different classes and start teaching them. Sometimes you have pupils in primary 1, 2, and 3 in the same class. If you don't put everyone in the same class, others will start playing and they will distract the ones in class. So if there are four teachers present in a day, the students will be packed into four classes and we'll teach them.**<sup>521</sup>

The other teacher likewise identified an inadequate number of teachers as the biggest problem in providing an education, saying there were often more than 100 children in a class. He described the effect: “As a parent, you see that 22 teachers [were] coming to teach, and the teachers stopped coming. [Now] sometimes not even 10 teachers come to teach, so [the parents] stop their children from coming.”<sup>522</sup>

People in several other displacement sites described similar problems with absent teachers. In Bakasi Camp in Maiduguri, a 13-year-old boy in Class 4 told Amnesty International: “Sometimes [the teachers] come, sometimes they don't come. If they don't come, we just sit there until they close the school. Usually they

<sup>514</sup> See European Commission, “EU supports education in Boko-Haram hit region of Nigeria,” 1 July 2019; USAID Nigeria, *Education Crisis Response – Final Report*, December 2017.

<sup>515</sup> Conor Gaffey, “Boko Haram: 23,000 orphans in Nigeria to get free education,” *Newsweek*, 8 February 2016. See also Al Jazeera, “Nigeria's ‘mega schools’ for Boko Haram victims,” 2 June 2019.

<sup>516</sup> Amnesty International interview, 24 January 2020.

<sup>517</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>518</sup> Amnesty International interview, 24 January 2020.

<sup>519</sup> Amnesty International interview, 24 January 2020.

<sup>520</sup> Amnesty International interview, 24 January 2020.

<sup>521</sup> Amnesty International interview, 24 January 2020.

<sup>522</sup> Amnesty International interview, 24 January 2020.

come three or four times a week.”<sup>523</sup> Several other children in the same school said that on days teachers did not come, the children sit in the classroom waiting until a guard who works at the school’s gate appears, announces the teachers aren’t coming, and locks the school.<sup>524</sup>

A 38-year-old father of three school-age children in Monguno’s Water Board Camp, where more than 24,000 displaced people live, likewise told Amnesty International: “There are days they go to school and the teachers won’t come or come very late. There are even days they go to school and teachers tell them, ‘Today we’re not going to study, so just go home.’ At least once a week they come home without studying.”<sup>525</sup> Several other parents and guardians in Monguno displacement sites made similar complaints, as did several community leaders who regularly visit the primary school designated for their residents and see the children outside just playing, as few or no teachers came to school that day.<sup>526</sup>

In at least certain LGAs, the Borno State government appears to recognize the problem of absent teachers. In December 2019, the governor of Borno State, Babagana Umara Zulum, announced after a visit to Bama that his office had “visited the eight primary schools there, and found out that out of the about 300 teachers working there, only about 100 were punctual and always in school”; the governor ordered the suspension of those who had allegedly been absent for a year and said new teachers would be recruited.<sup>527</sup>

Several humanitarian officials and a local civil society representative said a major reason for absenteeism is that many teachers do not feel safe in places like Bama, given ongoing Boko Haram attacks nearby. Many teachers absent from places like Bama are themselves displaced, usually to Maiduguri.<sup>528</sup> The insecurity across Borno State, and the long history of Boko Haram targeting schools, understandably explains some teacher absences. But it seems unlikely to explain all such absences, especially in areas where government control is more longstanding and attacks far less frequent—such as in Maiduguri and its surroundings. The authorities should work to create a more conducive environment for teachers, including by hiring and training more teachers to reduce class sizes and by better protecting schools from attacks, while also regularly inspecting schools to monitor, among other things, teacher absenteeism.

## MINIMAL PEDAGOGY

In addition to teachers being absent, many students and parents expressed frustration with the limited instruction in many schools primarily serving displaced children. The problems are likely not with the curriculum itself, but with class sizes; insufficiently supported and trained teachers; and inadequate monitoring and inspection of schools, even amid the challenging environment.<sup>529</sup> In many cases, the instruction seems clearly to fall short of the CRC’s requirement that education “be directed to... the development of the child’s personality, talents and mental and physical abilities to their fullest potential.”<sup>530</sup>

A 10-year-old girl displaced to Muna El-Badawy Camp, who wants to become a nurse, described:

**They only teach us ABC and 123 in school. [We] don’t study in the school, the children only come and play. When I was in school in my village, we studied a lot; they used to teach us addition and subtraction and how to read, but here they only teach us ABC and 123 everyday, they don’t teach us how to spell... I’m not happy with my school, I want them to be teaching us well.**<sup>531</sup>

A teacher in Dalori 1 acknowledged the severe problems, saying most teachers at schools for those displaced had only completed secondary school themselves. “You will see a teacher teaching Primary [Class] 6 pupils, and he’ll be teaching them the spelling of three-letter words because that is only what he knows. The quality of education [the children] receive is low. When we see a student who is bright, we just ask the parents to remove him and take him to secondary school.”<sup>532</sup> As described above, many displaced families cannot afford the costs associated with a secondary school that is often far away.

When an Amnesty International delegate visited the Dalori 1 school, a 12-year-old boy in Class 4 showed his exercise book and related, “They just ask us to copy what they wrote on the blackboard, but they didn’t tell us what it is. I can’t read what I wrote on that page. I know this other page is the spelling of some items, but I

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<sup>523</sup> Amnesty International interview, 22 January 2020.

<sup>524</sup> Amnesty International interviews, December 2019 and January 2020.

<sup>525</sup> Amnesty International interview, 19 January 2020.

<sup>526</sup> Amnesty International interviews with four guardians of school-age children and two community leaders, 19 and 20 January 2020.

<sup>527</sup> See Abdulkareem Haruna, “Borno governor suspends 200 ‘absentee’ teachers,” *Premium Times* (Nigeria), 10 December 2019.

<sup>528</sup> Amnesty International interviews, December 2019.

<sup>529</sup> For more on proper monitoring and evaluation, see Inter-Agency Network for Education in Emergencies (INEE), *Minimum standards for education: Preparedness, Response, Recovery*, 2010, pp. 35-49, 74-102.

<sup>530</sup> CRC, art. 29.

<sup>531</sup> Amnesty International interview, 18 January 2020.

<sup>532</sup> Amnesty International interview, 24 January 2020.

can't remember what it is."<sup>533</sup>

Some parents and other guardians told Amnesty International they had pulled children out of school after hearing how they spent their time; some parents and community leaders had gone to see classes for themselves, before removing children. The father of a 10-year-old girl in Monguno's Water Board Camp said he registered his daughter for the school in town for displaced children and ensured she went every day, even providing money from the family's food distribution for the girl to take a *keke* tricycle taxi. However, the girl consistently returned and "told me they don't teach them anything in school, that they only go there to play. She told me they just go and sit on the bench every day, [often] no teacher comes into the class."<sup>534</sup> The father eventually decided to remove the girl from the school.



Children sit at their desks in Kaleri primary school, located in the host community, Borno State, 2019. The area has been attacked by Boko Haram several times.  
© Mohammed Abdulsamad / The Walking Paradox

<sup>533</sup> Amnesty International interview, 24 January 2020.

<sup>534</sup> Amnesty International interview, 19 January 2020.

# 6. CONCLUSION AND RECOMMENDATIONS

**“If I think about it, what happened to me is an injustice. I did nothing. They took me for seven years. I’m lucky I’m alive. The military took me there to die. Nobody has even come to say that what happened to me was bad... People’s hearts are broken, who knows what they’ll do in the future.”**

A 17-year-old boy reflecting on his more than six years in detention, including in Kainji and at Safe Corridor. He says he was never part of Boko Haram and had been attending primary school and working during evenings when he was arrested.<sup>535</sup>

A decade of conflict in Northeast Nigeria has left people and communities traumatized. The violence has been unyielding, the displacement acute and prolonged. Boko Haram and the Nigerian military have both committed war crimes and crimes against humanity, with children often suffering disproportionately.

Boko Haram’s tactics and ideology have led to an assault on childhood, with schools under attack and widespread abductions of girls and boys. Instead of protecting children and promoting the recovery of those who suffer abuses, the Nigerian military has consistently compounded the situation with its own serious crimes. Children across the region describe layer upon layer of traumatic experiences.

Many children have witnessed Boko Haram kill their parents or siblings. Many have themselves been abducted and spent years in captivity, often forced to fight or serve as a “wife”. They risked death to escape, then the Nigerian military locked them away in a cell that seems designed to kill through inhuman conditions; many have family members still in those cells. Children have seen relatives die of starvation in displacement sites and have faced acute hunger themselves. They have yearned to go to school but have not found it accessible. Many children have endured not just some of these experiences, but all of them.

The Nigerian authorities need to swiftly reverse course. The federal government, including the military, needs to end its widespread unlawful detention—and recognize, instead, that detaining children is appropriate only as a last resort. It needs to ensure the prosecution of those who have overseen the widespread torture and murder of people, including children, in custody. It needs to invest substantially more in education and take concrete action to reduce the barriers that deny many children access to school. And it needs to fulfil its responsibility to “promote physical and psychological recovery and social reintegration” of children, including girls, who have suffered during the conflict, whether by Boko Haram, the Nigerian military, or both.<sup>536</sup>

Feelings are raw in the Northeast. Boko Haram has wrought havoc on families and communities, through extreme and repeated violence. Many people, particularly in Borno and north-eastern Adamawa States, are

<sup>535</sup> Amnesty International interview, 13 December 2019.

<sup>536</sup> CRC, art. 39.

still not safe. In that environment, many have no desire to accept people—women or men, girls or boys—perceived to be affiliated with Boko Haram. The military’s mass, unlawful detention has branded many children, and others, who were never actually affiliated, much less responsible for crimes. The government’s acknowledgement of such violations would be meaningful, as described by the boy in the quote above.

Programmes like Safe Corridor—purportedly designed for former Boko Haram members still in detention—hold some promise, but they will remain tainted so long as those who are made to participate have never been able to challenge their detention, never had access to a lawyer, and never been charged, much less convicted, of any crime. As implemented, it often does not benefit those it is intended for. Many men and boys in the Safe Corridor facility outside Gombe are guilty only of being born in an area the Nigerian authorities have withdrawn from, under threat by Boko Haram; or of being abducted from their home or school, and later fleeing Boko Haram to try to find safety. None of the major donors to Safe Corridor would sanction such a system of prolonged detention, absent basic due process, for its own citizens.

Safe Corridor’s best features, especially in adult education and psychosocial support, merit replication, but rehabilitation programmes must also be made available to people outside detention. They must ensure gender equity, as must broader support to victims and affected communities. The pattern of violations suffered may differ, but women and girls have been hit as hard by the conflict as men and boys. Yet most programmes seem targeted at men and boys, and the programmes that do target women and girls are far narrower than Safe Corridor—exacerbating existing power structures and inequalities in the Northeast.

Absent an approach rooted in human rights, Nigeria risks losing a generation of boys and girls. A commitment to children’s education and psychosocial recovery could pave a new path for the Northeast.

## 6.1 RECOMMENDATIONS

### TO THE FEDERAL GOVERNMENT OF NIGERIA

#### PROMOTE AND PROTECT THE RIGHTS OF CHILDREN IN DETENTION

- Immediately release all children held in Giwa, Kainji, Maiduguri Maximum Prison, Safe Corridor, and other detention facilities, unless they have reached the minimum age of criminal responsibility as recognized under international law; are reasonably suspected of having committed an internationally recognizable offence; are remanded by an independent, civilian court that has given primary consideration to the best interests of the child; and are held in humane conditions in a civilian facility;
- Ensure all detainees are promptly brought before an independent, civilian court where they are represented by counsel and have the opportunity to challenge their detention;
- Take immediate steps to ensure children are only detained as a very last resort and where all alternatives have been considered and found inapplicable, in line with Nigerian and international human rights law;
- Ensure that conditions of detention in all places where people, and especially children, are deprived of liberty are humane, and in strict adherence with international law and standards;
- Ensure anyone detained can exercise rights to health care, adequate food and water, and all other necessities, as well as the right to have access to the outside world, including their families, also taking into account children’s distinct needs, including the distinct needs of girls;
- Ensure that an up-to-date, centralized register is maintained of all people arrested and detained in relation to the conflict and is made accessible to detainees’ relatives and lawyers. The register must include detainees’ personal details; the names and places of detention; the names of individuals responsible for the detention; the basis of the detention; and the date of arrest, detention, and transfers. Include, for those who died in custody, the date, location, and cause of death;
- Immediately close all unofficial and secret places of detention, including ungazetted military detention centres, and other facilities where there is a pattern of inhumane conditions and/or failures to ensure procedural protections against arbitrary detention and torture and other ill-treatment. Either release such detainees or promptly bring them before an independent, civilian court;

- Ensure all those in Safe Corridor have access to appropriate personal protective equipment for their vocational department and that their participation in such work is at all times voluntary, particularly for those who are not there pursuant to a fair judicial process resulting in a conviction;
- Ensure all places of detention without exception can be visited regularly and through unannounced visits by the National Human Rights Commission; that detainees can speak in confidence with such observers; and that no detainee who so speaks is intimidated or punished; and
- Allow the UN and other relevant international and Nigerian organizations unrestricted and unannounced access to monitor all detention facilities where children may be held.

### **ENSURE ACCOUNTABILITY, REPARATIONS, AND NON-REPETITION OF VIOLATIONS**

- Ensure that members of Boko Haram suspected of being responsible for war crimes, crimes against humanity, and other serious human rights abuses are investigated and, where there is sufficient evidence, prosecuted in fair trials not subject to the death penalty;
- Ensure that members of the military suspected of being responsible for war crimes, crimes against humanity, and other serious human rights violations are investigated and, where there is sufficient evidence, prosecuted in fair trials not subject to the death penalty. Investigate, among others, senior military officials in charge of detention facilities like Bama Prison, Giwa Barracks, and the Kainji military base during periods of grave and systemic violations, including against children. Ensure witnesses can testify as part of any investigation or trial without fear of reprisal;
- Make public the report from the Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement;
- Ensure victims' rights to truth, justice, and reparations, including by guaranteeing trials are public and providing for meaningful participation of victims in judicial proceedings and reparations; and
- Establish a reparations programme, in consultation with civil society and affected communities, with special consideration given to the violations faced by children, among other groups. Seek and implement expert advice to maximize the impact of reparations on both girls and boys as well as to design and distribute reparations so as to be accessible, including for children with disabilities.

### **ENSURE ACCESS TO EDUCATION IN THE NORTHEAST**

- Ensure, in working with state and local education authorities, as well as with international donors, that there are no fees or other costs associated with primary or junior secondary education, in line with Nigerian law and the country's international and regional human rights obligations and in particular consideration of the limited, and often non-existent, access to livelihoods for displaced families in the Northeast. Work with state and local authorities, for example, to provide more safe and affordable transport, including through subsidies;
- Increase the federal budget for education, with specific and considerable support earmarked for the states in Northeast Nigeria, given the challenges they face and the fact that most children remain out of school, especially in Borno State;
- Ensure unfettered and unrestricted access to humanitarian and development organizations working in Northeast Nigeria, helping to improve overall conditions for displaced communities, lessening the need for families to rely on children, including young children, for livelihood support; and
- Increase support to state and local governments for the monitoring of schools, including schools serving displaced children, to ensure that schools are providing a quality education in line with Nigerian and international human rights law.

### **PROMOTE WELL-BEING AND REINTEGRATION OF CHILDREN FROM BOKO HARAM AREAS**

- Invest substantially, with assistance from donors, in psychosocial support that meets the specific risks and needs of children, among other at-risk groups. Ensure gender equity in programmes led by the federal and state governments and by humanitarian organizations, as current programmes appear to reach far fewer women and girls and to offer them less support even when reached;
- Be transparent with Safe Corridor detainees about the likelihood and timeline of support after their release. Disseminate accurate information about Safe Corridor widely in Northeast Nigeria, including related to the type of people held there and why as well as what support they receive, in order to reduce communal tensions upon their return; and



- Engage communities early and substantively before further designing reintegration plans and programmes. Recognize that active community engagement is essential and takes time, as it needs to include all communities, including those displaced and in the host community. Children's perspectives should be actively sought out and inform programmes, and engagement must be gender inclusive in a way that avoids tokenistic participation of women and girls.

#### **DOMESTICATE AND IMPLEMENT IN FULL INTERNATIONAL HUMAN RIGHTS TREATIES**

- Ensure domestic law criminalizes enforced disappearances and that domestic standards on arrest and detention comply with international human rights law and standards;
- Amend the Armed Forces Act (CAP A20) to reflect international human rights standards and to protect schools from military occupation and use; and
- Domesticate and fully implement the State obligations under the Rome Statute.

#### **TO THE NATIONAL ASSEMBLY**

- Introduce legislation to bring the Terrorism (Prevention) Act into line with international law including by repealing the death penalty; providing that an individual may only be arrested on reasonable suspicion of having committed a criminal offence; providing that all individuals must be promptly brought before a court and charged with a recognizable criminal offence; providing that law enforcement officers (including the military when exercising such a function) may only use force when strictly necessary and to the minimum extent required; and in recognition of the special considerations and protections of children in international human rights law.

#### **TO THE BORNO AND ADAMAWA STATE GOVERNMENTS AND ASSEMBLIES**

- Enact legislation to bring the state's law into conformity with the federal Child Rights Act (2003);
- Enact legislation that brings the state's laws into conformity with the federal Administration of Criminal Justice Act (2015) and international human rights standards;
- Immediately cease school closures in IDP camps where people live and reopen schools, increasing provision as needed to ensure adequate teacher/student ratios. Engage displaced communities, including children, about the issue of return, recognizing that many families understandably do not yet feel safe returning to their original community or even LGA;
- Ensure, to the maximum extent feasible, that sufficiently trained teachers are deployed to schools across the state, including for displaced children, and that those teachers are supported, including through providing better security, to maximize their attendance;
- Improve monitoring of schools, including schools serving displaced children, to ensure that they provide a quality education in line with Nigerian and international human rights law;
- Eliminate all costs and fees associated with primary education including, with support from international donors, for uniform fees and for transportation, through providing needed transport directly or through covering costs. Eliminate, to the maximum extent feasible, and with support from international donors, the costs associated with secondary education; and
- Ensure the provision of the relevant counterpart funds in order to access the Universal Basic Education Commission (UBEC) matching grant provided by the federal government.

#### **TO THE NATIONAL HUMAN RIGHTS COMMISSION**

- Conduct routine visits to detention facilities used in the context of the conflict in Northeast Nigeria, including Giwa Barracks, the Kainji military base, Maiduguri Maximum Prison, as well as detention facilities in front-line towns, like Bama Prison and military posts in Monguno and Damboa; and
- Investigate the allegations contained in this report, make the findings public, and work with the authorities to find ways to ensure an end to violations, and justice and reparations for victims.

## **TO INTERNATIONAL DONORS AND OTHER PARTNERS TO SAFE CORRIDOR, INCLUDING THE EUROPEAN UNION, UNITED KINGDOM, UNITED STATES, AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION**

- Strongly consider conditioning support for the Safe Corridor programme on guarantees and tangible progress by the Nigerian authorities in respecting due process of those deprived of their liberty, to ensure that detainees in Safe Corridor are there pursuant to a judicial decision with a clear basis in law and under conditions that meet international human rights and humanitarian law;
- Demand a full, transparent, and independent investigation led by civilian judicial authorities into the deaths in custody that have occurred at the Safe Corridor facility outside Gombe;
- Demand the provision of appropriate personal protective equipment in the vocational departments;
- Be transparent with those in Safe Corridor about the likelihood and timeline of post-release support;
- Review whether financial support is provided for materials and other things the detainees at Safe Corridor produce themselves and, if so, demand how the military has used the relevant money;
- Strongly urge the Nigerian authorities to peg any expansion of the number of Safe Corridor detainees to appropriate levels of trained staff, including medical professionals, psychologists, teachers, and social workers, to best ensure respect for human rights and the programme's success; and
- Strongly consider providing support for more comprehensive reparations and assistance efforts under DDRR and beyond, including for victims of crimes by Boko Haram and by the military as well as for people coming out of Boko Haram-controlled areas who should never be detained, including former members or supporters not convicted of any crimes as well as civilians fleeing such areas. Ensure that all such support, including for existing DDRR programmes, reaches women and girls equitably, and involves significantly better community consultation and engagement than programmes to date.

## **TO THE EUROPEAN UNION**

- Develop and fully implement a human rights due diligence policy for all EU support to security forces in partner countries such as Nigeria, in line with commitments in the 2015-2019 EU Action Plan on Human Rights and Democracy (21c). Ensure this support is consistent with EU human rights policy and with the promotion, protection, and enforcement of international human rights law and international humanitarian law, as applicable.

## **TO ISWAP, JAS, AND OTHER FACTIONS OF BOKO HARAM**

- Immediately renounce and cease abductions as well as the use and recruitment, by force or otherwise, of children as defined under international law, meaning under age 18;
- Immediately renounce and cease forced marriages, rape, and sexual slavery, among other widespread crimes committed against women and girls; and
- Release all those who have been abducted, including those taken as boys and girls, in cooperation with the UN and other international organizations. Ensure, in general, that anyone wishing to leave areas under the group's control can do so, without fear of punishment by the group.

## **TO THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT (ICC)**

- Conclude expeditiously the preliminary examination into the situation in Nigeria and seek authorization to open an investigation; and
- Pay particular attention, in the context of the ongoing preliminary examination and any future investigation, to crimes committed by both sides of the conflict against and affecting children, in line with the Office's strategic goal four and its 2016 policy on children.

## **TO THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)**

- Urge the Nigerian authorities to respect and protect the rights of children in detention and of children coming out of Boko Haram-controlled areas, and to ensure access to education in the Northeast; and
- Consider conducting a fact-finding mission to investigate the situation of children in the context of the armed conflict in Northeast Nigeria.

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# “WE DRIED OUR TEARS”

## ADDRESSING THE TOLL ON CHILDREN OF NORTHEAST NIGERIA’S CONFLICT

The conflict in Northeast Nigeria has had a devastating impact on children. Boko Haram has carried out widespread abductions of girls and boys and then subjected children in captivity to further atrocities; it has also wreaked havoc on communities across the region, through pillaging and attacks on civilians and schools. Rather than protecting children fleeing Boko Haram areas, the Nigerian military has often unlawfully detained them for months or years and subjected them to torture and other ill-treatment. It has also failed to ensure displaced children have access to an adequate education.

The report is based primarily on interviews with more than 230 people affected by the conflict, including 119 who were children when they suffered war crimes and other violence by Boko Haram, the Nigerian military, or, most often, both. It examines how, for children fleeing Boko Haram-controlled areas, violations by the Nigerian authorities build on abuses by Boko Haram.

Nigeria must swiftly reverse course. It should immediately release all children in military detention or bring them before a civilian court. It should also invest substantially more in education, psychosocial support, and rehabilitation and reparations efforts, ensuring programmes reach women and girls equitably. For its part, the International Criminal Court should open an investigation and give particular attention to crimes committed against children.