
BOKO HARAM REGIME: DARK ERA FOR 'HUMAN RIGHTS' IN NIGERIA

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ABSTRACT

Nigerian terrorist group Boko Haram is committed to establishing a new nation based completely on Sharia law. The 2014 kidnapping of 276 schoolgirls by Boko Haram was the event that most effectively inflamed global outrage. Although the Nigerian government has at least partially succeeded in combating Boko Haram, the situation nevertheless poses a threat to national security because both the Nigerian government and Boko Haram continue to violate basic human rights and international humanitarian law.

In this regard, the present research seeks to comprehend the factors that contributed to the violation of Human Rights of the people living there. This research mainly focusses on violation of Human Rights such as 1) killing of Civilians 2) Abductions 3) Torture and other Cruel, Inhuman or degrading treatment 4) Sexual and Gender- Violence against women 5) Violence against children and use of children in hostilities 6) Attacks against civilian and protected objects 7) Destruction and appropriation of Property.

The paper also analyse the various provisions of International Human Rights Instruments and study their violation in the reign of Boko Haram. Further, the recommendations are offered for the better addressing of the issue and their possible solutions.

KEYWORDS: Boko Haram, International Human Rights Instrument, Terrorist Group.

1. INTRODUCTION

- 1.1 AIM AND OBJECTIVE OF THE STUDY

The aim and objective of this paper is to analyse the depriving condition of people residing in that region. How this social movement “Boko Haram” eventually became notorious terrorist organization?

1.2 RESEARCH QUESTIONS

1. How the rights of the Nigeria people have been violated?
2. How this terrorist organization has emerged?
3. How the terrorism activities in Boko Haram has impacted people and children and violated the basic rights?

1.3 REVIEW OF LITERATURE

The extreme Islamist organisation Boko Haram, which is based in north-eastern Nigeria, has been responsible for numerous deadly attacks and widespread destruction in Nigeria since 2009. This briefing paper gives an overview of the history, philosophy, demands, and operational methods of Boko Haram. The relative deprivation theory is specifically used in this work to explain the existence of Boko Haram. The solution offers a hint for resolving the current issue.¹

This study basically focuses on the desperate and miserable conditions faced by the women and children in the major urban areas of Kano and Maiduguri. The majority of population is living on their own. They face difficulties in accessing the food, shelter, education, health care etc. Also, there is a study in the article stating the depriving condition of women and children that suggests there is an urgent need to introduce the reforms.²

This book gives a clear glimpse to understand the briefs and behaviours of Boko Haram. From the early beginnings of 2000s to the violence that is infamous, also includes the kidnapping of 2014 of 276 Nigerian Schoolgirls, these all aspects is covered in this book. This is the first book

¹ Daniel Egiegba Agbibo, *Why Boko Haram exists: The Relative Deprivation Perspective*, Vol.3, No.1 INDIANA UNIVERSITY PRESS 144, 144- 157 (2013).

² Aliyu Barau, *Women and children fleeing Boko Haram: their experiences in Nigerian cities*, JSTOR (July 01, 2017), <https://www.jstor.org/stable/resrep17985>.

ever to explain the full story about above mentioned incidents. Also, the book explains the relation of states, politicians, Sufis, Muslims with Boko Haram. The book also provides a detailed overview of a group that threatens Africa's most populous and wealthy nation while also shedding light on the dynamics of the continent's civil conflict and global jihadist movements.³

The war of attrition waged by Boko Haram against women and girls during the insurgency is examined in this article, as well as how numerous of the group's actions contradict the main women's rights document, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It contends that the region's patriarchal hegemony, which in certain material ways is in direct contrast with the stance under IHRL and makes practical implementation challenging, is the basis of the problem with defending women's rights in the war. It contends that a thorough understanding of these unwholesome behaviours is extremely valuable in deciding the strategy to be used when thinking about and devising plans to improve the protection of women's rights under the IHRL.⁴

1.4 HYPOTHESIS

The rights of the people of that region such as right to life with dignity and liberty, right to free movement, discrimination against women, right to equality, and right to health are being violated.

1.5 THE SCOPE OF THE STUDY

The scope of this study limits to Nigeria region and how it affects to other countries and how it has been emerged.

1.6 METHODOLOGY

The research is conducted as a qualitative desk study. The researcher will be using the method of text analysis and an abductive reasoning which the researcher will apply to the case study of Boko Haram as well as the violation of human rights of the Nigeria people.

❖ There are certain rights that has been violated and has been discussed below-

³ ALEXANDER THURSTON, *BOKO HARAM: THE HISTORY OF AN AFRICAN JIHADIST MOVEMENT* (Princeton Studies in Muslim Politics 2017).

⁴ Aluko Ayobani Oluwaseun, *International Human Rights Law and The Victimization of Women by The Boko Haram sect*, Vol. 11(2) NAUJILJ 44, 44- 60 (2020).

2. KILLING OF CIVILIANS

According to Article 3 of UDHR⁵, Article 6 of ICCPR⁶, every person has right to life. And this has been violated by this community.

“Government sources in the States concerned have estimated that some 20,000 civilians, including an undetermined number of women and children, have been killed by Boko Haram since 2009.”⁷ Killings by Boko Haram have been carried out with the aid of stones, machetes, knives, high-tech and precision weapons, improvised explosive devices, and landmines, guns mounted on pickup trucks, military helicopters, armoured vehicles, and motorcycles. Men and boys who rejected the Boko Haram doctrine were deliberately targeted for murder, as were members of civilian self-defence organisations, law enforcement officers, teachers, and healthcare professionals.

“OHCHR received reports of killings in the Niger, specifically in February 2015 in Bosso and Diffa and in April 2015 on Karamga Island in Lake Chad”⁸. A witness described to OHCHR how Boko Haram executed her husband and 14 other family members during the invasion on Karamga. Other attack witnesses described innumerable casualties as well as dead bodies buried in eight mass graves, each of which held about 12 corpses. A 16-year-old imprisoned member of Boko Haram informed OHCHR that his goal in Karamga was to "slaughter men." Refugee eyewitnesses from Damasak, Nigeria, reported how Boko Haram seized fleeing men and boys in November 2014, gathered them under a tree, and shot them for disobeying the group.

3. ABDUCTIONS

Boko Haram primarily kidnapped boys to indoctrinate them in its beliefs and enlist them in its fighting force, while it kidnapped women and girls for sexual exploitation, forced marriage, labour, and conversion to Islam. Many of the victims' current whereabouts are unknown, and those who have tried to flee have been abused and threatened with death.

⁵ Everyone has the right to life, liberty and security of person.

⁶ “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

⁷ Report of the United Nations High Commissioner for Human Rights, 2022. *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected.*s Human Rights Council. Available at: <https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session30/Documents/A-HRC-30-67_en.docx> (2022).

⁸ *Supra* note 7, at 5.

“293 kidnapped women and children were rescued in April 2015 by the Nigerian army from the Boko Haram stronghold in the Sambisa forest”⁹. According to reports, several of the women and girls were expecting. Since the counter-insurgency, the army claimed to have rescued more than 600 women and children. Unknown is the number of people who made it out alive. OHCHR was able to confirm that, as of June 2015, 307 rescued women and children had signed up for a "de-radicalization" programme run by the Nigerian government to stop Boko Haram recruiters and demobilise the group's members.

Cameroon and the Niger both have records of kidnappings. 200 women and children were reportedly kidnapped in the Niger, according to accounts obtained by OHCHR, during the raids on Bosso and Diffa on February 6, Karamga on February 15, and Lamana and Ngoumao on June 15. Boko Haram fighters allegedly told witnesses that they were kidnapping women because they were married to "unbelievers" and would be remarried to real Muslims, according to information provided to OHCHR.

At least 250 people have been kidnapped by Boko Haram in the deep north since December 2013, according to government officials in Cameroon. “According to evidence provided to OHCHR, the gang abducted more over 600 women and girls during the same time period, in addition to 172 men and boys.”¹⁰

4. TORTURE AND OTHER INHUMANE, HUMILIATING, OR CRUEL TREATMENT

Regarding articles 5 of UDHR¹¹ and article 7 of the International Covenant on Civil and Political Rights¹², also the article 8 of ICCPR¹³ which states that no one should be subjected to torture or other cruel, barbaric, or degrading treatment or punishment,

Aside from that, keeping in mind the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, this convention is adopted.

The initial report of Niger on the steps taken to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was finished by the Committee

⁹ *Supra* note 7, at 5.

¹⁰ *Supra* note 7, at 5.

¹¹ “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

¹² “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

¹³ “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.”

against Torture. During the discussion, experts urged the adoption of a specific law outlawing torture as well as greater respect for human rights in the context of the war on terrorism and migration.

Boko Haram tortured captives by depriving them of food and water. A 14-year-old girl from Gwoza was among the victims questioned by OHCHR in Nigeria, and the majority of them remembered being without food and water for up to two or three days. According to reports, several moms starved themselves so they could feed the kids.

The Boko Haram camp in Buniyadi reportedly executed six boys suspected of stealing motorbikes and selling them, while one male abductee accused of "fornication" was buried up to his neck and stoned to death, according to abductees freed by the Nigerian army from Sambisa forest.

5. GENDER-BASED AND SEXUAL VIOLENCE

Violation of treaty of Convention on Elimination of Discrimination against women has also been in the picture, also state has not been able to fulfil its duty under Article 6 of CEDAW¹⁴ and article 8 of CEDAW¹⁵. This community had widespread the different forms of abuse, including sexual violence, sexual slavery, forced conversions, forced marriages and many more. The women of this community have experienced one or forms of sexual violence in her life.

There is a woman who has been interviewed by OHCHR stated that she had been married forcefully when this community attacked their village. And in her own words she stated that, "they came back after killing the men and boys and told me that an Imam in their group would preside over the marriage ceremony."¹⁶

UN Resident and Humanitarian Coordinator stated that, "The trauma does not fade, it just repeats". Some of the women who survived sexual abuses by Boko Haram are now facing discrimination and sexual attacks by the very people who are supposed to protect them."¹⁷

¹⁴ "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

¹⁵ "States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

¹⁶ *Supra* note 7, at 5.

¹⁷ *Supra* note 7, at 5.

6. USE OF MINORS IN COMBAT AND VIOLENCE AGAINST CHILDREN

Convention on right of child explains that state have to take measures to combat the violence against children. State have to respect the rights of child such as expression, thought, health, food and shelter and the child of Nigeria region has been facing all the issues under article 2 of CRC¹⁸, article 4 of CRC¹⁹, article 6 of CRC²⁰.

Boys and girls have been enlisted by Boko Haram and used in live combat. Boys who wanted to show their allegiance to Boko Haram were made to assault their own families, while girls were made to marry, clean, cook, and carry equipment and weapons. "Since 2014, the practise of using some boys and girls as human shields and bomb detonators has increased, according to consistent accounts OHCHR has received"²¹. For instance, a 12-year-old girl was used to set up a bomb at a bus stop in Damaturu, State of Yobe, in May 2015, which resulted in the deaths of seven people. Both the Cameroon and the Niger reported similar instances.

Children between the ages of 6 and 15 who were taken in Nigeria spoke of being surrounded by "many guns, and armoured trucks," and how Boko Haram militants whipped them with cables for saying their prayers or not praying. In Nigeria and Cameroon, the late OHCHR documented numerous examples of separated children who had lost communication with their families when they were kidnapped or escaped attacks and who had no idea if their parents were still alive. 40% of the unaccompanied minors in the Dalori camp in the State of Borno were orphans as of August 2015.

7. ATTACKS AGAINST PROTECTED AND CIVILIAN TARGETS

Schools, mosques, churches, jails, hospitals, and markets are among the civilian targets that Boko Haram has targeted. It has also poisoned water infrastructure.

Witnesses in Cameroon reported to OHCHR that Boko Haram had destroyed numerous schools, including those in Amchidé and Ashigashia, leaving around 35,000 students without

¹⁸ States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

¹⁹ States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

²⁰ States Parties recognize that every child has the inherent right to life.

²¹ *Supra* note 7, at 5.

access to an education for the whole academic year 2014–2015. Attacks on medical facilities have also restricted access to exercising one's right to health.

In September 2013, in Cameroon, 21 health districts, including 47 health centres that housed internally displaced people before they fled additional attacks by Boko Haram, were completely shut down as a result of attacks, according to information obtained from the authorities during a joint mission by the United Nations and the Economic Community of West African States. These attacks took place in Fotokol, Guzdal, and Koza.

8. DESTRUCTION AND APPROPRIATION OF PROPERTY

In Nigeria's State of Borno, whole communities, including Lassa, were completely destroyed by fire during raids in December 2014. Many witnesses who had fled and then returned after attacks described the scale of the destruction. Many people told how Boko Haram fighters had taken over and lived in their homes, took their belongings, and ate their meals. For instance, following “Boko Haram attacks, hundreds of people were left homeless and fled to other areas, including Mabas, Maxi, and Tourou in Cameroon, Lamana and Ngoumao in Niger, and Baga in Nigeria”.

“According to data acquired by IOM, 40% of registered internally displaced persons in north-eastern Nigeria claimed that Boko Haram completely demolished or burned down their homes, 26% reported that their homes had been damaged or burned, and 17% were unsure of what had happened to their residences.”²²

9. CONCLUSION AND SUGGESTIONS

The findings and observations made above proved the hypothesis that the human rights of Nigerians have been violated by this terrorist organization. They have been killed by the terrorist which violated their right to life. They have been kidnapped at any time from any place which violated freedom of free movement or to move freely, there is a study also which shows some girls have been abducted by terrorists also. Women also faced the situation of sexual slavery, forced marriages, have been raped etc. this also create discrimination against them. Their right to health is also violated as they have not been acquiring proper nutrition, health, food etc., so this all has been proved the failure of state also.

²² *Supra* note 7, at 5.

Although the Convention is a positive statement on women's rights, the article concludes that its failure to be implemented in northern Nigeria is a serious flaw. Therefore, it makes a number of recommendations, one of which is that the Convention's new rules and protocols must unavoidably take into account the extensive cultural practises of specific regions, such as the northern section.

The suggestions below are in light of its findings and conclusions:

- a) Stop employing vigilante groups in counterinsurgency operations and take prompt action to enhance and expand safeguards to protect civilians;
- b) Improve access to justice and ensure accountability for all wrongdoings and violations of international human rights law and international humanitarian law, regardless of the perpetrator's position or rank, keeping in mind that there can be no amnesty for the most serious crimes; publish the findings of investigations; and provide victims with adequate and effective redress;
- c) Take early action to stop arbitrary detention and arrest in violation of international agreements, and boost capability for quick, thorough, and independent investigations and quicken judicial processes; When civilians are being tried in serious instances when civilian courts are unable to conduct trials, the use of military or special tribunals must be unusual, justified, and constrained; Ensure a coordinated approach or return strategy to outline assessments to be made and protection measures to be implemented to ensure secure and safe returns;
- d) Develop and enforce rules of engagement and procedures for the safety of children to end the recruitment and use of children in hostilities by armed groups;
- e) Promote social cohesion in developing return, rehabilitation, reconstruction, and reconciliation strategies to address tensions between communal groups;
- f) Enhance the UN country team's human rights capabilities so they can respond to claims of abuses and violations of human rights more quickly and consistently;
- g) Provide security forces with training, particularly on respecting human rights in the context of counterterrorism and countering violent extremism, based on the resolve to abide by international laws and human rights principles;
- h) Provide immediate humanitarian assistance to the impacted States, focusing on the pressing problem of food insecurity, as well as aid in the area of reconstruction.

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