



# **“I HAVE NOTHING LEFT EXCEPT MYSELF”**

THE WORSENING IMPACT ON CHILDREN OF CONFLICT IN THE  
TILLABÉRI REGION OF NIGER

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*Cover photo: A 13-year-old girl from Tchoma Bangou, where ISGS fighters massacred civilians on 2 January 2021, sits in her displacement camp shelter, Tillabéri region, Niger, 31 July 2021. "What [the fighters] did affected me a lot, because they killed my paternal uncle. They killed many members of my family," she told Amnesty International. "Those guys made me so afraid that I am traumatized. Any noise I hear torments me." © Mamoudou L. Kane / Amnesty International*

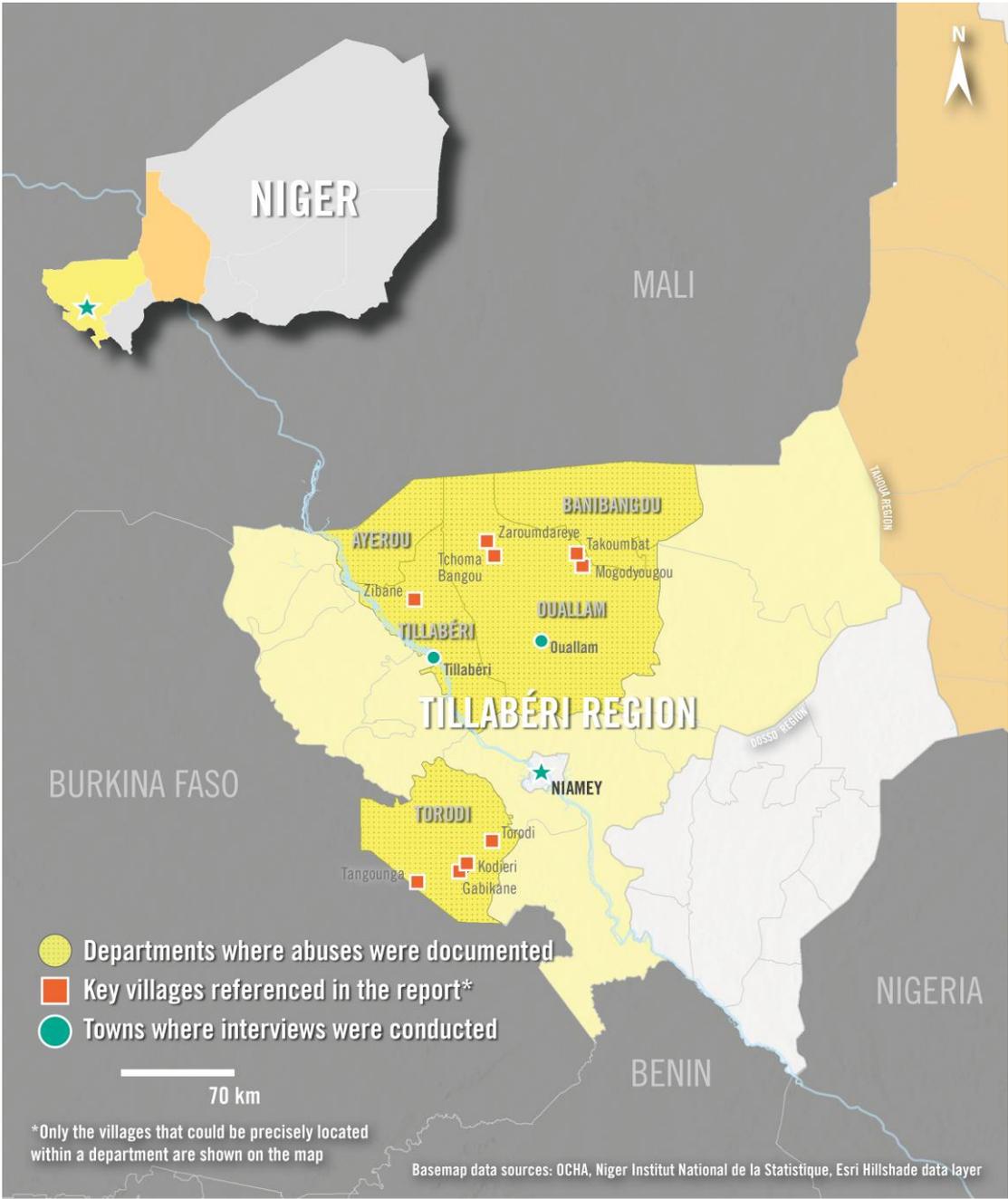
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# MAP



# EXECUTIVE SUMMARY

**“[The fighters] killed about 76 people in Tchoma Bangou... and burned our granaries... I couldn’t see them coming, it was only the noise [of their motorbikes] that scared us. As soon as we heard the noise, we went into our homes to hide... We told the children they shouldn’t weep... All this really impacted [the children]... They are scared and as soon as they hear [a motorbike] engine noise, they come.”**

A 45-year-old woman with six children from Tchoma Bangou described a massacre in her village and the neighbouring village of Zaroumdareye on 2 January 2021, in which over 100 people were killed, including 17 children, forcing her family and many others to flee to a displacement camp.<sup>1</sup>

Since the start of 2021, the conflict in Niger’s western Tillabéri region, which borders Mali and Burkina Faso, has worsened significantly. Children have been killed, recruited to participate in hostilities, deprived of the opportunity to go to school, and forcibly displaced. Girls in some areas have faced restrictions on their ability to leave the home and, at times, have been forced to marry fighters. The increasing toll on children must raise alarms and prompt urgent action by the government and its international partners to prevent further abuses and to protect and promote the basic rights of those already affected, including to education and health. Without such measures, the situation of children and the wider population is likely to deteriorate further, with armed groups already exploiting the state’s absence to carry out gross abuses.

Across the region, armed groups have burned schools and threatened teachers in opposition to education they perceive as secular or “Western”. This has driven the closure of at least 377 schools in the Tillabéri region as of June 2021 and forced more than 31,000 children out of school. A 14-year-old boy who had not been to school for several years told Amnesty International, “We didn’t like that the school closed... After our school closed, we stayed at home. There wasn’t anything for us.”

The two main armed groups leading the insurgency in the tri-border area of Niger, Mali, and Burkina Faso are the Al-Qaida-affiliated Jama’at Nusrat al-Islam wal-Muslimin (JNIM) and the Islamic State in the Greater Sahara (ISGS). Both groups operate across the fluid borders and reject the states’ authority. The two groups have adopted different tactics in Niger, with ISGS undertaking repeated large-scale attacks on civilians along the Niger-Mali border since early 2020, forcibly displacing entire villages, while JNIM has rooted itself near communities along the Niger-Burkina Faso border, recruiting and exerting control on daily life.

Amnesty International considers the situation in Niger’s tri-border area to constitute a non-international armed conflict since late 2019, given the intensity of the violence and the level of organization of ISGS and JNIM. Both groups have committed war crimes, including the murder of civilians and the targeting of

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<sup>1</sup> Interview, 30 April 2021.

schools in the Tillabéri region. ISGS may also be responsible for crimes against humanity targeting, or otherwise affecting, children.

Niger's Defence and Security Forces (FDS, from the French acronym) have done little to protect the civilian population from the violence. In parallel, Nigerien authorities have, under the ongoing State of Emergency, banned the use of motorbikes and at times restricted aid access, further impeding the population's access to social services, including health care, and humanitarian aid.

The research for this report was carried out between February and May 2021. Amnesty International delegates undertook field research between 26 April and 6 May 2021 in Niamey, Tillabéri, and Ouallam towns. In total, Amnesty interviewed 119 people, including 22 children, three young adults between 18 and 20 years old, and 36 parents and other individuals affected by the conflict; the people interviewed came from villages in four administrative departments near the Mali border and one department bordering Burkina Faso. Other individuals interviewed included senior officials in the Nigerien government; staff members of UN agencies and humanitarian organizations; and Nigerien civil society activists.

On 2 August 2021, Amnesty International addressed the key findings detailed in this report in a letter to President Mohamed Bazoum and requested a response from the government on those findings and related questions. The President's office confirmed receipt on 6 August, but at the time of publication, Amnesty International had not received a substantive response from the government.

## **THE IMPACT OF THE CONFLICT ON CHILDREN LIVING NEAR THE MALI BORDER**

ISGS has emerged as the dominant armed group along the Niger-Mali border over the past three years. The group recruited primarily among marginalized pastoral communities, exploiting their deep-rooted grievances against the state, violations by security forces, and competition for resources with farming communities. ISGS then began extracting "taxes" from border communities. Over time their methods have become more predatory. In a series of large-scale attacks, ISGS has rampaged through villages on their motorbikes, targeting and killing men and older boys and sometimes also shooting to death or severely injuring other civilians. In the first three months of 2021, at least 306 civilians were killed in that part of Tillabéri and neighbouring Tahoua regions in just four deadly attacks, including 46 children between the ages of five and 17. In May 2021, ISGS claimed responsibility for two of the attacks.

During these and other attacks, ISGS fighters sometimes demanded people abandon their homes or made the villages uninhabitable by burning granaries and looting livestock, eliminating people's food reserves. Most of the internally displaced people interviewed by Amnesty International lacked access to land where they could farm, leaving many almost completely reliant on food aid. A displaced woman from Zibane village with seven children described a scenario typical of many families who had fled armed group abuses: "[The money for food] it's so scarce, it's not enough. At times we sleep [with] empty bell[ies]." Analysts project "crisis" level food insecurity in parts of Tillabéri region. Attacks on food security affect entire villages, but often have a disproportionate impact on the health and wellbeing of children and other at-risk populations.

ISGS's attacks have forcibly displaced tens of thousands of people and forced the closure of schools throughout the border area. While some children have gone to live with relatives in more secure areas to continue their education, many displaced children have yet to re-enrol. A displaced 15-year-old boy from a conflict-affected village explained how he had been unable to restart school in the displacement camp: "They don't have our level here in the camp... At night, we would still practice our exercises [in the village]. But [since being displaced], we don't know where our old schoolbooks are." Some schools in host communities are straining to accommodate the arrival of internally displaced people.

ISGS has also looted health facilities, stolen ambulances, threatened health staff, and caused the closure of health facilities in areas near the Mali border. The resulting lack of access to health facilities in some villages, also undermined by the Nigerien authorities' restrictions on movement and humanitarian access, has impeded routine care for diseases. A young woman said her 8-year-old twins almost died from malaria following the conflict-related closure of her village's health centre. Humanitarian actors also report a decline in child vaccination in the Tillabéri region, due in part to the conflict, and a sharp rise in cases of measles.

The recurrent attacks and abuses by ISGS have caused immense psychological distress for many children, with children, parents, and aid workers describing signs of trauma including recurrent nightmares, disturbed sleep patterns, fear and anxiety, and loss of appetite. A 13-year-old boy told Amnesty International, "I have nightmares. I had a dream that the [attackers] killed all the children in the village, then I woke up." Most people affected by the conflict have lacked access to psychosocial care.

## **THE IMPACT OF THE CONFLICT ON CHILDREN LIVING NEAR THE BURKINA FASO BORDER**

JNIM has emerged as the dominant armed group in Torodi department (Tillabéri region), bordering Burkina Faso. It has bases in the area, and JNIM members regularly pass through villages in Torodi near the border, exerting and expanding their control and influence. Like ISGS, JNIM forcibly taxes villagers, jeopardizing the livelihoods of many who are already facing food shortages.

From early 2021, JNIM has intensified its recruitment efforts, focusing primarily on older boys and young men, though possibly including younger children as well. Several people interviewed by Amnesty International had family members or neighbours who were recruited in 2021. Others reported sending their sons to other parts of Niger or to neighbouring countries to avoid recruitment. A 55-year-old man with 14 children said, like many others, that the situation was “getting worse... Before, we’d heard about it—that there had been an abduction or recruitment in another village. But now it’s really reached us.”

JNIM has exploited a lack of access to school, limited economic prospects, food shortages, and an absence of local authorities in its recruitment, including of children. The group regularly preaches to villagers, promising them food, money, and clothes for joining. Recruits reportedly receive weapons training for periods ranging from one week to three months. JNIM also uses children as spies, scouts, and lookouts, though further research is needed on the scale of recruitment and use.

JNIM fighters in Torodi department have, under threat of violence, demanded women and girls wear long dresses and hijabs. They have prohibited women and girls from activities outside of the house, denying their ability to farm, go to the market, or even collect firewood, leaving families vulnerable to food shortages. Women and girls also risk forced marriage to fighters and have reportedly been abducted in a few instances. JNIM has in some cases given parents of unmarried or divorced young women and older girls an ultimatum to either marry the daughter or risk a fighter returning to marry them.

## **THE NIGERIAN GOVERNMENT’S RESPONSE**

The Nigerian security forces have failed to protect civilians from the escalating violence in the Tillabéri region. People from villages across both border areas expressed fear and frustration at the beleaguered military response, with one 50-year-old man concluding, “we have been abandoned”. The failure to protect the population not only leaves villages vulnerable, but it also risks fuelling recruitment into armed groups and possibly community self-defence groups, exacerbating the insecurity.

In late 2019, ISGS and JNIM both launched attacks in the tri-border region that targeted military outposts. Nigerian forces then withdrew from some border areas, leaving previously contested territory under the control of armed groups. The Government of Niger has since made some attempts to re-establish a security presence but has still not redeployed fully near the border.

People from villages in border areas consistently linked the military’s absence with armed groups’ ongoing attacks and growing abuses. In Torodi department, people interviewed by Amnesty International described how a significant decline in military patrols in certain villages had allowed JNIM to operate freely. In Tiloa in Ouallam department, the military’s withdrawal from its bases in January 2020 was followed three days later by an attack by likely ISGS fighters, forcibly displacing the remaining population.

In addition, security forces have failed to respond promptly to attacks, sometimes arriving in villages hours or days after an incident occurred. Survivors of the massacre of more than 100 people in Tchoma Bangou and Zaroundareye on 2 January 2021 told Amnesty International that soldiers only arrived when the attack was over and ISGS members had left. Soldiers responded during only one of the 12 large- and medium-scale attacks documented by Amnesty International – in Zibane on 24 March 2021. Even then, the security forces arrived several hours into the killing and pillaging, and fighters quickly fled; in the two months following, Zibane was attacked again, prompting the mass displacement of people from there and neighbouring towns.

In some cases, the FDS has not only failed in its duty to protect but has also committed violations, at times amounting to war crimes, as Amnesty International and other human rights organizations have previously documented. The FDS has carried out arbitrary arrests, extrajudicial executions, and enforced disappearances, including, according to an investigation by Niger’s National Human Rights Commission (CNDH), of at least 102 people near the Mali border in March and April 2020, some of whom they found dead. While soldiers primarily target men considered to be of fighting age, older boys are at risk as well.

Several people, and in particular ethnic Fulani civilians, said they were as afraid of the FDS as they were of the armed groups. A 50-year-old man from Torodi department said, “If the FDS comes, they take us. If it’s [the armed group], it’s the same.”

Nigerien authorities told Amnesty International in May 2021 that no children were being detained at that time for an alleged association with armed groups; however, such detention has occurred, including last

year, according to the UN Secretary-General's annual report on children and armed conflict. The pre-trial detention of children contradicts the "best interests of the child" as protected under international human rights law. Under a protocol signed by the Government of Niger and the United Nations in 2017, security forces should transfer children affiliated with armed groups to child protection actors for reintegration, with a potential exception for children who have committed "flagrant crimes". The government and United Nations should amend the protocol, removing the exception for "flagrant crimes", to ensure all children associated with armed groups are treated as victims first and foremost and can receive the services they need when they are first encountered, irrespective of whether the child will be subject to criminal proceedings.

In response to repeated attacks, the Government of Niger declared a State of Emergency in parts of Tillabéri region in March 2017. The declaration has been renewed every three months and has been extended to all of the region. On 1 January 2020, as part of the State of Emergency, the government banned the use of motorbikes, one of the primary forms of transportation in many rural areas, including to carry out attacks. The ban has limited villagers' ability to engage in their daily activities and to access services, including health care, and has reduced the supply and increased the cost of basic items. In addition, Nigerien authorities imposed an obligation on humanitarian organizations to travel with military escorts, potentially compromising humanitarian neutrality and prompting an almost total suspension of some humanitarian operations. The authorities finally relaxed the escort requirements in May 2021, a positive step in ensuring humanitarians can better access people affected by the conflict.

## **THE WAY FORWARD**

The violence and deprivations experienced by children in the Tillabéri region escalated significantly in 2021. The Government of Niger should heed the early warning signs and take steps to mitigate, prevent, and respond to the violations and abuses.

As a matter of priority, ISGS, JNIM, and the Nigerien FDS must cease all violations and abuses against the civilian population and commit to respect international humanitarian law going forward. Children in particular must be protected by all parties to the conflict.

Nigerien authorities should reinforce their security presence in border areas through fixed posts and consistent patrols to deter and respond swiftly to attacks on civilians by armed groups. The military leadership should exercise careful oversight to prevent and respond to violations by its soldiers, including arbitrary arrests.

The government and its partners should also expand humanitarian assistance and programming for people affected by the conflict, including specific measures to support children. They should urgently prioritize measures to prevent and respond to attacks on schools, which serve an important protective function in communities; this should include, for example, expanding support for schools in communities hosting displaced people and considering innovative alternatives for continuity of education in villages where schools have closed due to attacks or threats. They should also create programmes to deter the recruitment and use of children into armed groups, for example by providing older children viable alternatives through vocational training or employment opportunities. To address the conflict's immense psychological toll, the government, with assistance from donors, should invest in psychosocial support that meets children's specific risks and needs.

To boost the monitoring of violations and abuses against children, the Child Protection Sub-Working Group for the Tillabéri region, created in mid-2021, should conduct assessments to gather child protection data, including information on grave violations, and coordinate prevention and response activities. The UN can support these efforts by actively documenting and verifying cases of grave violations against children and including the Tillabéri region of Niger as a situation of concern in the Secretary-General's annual report on children and armed conflict.

Children in the Tillabéri region have suffered immensely from the rise of violence in the armed conflict. However, by acting early to respond to the shifting conflict dynamics, the Nigerien government and its partners may be able to prevent the situation from deteriorating further and following in the path of neighbouring Burkina Faso and Mali.



*Amina, 37, prepares food with one of her five children in a displacement camp, after fleeing her village of Tchoma Bangou as a result of an attack in which more than 100 people were killed and granaries were burned, Tillabéri region, Niger, 1 August 2021. "In my family, they killed 12 people," she told Amnesty International. "We miss our village so much, our presence here [in the camp] is just to save our lives." © Mamoudou L. Kane / Amnesty International*



*A 16-year-old boy, displaced from his village weeks earlier by an armed group attack, sits in a camp in the Tillabéri region of Niger, 1 August 2021. "Living far from home is unbearable, especially since even to eat, people have to give you assistance," he told Amnesty International. "I am traumatized now. I don't even want to hear or see any motorbikes or guns." © Mamoudou L. Kane / Amnesty International*

# METHODOLOGY

This report is based on research carried out between February and May 2021. Amnesty International delegates undertook research in Niger from 26 April to 6 May 2021, focused on the conflict in the Tillabéri region. The visit included four days in Tillabéri and Ouallam towns to interview conflict-affected families living in internal displacement sites or with host families, as well as several days in Niamey to meet with other internally displaced people (IDPs) and with people who travelled from Torodi department for interviews. Throughout the research period, Amnesty International also carried out telephone and virtual interviews with representatives from the government as well as with human rights and humanitarian organizations.

In total, Amnesty International interviewed 61 women, men, and children affected by the conflict in the Tillabéri region and conducted one background focus group discussion with nine people who had recently fled an attack on their village. Of the 61 people interviewed, 54 were from towns and villages near the border with Mali, in the departments of Ayerou, Banibangou, Ouallam, and Tillabéri; seven were from villages along the border with Burkina Faso, in Torodi department (see map on page 4). Amnesty International's findings related to the Burkina Faso border area are therefore limited to the situation in Torodi department.

The interviewees included six girls and 16 boys ranging in age from 10 to 17, and two men and one woman ranging in age from 18 to 20 who had experienced the conflict as children.<sup>2</sup> Amnesty International also interviewed parents and other guardians of children from conflict-affected areas as well as community leaders. Interviews were conducted in either Zarma or Fulfulde with interpretation into French or English.

In addition to civilians affected by the conflict, Amnesty International interviewed 58 other individuals for this report, including 9 members of local non-governmental organizations (NGOs); 11 members of international NGOs with operations in Tillabéri region; 17 UN officials; five members of the National Human Rights Commission (CNDH); nine government officials and staff of government institutions, including a cabinet member working on peacebuilding; five representatives of international donors or diplomatic missions; a civil society leader from northern Tillabéri; and a representative from the G5 Sahel. Some interviews were conducted in French without interpretation while others were interpreted into English for one of the delegates. The remainder were conducted in English without interpretation.

Before each interview, 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 in advance of the interview. People were told they could end the interview at any time and could choose not to answer specific questions. Interviewees were not provided with incentives for speaking. Amnesty International reimbursed transport and food costs when interviewees had to travel to meet with delegates.

Amnesty International took special precautions when interviewing children. This included measures to avoid re-traumatization, particularly because of their limited access to health services, including psychosocial care. To help children feel more at ease, Amnesty International generally asked if they wanted a friend, family member, or other person to join them for the interview. In some cases, this led to interviews with two or three children together; in one case, it led to a group interview of five children. Two interviews were also conducted with two adults who had shared the same experience, based on their preference. Amnesty International undertook interviews in a setting that was secure and that was often familiar to the children and/or their guardians.

For younger children, interviews were typically briefer, and delegates were attentive to signs of distress or discomfort. Delegates allowed and encouraged the children to guide the discussion and did not probe into or

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<sup>2</sup> A greater number of boys were represented among the interviewees, as interviews indicated they were disproportionately targeted in grave violations, including killings and recruitment and use.

dwell upon potentially traumatic details. Delegates ensured interviews ended on the child's current situation and on more positive topics. For older children, delegates asked more follow-up questions, while remaining sensitive to signs of distress. Interviews with girls and younger women were led by a female delegate.

The identities of survivors and witnesses interviewed for this report, including children, have been withheld, based on their concerns of reprisals. In some instances, Amnesty International uses pseudonym initials that do not reflect the survivors' real names or initials. To preserve their anonymity, the precise locations of the interviews are not specified. Other potentially identifying information has also been omitted. Several staff members of international and national NGOs also spoke on condition of not being identified in the report, to preserve their organization's ability to work without constraint.

In this report, "child" and "children" are used to refer to anyone under the age of 18, consistent with international law. Given the low levels of birth registration in Niger, some interviewees did not know their exact age. Delegates only classified interviewees as children when this was clearly indicated by the interviewees' own assessment and physical appearance. In the report, Amnesty International has indicated when the age declared by the child did not appear to match their physical or mental development. The referenced age of interviewees is from the time of the interview.

To minimize risks to all in-person interviewees, delegates abided by Covid-19 safety protocols including wearing masks during interviews and, where possible, conducting interviews in an open-air area where social distancing could be maintained.

On 2 August 2021, Amnesty International addressed the key findings detailed in this report in a letter to President Mohamed Bazoum and requested a response on those findings and related questions. The President's office confirmed receipt on 6 August, but at the time of publication, Amnesty International had not received a substantive response from the government.

# 1. BACKGROUND

## 1.1 THE CONFLICT IN THE TILLABÉRI REGION

The security crisis in the porous tri-border area of Burkina Faso, Mali, and Niger, in a region often referred to as the Central Sahel, escalated dramatically in 2012 following the rebellion of separatist ethnic Tuareg of the National Movement for the Liberation of Azawad (MNLA), then allied with Al-Qaida-linked armed groups in northern Mali. Fighting has continued unabated, and armed groups have deepened and expanded their reach, including into Burkina Faso and Niger's Tillabéri region.<sup>3</sup>

Amnesty International considers the situation in the tri-border area – including, from late 2019, the Tillabéri region of Niger – to constitute a non-international armed conflict. The International Committee of the Red Cross (ICRC) has defined a non-international armed conflict as: “protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State. The armed confrontation has reached a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation.”<sup>4</sup> Indicators of “organisation” include the existence of a command structure; the fact that the group controls territory; the group's ability to gain access to military equipment and recruits; and the group's ability to plan and carry out military operations.<sup>5</sup>

Although other armed groups operate in the region, the two main ones driving the insurgency are the Islamic State in the Greater Sahara (ISGS) and the Al-Qaida-affiliated Jama'at Nusrat al-Islam wal-Muслиmin (JNIM).<sup>6</sup> For a few years, ISGS and JNIM existed in an uneasy alliance in the Sahel, but tensions have grown, possibly because of ideological differences.<sup>7</sup>

Both groups have formal command structures and have mobilised recruits from local communities, carried out complex military operations, and exercise control and influence over some areas of the Tillabéri region, as well as areas in neighbouring countries, demonstrating a minimum level of organization.

ISGS was formed after Adnan Abu Walid Sahraoui, a leader within the armed group al-Mourabitoun, based in Mali, issued a pledge of allegiance to the Islamic State armed group in May 2015, and defected from al-Mourabitoun with other pro-Islamic State members.<sup>8</sup> Meanwhile, in 2017 al-Mourabitoun merged with three other Al-Qaida-linked groups in the Sahel – Ansar Dine, the Macina Liberation Front (FLM), and the Sahara

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<sup>3</sup> Al Jazeera, “The Sahel: Key things to know as security crisis spirals”, 27 February 2020, [bit.ly/3kL42xi](https://www.aljazeera.com/news/2020/02/27/sahel-key-things-to-know-as-security-crisis-spirals/)

<sup>4</sup> International Committee of the Red Cross (ICRC), “How is the Term ‘Armed Conflict’ Defined in International Humanitarian Law?” ICRC Opinion Paper, March 2008 and quoted therein, D. Schindler, *The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols*, RCADI, Volume 163, 1979, p. 147; and ICTY, *The Prosecutor v. Fatmir Limaj*, Judgment, IT-03-66-T, 30 November 2005.

<sup>5</sup> ICTY, *The Prosecutor v. Ramush Haradinaj and others*, Judgment, IT-04-84-T, 3 April 2008, para. 60.

<sup>6</sup> Al Jazeera, “The Sahel: Key things to know as security crisis spirals” (previously cited).

<sup>7</sup> Héni Nsaibia, Caleb Weiss, “The End of the Sahelian Anomaly: How the Global Conflict between the Islamic State and al-Qa’ida Finally Came to West Africa”, CTC Sentinel, July 2020, Volume 13, Issue 7, [bit.ly/3hOXvhV](https://www.ctcsentinel.com/articles/2020/07/01/the-end-of-the-sahelian-anomaly-how-the-global-conflict-between-the-islamic-state-and-al-qaida-finally-came-to-west-africa/), pp. 1, 7-8.

<sup>8</sup> The Defense Post, “Islamic State puts the Sahel in West Africa – for now”, 30 May 2019, [bit.ly/3AAUBpA](https://www.defensepost.com/news/2019/05/30/islamic-state-puts-the-sahel-in-west-africa-for-now/)

The Islamic State accepted the ISGS pledge on 30 October 2016. Jason Warner, “Sub-Saharan Africa's Three ‘New’ Islamic State Affiliates”, CTC Sentinel, January 2017, Volume 10, Issue 1, [bit.ly/2UjXvel](https://www.ctcsentinel.com/articles/2017/01/01/sub-saharan-africas-three-new-islamic-state-affiliates/)

In March 2019, the Islamic State armed group decided to merge ISGS with the Islamic State in West Africa Province (ISWAP) – another Islamic State branch, operating in the Lake Chad Basin. Although ISGS now attributes its attacks to the Wilayah (“province”) of West Africa, this is probably for propaganda purposes and ISGS likely still operates independently of ISWAP. See Eleanor Beevor, “ISIS militants pose growing threat across Africa”, International Institute for Strategic Studies, 2 June 2020, [bit.ly/3jXie5T](https://www.iiss.org/en/isis-militants-pose-growing-threat-across-africa/20200602)

branch of Al-Qaida in the Islamic Maghreb (AQIM) – to form a coalition known as the Group for the Support of Islam and Muslims (JNIM).<sup>9</sup>

JNIM and ISGS have capitalized on intercommunal tensions to attract new members and advance their agendas.<sup>10</sup> Niger's Tillabéri region is made up of nomadic pastoral and semi-pastoral communities like the Fulani, as well as sedentary farmer populations like the Zarma who have traditionally competed over land and water.<sup>11</sup> Over time, population growth and political rivalries have escalated tensions.<sup>12</sup> ISGS and JNIM have targeted recruits among marginalized pastoral communities, like the Fulani herders, exploiting their grievances against the state, abuses by security forces, and competition for resources.<sup>13</sup> Fulani communities in northern Tillabéri have been victims of reprisal attacks and believe they are the target of military operations (see page 34 for more on reprisal attacks).

In late 2019, ISGS emerged as the primary armed group along the Niger-Mali border, following large-scale attacks on the Nigerien army.<sup>14</sup> The group has adopted tactics that appear intent on expelling villagers from their homes, potentially clearing large areas for the armed group to move freely.<sup>15</sup>

Following clashes between JNIM and ISGS in 2020, JNIM emerged as the dominant armed group along the Burkina Faso-Niger border.<sup>16</sup> JNIM lives close to the local population and appears more invested in control and influence than ISGS in northern Tillabéri region.<sup>17</sup> Several areas lack a meaningful security and humanitarian presence, allowing JNIM to patrol villages, preach to the local population, establish relationships, and try to lure recruits.<sup>18</sup>

Other parties to the conflict include state forces from the three affected countries – Niger, Mali, and Burkina Faso – as well as France, which, at the request of Mali's government, launched Operation Serval in 2013 to push back armed groups in northern Mali.<sup>19</sup> In 2014, Niger, the two aforementioned Sahelian countries, plus Chad and Mauritania, formed the G5 Sahel to cooperate on security and development. The G5 Sahel has deployed a joint military force of 5,000 soldiers to confront the armed groups in select zones across the region.<sup>20</sup> At the time of the research, Nigerien and Chadian forces from the G5 Sahel were operating in Téra department in Tillabéri region.<sup>21</sup> In 2014, France launched Operation Barkhane as a successor to Serval with the authorization of the G5 Sahel member states. The force is spread between Mali, Burkina Faso, Niger, and Chad and is scheduled to end during the first quarter of 2022.<sup>22</sup> On 27 March 2020, at the request of Malian and Nigerien authorities, eleven European countries supported the creation of Task Force Takuba, mainly composed of European Special Operations Forces, to be integrated into the command of Operation Barkhane and to assist with combating armed groups in the Central Sahel.<sup>23</sup> Task Force Takuba will remain once Operation Barkhane has ended.<sup>24</sup>

Other actors relevant to the conflict include the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), a UN peacekeeping mission that was established in April 2013 to support the transitional authorities of Mali in the stabilization of the country and implementation of the transitional roadmap. Since 2017, there has also been a rise in community-based militia or self-defence groups as well as armed elements taking advantage of the insecurity to profit through banditry or other criminality.

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<sup>9</sup> Center for Strategic and International Studies, "Jama'at Nasr al-Islam wal Muslimin (JNIM), TNT Terrorism Backgrounder", 25 September 2018, [bit.ly/2TID8bn](https://bit.ly/2TID8bn); Daniel Eizenga and Wendy Williams, "The Puzzle of JNIM and Militant Islamist Groups in the Sahel", Africa Center for Strategic Studies, Africa Security Brief No. 38, December 2020, [bit.ly/3kkfSg2](https://bit.ly/3kkfSg2)

<sup>10</sup> Laurence-Aïda Ammour, "How Violent Extremist Groups Exploit Intercommunal Conflicts in the Sahel", Africa Center for Strategic Studies, 26 February 2020, [bit.ly/2Wl9zkk](https://bit.ly/2Wl9zkk)

<sup>11</sup> International Crisis Group (ICG), *Murder in Tillabery: Calming Niger's Emerging Communal Crisis*, 28 May 2021, [bit.ly/3qXn5FD](https://bit.ly/3qXn5FD)

<sup>12</sup> ICG, *Murder in Tillabery* (previously cited), p. 6.

<sup>13</sup> Modibo Ghaly Cissé, "Understanding Fulani Perspectives on the Sahel Crisis", Africa Center for Strategic Studies, 22 April 2020, [bit.ly/3AHd3Ns](https://bit.ly/3AHd3Ns); ICG, *Niger Clash Kills U.S. and Nigerien Troops*, 5 October 2017, [bit.ly/3DfebsX](https://bit.ly/3DfebsX); ICG, *Murder in Tillabery* (previously cited), p. 4.

<sup>14</sup> ICG, *Murder in Tillabery* (previously cited), p. 4.

<sup>15</sup> See Chapter 2 of this report.

<sup>16</sup> Interviews with four residents of Torodi department (conducted separately), 3 May 2021, and with representative of a Nigerien civil society organization, April 2021. Unless otherwise indicated, all interviews referenced were conducted in person by Amnesty International.

<sup>17</sup> For more about abuses perpetrated in Niger near the Burkina Faso border, see Chapter 3.

<sup>18</sup> Interviews with seven residents of Torodi department (conducted separately), 3 May 2021.

<sup>19</sup> Ministère de l'Europe et des Affaires étrangères, "France's action in the Sahel", [bit.ly/3jhHNOI](https://bit.ly/3jhHNOI) (accessed 19 July 2021).

<sup>20</sup> Ministère de l'Europe et des Affaires étrangères, "G5 Sahel Joint Force and the Sahel Alliance", [bit.ly/3ewMUaA](https://bit.ly/3ewMUaA) (accessed 19 July 2021).

<sup>21</sup> Interview with representative from the Office of the High Commissioner for Human Rights (OHCHR), 28 April 2021.

<sup>22</sup> Ministère des Armées, "Opérations, Opération Barkhane", [bit.ly/3xXKXvp](https://bit.ly/3xXKXvp) (accessed 21 July 2021); France 24, "Macron announces France's Sahel military force will end in early 2022", 14 July 2021, [bit.ly/3ioTPUA](https://bit.ly/3ioTPUA); European Council on Foreign Relations, "Mapping Armed Groups in Mali and the Central Sahel, Operation Barkhane", [bit.ly/3rtEuGg](https://bit.ly/3rtEuGg) (accessed 21 July 2021).

<sup>23</sup> Ministère des Armées, "Task Force Takuba: political statement by the governments of Belgium, Czech Republic, Denmark, Estonia, France, Germany, Mali, Niger, the Netherlands, Norway, Portugal, Sweden and the United Kingdom", 27 March 2020, [bit.ly/2W7iOnR](https://bit.ly/2W7iOnR)

<sup>24</sup> Reuters, "France ends West African Barkhane military operation", 10 June 2021, [reut.rs/3kE7OU7](https://reut.rs/3kE7OU7)

Niger and other countries in the Sahel have used their militaries to counter ISGS and JNIM, rather than law enforcement agencies. There have been regular clashes between Niger's military and these groups since at least late 2019, if not earlier, with significant reported casualties on both sides. The situation has also taken a worsening toll on civilians in the tri-border area, including Tillabéri. Together, these meet the threshold of intensity for a non-international armed conflict.<sup>25</sup>

According to the Armed Conflict Location and Event Data Project (ACLED), the total number of likely conflict-related fatalities in Niger, Mali, and Burkina Faso rose from 1,292 in 2017 to 6,234 in 2020, and the total number of deaths from violence against civilians rose from 327 in 2017 to 2,328 in 2020.<sup>26</sup> Across the three countries, 13.2 million people will need humanitarian assistance in 2021 and, as of 20 June 2021, 1,984,657 people have been internally displaced.<sup>27</sup>

In the Tillabéri region, an ISGS attack at the end of 2019 on a military base in Inatès, during which over 70 Nigerien soldiers were reportedly killed, marked a dangerous shift in the conflict dynamics. From around the same time, ISGS began imposing “taxes” on communities more frequently and at higher rates, prompting more organised resistance among some communities.<sup>28</sup> On 15 December 2020, members of a community defence group allegedly killed two or three ISGS representatives when they came to Tchoma Bangou, in Ouallam department, to collect taxes, steal cattle, or buy supplies.<sup>29</sup> In response, ISGS declared the village an enemy settlement and abducted and killed the village's new chief.<sup>30</sup>

What followed included a series of unprecedented large-scale attacks on civilians. On 2 January 2021, ISGS stormed the villages of Tchoma Bangou and Zaroumdareye, killing more than 100 people, mostly ethnic Zarma.<sup>31</sup> In an ISGS communication about the attack, they claimed it was perpetrated to end the organization of state-sponsored self-defence groups.<sup>32</sup> In the first three months of the year, ISGS was likely responsible for the death of at least 306 civilians in the region in just four attacks.<sup>33</sup>

Relative to ISGS, JNIM has killed fewer civilians in Niger. However, their presence and influence in border towns near Burkina Faso in Tillabéri meet the threshold of intensity for a non-international armed conflict. Like ISGS, JNIM forcibly taxes local communities and has abducted and assassinated local leaders to intimidate villagers into compliance.<sup>34</sup> In addition to patrolling villages, preaching to communities, and recruiting fighters, they have also imposed restrictions on the daily lives of women and girls.<sup>35</sup>

The Nigerien Defence and Security Forces (FDS) have suffered heavy losses at the hands of both armed groups and have withdrawn from several border areas.<sup>36</sup> People from conflict-affected villages consistently linked the military's absence with armed groups' ongoing attacks and predatory practices.

## 1.2 CHALLENGES FACING CHILDREN IN NIGER

Children in Niger are among some of the most vulnerable in the world. Niger is classified as an “extremely low income” country by the World Bank, and the poverty rate was about 42.9 percent in 2020, affecting more than 10 million people.<sup>37</sup> It has the lowest human development index (HDI) ranking in the world, with neighbouring Mali and Burkina Faso also among the bottom ten.<sup>38</sup>

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<sup>25</sup> Indicators of “intensity” include the seriousness of the attacks; the number of civilians forced to flee combat areas; the number of casualties caused by the fighting; the occupation of territory, towns and villages; and the deployment of government forces to the area. ICTY, *The Prosecutor v Ljube Bošković and Johan Tarčulovski*, Judgment, IT-04-82-T, 10 July 2008, para. 177.

<sup>26</sup> ACLED, “ACLED Dashboard”, [bit.ly/3f7dlib](https://www.acleddata.com/) (accessed 23 July 2021). The data includes attacks resulting in civilian fatalities that involve state, rebel, and other forces, as well as “political militias”, “identity militias”, and other civilians.

<sup>27</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Humanitarian Needs and Requirements Overview Sahel Crisis”, April 2021, [bit.ly/36mORBZ](https://www.ocha.org/en/thispage-do-not-exist), pp. 2-3; R4Sahel, “Coordination Platform for Forced Displacement in Sahel”, [bit.ly/3wPWBYO](https://www.r4sahel.org/) (accessed 21 July 2021).

<sup>28</sup> ICG, *Murder in Tillabery* (previously cited), pp. 4-5.

<sup>29</sup> ICG, *Murder in Tillabery* (previously cited), p. 5.

<sup>30</sup> ICG, *Murder in Tillabery* (previously cited), p. 5.

<sup>31</sup> United Nations Children's Fund (UNICEF), “Statement by UNICEF Regional Director Marie-Pierre Poirier on attack in western Niger”, 17 March 2021, [uni.cf/3dYbMrx](https://www.unicef.org/niger/statement-by-unicef-regional-director-marie-pierre-poirier-on-attack-in-western-niger)

<sup>32</sup> ICG, *Murder in Tillabery* (previously cited), p. 5.

<sup>33</sup> For details of these attacks, see Chapter 2.1.

<sup>34</sup> For more on abuses near the Burkina Faso border, see Chapter 3. For more on the targeted killing of village chiefs, see Chapter 4.

<sup>35</sup> See Chapter 3.2.

<sup>36</sup> ACLED, “State Atrocities in the Sahel: The Impetus for Counterinsurgency Results is Fueling Government Attacks on Civilians”, 20 May 2020, [bit.ly/3hZKfbL](https://www.acleddata.com/); ICG, *Murder in Tillabery* (previously cited), p. 9.

<sup>37</sup> The World Bank, “The World Bank in Niger Overview”, [bit.ly/3hMQYVZ](https://www.worldbank.org/en/country/niger/overview) (accessed 8 July 2021).

<sup>38</sup> The human development index (HDI) is a measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable, and having a decent standard of living. United Nations Development Programme (UNDP), “Latest Human Development Index Ranking, 2020”, [bit.ly/3hT6qPm](https://www.humandevelopmentreport.org/)

These economic realities are reflected in key statistics on children's health and wellbeing. A 2020 World Health Organization (WHO)-UNICEF-Lancet study, measuring the foundational conditions for children to survive and thrive, ranked Niger 177th out of 180 countries.<sup>39</sup>

According to Save the Children, prior to the Covid-19 pandemic 63% of children were out of school in Niger, the highest rate in the world.<sup>40</sup> About 77% of the poorest children and about 68% of girls were out of school.<sup>41</sup> During the height of restrictive Covid-19 measures, an additional 1.2 million children were pushed out of school.<sup>42</sup>

The outcomes for girls are even more challenging. Niger has the highest level of child marriage in the world, with 76% of girls married before the age of 18 and 28% married before the age of 15.<sup>43</sup> Child brides are often deprived of their rights to health and education, among others.<sup>44</sup>

The escalation in hostilities in the Tillabéri region has worsened the situation of children's rights.



*A father feeds his son on a hospital bed in Tillabéri city hospital, where the baby boy was receiving treatment for malnutrition, Tillabéri, Niger, November 2018.*

*The conflict has provoked a humanitarian crisis in a region where malnutrition and malaria were already a concern. Many rural health facilities have been closed, forcing families to travel to hospitals and clinics often far from their village.*

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<sup>39</sup> Helen Clark and others, "A future for the world's children? A WHO-UNICEF-Lancet Commission", Lancet, 22 February 2020, Volume 395, Issue 10224, [bit.ly/2T1rZ8a](https://doi.org/10.1016/S0140-6838(20)30224-2), pp. 605-658.

<sup>40</sup> Save the Children, *Save our Education: Protect every child's right to learn in the COVID-19 response and recovery*, 2020, [bit.ly/3sLtaG5](https://www.savethechildren.org/global/publications/save-our-education-protect-every-childs-right-to-learn-in-the-covid-19-response-and-recovery), pp. 3, 81; Save the Children, "Niger- 1.2 Million Children and Young People were out of School because of Covid-19", 26 July 2020, [bit.ly/3dZsalb](https://www.savethechildren.org/global/niger-1-2-million-children-and-young-people-were-out-of-school-because-of-covid-19)

<sup>41</sup> Save the Children, *Save our Education* (previously cited), pp. 3, 81.

<sup>42</sup> Save the Children, "Niger- 1.2. Million Children and Young People were out of School because of Covid-19" (previously cited).

<sup>43</sup> UNICEF, "I like the idea of getting married one day, but not yet", 17 March 2020, [uni.cf/3rAr8Z3](https://www.unicef.org/niger/story/i-like-the-idea-of-getting-married-one-day-but-not-yet); Save the Children and others, "Child marriage in Niger", 14 March 2018, [bit.ly/3BnLmtb](https://www.savethechildren.org/global/child-marriage-in-niger), p. 1.

<sup>44</sup> Save the Children, "Child Marriage: The Devastating End of Childhood", [bit.ly/3qYKnLy](https://www.savethechildren.org/global/child-marriage-the-devastating-end-of-childhood)

## MONITORING AND REPORTING VIOLATIONS AGAINST CHILDREN IN THE TILLABÉRI REGION

The escalation in violence in the Tillabéri region warrants greater efforts by stakeholders to monitor human rights violations against children.

UNHCR, working with local partners, provides general information on protection issues in the Tillabéri region, including some issues related to children.<sup>45</sup> Several areas, however, remain inaccessible to monitors due to insecurity or because of limited cell phone networks.<sup>46</sup>

While there is a national-level Child Protection Sub-Cluster coordinating humanitarian efforts, through much of 2021, after the conflict and its impact on children had worsened significantly, there was no regional body to coordinate the monitoring and response to violations against children in the Tillabéri region, unlike in many other conflict contexts, including in Niger's Diffa region, on the Nigeria border.<sup>47</sup> In mid-2021, however, following mounting pressure and concern among relevant actors, a Child Protection Sub-Working Group for the Tillabéri region was established.<sup>48</sup> To strengthen the monitoring and response to abuses, the group should regularly conduct assessments to gather child protection data, including information on grave violations.

Reporting on child protection issues in Niger could contribute to a larger UN effort to hold perpetrators of grave violations accountable. In 1999, the UN Security Council issued its first resolution on children and armed conflict, calling for the Secretary-General to present a report the following year.<sup>49</sup> Six years later, in 2005, the Council created a Monitoring and Reporting Mechanism (MRM) to document and report on six grave violations against children, providing 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 to secure concrete commitments through action plans.<sup>50</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 listing an armed actor.

In addition to listing parties that commit grave violations, the Secretary-General is mandated to bring the Security Council's attention to situations of concern.<sup>51</sup> This might include countries where, for example, there are indications of child rights violations but the UN lacks verified information, or the information does not satisfy the threshold for listing the parties in the annual report.<sup>52</sup> In the Secretary-General's 2021 annual report, the Lake Chad area of Niger was included among the situations of concern but the tri-border area that includes the Tillabéri region was not.<sup>53</sup>

Including the tri-border area or Niger as a whole among the annual report's situations of concern would not only serve as an early warning for the Security Council but could also prompt the United Nations Country Team (UNCT)<sup>54</sup> to strengthen monitoring and reporting activities – a core mandate and responsibility of the UN for all countries the annual report identifies as situations of concern.<sup>55</sup>

<sup>45</sup> Interview by voice call with UN representative, 4 May 2021.

<sup>46</sup> Interviews with two local human rights groups (conducted separately), Niamey, 27 April and 5 May 2021.

<sup>47</sup> Interview by voice call with UN representative, 4 May 2021.

<sup>48</sup> Email correspondence with two UN officials, 19 August 2021.

<sup>49</sup> UN Security Council (UNSC) Resolution 1261, adopted on 25 August 1999, UN Doc. S/RES/1261 (1999).

<sup>50</sup> UNSC Resolution 1612, adopted on 26 July 2005, UN Doc S/RES/1612 (2005).

<sup>51</sup> Watchlist on Children and Armed Conflict, "A Credible List": Recommendations for the Secretary-General's 2020 Annual Report on Children and Armed Conflict, April 2020, [bit.ly/3yFdW7c](https://bit.ly/3yFdW7c), p. 3.

<sup>52</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC), UNICEF, and the UN Department of Peacekeeping Operations (DPKO), *Field Manual: Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children in Situations of Armed Conflict*, June 2014, [bit.ly/3xspPOP](https://bit.ly/3xspPOP), p. 2.

<sup>53</sup> Children and armed conflict: Report of the Secretary-General, UN Doc. A/75/873-S/2021/437, 6 May 2021, paras 240-49.

<sup>54</sup> The United Nations Country Team (UNCT) includes all the UN entities working on development, emergency, recovery, and transition in programme countries. In Niger, the UNCT is led by the Resident Coordinator (RC). United Nations, "Nations Unies, Niger," [niger.un.org/](https://niger.un.org/) (accessed 20 July 2021).

<sup>55</sup> OSRSG-CAAC, UNICEF, and DPKO, *Field Manual: Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children in Situations of Armed Conflict* (previously cited), p. 3.

# 2. THE IMPACT OF THE CONFLICT ON CHILDREN LIVING NEAR THE MALI BORDER

**“[W]e heard them shooting... I was hiding in the houses... We were scared, we thought it was the last day — that we were going to die.”**

A girl between 12 and 14 years old<sup>56</sup> describes the 2 January 2021 attack on Tchoma Bangou, in Ouallam department, by the Islamic State in the Greater Sahara (ISGS).<sup>57</sup> The attack killed over 100 people, including 17 children in Tchoma Bangou and Zaroumdareye.<sup>58</sup>

ISGS has waged a campaign of violence against villages along the Niger-Mali border that has had a devastating impact on children. At first the group’s tactics involved extracting “taxes” from border communities already struggling, while trying to cultivate friendly relations.<sup>59</sup> Over time, their methods have become more predatory. ISGS has increasingly attacked local leaders to compel them to provide food and other resources and to dissuade collusion with the government.<sup>60</sup> Since early 2020, ISGS fighters have rampaged through villages on their motorbikes, targeting and killing men and older boys. During attacks, they sometimes burn grain stores and loot livestock, leaving families destitute and without adequate food.

As part of its opposition to education it perceives as secular or “Western”, ISGS has also burned schools and attacked and threatened teachers, prompting unprecedented school closures in the region. Fighters have looted health facilities and, with many closed, immunization rates are falling, and children face greater risks of death from diseases like malaria. Children have endured trauma and distress as a result of the attacks, without access to psychosocial care.

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<sup>56</sup> The interviewee was unsure of her age but appeared to be between the ages of 12 and 14.

<sup>57</sup> Interview, 30 April 2021.

<sup>58</sup> UNICEF, “Statement by UNICEF Regional Director Marie-Pierre Poirier on attack in western Niger”, (previously cited).

<sup>59</sup> Interview with human rights group, Niamey, 3 May 2021; and ICG, *Murder in Tillabery* (previously cited), p. 4.

<sup>60</sup> For more on the targeting of village chiefs, see Chapter 4; and ICG, *Murder in Tillabery* (previously cited), p. 4.

While Amnesty International received some reports of recruitment and use of children along the border, researchers did not gather enough information to establish this as broader practice of ISGS in Niger.<sup>61</sup> Witnesses to specific incidents described older children, or perhaps young adults, carrying weapons or looting animals during an attack.<sup>62</sup> Some reports suggest ISGS has targeted Fulani youth in particular for recruitment, exploiting the community's longstanding marginalization by promising social change and protection.<sup>63</sup> One interviewee from Ayerou department described how representatives from ISGS recruited people from ages 15 to 50 in his predominantly Fulani village.<sup>64</sup>

Amnesty International also received some reports of restrictions on the freedom of movement and liberty of women and girls along the Mali border, but this was a less established pattern than in areas along the Burkina Faso border where JNIM is the dominant armed group (see Chapter 3). In some villages near the Mali border, likely members of ISGS instructed communities that women and girls had to wear long dresses and a hijab<sup>65</sup> and sometimes prohibited women from engaging in activities outside the family home.<sup>66</sup> In general, however, ISGS is perceived by the local population and officials as less invested in governing the population along the Niger-Mali border and more focused on imposing "taxes" where they can or forcing displacement, at times in response to local resistance.

Although there is strong evidence connecting some of the attacks and wider violations in this chapter to ISGS – including testimony from witnesses and community leaders; reports from experts; and even ISGS's claimed responsibility for some attacks, which fit wider patterns – Amnesty International has not established ISGS's responsibility for all of the violations documented here. There may be other armed groups operating in the Niger-Mali border area, and there are indications that informal groups may at times imitate ISGS and its violations, exploiting the insecurity to raid livestock or "tax" communities.

The actions of ISGS along the border have violated international humanitarian and human rights law, which offers special protections for children.<sup>67</sup> In some cases, they have committed war crimes and possible crimes against humanity.

### **CRIMES UNDER INTERNATIONAL LAW BY THE ISLAMIC STATE IN THE GREATER SAHARA**

ISGS has committed war crimes and possible crimes against humanity in Niger, with many of those crimes targeting or otherwise affecting children.

War crimes are serious violations of international humanitarian law, committed in the context of an international or a non-international armed conflict. As explained in the Background, Amnesty International considers the situation in the Tillabéri region of Niger to constitute a non-international armed conflict since at least late 2019, a period that covers the vast majority of incidents documented in this chapter.

Based on Amnesty International's documentation, ISGS is responsible for war crimes including "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture"; intentionally directing attacks against the civilian population, including against girls and boys; intentionally directing attacks on buildings dedicated to education; forcibly displacing civilians neither for their security nor for imperative military reasons; and pillaging.<sup>68</sup> They have also violated their obligations to respect and protect medical personnel and medical units<sup>69</sup>, which may constitute a war crime.

<sup>61</sup> Some interviewees described seeing older boys and/or young men among the fighters, but this could not be independently verified. Interviews with two internally displaced people (IDPs) from conflict-affected areas (conducted separately), 1 May 2021; group interview with three IDPs, 1 May 2021; interviews with two IDPs (conducted separately), 2 May 2021. See United Nations High Commissioner for Refugees (UNHCR) and others, *Rapport Mensuel de Monitoring de Protection Tahoua – Tillabéri, Mars 2021*, [bit.ly/3e1Buvo](https://bit.ly/3e1Buvo), pp.1, 4, describing the presence of children among the armed groups in the neighbouring region of Tahoua.

<sup>62</sup> Group interview with three witnesses, 1 May 2021; group interview with two witnesses, 1 May 2021; interviews with two witnesses (conducted separately), 2 May 2021.

<sup>63</sup> ICG, *Niger Clash Kills U.S. and Nigerien Troops* (previously cited); Mathieu Pellerin, *Armed Violence in the Sahara: Are We Moving From Jihadism to Insurgency?*, IFRI, December 2019, [bit.ly/3Bbu8hX](https://bit.ly/3Bbu8hX), pp. 35-36; Modibo Ghaly Cissé, "Understanding Fulani Perspectives on the Sahel Crisis" (previously cited).

<sup>64</sup> Interview, 6 May 2021.

<sup>65</sup> Group interview with two IDPs, 2 May 2021; interviews with four IDPs (conducted separately), 2 May 2021; interview, 6 May 2021.

<sup>66</sup> Interview, 2 May 2021.

<sup>67</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), Article 4(3); Convention on the Rights of the Child (CRC), Articles 38-39; African Charter on the Rights and Welfare of the Child (ACRWC), Articles 22 and 25.

<sup>68</sup> Rome Statute of the International Criminal Court (ICC), Articles 8(2)(c)(i), 8(2)(e)(i), 8(2)(e)(iv), 8(2)(e)(viii) and 8(2)(e)(v). For ISGS, Amnesty International does not have sufficient evidence to indicate responsibility for the war crime of recruitment or use of children under 15, though there is credible indication they have used children 15 years and older.

<sup>69</sup> Geneva Conventions, Common Article 3; ICRC, Customary International Humanitarian Law, Rules 25 and 28.

Crimes against humanity are offences committed as part of a widespread or systematic attack directed against a civilian population pursuant to, or in furtherance of, a state or organizational policy.<sup>70</sup> Article 7(1) of the Rome Statute lists 11 crimes against humanity, or “acts,” including murder and forcible transfer of a population.<sup>71</sup> Four legal requirements are common to all crimes against humanity: the “acts” must be committed as part of a “widespread or systematic attack”; the attack must be “directed against any civilian population”; the “acts” must be carried out with knowledge of the attack; and the attack must be carried out as part of state or organizational policy.

“Widespread” can be demonstrated by the number of victims or the magnitude of the acts, as well as the geographical reach of those acts.<sup>72</sup> “Systematic” has been held to “signif[y] the organised nature of the acts of violence and the improbability of their random occurrence”.<sup>73</sup> Courts have commonly held the “systematic” threshold to be met when there are “[p]atterns of crimes – that is the nonaccidental repetition of similar criminal conduct on a regular basis”.<sup>74</sup>

As detailed in this chapter, ISGS has carried out attacks on a civilian population in both a widespread and systematic manner, though either suffices under international law. ISGS fighters have attacked civilians across a large geographic area in Niger and Mali. In two incidents – on 2 January 2021 in Tchoma Bangou and Zaroumdareye villages, and on 21 March 2021 in Tilla department – ISGS fighters killed more than 100 civilians in each attack; while those were particularly deadly, there has been a pattern of many more such attacks targeting civilian men and older boys through the date of this report’s publication, killing many hundreds in total, possibly more. For several years, ISGS has also assassinated village chiefs and other community leaders across a large part of the Mali border area. Finally, since at least late 2020, ISGS has burned granaries and looted livestock during many attacks, depriving people of their food and livelihoods and forcing them to flee. Tens of thousands have fled as a result.

ISGS’s crimes in Niger are a continuation of similar crimes in Mali, including by predecessor groups, such as al-Mourabitoun, from which some of ISGS’s commanders split; a UN commission of inquiry indicated al-Mourabitoun was responsible for crimes against humanity in Mali between 2012-2018.<sup>75</sup>

The existence of an ISGS organizational policy to attack a civilian population can be inferred from the widespread and/or systematic nature of its attacks in both Mali and Niger.<sup>76</sup> In addition, several of those attacks involved senior ISGS commanders, according to witnesses and other credible information. ISGS has also threatened whole communities in a similar way, saying that if people do not leave their village, they will be killed – and then at times following through and killing people who stay. ISGS has publicly claimed several attacks in which its fighters killed scores of civilians.

Amnesty International therefore considers that ISGS has been conducting a widespread or systematic attack directed against the civilian population of the Tillabéri region since at least early 2020. Amnesty International believes in particular that there should be genuine investigations and prosecutions for the crimes against humanity of murder and of forcible transfer.

## 2.1 KILLING AND MAIMING OF CHILDREN

The beginning of 2021 marked a dangerous shift in the conflict dynamics along the Niger-Mali border. At least 306 civilians were killed in that part of Tillabéri and neighbouring Tahoua regions in four deadly attacks

<sup>70</sup> Rome Statute, Article 7; and ICC, *The Elements of Crimes*, bit.ly/3ye64sN, pp. 5-12.

<sup>71</sup> Rome Statute, Article 7(1).

<sup>72</sup> See *Prosecutor v. Akayesu*, ICTR Trial Chamber, 2 September 1998, para. 579; and *Kordic and Cerkez*, ICTY Trial Chamber, 26 February 2001, para. 179. The ICC has held that an assessment of the quantitative and geographic facts will depend on the facts of each case. *Situation in the Republic of Kenya*, Case No. ICC-01/09, Decision pursuant to Article 15 of the Rome Statute on the authorization of an investigation into the situation in the Republic of Kenya, 31 March 2010, Pre-Trial Chamber II, para. 95. See also *Prosecutor v. Jean-Pierre Bemba Gombo*, Case No. ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute, 21 March 2016, Trial Chamber III, para. 163.

<sup>73</sup> *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Blaškić*, ICTY Trial Chamber, Judgment, 3 March 2000, para. 203; and *Prosecutor v. Akayesu*, ICTR Trial Chamber, Judgment, 2 September 1998, para. 580.

<sup>74</sup> *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Tadić*, ICTY Trial Chamber, Opinion and Judgment, 7 May 1997, para. 648.

<sup>75</sup> Report of the International Commission of Inquiry for Mali (19 June 2020), UN Doc. S/2020/1332, para. 887.

<sup>76</sup> *Prosecutor v. Tadić*, Judgment, ICTY Trial Chamber, 7 May 1997, para. 653 (“a policy need not be formalized and can be deduced from the way in which the acts occur. Notably, if the acts occur on a widespread or systematic basis that demonstrates a policy to commit those acts...”).

during the first three months of the year, including 46 children between the ages of 5 and 17.<sup>77</sup> In May 2021, ISGS claimed credit for two of the attacks.<sup>78</sup> According to ACLED, violence against civilians led to 544 conflict-related deaths between 1 January and 29 July 2021, already exceeding the 397 people killed in similar incidents in 2020.<sup>79</sup> The rising frequency of attacks led one boy, around 13 or 14 years old, to tell Amnesty International, “We all are used to hearing gunshots and to seeing [dead] people layered on top of [dead] people.”<sup>80</sup>

Amnesty International documented the killing of civilians in eleven villages in the departments of Ayerou, Banibangou, Ouallam, and Tillabéri, located near the Mali border. ISGS fighters appear to have carried out at least some of these attacks, which occurred between 19 May 2018 and 25 April 2021, though Amnesty International cannot determine responsibility for all of them. Children were either killed or injured in at least six of the villages.

In some cases, armed group members targeted specific civilians such as the village chiefs or their affiliates.<sup>81</sup> In seven of the villages, however, interviewees described scores of fighters on motorbikes, often with their faces covered, encircling villages and shooting men and older boys that fighters came across, while other people hid terrified in their houses or fields.<sup>82</sup> An 11-year-old boy recalled one such an attack on his village of Zibane,<sup>83</sup> in Tillabéri department, on 24 March 2021, during which about 14 people were killed, including the boy’s 12-year-old friend; eight more were wounded, including seven children.<sup>84</sup> He said some of the attackers were in military-like dress while others were in black boubous:

**You could only see their eyes, and many of them wore glasses. My friend who was killed is called Abdoulwahab Iliassou... Abdoulwahab and I were running, and there were the motorbikes behind us. But at one point, Wahab stopped to talk to the [fighters]. They shot him in the side, and he died shortly after.**<sup>85</sup>

A different boy recounting Abdoulwahab’s death recalled, “Wahab, before he died, asked the [attackers], ‘What have I done? My father, leave me.’ I remember his words well.”<sup>86</sup> Another stated, “I think of Wahab and how he was killed. Sometimes I have nightmares of being chased by people on motorbikes or seeing Wahab pleading with the [attackers] again.”<sup>87</sup>

Another two boys, ages 14 and 15, described running for their lives when they heard attackers, most likely members of ISGS, descend on their village of Mogodyougou, Ouallam department, on the morning of 14 December 2020, killing nine people<sup>88</sup>:

**J.M.<sup>89</sup>: They were on motorbikes. They were more than 30 – more than 30 motorbikes. And each motorbike had at least two people on it.**

**M.H.: Some [motorbikes] had three [fighters].**

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<sup>77</sup> UNICEF, “Niger: Attacks on children and families must stop, once and for all”, 24 March 2021, [uni.cf/3myqgne](https://www.unicef.org/niger/stories/niger-attacks-on-children-and-families-must-stop-once-and-for-all) (describes the killing of at least 137 civilians, including 22 children age 5 to 17, during an attack on 21 March 2021) and UNICEF, “Statement by UNICEF Regional Director Marie-Pierre Poirier on attack in western Niger” (previously cited) (describes the killing of at least 58 civilians, including six children age 11 to 17, during an attack on Darey-dey and Sinégogar on 15 March 2021 and the killing of at least 100 civilians, including 17 children under the age of 17, in the villages of Tchoma Bangou and Zaroumdareye during an attack in early January 2021). In addition, Amnesty International documented the killing of between 11 and 14 civilians, including one child, in the Zibane village cluster on 24 March 2021. Interviews, 1 May 2021.

<sup>78</sup> ICG, *Murder in Tillabery* (previously cited), p. 3.

<sup>79</sup> ACLED, “ACLED Dashboard”, [bit.ly/3f7dlib](https://www.acleddata.com/) (accessed 25 August 2021). The data includes attacks resulting in civilian fatalities that involve state, rebel, and other forces, as well as “political militias”, “identity militias”, and other civilians. ACLED documents attacks, abductions/forced disappearances, and sexual violence for gathering data on violence against civilians.

<sup>80</sup> Group interview with three IDPs, 1 May 2021.

<sup>81</sup> Interviews, 29 April-2 May 2021.

<sup>82</sup> Interviews, 29 April-5 May 2021.

<sup>83</sup> The village of Zibane is comprised of three hamlets: Zibane-Koira Zeno, Zibane-Koira Tégui, and Gadabo.

<sup>84</sup> Group interview with five children from Zibane, 1 May 2021. See UNHCR and others, *Rapport Mensuel de Monitoring de Protection Tahoua – Tillabéri, Mars 2021* (previously cited), p. 4.

<sup>85</sup> Group interview with five children from Zibane, 1 May 2021.

<sup>86</sup> Group interview with five children from Zibane, 1 May 2021.

<sup>87</sup> Group interview with five children from Zibane, 1 May 2021.

<sup>88</sup> Interviews with four IDPs from Mogodyougou (conducted separately), 30 April 2021; interviews with four other IDPs from Mogodyougou (conducted separately), 2 May 2021. See Rida Lyammouri, *Tillabéri Region, Niger: Concerning Cycle of Atrocities*, Policy Center for the New South, March 2021, [bit.ly/3kinudv](https://www.policycenterforthenewsouth.org/wp-content/uploads/2021/03/3kinudv.pdf), pp. 5-6 (alleging that suspected ISGS members carried out the attack on Mogodyougou in response to the killing of two ISGS members by residents of the village on 8 December). Amnesty International interviewees described the death of nine civilians during the attack, while the Policy Center for the New South reported the death of eight civilians.

<sup>89</sup> For this and other testimonies in the report, Amnesty International has used initials that do not reflect the survivors’ real names or initials, to protect their identity.

**J.M.: We ran back to the village, to a home. It wasn't our home. We didn't have time to make it to our home. [The fighters] were shooting everywhere...**

**M.H.: We were in the house for about two hours, hiding.**

**J.M.: When the gunshots slowed down, we separated. When we went out of the house, we saw the people they'd killed. Some of them we found in their homes. Others they'd shot and then they burned the bodies... Our friend was wounded... He was shot in his thigh. He's 12... He was treated in Niamey.<sup>90</sup>**

In addition to killing men and boys who crossed paths with fighters outside, in two of the attacks documented by Amnesty International, armed group members searched homes for men and, in one case, also older boys, and killed or beat them.<sup>91</sup> A 28-year-old woman from Inzouett, in Banibangou department, said her children “were a little bit disturbed, because they saw their father tied up and beaten... [The attackers] even beat children... There is one [child] who was injured in the eye.”<sup>92</sup> She said her children were not among those beaten.

During the attacks on villages, ISGS also severely injured and killed civilians through their shooting, sometimes including children hiding in their homes.

### **A WOMAN AND HER BABY SHOT WHILE HIDING**

A woman in her 30s described a likely ISGS attack on her village in Ouallam department, during which fighters shot her and her baby who, at the time, was around six months old:

**“It was in the morning, after we'd taken breakfast. We heard the motorbikes coming. I was outside [when I heard them]. We ran inside to hide...**

**I only saw them from a distance and heard [them]... I heard the gunfire. I heard it over and over. I was sitting with my child...**

**While I was hiding there, a bullet struck me. It went through the door [of my house] ... My daughter was hit too, here [on her lower leg]. My daughter was on my legs, [as we hid]. The bullet hit her first and then went through my legs... You can see that she is malnourished. She's small...**

**I fell down [after the bullet went through]. I lost consciousness. My mother came and helped me... I don't know how long we stayed in the house [after I was shot]. I can't remember anything [from after I was shot]... I knew they rolled the mat and were carrying me on it somewhere. But that's it... My leg should have healed by now, but it hasn't yet, I haven't gotten the treatment I need.”<sup>93</sup>**

The prohibition of attacks directed against civilians, including children, is a principle of international humanitarian law, applies in situations of non-international armed conflict, and is binding on both militaries and armed groups.<sup>94</sup> Children enjoy special protection under international law, including an obligation that all parties to a conflict prioritize their welfare during hostilities.<sup>95</sup> Murder and attacks directed against civilians are war crimes and may, if part of a widespread or systematic attack by ISGS, amount to the crime against humanity of murder.<sup>96</sup>

<sup>90</sup> Group interview with two children from Mogodyougou, 2 May 2021.

<sup>91</sup> Interviews with two IDPs (conducted separately), 2 May 2021.

<sup>92</sup> Interview, 2 May 2021.

<sup>93</sup> Interview, 30 April 2021.

<sup>94</sup> Geneva Conventions, Common Article 3; Protocol II, Articles 4 and 13; and ICRC, Customary International Humanitarian Law, Rules 1, 87, and 89-90.

<sup>95</sup> Protocol II, Article 4(3); CRC, Article 38; ACRWC, Article 22. See also ICRC, Customary International Humanitarian Law, Rule 135.

<sup>96</sup> Rome Statute, Article 7, Article 8(2)(c)(i), and Article 8(2)(e)(i).

## 2.2 ATTACKS ON EDUCATION

Since the beginning of the conflict, ISGS has targeted what they believe is secular or “Western” education.<sup>97</sup> They have burned schools and attacked and threatened teachers and other education officials, prompting massive school closures.

An education official indicated to Amnesty International that, as of June 2021, 377 schools had closed in Tillabéri region, forcing about 31,728 pupils out of school, including 15,518 schoolgirls.<sup>98</sup> That represents an increase of more than 100 schools and almost 10,000 out-of-school students just from November 2020.<sup>99</sup> As of May 2021, about 700 teachers were no longer at their posts due to the insecurity.<sup>100</sup>

The conflict’s impact on schooling has far-reaching consequences beyond denying children’s right to education. Schools serve as a protective mechanism in communities, helping to reduce children’s exposure to violence and promote their psychological wellbeing and development.<sup>101</sup> An education official in Niger warned that children without access to education risk being targeted by armed groups for recruitment.<sup>102</sup>

Between 2015 and 2019, the Global Coalition to Protect Education from Attack (GCPEA) collected over 430 reported incidents of attacks on education in Burkina Faso, Mali, and Niger.<sup>103</sup> Areas in Niger near the Mali and Burkina Faso borders were among the worst hit.<sup>104</sup> A 38-year-old man from Inzouett in Banibangou department reflected, “As soon as the [fighters] are there, the school is ruined.”<sup>105</sup>

Amnesty International documented likely ISGS attacks in which fighters targeted and burned schools in Zibane, in Tillabéri department; in Taroum, in Ouallam department; and in Ngaba, in Banibangou department. An education official explained that in rural areas, the overwhelming majority of school structures are made from straw, making them easy to burn.<sup>106</sup> A 19-year-old student from Zibane described an attack on her secondary school around the time of a 24 March 2021 attack during which about 14 people were killed:

**We were in the classroom... They started by burning that [straw] classroom. When everyone saw the fire... everyone ran... The whole school was destroyed...**

**There [were] about 20 students in my classroom... When we were running, one of the boys collapsed and fell. We gathered and took him home... His arm was hurt... About 10 of [the attackers burned the school]. They didn’t say anything... It was the only secondary school in Zibane.**<sup>107</sup>

Another person from Zibane described fighters burning a primary school and the secondary school on 24 March 2021. He stated, “The secondary school is a shed. The primary school had concrete. They burned everything [in the school]. All the furniture, all the books, everything inside.”<sup>108</sup>

An analysis of satellite imagery by Amnesty International shows the burning of a cluster of structures outside Zibane on or around 24 March 2021, consistent with witness descriptions of the schools’ location and layout.

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<sup>97</sup> See BBC, “Burkina Faso - the country where it’s too dangerous to go to school”, 11 March 2019, [bbc.in/2WpCG5B](https://www.bbc.com/news/world-africa-49184444) (“Some schools, especially in the Sahel province, are directly targeted by Islamist militants, who are against Western education”); RFI, “Burkina Faso: le groupe jihadiste EIGS revendique le rapt d’un enseignant”, 18 April 2018, [bit.ly/37cGw4J](https://www.rfi.fr/fr/burkina-faso/20180418-burkina-faso-le-groupe-jihadiste-eigs-revendique-le-rapt-dun-enseignant); Human Rights Watch, “*Their War Against Education*”: *Armed Group Attacks on Teachers, Students, and Schools in Burkina Faso*, 26 May 2020, pp. 25-27.

<sup>98</sup> Data provided by Teachers’ Union Leader from the Ministry of Education, on file with Amnesty International.

<sup>99</sup> Data provided the Child Protection Sub-Cluster, on file with Amnesty International (indicating, as of 25 November 2020, 274 closed schools in Tillabéri region, forcing 22,332 children out of school).

<sup>100</sup> Interview with education official, Niamey, 4 May 2021.

<sup>101</sup> UNICEF, “Education in emergencies,” [uni.cf/3rJRDlJ](https://www.unicef.org/emergencies) (accessed 29 July 2021); Save the Children, *Road to Recovery: Responding to Children’s Mental Health in Conflict*, 2019, [bit.ly/2V8uExN](https://www.savethechildren.org/global/wp-content/uploads/2019/07/2019-07-20-Road-to-Recovery-Responding-to-Childrens-Mental-Health-in-Conflict.pdf), pp. 8-9.

<sup>102</sup> Interview with education official, Niamey, 4 May 2021.

<sup>103</sup> Global Coalition to Protect Education from Attack (GCPEA), *Supporting Safe Education in the Central Sahel*, September 2020, [bit.ly/3xt7ro7](https://www.gcpea.org/wp-content/uploads/2020/09/Supporting-Safe-Education-in-the-Central-Sahel-September-2020.pdf) Attacks on education are defined as “any intentional threat or use of force – carried out for political, military, ideological, sectarian, ethnic, religious, or criminal reasons – against students, educators, and education institutions”. GCPEA, “What is an attack on Education?”, [bit.ly/3hQoQ4E](https://www.gcpea.org/wp-content/uploads/2020/09/What-is-an-attack-on-Education.pdf)

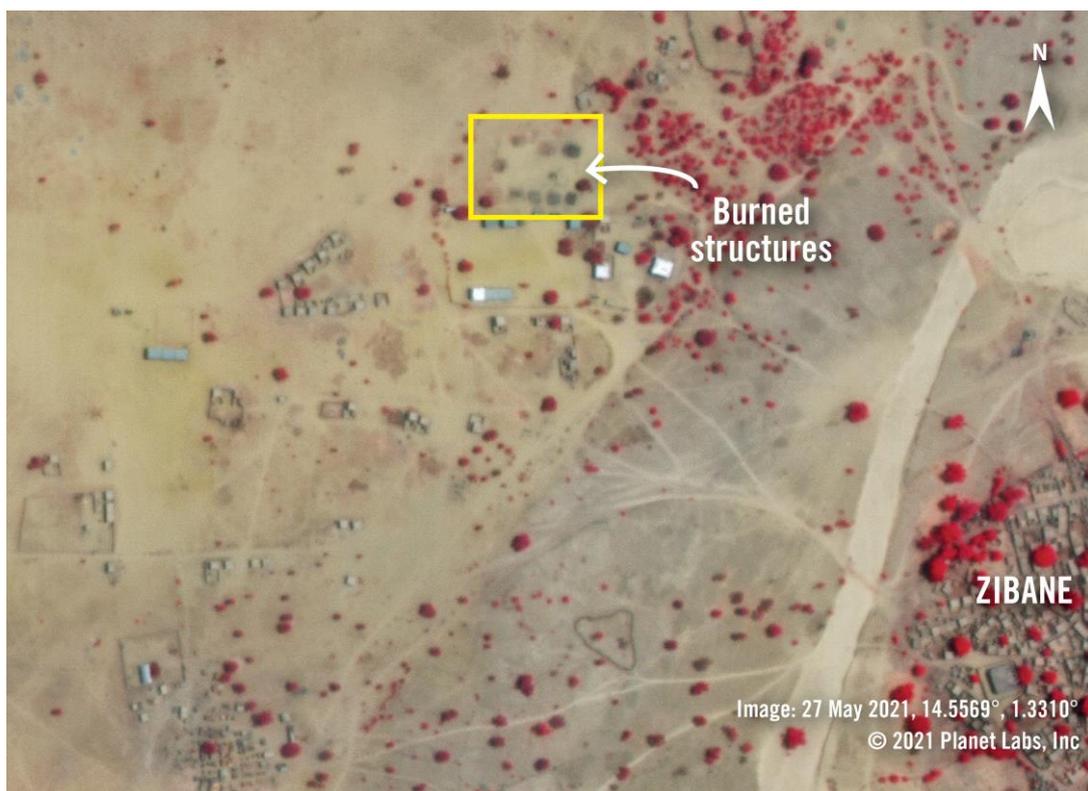
<sup>104</sup> Interview with education official, Niamey, 4 May 2021.

<sup>105</sup> Interview, 2 May 2021.

<sup>106</sup> Interview with education official, Niamey, 4 May 2021.

<sup>107</sup> Interview, 1 May 2021. She was unsure of the attack’s specific date, and Amnesty International could not independently verify it.

<sup>108</sup> Interview, 1 May 2021.



*Imagery from 27 May 2021 shows the Zibane area using the near infrared band, which highlights healthy vegetation in red tones and recently burned areas in brown, black tones. An area 350m northwest of the main village shows dark marks on the ground. Closer investigation using low resolution imagery (not shown) indicates structures were razed there between 24-25 March 2021.*

A 42-year-old man similarly described a 20 January 2020 attack on Ngaba, where, after killing the village chief and another civilian, likely ISGS fighters burned school buildings that were sheds made of woven thatch. He explained, “After they killed the village chief, they burned the school. It was a primary school, [up to class 6]... Everything was burned. The writing tablets. The papers. The schoolbooks.”<sup>109</sup>

Likely ISGS fighters have attacked teachers and other education officials, although students do not appear to have been targets in Niger; students have been killed or injured during attacks on schools in Burkina Faso, though it is unclear if they were targeted.<sup>110</sup>

Amnesty International documented one case where a school committee president was killed in Banibangou department, perhaps targeted for that role. One of the man’s sons was killed soon after. The man’s surviving son, a 16-year-old boy, told Amnesty International:

**My father was abducted and then killed.**

**There are committees in charge of the school – parents who oversee the school. My father was the president of that committee. It was... 2019, I think. At that time, the school was open. After my father was killed, the school stayed open. But after they killed his son, [my brother], the school closed...**

**After I saw that, [what happened to my brother], I was very scared... Sometimes I grieve, I feel deep sorrow, up to now.<sup>111</sup>**

The 16-year-old boy speculated that the fighters killed his brother, after killing his father, either because the fighters thought the brother might seek revenge or because the fighters believed the brother would take over the father’s education position.<sup>112</sup>

<sup>109</sup> Interview, 2 May 2021.

<sup>110</sup> Interviews, April and May 2021; RFI, “Burkina Faso: le groupe jihadiste EIGS revendique le rapt d’un enseignant” (previously cited); Human Rights Watch, “*Their War Against Education*” (previously cited), pp. 48-52.

<sup>111</sup> Interview, 2 May 2021.

<sup>112</sup> Interview, 2 May 2021.

Other residents of the village suggested in interviews with Amnesty International that these killings may have occurred because of the role the boy's father played in village security, or the belief by suspected armed group members that the father and older brother were collaborating with the Nigerien military.<sup>113</sup>

People from Zibane and Mogodyougou also described cases where suspected armed group members threatened teachers. A 15-year-old boy from Mogodyougou explained, "The teachers... left. They'd be killed [if they stayed]. There were some warnings given to the teachers that if the [fighters] found them, they'd kill them."<sup>114</sup> He said the fighters made the threats in late 2018 or early 2019, which had left him without school for about two years.

In many cases documented by Amnesty International, the general insecurity in a village led, at first, to intermittent attendance by teachers, followed by their permanent departure from their posts and widespread school closures. This took place in the villages of Gaigourou in Tillabéri department; Danga, Takoumbat, Tchoma Bangou, and Zaroumdareye, in Ouallam department; Inzouett, in Banibangou department; and Agay-Peuhi, in Ayerou department, among others. In Zaroumdareye, a former male resident described teachers' initial defiant attempt to provide lessons in secret, only to leave soon after.<sup>115</sup>

Reflecting on his years out of school, a 14-year-old boy from Mogodyougou lamented, "We didn't like that the school closed... After our school closed, we stayed at home. There wasn't anything for us."<sup>116</sup> A 15-year-old boy from Mogodyougou likewise said he was forced to stop going to school in the village and had been unable to re-start since being displaced to an IDP camp: "We'd like to restart going to school... They don't have our level here in the camp... At night, we would still practice our exercises [in the village]. But [since being displaced], we don't know where our old schoolbooks are."<sup>117</sup>

While some children have gone to live with relatives in more secure areas to continue school, many displaced children have yet to enrol.<sup>118</sup> Some schools in host communities are straining to accommodate the arrival of internally displaced people.<sup>119</sup>

Under international humanitarian law, attacks against civilian objects such as schools are prohibited unless these objects are used for military purposes and therefore become military objectives.<sup>120</sup> They are presumed to maintain their civilian status,<sup>121</sup> and although the Nigerien forces have in some instances used schools<sup>122</sup> – a practice they should cease, in line with their commitments as a country that has endorsed the Safe Schools Declaration<sup>123</sup> – there is no indication that soldiers were present at schools, or even in the village, during any of the documented incidents.<sup>124</sup>

Schools, universities, and other educational buildings receive heightened protections under international humanitarian law, requiring forces to act with special care, including by avoiding damage to these buildings during military operations.<sup>125</sup> Attacks against schools or other buildings dedicated to education constitute war crimes.<sup>126</sup> Children's right to education is also explicitly protected under both international humanitarian law and international human rights law, including under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.<sup>127</sup>

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<sup>113</sup> Interview with two IDPs (conducted separately), 2 May 2021.

<sup>114</sup> Interview, 2 May 2021.

<sup>115</sup> Interview, 2 May 2021.

<sup>116</sup> Group interview with two IDPs, 2 May 2021.

<sup>117</sup> Group interview with two children from Mogodyougou, 2 May 2021.

<sup>118</sup> Interview with education official, Niamey, 4 May 2021; interview, 1 May 2021.

<sup>119</sup> Interview with education official, Niamey, 4 May 2021; interviews with two representatives of human rights group, Niamey, 4 May 2021.

<sup>120</sup> See ICRC, Customary International Humanitarian Law, Rules 7 and 9. The prohibition of attacks against civilian objects is also reinforced by the principle of precautions in attack. ICRC, Customary International Humanitarian Law, Rule 15.

<sup>121</sup> See ICRC, Customary International Humanitarian Law, Rule 10.

<sup>122</sup> Interview with education official, Niamey, 4 May 2021; interview with representative of local human rights group, 27 April 2021.

<sup>123</sup> The Safe Schools Declaration is an inter-governmental commitment to strengthen the protection of education from attack and to restrict the use of schools and universities for military purposes. The Declaration was opened for countries to endorse in May 2015. Global Coalition to Protect Education from Attack (GCPEA), "The Safe Schools Declaration," [bit.ly/375WQUv](https://www.gcpca.org/bit.ly/375WQUv) (accessed 29 July 2021).

<sup>124</sup> Interviews with witnesses from villages where schools were attacked (conducted separately), April and May 2021.

<sup>125</sup> See ICRC, Customary International Humanitarian Law, Rule 38; Protocol II, Article 16.

<sup>126</sup> Rome Statute, Article 8(2)(e)(iv).

<sup>127</sup> See Protocol II, Articles. 4(3)(a); CRC, Articles 28-29; ACRWC, Article 11.

## 2.3 LOOTING AND THREATS AGAINST HEALTH CENTRES

ISGS has looted health facilities, stolen ambulances, threatened health staff, and caused the closure of health facilities in areas of Niger near the border with Mali. As of 15 October 2020, more than 150 health centres in the Central Sahel were closed or not fully functioning.<sup>128</sup>

In Zibane, residents described likely ISGS fighters frequently looting medicines from the health facility until eventually the staff left.<sup>129</sup> A February 2021 protection analysis from monitors in the Tillabéri region noted a trend among armed groups to target health workers and pharmacies, noting that medicines were stolen from health facilities in Tanchilé in Abala department and Farka in Ouallam department.<sup>130</sup> Staff from a local humanitarian organization involved in health response likewise told Amnesty International about several incidents in which fighters stole ambulances or other nice vehicles, at times holding aid workers at gunpoint, leading organizations to stop responding in certain areas or to using old vehicles less likely to be stolen.<sup>131</sup>

In other cases, the general state of insecurity led to intermittent attendance from health staff and the closure of many facilities. Amnesty International documented the closure of health centres in Tchoma Bangou and Takoumbat in Ouallam department and in Adabdab in Banibangou department. A 17-year-old boy from Tchoma Bangou explained that health staff were particularly concerned about their status as civil servants because ISGS targeted people that work with the government. He explained, “At first, it was the teachers who were afraid [of the armed group]. Then it was all of us. Anyone linked to the state, they kill you... The teachers were the first to flee. About a year later, the health workers left too.”<sup>132</sup>

The government’s ban on motorbikes (see Chapter 4.2.1), one of the primary means of transportation for people in rural areas, has compounded the difficulties people face in accessing care. Only 48.5% of the population of Niger lives within a 5km radius of a health facility,<sup>133</sup> and the closure of many health facilities in the border area has meant people have to travel even greater distances with few transportation options.

The lack of access to health care has had a significant impact on children in the region. Immunization rates have plummeted. While measles epidemics occur annually in Niger, there has been a trifold increase in cases in 2021 compared to the same period in 2020, with vaccination coverage low in regions like Tillabéri, in part due to the conflict.<sup>134</sup> Measles is the most contagious viral disease in the world and one of the leading causes of death in young children.<sup>135</sup> A humanitarian protection assessment also noted the lack of vaccinations for newborns in conflict zones like Tillabéri.<sup>136</sup>

Moreover, common illnesses like malaria can be especially deadly for young children who are unable to access treatment. A young woman said her twins almost died from malaria following the closure of Zibane’s health centre, which forced them to walk around an hour to Wala, where the next-closest health centre was located:

**I have some [8-year-old] twins who got very, very sick after the closure of the Zibane health centre, and I had to take them to Wala. It was so serious that even from Wala they transferred us to Tillabéri...**

**It was malaria... [The twins] would complain of headache, high temperature, all their body was in pain, and at times they were scared, at times they jumped up [in spasm]...**

**I even cried, I was so scared, I thought that was going to be the end... [If the Zibane health centre was open]... they would have had early attendance, early care. As soon as you feel the body is hot, you could take them to the health centre.**<sup>137</sup>

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<sup>128</sup> OCHA, “Central Sahel Crisis, Key Figures”, 15 October 2020, [bit.ly/3dZQz0g](https://bit.ly/3dZQz0g), p.2.

<sup>129</sup> Interview, 1 May 2021; group interview with five children from Zibane, 1 May 2021.

<sup>130</sup> UNHCR and others, *Rapport mensuel d’analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Février 2021*, [bit.ly/3yFrv66](https://bit.ly/3yFrv66), p. 2.

<sup>131</sup> Group interview with three representatives of a local organization, 28 April 2021.

<sup>132</sup> Interview, 30 April 2021.

<sup>133</sup> OCHA, “Conférence Centre Sahel : Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger”, 14 August 2020, [bit.ly/3iYV6UD](https://bit.ly/3iYV6UD), p. 7.

<sup>134</sup> Médecins Sans Frontières, “Niger: ‘If vaccinations fail to happen, the effects will be felt for years to come’”, 21 May 2021, [bit.ly/3e0R1vf](https://bit.ly/3e0R1vf)

<sup>135</sup> Médecins Sans Frontières, “Niger: ‘If vaccinations fail to happen, the effects will be felt for years to come’” (previously cited). According to the same source, the most effective way to tackle measles is to ensure a 95% vaccination rate; coverage in regions like Tillabéri often falls well below that.

<sup>136</sup> UNHCR and others, *Rapport mensuel d’analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Janvier 2021*, [bit.ly/2TQL39S](https://bit.ly/2TQL39S), p. 8.

<sup>137</sup> Interview, 1 May 2021.

The same woman said she gave birth to her last child at home instead of at the health centre, as she normally would, because the health centre had closed.<sup>138</sup>

Health facilities and personnel are afforded special protections under international humanitarian law and must be respected and protected in times of conflict.<sup>139</sup> Parties to an armed conflict are prohibited from impeding the functioning of medical units. Such repeated looting and threats against health centres or personnel by ISGS are violations of international humanitarian law and may constitute war crimes.

## 2.4 ATTACKS ON FOOD SECURITY AND LIVELIHOODS

ISGS has imposed “taxes” on the local population in areas near the Mali border and, during some recent attacks, has burned food stores, stolen livestock, and at times looted shops, leaving civilians destitute and forcing many into displacement. Such attacks on food security affect entire communities but often have a disproportionate impact on the health and wellbeing of children and other at-risk populations.

### 2.4.1 FORCED TAXATION

The “taxation” imposed by ISGS, often referred to by people from affected communities as “zakat”,<sup>140</sup> is distinct from any legitimate tax authority and undermines the social and economic rights of people already struggling to survive. In some border villages, Amnesty International found that likely ISGS members had imposed “taxes” as early as 2018. Several interviewees had been forced to pay once or twice per year before eventually leaving their villages. International Crisis Group recently described the efforts to extract the “zakat” as “increasingly undisciplined, aggressive, and chaotic”.<sup>141</sup>

The process of collecting “taxes” from villagers fell broadly into two categories. In some cases, likely ISGS members collected the “tax” directly from villagers. A chief from a village in Ouallam department explained, similar to many others interviewed: “They came and looked for the herd of animals. They went by [where the herd stays], and then they went house by house [to “tax”] those who have animals.”<sup>142</sup>

In other cases, the armed group approached a herdsman responsible for grazing the village livestock, telling him to relay a message to the village about the “tax”. A woman from Tchoma Bangou explained, “All the livestock is given to one or two people that go and take the animals to feed them in the bush. So, [the fighters] go... and talk to him. They tell him to go and tell his people they should pay ‘zakat’ for their animals, and he will come and tell us.”<sup>143</sup>

The amount demanded varied across the villages. Where villagers made individual “tax” payments on their livestock, they described being forced to pay between 2,500CFA (US\$4.64) and 5,000CFA (US\$9.29) per cow and between 250CFA (US\$0.46) and 1,000CFA (US\$1.86) for small ruminants like sheep and goats.<sup>144</sup> People either paid cash or were forced to surrender one cow, sheep, or goat for around each 40 they owned of that animal.<sup>145</sup> One person also described being “taxed” on his grain store.<sup>146</sup> Likely ISGS members have sometimes charged the village an aggregate amount, rather than taking an individual “tax”.<sup>147</sup>

Dozens of people living in villages across the border area all said they had no choice but to comply with fighters’ demand for “taxes”. “The zakat of our religion, we know it,” said a 48-year-old man from Zibane. “But what [the fighters] do, it’s different. They do their own calculation. We don’t understand it. But what

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<sup>138</sup> Interview, 1 May 2021.

<sup>139</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), Articles 1-3, 19; Hague Convention (1907), Articles 15 and 27; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Article 18; Protocol II, Article 11; ICRC, Customary International Humanitarian Law, Rules 25 and 28.

<sup>140</sup> The term “zakat” refers to the third pillar or obligation in Islam, which prescribes a payment of 2.5% of an individual’s net worth for the welfare of the community, especially its most needy. Although the term zakat was widely used by people whom Amnesty International interviewed, the armed group’s forced tax is a manipulation of that practice for their enrichment. Some interviewees also referred to the forced tax as “jangali”, which historically was a cattle tax.

<sup>141</sup> ICG, *Murder in Tillabery* (previously cited), p. 4.

<sup>142</sup> Interview, 2 May 2021.

<sup>143</sup> Interview, 30 April 2021.

<sup>144</sup> Interview with two IDPs (conducted separately), 30 April 2021; interview with two IDPs (conducted separately), 1 May 2021; interview, 2 May 2021.

<sup>145</sup> Interview, 1 May 2021; interview, 6 May 2021. According to some people interviewed by Amnesty, those without livestock or with small herds have not been forced to give money.

<sup>146</sup> Interview, 30 April 2021.

<sup>147</sup> Interview with two IDPs (conducted separately), 30 April 2021; group interview with two IDPs, 2 May 2021; interview, 1 May 2021.

can we do? They have guns.”<sup>148</sup> A 17-year-old boy from Tchoma Bangou stressed, “There’s nothing we could do but give [the tax to them].”<sup>149</sup>

The consequences for failing to pay the “tax” have proven fatal in some cases. In November 2019, ISGS allegedly executed the chief of Tchoma Bangou for refusing to pay the “zakat”.<sup>150</sup> In other cases, interviewees described likely ISGS fighters seizing livestock of people who failed to pay.<sup>151</sup>

In addition to forced taxation, two interviewees described incidents of fighters stealing money. A 28-year-old woman from Inzouett told Amnesty International about her father being robbed during an attack: “They took all the money from my father... They left only 300CFA (US\$0.56)... When they took his money, almost 60,000CFA (US\$111), he was saying, ‘You have my money, you took my money.’ They replied, ‘We came to kill you, and you are talking about money.’”<sup>152</sup> A 42-year-old man from Ngaba said attackers stole from his shop during an incident in which a village chief and another man were murdered, and many other men and boys beaten: “It would have been around 600,000 CFA (US\$1,113). They took the cash – all the cash I had [from my shop]. And they burned my goods in the shop.”<sup>153</sup>



*Libita sits in front of her shelter in a displacement camp, where she lives with her children and grandchildren after an armed group attack forced the family to flee, Tillabéri region, Niger, 31 July 2021. “They burned down our granaries and took away our cattle,” she told Amnesty International. “They left us nothing. We have lived the worst moments of our lives, because we weren’t able to eat or drink.” © Mamoudou L. Kane / Amnesty International.*

## 2.4.2 BURNING OF GRANARIES AND THEFT OF LIVESTOCK

Since 2020, ISGS has become increasingly violent against civilians. They have often burned granaries, eliminating people’s food reserves for the year, and stolen livestock, rather than “taxing” as in the past. These tactics are not new to the Central Sahel, even if previously less common in Tillabéri. For example, armed groups attacking civilians in Mali’s Mopti region have also burned granaries, looted food and livestock, and prohibited farmers from planting their fields.<sup>154</sup>

<sup>148</sup> Interview, 1 May 2021.

<sup>149</sup> Interview, 30 April 2021.

<sup>150</sup> ICG, *Murder in Tillabery* (previously cited), p. 4.

<sup>151</sup> Interview, 29 April 2021; interview, 1 May 2021; interview, 6 May 2021.

<sup>152</sup> Interview, 2 May 2021.

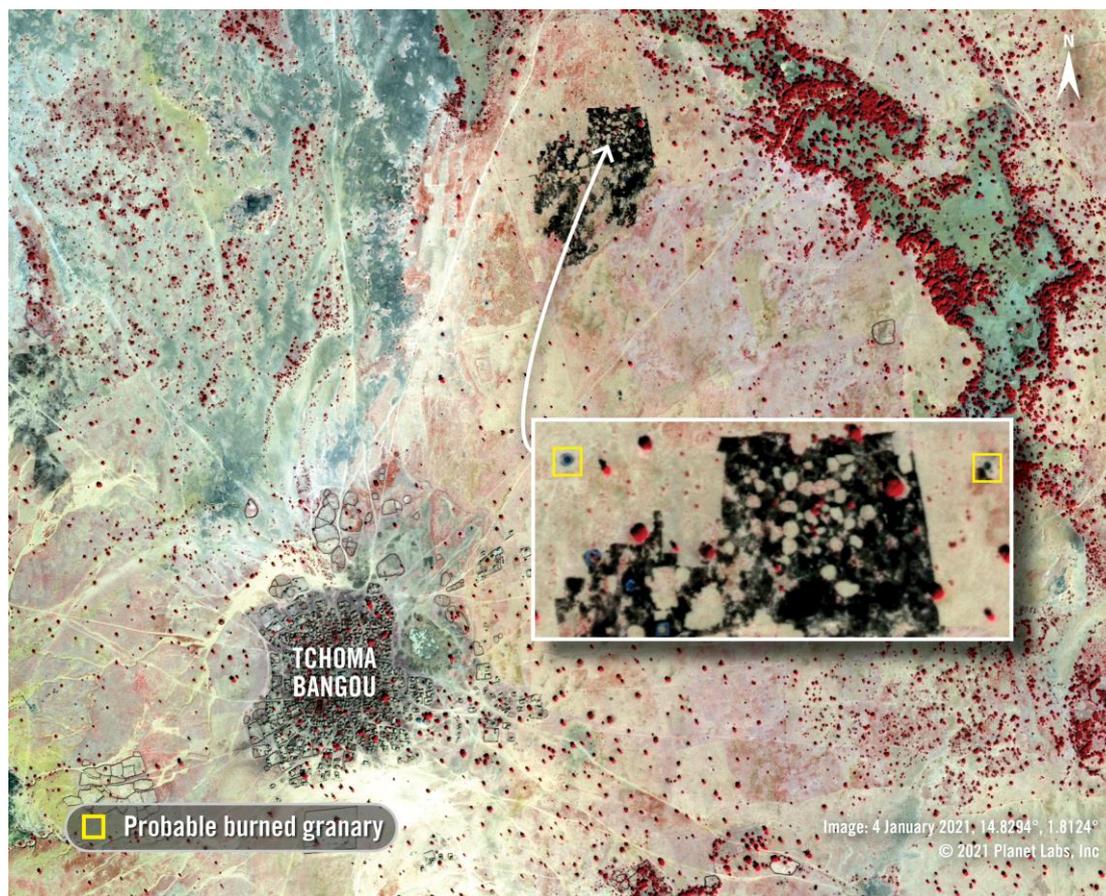
<sup>153</sup> Interview, 2 May 2021.

<sup>154</sup> Human Rights Watch, “How Much More Blood Must Be Spilled?” *Atrocities Against Civilians in Central Mali, 2019*, February 2020, pp. 2, 49, 54.

Amnesty International documented the burning of granaries in five villages in Ouallam, Banibangou, and Tillabéri departments; protection reports and interviews with civil society actors indicate it is a far more widespread phenomenon, and one that is relatively recent and steadily worsening.<sup>155</sup> A 17-year-old boy from Tchoma Bangou described the massacre in his village on 2 January 2021 where, in addition to killing over 100 people, ISGS burned granaries:

**They targeted the granaries. Even my family’s granary was burned... [The granaries] are made with straw... They’re around the edges of the village... Normally, each family has their own [granary]... We couldn’t stay around long enough to look closely, but I saw [the flames].<sup>156</sup>**

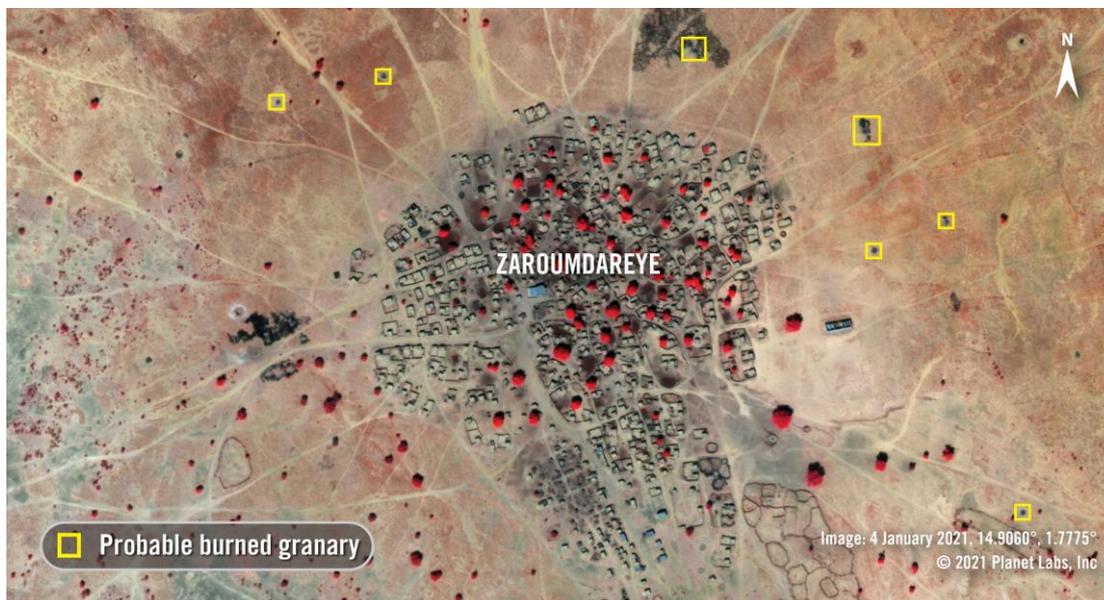
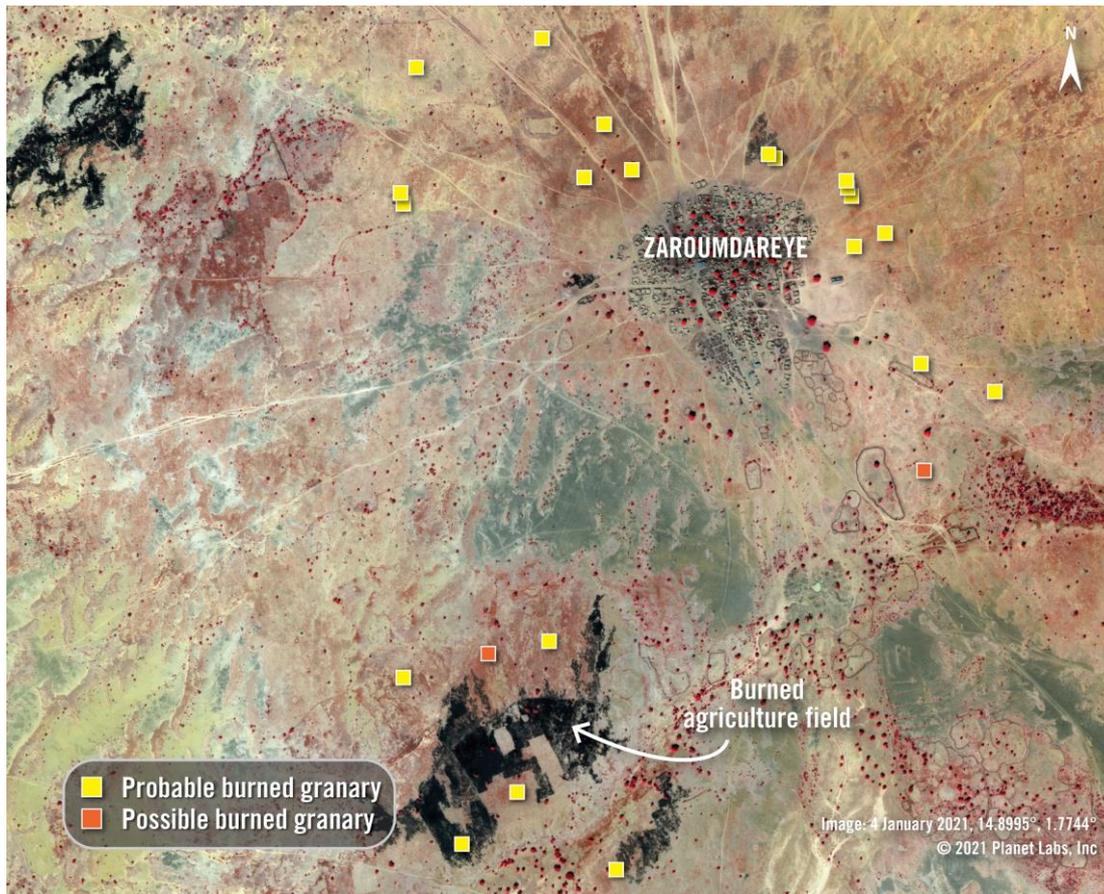
An analysis of satellite imagery by Amnesty International shows the burning of isolated structures, most likely granaries, in early January 2021 in farming areas near Tchoma Bangou as well as near neighbouring Zaroundareye, where ISGS fighters also killed civilians on 2 January 2021. The gaps between burned areas suggest the granaries were targeted.



Imagery from 4 January 2021 shows the Tchoma Bangou area using the near infrared band, which highlights healthy vegetation in red tones and recently burned areas in brown, black tones. A field 1.5km northeast of the village appears recently burned. Two probable granaries adjacent to the field also appear burned. The gaps between burned areas suggests the granaries were specifically targeted.

<sup>155</sup> Protection reports, on file with Amnesty International; UNHCR and others, *Rapport mensuel de monitoring de protection: Tahoua – Tillabéri, Mars 2021* (previously cited), p. 1; UNHCR and others, *Rapport mensuel d’analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Janvier 2021* (previously cited), pp. 10-11; and interviews, April and May 2021.

<sup>156</sup> Interview, 30 April 2021. The burning of the granaries was corroborated by two other interviews, 30 April 2021.



Imagery from 4 January 2021 shows an overview of the Zaroumdareye area (top) using the near infrared band, which highlights healthy vegetation in red tones and recently burned areas in brown, black tones. A large field 1.3km southwest of the village appears recently burned. Throughout the area, 21 probable and 2 possible granaries appear burned. A closer look at Zaroumdareye (bottom) shows the burned granaries around the village.

A 55-year-old man from Mogodyougou likewise recounted the burning of granaries there on 14 December 2020, during an ISGS attack that killed at least eight people:

**They burned 103 granaries in Mogodyougou. [I know] because they were counted by the authorities... The granaries were full [when burned]. The harvest is in October, so everyone had harvested and stored the food in the granaries. There was millet, sorghum, green beans. They were full, full. Now it's gone.**<sup>157</sup>

Amnesty International also documented the pillage of livestock in seven villages in Ouallam and Tillabéri departments. A 48-year-old man from Zibane said attackers, most likely from ISGS, stole the village's remaining livestock during the 24 March 2021 attack: "They were there in the village until 7 p.m. It was that day they took all the rest of the animals. The herdsman gave them all our animals. They threatened him."<sup>158</sup>

In this and other cases, likely ISGS fighters pillaged hundreds of livestock without any intervention from authorities. A January 2021 protection assessment estimated that more than 1,000 heads of livestock had been stolen during repeated attacks in Anzourou commune, where Zibane is located.<sup>159</sup> By stealing livestock, and, at times, looting stores, ISGS has committed the war crime of pillage.<sup>160</sup>

## 2.4.3 THE IMPACT OF ATTACKS ON FOOD SECURITY AND LIVELIHOODS

The attacks on food reserves have a devastating effect on villagers near the Mali border.

People interviewed by Amnesty International who had lost their granaries described not having enough to eat. A 15-year-old girl from Ngaba, where likely ISGS fighters burned granaries, explained that her family now prepared only one meal per day, at lunch time.<sup>161</sup> Similarly, a woman from Zibane with seven children said, in describing how fighters burned her family's granaries during an attack: "We have some foodstuffs that are stored... Everything was burned... I have nothing left, except myself."<sup>162</sup> She and her children were displaced and living with a host family; she said they have no livelihood opportunities and struggle to access adequate food: "When I get something, I have something I can put in the pot and cook for the children. My husband used to send money from time to time, but it's so scarce, it's not enough. At times we sleep [with] empty bell[ies]."<sup>163</sup>

Many people displaced in northern Tillabéri sites similarly described arriving with almost nothing except the clothes on their backs. A few days after reaching a host family, a woman with five children who fled from Gaigourou, in Tillabéri department, described the disorientation and fear she felt:

**We are scattered: not there, not here... We left everything – food, community. God should help us have peace back. We don't know where to go. [There is] no money to pay for fare. Children are with us, but [we have] no money to care for them even when they are feeling hungry; there is no money for food.**<sup>164</sup>

The food shortage facing many conflict-affected communities is likely to be prolonged given the burning of food stocks from last year and the inability of many displaced people to prepare their land for the next harvest. A 48-year-old farmer from Zibane explained, in early May 2021:

**We are farmers and raise livestock. The most important time of the year is the rainy season, [from June to August]. If I was home now in the village, I would already be preparing. It's the start of the sowing period. We don't want to be unable to plant this year. That is our food [for the year].**

**[If we can't plant], the impact is going to be enormous. The food base of the country is the grains and vegetables we grow in the villages. It will not only affect us, it will affect people in the cities, civil servants here [in Tillabéri]. They have fields in the village areas too. There will be no animals to sell, no land to cultivate.**<sup>165</sup>

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<sup>157</sup> Interview, 30 April 2021.

<sup>158</sup> Interview, 1 May 2021. Another person from Zibane said, "All of the animals they found in the village, they took that day. The only animals that were left [after the attack] were the animals that were outside [the village]." Interview, 1 May 2021.

<sup>159</sup> UNHCR and others, *Rapport mensuel d'analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Janvier 2021* (previously cited), p. 7.

<sup>160</sup> Rome Statute, Article 8(2)(e)(v). See Protocol II, Articles 4(2)(g); ICRC, Customary International Humanitarian Law, Rules 52.

<sup>161</sup> Interview, 2 May 2021.

<sup>162</sup> Interview, 1 May 2021.

<sup>163</sup> Interview, 1 May 2021.

<sup>164</sup> Interview, 29 April 2021.

<sup>165</sup> Interview, 1 May 2021.

Projections by humanitarian actors for February to September 2021 indicate that the areas in Tillabéri and Tahoua regions along the Mali border will face “crisis” level food insecurity,<sup>166</sup> defined as people either experiencing food consumption gaps or meeting minimum food requirements through the depletion of essential livelihood assets or crisis coping strategies.<sup>167</sup> Lack of access to adequate food may increase rates of malnutrition and stuntedness in children in the region.

The knock-on effects of the shortages are potentially significant given that the Tillabéri region is one of the country’s main agricultural producers, providing 75% of the country’s rice and 18% of its sorghum, millet, and horticulture.<sup>168</sup> It is also the greatest producer of fish in the country and is responsible for raising over one-fifth of the country’s cattle and donkeys as well as many of its goats.<sup>169</sup> Humanitarians predict 2.3 million people are likely to be food insecure during the year’s lean season due to insecurity, drought, and floods.<sup>170</sup>

By burning granaries, ISGS has violated the international humanitarian law prohibition on attacking civilian objects and especially objects “indispensable to the survival of the civilian population”.<sup>171</sup>



*An 8-year-old girl lies in a hospital bed in Tillabéri city hospital, receiving treatment for acute malnutrition, Tillabéri, Niger, 29 November 2018. The conflict has provoked a humanitarian crisis in a region where malnutrition and malaria were already a concern. Many rural health facilities have been closed, forcing families to travel to hospitals and clinics often far from their village. © Francesco Bellina*

<sup>166</sup> Famine Early Warnings Systems Network, *Niger Food Security Outlook February to September 2021*, pp. 1-6, on file with Amnesty International.

<sup>167</sup> Famine Early Warnings Systems Network, “Integrated Phase Classification”, [bit.ly/3AMn1wQ](https://bit.ly/3AMn1wQ)

<sup>168</sup> Open Society Initiative for West Africa, “Poverty Amidst Abundance: Niger & its Natural Resources”, [bit.ly/3yD95n1](https://bit.ly/3yD95n1)

<sup>169</sup> Open Society Initiative for West Africa, “Poverty Amidst Abundance” (previously cited).

<sup>170</sup> OCHA, “Daily Noon Briefing Highlights”, 18 May 2021, <https://bit.ly/37fkLkm>

<sup>171</sup> Protocol II, Article 14; ICRC, Customary International Humanitarian Law, Rules 7, 9 and 52.

## 2.5 FORCED DISPLACEMENT

ISGS has forced many people into displacement by destroying their food reserves and demanding, under threat of death, that communities leave their villages. These crimes amount to the war crime of forcibly displacing a civilian population absent imperative military reasons or for the population's security.<sup>172</sup> They may, if part of a widespread or systematic attack by ISGS, also amount to the crime against humanity of forcible transfer.<sup>173</sup>

By burning granaries and looting livestock, ISGS forced people to leave their homes in search of food. Amnesty International interviewed several people from Takoumbat, in Ouallam department, who described likely ISGS fighters destroying about 30 to 50 granaries and stealing their livestock during an attack in February or March of 2021.<sup>174</sup> One boy explained how the lack of food forced them to flee: "What remained [from the granaries] was shared between the victims. But since there wasn't enough, we had to leave to have enough to survive."<sup>175</sup>

Amnesty International also documented several cases of likely ISGS fighters telling people they should leave their village, or risk being killed. A 32-year-old man from Tiloa, in Ouallam department, explained how in January 2020, following the military's withdrawal from a nearby base, likely ISGS members ordered people to leave the village.<sup>176</sup> That same month in Ngaba, in Banibangou department, a 42-year-old man described how, during an attack where likely ISGS fighters killed the chief and another man, the villagers were told to abandon their homes, forcing him to flee to an IDP camp in Ouallam town.<sup>177</sup> A 15-year-old girl from the same town explained, "They came in the afternoon up to *Maghrib* and they beat and killed [people] and the remaining [villagers], they told them to leave the village. They did not want to see anyone in [our] place."<sup>178</sup>

In displacement, many people lack access to sufficient food, as described above. In several areas visited by Amnesty International, displaced people lacked access to land where they could farm, leaving many almost completely reliant on food aid. A 45-year-old man displaced to Ouallam town complained, "Here, it is not possible to plough. We just sit, [with] no occupations and activities. We live and depend on aid which is not enough or of good quality."<sup>179</sup> Another man, 42, said of the attacks and displacement, "They have affected us because before, my children ate what they wanted. We had what we needed [in the village]. But now, we're forced to wait until the NGOs help us."<sup>180</sup>

Given the dire situation and lack of livelihood opportunities in some displacement areas, some families – and in particular, some men – remain behind in villages or return soon after deadly attacks, despite the risk of further killings.<sup>181</sup>

## 2.6 PSYCHOSOCIAL IMPACT ON CHILDREN

The incessant incursions by likely ISGS fighters to extract "taxes", to threaten, intimidate, and kill villagers, as well as to loot and destroy property has had a profound impact on children's mental health and wellbeing.<sup>182</sup> In interviews with children and parents displaced after attacks, Amnesty International documented symptoms of distress among children including nightmares, disturbed sleep patterns, fear and anxiety, and loss of appetite. Local humanitarian officials involved in child protection or health response noted similar indications of trauma and distress.<sup>183</sup>

L.H. and S.T., 11- and 13-year-old boys, respectively, who were interviewed together soon after being displaced, described some of the mental health impact of living in a village where likely ISGS fighters had targeted and killed civilians:

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<sup>172</sup> Rome Statute, Article 8(2)(e)(viii).

<sup>173</sup> Rome Statute, Article 7(1)(d). The civilians who were forced to flee were lawfully present in their villages, and ISGS did not have grounds under international law to expel them to another location.

<sup>174</sup> Interviews with three IDPs from Takoumbat (conducted separately), 2 May 2021.

<sup>175</sup> Group interview with two children from Takoumbat, 2 May 2021.

<sup>176</sup> Interview, 2 May 2021.

<sup>177</sup> Interview, 2 May 2021.

<sup>178</sup> Interview, 2 May 2021.

<sup>179</sup> Interview, 30 April 2021.

<sup>180</sup> Interview, 2 May 2021.

<sup>181</sup> Interview, 29 April 2021.

<sup>182</sup> A protection assessment for the Tillabéri and Tahoua regions found children regularly showed signs of psychosocial impact due to the attacks. See UNHCR and others, *Rapport mensuel de monitoring de protection: Tahoua – Tillabéri, Avril 2021*, [bit.ly/3r11RH8](https://bit.ly/3r11RH8), p. 4.

<sup>183</sup> Protection Assessment, on file with Amnesty International.

**L.H.: We are afraid. Some children were so afraid they fell sick. Others have lost their minds.**

**S.T.: I have nightmares. I had a dream that the [attackers] killed all the children in the village, then I woke up.**

**L.H.: I've never had a dream like that. But I'm afraid. I fell sick from the shock, [after the attack]. I had a fever.**

**S.T.: Everyone is afraid. There's a general psychosis. People in the village were sleeping on their roofs [so they could flee quickly]. Yes, I did this myself.<sup>184</sup>**

Other children also described difficulties sleeping. A 14-year-old boy from Mogodyougou recounted, "At night, sometimes it's been difficult. In the days after we saw those bodies, I had nightmares."<sup>185</sup> A 15-year-old boy, also from Mogodyougou, said, "My mother has told me I've been disturbed in my sleep since the attack. I don't even know. But she tells me that I make noise, that I'm not sleeping well."<sup>186</sup>

The sound of motorbikes is a trigger for many children. Because the government has prohibited the use of motorbikes in the region, children often associate their sound with armed groups. A young woman explained, about her 8-year-old son who had been in a village attacked about five weeks prior:

**Anytime there are engine noises, they may be afraid... One of my sons [was] going to Islamic school. When those motorbikes came, [the attackers] chased them [from the school]. They were running in front of the motorbike people...**

**At times when we are sleeping, he will just come and stick to me, saying, "The motorbikes are coming." ... He got a big fear because the motorbikes were chasing them.<sup>187</sup>**

Other reported signs of trauma and distress included loss of appetite. A man with six children, whose village was attacked in March 2021, told Amnesty International, "After the last attack, my children wouldn't eat. They wouldn't even drink water for a while."<sup>188</sup>

Some children have also displayed fear and anxiety. A woman with five children said:

**They are disturbed. They wake up and shout, "Let us go!"**

**In the nearby village, if they hear a mechanical noise, they think [the fighters] are coming again. When they see someone they don't know, they run... When they hear the noise of weapons, they hide under the bed. Even when he hears a plane passing, my child [around age four or five] hides under the bed.<sup>189</sup>**

Few of the children interviewed were receiving psychosocial support to address the trauma they experienced. In two displacement sites visited by Amnesty International, humanitarian agencies had set up or were planning to establish "child-friendly spaces" – protected areas where children can participate in activities, socialize, learn, and play – which can help to address some of these issues and improve children's psychosocial wellbeing.<sup>190</sup> This type of support however is only available to a small fraction of the affected population as many children reside with host families or in informal displacement settings with no access to this type of programming, or live in conflict-affected areas where the humanitarian presence is limited.

To provide more intensive counselling to children who have experienced trauma, stakeholders could look to models created by civil society actors in the Tillabéri region to provide a holistic response, including psychosocial care, for women survivors of sexual or gender-based violence.<sup>191</sup>

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<sup>184</sup> Group interview with two children, 1 May 2021.

<sup>185</sup> Group interview with two children from Mogodyougou, 2 May 2021.

<sup>186</sup> Group interview with two children from Mogodyougou, 2 May 2021.

<sup>187</sup> Interview, 1 May 2021.

<sup>188</sup> Interview, 1 May 2021.

<sup>189</sup> Interview, 29 April 2021.

<sup>190</sup> See Save the Children, *Child Friendly Spaces in Emergencies: A Handbook for Save the Children Staff*, pp. 1, 6-8.

<sup>191</sup> Quality mental health and psychosocial support is often woefully lacking and underfunded in emergency and development settings. See Amnesty International, "They Are Forgetting About Us": *The long-term mental health impact of war and Ebola in Sierra Leone* (Index: AFR 51/4095/2021), 25 May 2021; and Amnesty International, *Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS* (Index: MDE 14/2759/2020), 30 July 2020.

## REPRISAL ATTACKS AGAINST ETHNIC FULANI COMMUNITIES

By exploiting intercommunal tensions, local grievances, and anger at state authorities across the region, ISGS has lured recruits from some Fulani communities on the promise of social change and protection.<sup>192</sup> While ISGS recruits across ethnic and community lines, many believe ISGS is dominated by Fulani fighters and most known commanders are Fulani.<sup>193</sup>

There is a growing and dangerous conflation of ISGS and the Fulani<sup>194</sup> – a concern summed up by one Fulani interviewee who explained, “The Fulani are equated with the jihadists; when the jihadists collect taxes, there is retaliation against the Fulani.”<sup>195</sup> These misconceptions have spurred reprisals against Fulani civilians, and at times entire Fulani communities. Analysts warn that recent attacks by ISGS targeting predominantly ethnic Zarma may exacerbate tensions between the Zarma and the Fulani, who have historically competed for access to land and resources.<sup>196</sup> Following the attack on Tchoma Bangou and Zaroumdareye on 2 January 2021, killing over 100 people, an anonymous message shared among ethnic Zarma blamed the Fulani for the attack and vowed revenge.<sup>197</sup>

Amnesty International documented two reprisal attacks against Fulani communities during this research.

On 25 April 2021, a group of seven armed Zarma men targeted a Fulani hamlet, Danga, in Ouallam department, during *Maghrib* prayers; the attackers avoided the ethnic Zarma hamlet in the same village.<sup>198</sup> A survivor of the attack said an armed group had recently forced Zarma communities in the area to pay “zakat”.<sup>199</sup> She described the reprisal attack that followed:

**“When they came, they approached the house and shot at us. They shot Issa Sidikou. They shot him first and while he was still alive, they slit his throat in front of us. They also killed [two] of his sons... All these people were killed in front of us...**

**During the attack, I was hit with a machete... They were armed with firearms and machetes. After the attack, they took all the livestock, but since they could not control the cows, they left with the small ruminants... I received two stab wounds to the shoulder. [My daughter, age 13] was severely beaten and [my son], a three-year-old, was hit on the head. I woke up from the attack after my daughter poured water over my body.”<sup>200</sup>**

The survivor recognized and named one of the attackers, an ethnic Zarma from a neighbouring village.<sup>201</sup>

The other attack took place on 19 May 2018. According to a witness interviewed by Amnesty International, a Mali-based self-defence group carried out a reprisal attack on the village of Agay-Peuhi in Niger, during which 17 Fulani were killed, including at least one child, following an attack by Fulani and Arab militias on a village along the Niger-Mali border.<sup>202</sup> The village of Agay is divided into Fulani, Zarma, and Tuareg hamlets. Prior inter-ethnic tensions primarily centred on issues related to cattle rustling.

Several civil society activists and community leaders interviewed by Amnesty International expressed concern about the lack of attention to the cycle of reprisals affecting herders and the Fulani community.<sup>203</sup>

<sup>192</sup> ICG, *Niger Clash Kills U.S. and Nigerian Troops* (previously cited); Mathieu Pellerin, *Armed Violence in the Sahara* (previously cited), p. 35; Modibo Ghaly Cissé, “Understanding Fulani Perspectives on the Sahel Crisis” (previously cited).

<sup>193</sup> ICG, *Murder in Tillabery* (previously cited), p. 8. Witnesses to attacks interviewed by Amnesty International also described hearing a mixture of languages spoken among fighters and, in certain areas, identified individual ISGS commanders and fighters from different ethnic communities. Still, most people interviewed, especially from traditional farming communities, felt that ISGS fighters were disproportionately ethnic Fulani and blamed the Fulani for the armed group’s rise. Interviews, April and May 2021.

<sup>194</sup> See Mathieu Pellerin, *Armed Violence in the Sahara* (previously cited), pp. 35-42.

<sup>195</sup> Interview, 6 May 2021.

<sup>196</sup> See ICG, *Murder in Tillabery* (previously cited).

<sup>197</sup> ICG, *Murder in Tillabery* (previously cited), p. 7.

<sup>198</sup> Group interview with two IDPs from Danga, 5 May 2021.

<sup>199</sup> Group interview with two IDPs from Danga, 5 May 2021.

<sup>200</sup> Group interview with two IDPs from Danga, 5 May 2021.

<sup>201</sup> Group interview with two IDPs from Danga, 5 May 2021.

<sup>202</sup> Interview, 6 May 2021. See Afrinik, “Attack against Fulani in Niger: ‘innocent victims are massacred’”, 20 May 2018, [bit.ly/2Vfh23q](https://bit.ly/2Vfh23q)

<sup>203</sup> Interviews, April and May 2021.



*Women displaced by the conflict in the Tillabéri region of Niger return from working in small gardens near the IDP camp where they live, as they support their families' livelihoods after often losing livestock, food reserves, and other valuables during armed group attacks, 1 August 2021. © Mamoudou L. Kane / Amnesty International*



*Two women sit in a displacement camp after an armed group attack several weeks earlier forced them to flee their village near the Niger-Mali border, Tillabéri region, Niger, 1 August 2021. The conflict has displaced tens of thousands of people across Tillabéri region, and almost two million people combined across Mali, Burkina Faso, and Niger. © Mamoudou L. Kane / Amnesty International*

# 3. THE IMPACT OF THE CONFLICT ON CHILDREN LIVING NEAR THE BURKINA FASO BORDER

**“The situation is changing. It’s getting worse... Before, we’d heard about it – that there had been an abduction or recruitment in another village. But now it’s really reached us.”**

A 55-year-old resident of Torodi department near the Burkina Faso border, and father of 14 children.<sup>204</sup>

**“Parents are powerless in the face of the recruitment of these children by the [armed groups].”**

A 38-year-old farmer and father of five children from a village near the Burkina Faso border where JNIM had recently undertaken recruitment.<sup>205</sup>

JNIM, the dominant armed group in Torodi department, bordering Burkina Faso, lives near and passes regularly through villages, intimidating and controlling the local population and trying to recruit youth as fighters.

Like ISGS, JNIM forcibly taxes villagers at least once per year, jeopardizing the livelihoods of many who are already facing food shortages. People from Torodi department interviewed by Amnesty International described JNIM seizing one cow for every 30 cows owned or the cash equivalent, ranging from 100,000CFA (US\$184.60) to 150,000CFA (US\$276.90).<sup>206</sup> For sheep and goats, JNIM members reportedly take one for

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<sup>204</sup> Interview, 3 May 2021.

<sup>205</sup> Interview, 3 May 2021.

<sup>206</sup> Interview with three residents of Torodi department (conducted separately), 3 May 2021.

every 30 to 40 animals owned.<sup>207</sup> In at least one village, they also “taxed” people’s stores of millet, collecting one bundle for every 10 bundles harvested.<sup>208</sup> Villagers who refused to pay risked losing their livestock or other property.<sup>209</sup>

In addition, JNIM has begun to recruit and use youth from the local population, including older boys. They have imposed restrictions on the freedom and movement of women and girls, often impeding their ability to contribute to the family’s livelihood. Like ISGS, JNIM has also targeted schools and teachers, destroying buildings and banning the enrolment of children in what they believe is secular or “Western” education.

Men and women from Torodi department, as well as civil society operating there, described the grim reality facing communities, including children, in an area where JNIM is slowly taking control. One 38-year-old man with five children remarked, “I am very pessimistic. Because now all the regions belong to the jihadists... The military used to be there, but now they have chased them. They are chasing out everybody that doesn’t support them... I don’t see how the government can take them out from there.”<sup>210</sup>

### **JAMA’AT NUSRAT AL-ISLAM WAL-MUSLIMIN’S CRIMES UNDER INTERNATIONAL LAW**

JNIM has committed war crimes in Niger targeting or otherwise affecting children. War crimes are serious violations of international humanitarian law, committed in the context of an armed conflict.

According to Amnesty International’s documentation, JNIM is responsible for war crimes of intentionally directing attacks against buildings dedicated to education.<sup>211</sup>

The armed group may also be responsible, and should be investigated, for:

- abduction of young women and girls, as the war crime of taking of hostages;
- forced marriage and possible related crimes, as war crimes of violence to life and person (torture or cruel treatment), and/or outrage upon person dignity (humiliating or degrading treatment), and/or rape, sexual slavery or other forms of sexual violence;
- other infringements on women’s liberties, as the war crime of outrage upon personal dignity (humiliating or degrading treatment); and
- conscription, enlistment, and use of children under 15 years old, as war crimes.<sup>212</sup>

## **3.1 RECRUITMENT AND USE OF CHILDREN**

JNIM members operating in Torodi department have intensified their recruitment efforts from early 2021. According to one local group active in Torodi department and that monitors the dynamics closely, military operations in Burkina Faso’s eastern region in 2020 had repercussions on the Nigerien side of the border, presumably driving armed groups into Niger and leading to increased recruitment in areas like Torodi.<sup>213</sup>

In February 2021, a humanitarian protection assessment found more than 80 children had been recruited in the communes of Torodi and Makalondi in Torodi department and in the commune of Djagourou in Téra department.<sup>214</sup> Amnesty International documented instances of recruitment in Gabikane, Kodieri, Tangounga, and Torsi villages in Torodi department.

Children in Torodi are particularly at risk of recruitment because of school closures, limited economic prospects, food shortages, and an absence of local authorities. As a 55-year-old man with 14 children explained, “The men and older boys have fled. So, the village hasn’t been able to cultivate [like in normal

<sup>207</sup> Interview with two residents of Torodi department (conducted separately), 3 May 2021.

<sup>208</sup> Interview with two residents of Torodi department (conducted separately), 3 May 2021.

<sup>209</sup> Interview, 3 May 2021.

<sup>210</sup> Interview, 3 May 2021.

<sup>211</sup> Rome Statute, Article 8(2)(e)(iv).

<sup>212</sup> Rome Statute, Articles 8(2)(c)(i)-(iii), 8(2)(e)(vi), and 8(2)(e)(vii).

<sup>213</sup> Interview, 27 April 2021.

<sup>214</sup> UNHCR and others, *Rapport mensuel d’analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger) Février 2021* (previously cited), p. 9.

times], and there's not enough to eat. When the armed group comes with food and gives food, [they can recruit youth]."<sup>215</sup>

People from villages in Torodi department where or near where recruitment had occurred, as well as civil society activists working in the area, gave varying descriptions to Amnesty International of the age at which people are targeted for recruitment. Some accounts suggested JNIM is recruiting young men as well as older boys between the ages of 15 and 17.<sup>216</sup> Another person claimed recruitment started from as young as 14.<sup>217</sup> A humanitarian protection assessment found armed groups had recruited children between the ages of 12 and 16 in Torodi department.<sup>218</sup> However, other people from villages in that area said recruitment focused on adults, perhaps occasionally including 17-year-olds.<sup>219</sup>

Men and women from villages in Torodi department near the border described JNIM members preaching to villagers about ideology and promising rewards to new recruits. Several people said JNIM members at times leave their contacts for potential recruits if they wanted to speak further or to join them.<sup>220</sup>

JNIM members reportedly use incentives like food, money, and clothes to attract recruits. A man from one village near Burkina Faso described a recruitment effort during the period of Ramadan 2021, though was unsure if children were targeted:

**They are trying to attract the youth to come with them. And they are training them... They enrolled about 60 [in my area]... They gave them some money, at times it might be 5,000CFA (US\$9.28), 10,000CFA (US\$18.56), and when these boys go back to the village, they will show the other boys, "Look I've got money from those people, come, come let's go."**

**They have been getting people through money... I am worried because there are some neighbours whose children, [around 17 or 18 years old], are involved... [The fighters] are buying everybody... When you go with them, they take care of all your expenses: your house expenses, your food, your clothes, your family's food and clothes... If you don't have a motorbike, they may buy one for you.**<sup>221</sup>

A 55-year-old man from another village near the Burkina Faso border explained how, at first, likely JNIM members used food to encourage children in his village to join:

**They go out [from their bases] to preach in each community. [They try to recruit] the children who take the animals to graze. Before, they'd give food to the children taking animals to graze. That's how they started. Before, when [fighters] came to the village, people fled. Now, if people flee, they stop them and say, "Don't be afraid." And they give food and other support [to try to recruit people]. This started before Ramadan last year, [as early as April 2020].**<sup>222</sup>

Another man, 50, told Amnesty International that in his village fighters sometimes "come and slaughter animals and have a feast" for younger men and older boys, and also give them the choice of money or livestock to encourage their enrolment.<sup>223</sup>

In some cases, it appears people who have joined JNIM recruit their younger family members to also join.<sup>224</sup> In particular, a person from one border village said JNIM members collaborated with their younger siblings, many below the age of 18, who remained in the village.<sup>225</sup>

Some civil society and human rights organizations said armed groups in Torodi department forcibly recruited youth by, for example, abductions or threatening families to enrol one or more of their children.<sup>226</sup> Amnesty International did not independently verify such tactics.

Once younger men or older boys join JNIM, they reportedly receive weapons training near the village, or train in camps outside the village for periods ranging from one week to three months.<sup>227</sup> A 50-year-old man who

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<sup>215</sup> Interview, 3 May 2021.

<sup>216</sup> Interview, 27 April 2021; interview, 3 May 2021.

<sup>217</sup> Interview, 3 May 2021.

<sup>218</sup> UNHCR and others, *Rapport mensuel d'analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger) Décembre 2020*, bit.ly/3jhw4PT, p. 9.

<sup>219</sup> Interviews with two residents of Torodi department (conducted separately), May 2021.

<sup>220</sup> Interview, 3 May 2021.

<sup>221</sup> Interview, 3 May 2021.

<sup>222</sup> Interview, 3 May 2021.

<sup>223</sup> Interview, 3 May 2021.

<sup>224</sup> Interview, 3 May 2021.

<sup>225</sup> Interview, 3 May 2021.

<sup>226</sup> Interview, 27 April 2021; interview, 3 May 2021.

<sup>227</sup> Interviews with five residents of Torodi department (conducted separately), 3 May 2021.

had witnessed the ad hoc training near his village thought it was another recruitment effort: “They try to train some people near the village, to make it so that the children will want to join. They give kids their guns, to do some training, and they feed them. We can hear the gunshots and people in the village will go and see [what’s happening].”<sup>228</sup>

In cases where recruits leave for more formal training, a 38-year-old man said that, in his village, fighters came and took new recruits to a base “for one week. Then they are released for one week and the next week they come back... [They’re trained on] how to shoot, how to use weapons.”<sup>229</sup> Another person interviewed said he knew people between 18 and 25 years old who had joined JNIM and been kept at a JNIM base for two to three months of training.<sup>230</sup> A local group, as well as several people from villages in Torodi department where recruitment had occurred, said the training sometimes took place in bases in Burkina Faso.<sup>231</sup>

Across the border in Burkina Faso, a recent attack suggests JNIM may use children in attacks against civilians, a worrying sign of what may follow in Niger. On 4 June 2021, over 130 people were killed in Solhan village in northeast Burkina Faso; children between the ages of 12 and 14 were reportedly among the attackers.<sup>232</sup> The government has since detained two suspected members of JNIM in relation to the attack.<sup>233</sup>

In addition to recruiting younger men and older boys, JNIM appears to use children as spies, scouts, and lookouts, among other functions defined as participation under international law.<sup>234</sup> According to a 55-year-old man from a border village, “When [the fighters] come in the village, there are lots of youth and [older] boys who go in the bush to act as their security. They sit on the paths to monitor FDS [Nigerien Defence and Security Forces] movements or for airplanes, and then they signal [the fighters].”<sup>235</sup>

Another man explained how younger family members of likely JNIM fighters provide intelligence:

**[The younger siblings] see who collaborates with the authorities, with the FDS, and inform [the armed group]. [The fighters] come in the night. That’s when they do the training. They take [older boys and younger men] out and talk to them about watching for the FDS... For now, the children and youth that stay [in the village and work with the armed group] don’t go beyond acting as lookouts and informants and sometimes running errands to get goods for [the fighters].**<sup>236</sup>

As a result, the man said people in the village are wary of some children – afraid to say anything that might be misinterpreted and reported to the armed group.<sup>237</sup>

The recruitment of children under 15 years old and their participation in hostilities are both war crimes.<sup>238</sup> While Amnesty International could not determine the exact age of children being conscripted, enlisted, or used to participate actively in hostilities by JNIM, some may have been under the age of 15.

In addition, under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which Niger has ratified, state parties are also required to “take all feasible measures to prevent” the recruitment and use in hostilities of children under 18 by armed groups.<sup>239</sup>

## 3.2 ABUSES AGAINST WOMEN AND GIRLS

Like in many other conflict contexts, sexual and gender-based violence in Niger’s Tillabéri region, which disproportionately affects women and girls, is hidden and underreported.<sup>240</sup> Men and women from villages in Torodi department near the Burkina Faso border, as well as civil society activists working in that area,

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<sup>228</sup> Interview, 3 May 2021.

<sup>229</sup> Interview, 3 May 2021.

<sup>230</sup> Interview, 3 May 2021.

<sup>231</sup> Interview, 27 April 2021; interviews, 3 May 2021.

<sup>232</sup> Associated Press, “Burkina Faso sees more child soldiers as jihadi attacks rise”, 1 August 2021, [bit.ly/2Y1hQdA](https://bit.ly/2Y1hQdA); Reuters, “Child Soldiers carried out Burkina Faso massacre, says government”, 25 June 2021, [reut.rs/3wnm1fm](https://reut.rs/3wnm1fm); France 24, “‘Children killing children’: Two detained over Burkina Faso village massacre”, 29 June 2021, [bit.ly/2WrI89q](https://bit.ly/2WrI89q)

<sup>233</sup> France 24, “Children killing children” (previously cited).

<sup>234</sup> Interviews with three residents of Torodi department (conducted separately), 3 May 2021. See Draft Statute of the International Criminal Court, Report of the Preparatory Committee on the Establishment of an International Criminal Court, Addendum, Part One, UN Doc. A/CONF.183/2/Add.1, 14 April 1998, p. 21; ICRC, Customary International Humanitarian Law, Rule 137.

<sup>235</sup> Interview, 3 May 2021.

<sup>236</sup> Interview, 3 May 2021.

<sup>237</sup> Interview, 3 May 2021.

<sup>238</sup> Rome Statute, Article 8(2)(e)(vii). See ICRC, Customary International Humanitarian Law, Rules 136 and 137.

<sup>239</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), entry into force 12 February 2002, Article 4. See ACRWC, Article 22.

<sup>240</sup> Interview, 28 April 2021.

described JNIM members restricting women's dress and movement; imposing marriage requirements on younger women and older girls; and, in at least a few instances, abducting and forcibly marrying younger women and older girls. Amnesty International did not document incidents of rape by fighters, although this is likely in situations of forced marriage.

### 3.2.1 RESTRICTIONS ON LIBERTY AND MOVEMENT

JNIM fighters in Torodi department have, under threat of violence, demanded women and girls dress "decently" by wearing long dresses and hijabs. They have sometimes also forced women and girls to remain indoors, denying them the right to earn a living and to socialize outside the house. Throughout that region, women and girls play an important role in the family's livelihood, often by growing crops, foraging for food, collecting water, and selling at a market. By violating women's rights and restricting their ability to farm or go to the market, JNIM has left families vulnerable to food shortages.

In areas where JNIM has an active presence, women and girls are required to wear the hijab from an early age – reportedly as young as age four or five.<sup>241</sup> Men are also told to grow beards and to cut their pants above the ankle.<sup>242</sup> A 37-year-old woman with eight children who lived on a mining site in Torodi department described her experience:

**Even now, no girl would go without the long dresses [and] the hijab on your head... Black long gown and black hijab... All the women, elders and youngsters, wear this [hijab]. Only my small girl does not wear it, but the older girls have to...**

**You are always in your room. And even when you are coming outside in your own [property], you make sure you wear the appropriate dress, the hijab and djellaba. Because you never know when they can come... Even if we're not comfortable with it, we are obliged, we have to comply. It is hot, the weather is hot, but you cannot remove it.**<sup>243</sup>

The punishment for not wearing the required attire is potentially severe. People living in villages in the border area said women and girls may at first receive warnings or threats but, thereafter, are sometimes beaten for their noncompliance.<sup>244</sup>

JNIM has also barred women and girls from livelihood activities outside the home. While people from different villages reported variations of prohibitions, in general, JNIM has preached that the primary role of girls and women is to prepare food and take care of the home.<sup>245</sup> In some areas women, and sometimes girls, have been banned from fetching water, going to the market, and collecting firewood.<sup>246</sup> Women and girls found outside risk being beaten by JNIM.<sup>247</sup> A 50-year-old man from the border area remarked, "If someone takes [the armed group's] words seriously, girls don't go outside from seven or eight years old."<sup>248</sup>

The prohibitions have far-reaching negative consequences, particularly on families' livelihoods and food supply. A woman from a village in Torodi department near the border told Amnesty International how, following the restrictions on farming and foraging for food, she and her eight children were left eating only one meal a day:

**They said women should not go and fetch firewood in the nearby bush... When you are living in the bush you need to find firewood; as a woman to cook and all this, you need that, but they will refuse... Because [the fighters] hide in the trees, so [we] shouldn't go and kill the trees... Or even those type of moringa... leaves,<sup>249</sup> we go out and fetch them [to eat], but they banned it...**

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<sup>241</sup> Interview, 3 May 2021.

<sup>242</sup> Interviews with three residents of Torodi department (conducted separately), 3 May 2021.

<sup>243</sup> Interview, 3 May 2021.

<sup>244</sup> Interviews with four residents of Torodi department (conducted separately), 3 May 2021. See UNHCR and others, *Rapport d'analyse mensuelle des données de monitoring de protection: Septembre 2020, Tillabéri-Tahoua (Niger)*, [bit.ly/3hU2Cxc](https://bit.ly/3hU2Cxc), p. 8, noting armed groups used physical violence against women and girls for not complying with their restrictions.

<sup>245</sup> Interviews with three residents of Torodi department (conducted separately), 3 May 2021. See UNHCR and others, *Rapport mensuel de monitoring de protection: Tahoua – Tillabéri, Avril 2021* (previously cited), p. 1, noting that armed groups have banned income-generating activities for women and girls.

<sup>246</sup> Interviews with three residents of Torodi department (conducted separately), 3 May 2021. In some villages, the ban on fetching water reportedly did not always apply to unmarried women.

<sup>247</sup> Interview, 3 May 2021.

<sup>248</sup> Interview, 3 May 2021.

<sup>249</sup> She said moringa tree leaves were an important supplemental food source for her family, particularly when her husband did not earn enough money.

**We used to farm... [but] since [the armed group came], it stopped... They don't allow women to farm... [Before I grew] millet, groundnut, okra, and maize... [After the ban], we only had one meal per day. There [was] nothing you [could] eat.<sup>250</sup>**

Committed in the context of the armed conflict, these violations of the rights of women and girls, notably the restrictions on dress and movement, may also amount to the war crime of outrages upon personal dignity consisting of humiliating or degrading treatment.<sup>251</sup>

### 3.2.2 FORCED AND EARLY MARRIAGE AND ABDUCTION

Four people from different villages near the border area each said fighters had forcibly married girls,<sup>252</sup> but Amnesty International was unable to independently verify the specific incidents, for example through interviews with family members or others who had directly witnessed what happened. The accounts from other people in these villages, together with corroborating information from some civil society activists and protection staff operating in the area, strongly suggests JNIM members have carried out some forced marriages, but further research is needed to determine the scale.

A 38-year-old farmer from a village close to the Burkina Faso border said, of fighters who had come to the village, "When they see a woman they like, they will marry her. They will say, 'Look, we want to marry her.' And if you don't like [it], they will threaten you – 'Next time we come, either we will do the marriage, or we will kill you or we will kill one of your parent[s].'"<sup>253</sup>

The youngest case of reported forced marriage was of a 13- or 14-year-old girl, according to a person from the village who knew the family:

**There was a fighter who wanted to marry her, and the family refused. [The fighter] said he would bring the armed group. The family did not agree, so he took her by force. This was around four months ago [early 2021]. I don't know [where she is now].<sup>254</sup>**

A humanitarian protection assessment from February 2021 states that suspected members of armed groups in Torodi department and other areas near the Burkina Faso border have provided parents of unmarried or divorced young women and older girls ultimatums to either marry or risk a fighter returning to marry them.<sup>255</sup> In general, JNIM bars romantic relationships between young men and women outside of marriage, pressuring women and older girls to marry.<sup>256</sup>

Amnesty International also received a handful of reports of fighters abducting young women and older girls, although it did not document enough cases to establish a pattern among JNIM in Niger. For example, a 50-year-old man from a village near the border named an unmarried girl, around 15 or 16 years old, from a neighbouring hamlet whom he said fighters abducted in early 2021; he had not heard any subsequent information about what happened to her.<sup>257</sup>

JNIM should be investigated with regards to these allegations. The group may have committed multiple war crimes: violence to life and person constituted of torture or cruel treatment<sup>258</sup>; through forced marriage, outrage upon personal dignity constituted of humiliating and degrading treatment<sup>259</sup>; rape, sexual slavery, or other forms of sexual violence,<sup>260</sup> which are highly likely in the case of forced marriages; and the taking of hostages,<sup>261</sup> through abductions of women and girls.

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<sup>250</sup> Interview, 3 May 2021.

<sup>251</sup> Rome Statute, Article 8(2)(c)(ii).

<sup>252</sup> Interviews with four residents of Torodi department (conducted separately), 3 May 2021.

<sup>253</sup> Interview, 3 May 2021.

<sup>254</sup> Interview, 3 May 2021.

<sup>255</sup> UNHCR and others, *Rapport mensuel d'analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Février 2021* (previously cited), p. 8.

<sup>256</sup> Interview, 3 May 2021.

<sup>257</sup> Interview, 3 May 2021.

<sup>258</sup> Rome Statute, Article 8(2)(c)(i).

<sup>259</sup> Rome Statute, Article 8(2)(c)(ii).

<sup>260</sup> Rome Statute, Article 8(2)(e)(vi).

<sup>261</sup> Rome Statute, Article 8(2)(c)(iii); ICRC, Customary International Humanitarian Law, Rule 96.

## 3.3 ATTACKS ON EDUCATION

Like ISGS along the Mali border, JNIM fighters have targeted schools they believe provide secular or “Western” education.<sup>262</sup> They have threatened teachers and school officials and burned schools in Torodi department, forcing school closures and leaving many children without access to education.<sup>263</sup>

A 47-year-old man with eight children said that soon after JNIM arrived in the area, the teachers in the village school left. He recalled a pattern common across the area:

**[JNIM] spoke with the community about the school. They said, “If we learn your children are going to school, watch out.” Before, I had two children who were in school... Once I heard that, [I stopped sending them]... And they burned all the school supplies – it was in February 2020.**<sup>264</sup>

A 47-year-old man with six children from another village near the border explained, “They don’t like anything that has to do with education, governmental education... They said they are against school. If people want, they can establish a Qur’anic school. They want everything Islamic, they don’t want anything coming from the Westerners.”<sup>265</sup>

Amnesty International received accounts of likely JNIM fighters burning schools in Daba, Torsi, Tangounga, Gabikane, Kodieri, and Djahel villages in Torodi department.<sup>266</sup> A man from one of those villages, who has five children, said that for several years there have been very few schools open in the area from Torodi town to the Burkina Faso border: “They burned all the schools. They are against schools. They burned everything, even the equipment, the seats, the benches; everything was burned.”<sup>267</sup>

As in villages near the Mali border, the presence of armed groups in areas of Torodi department has prompted many teachers to flee. A 37-year-old woman with eight children told Amnesty International that in the area where her children attended school, “The teachers fled, they ran away... In general, when [the fighters] find teachers, they kill them. So as soon as there is an alert, the teachers flee.”<sup>268</sup>

Displaced students in Torodi face even greater challenges accessing education than displaced children in other areas, because the presence of armed groups has restricted humanitarian programming.<sup>269</sup>

Under international humanitarian law, attacks against civilian objects such as schools are prohibited unless these objects are used for military purposes and therefore become military objectives.<sup>270</sup> They are presumed to maintain their civilian status,<sup>271</sup> and, in the case of Torodi department, there is no indication that soldiers were present at schools, or even in the village, during any of the documented incidents.<sup>272</sup>

Schools, universities, and other educational buildings are subject to heightened protections under international humanitarian law, requiring forces to act with special care, including by avoiding damage to these buildings during military operations.<sup>273</sup> Consequently, attacks against schools or other buildings dedicated to education can constitute war crimes.<sup>274</sup> Children’s right to education is also explicitly protected under both international humanitarian law and international human rights law.<sup>275</sup>

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<sup>262</sup> See Human Rights Watch, “*Their War Against Education*” (previously cited), p. 27.

<sup>263</sup> See page 22 for statistics on school closures across Tillabéri region, including JNIM areas. See also Niger Education Cluster, *Note de plaidoyer: Incendies des écoles dans la région de Tillabéri, Novembre 2019*, [bit.ly/2VxKphL](https://bit.ly/2VxKphL), p. 1 (describing the burning of schools near the Niger-Burkina Faso border, including Torodi department, by armed groups as well as the departure of teachers and closure of schools).

<sup>264</sup> Interview, 3 May 2021.

<sup>265</sup> Interview, 3 May 2021.

<sup>266</sup> Interview with six residents of Torodi department (conducted separately), 3 May 2021.

<sup>267</sup> Interview, 3 May 2021.

<sup>268</sup> Interview, 3 May 2021.

<sup>269</sup> UNHCR and others, *Rapport mensuel de monitoring de protection: Tahoua – Tillabéri, Mars 2021*, pp. 1, 5.

<sup>270</sup> See ICRC, Customary International Humanitarian Law, Rules 7 and 9. The prohibition of attacks against civilian objects is also reinforced by the principle of precautions in attack, ICRC, Customary International Humanitarian Law, Rule 15.

<sup>271</sup> See ICRC, Customary International Humanitarian Law, Rule 10.

<sup>272</sup> Interviews with residents from Torodi department (conducted separately), 3 May 2021.

<sup>273</sup> See ICRC, Customary International Humanitarian Law, Rule 38; Protocol II, Article 16.

<sup>274</sup> Rome Statute, Article 8(2)(e)(iv).

<sup>275</sup> Protocol II, Articles. 4(3)(a); CRC, Articles 28-29; ACRWC, Article 11.



*A boy living in a displacement camp in Tillabéri region, Niger, 1 August 2021. Tens of thousands of children have been forced out of school as a result of armed group attacks on education. © Mamoudou L. Kane / Amnesty International*



*Souleye, early 20s, sits for a portrait in a displacement camp after being forced to flee his village following an attack by an armed group in which many people were killed, including several of his relatives, Tillabéri region, Niger, 31 July 2021. Even before the attack, the school in his village had closed because of threats by the armed group. "We had a school that was functioning, but with the insecurity the teachers fled for fear of being targeted, because [the fighters] hate more than anything people who are part of the authorities," he told Amnesty International. "That's why the teachers fled, and the school stopped." © Mamoudou L. Kane / Amnesty International*

# 4. THE NIGERIEN GOVERNMENT'S RESPONSE

**“At first, we’d call the FDS, but now it can be two days and they don’t come. They’ve given up their presence. Some people still call the FDS, but it doesn’t do anything... We have been abandoned.”**

A 50-year-old man from Torodi department describes his frustration with the military response.<sup>276</sup>

The Nigerien government has failed to protect civilians from the escalating violence in Tillabéri region. The absence and withdrawal of the Defence and Security Forces (FDS, from the French acronym) from many areas have left people and communities vulnerable to attack and abuse. The Nigerien authorities have also failed to respond promptly to attacks, sometimes arriving in villages hours or days after an incident has occurred. People from villages across both border areas expressed frustration, fear, and a sense of abandonment and had little confidence in the military response.

In some cases, the Nigerien authorities have not only failed in their duty to protect, but the FDS has also committed human rights violations. It has arbitrarily detained and extrajudicially executed civilians in relation to the conflict. Several people, and in particular ethnic Fulani civilians, told Amnesty International they were as afraid of the FDS as they were of the armed groups.

In addition, the Nigerien government has exacerbated the challenges facing affected populations by restricting the use of motorbikes, the primary form of transportation in many rural areas, and by requiring, at times, some humanitarian actors to use military escorts, impeding humanitarian assistance.

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<sup>276</sup> Interview, 3 May 2021.

## **NIGER'S OBLIGATIONS TO PROTECT CHILDREN UNDER INTERNATIONAL AND NATIONAL LAW**

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

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, in all actions concerning children, "the best interests of the child shall be the primary consideration".<sup>277</sup> It enshrines the rights, among others, to education; to the best attainable state of physical, mental, and spiritual health; and to protection against torture.<sup>278</sup> In situations of armed conflict, it requires states to take all necessary measures to prevent children from taking part in hostilities and ensuring the protection and care for conflict-affected children.<sup>279</sup>

Under the CRC, the core international treaty on children's rights, a child is considered anyone below the age of 18.<sup>280</sup> The CRC guarantees many of the same rights as ACRWC, including in situations of conflict, where it requires states to "take all appropriate measures to promote physical and psychological recovery and social reintegration" of children.<sup>281</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 Niger has also ratified, requires states to, among other things, protect children from recruitment or use by armed groups.<sup>282</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>283</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... [and] access to education, food and health care."<sup>284</sup>

According to Nigerien law, the use of children in armed conflict is considered a situation or danger "that may threaten the health, development or physical integrity, moral or mental of the child."<sup>285</sup> Children who are victims of war crimes must receive a medical psychological assessment to examine the nature and extent of the damage suffered and to establish to appropriate care.<sup>286</sup> All decisions by Nigerien courts concerning children must prioritize their best interests.<sup>287</sup>

## **4.1 FAILURE TO PROTECT**

Security voids across the Tillabéri region have left the population vulnerable to attack and exploitation by armed groups. People from border villages as well as civil society actors operating in the region almost all expressed little confidence in the military to protect civilians, with one local human rights group deeming the security response passive at best.<sup>288</sup> A senior military official even conceded, "I recommend that [the villagers] pay [the 'zakat'] because the army will not come to protect them... The reality is that we have lost ground against the non-state armed groups [in Tillabéri's border regions]."<sup>289</sup>

In August 2019, ISGS and JNIM both launched attacks in the tri-border region that targeted military outposts, causing soldiers to withdraw from some border areas and leaving some previously contested territory under the control of armed groups.<sup>290</sup> Niger has since made some attempts to re-establish a security

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<sup>277</sup> ACRWC, Articles 2, 4. Niger ratified the ACRWC on 11 December 1996.

<sup>278</sup> ACRWC, Article 11, 14, 16.

<sup>279</sup> ACRWC, Article 22.

<sup>280</sup> CRC, Article 1. Niger ratified the CRC on 30 September 1990.

<sup>281</sup> CRC, Article 39. See also CRC, Articles 24, 28, 37, and 38.

<sup>282</sup> CRC-OP-AC, Article 4. Niger ratified the CRC-OP-AC on 13 March 2012.

<sup>283</sup> Protocol II, Article 4(3).

<sup>284</sup> ICRC, Customary International Humanitarian Law, Rule 135.

<sup>285</sup> Niger, Juridictions pour mineurs au Niger, Loi n° 2014-72, 20 November 2014, Article premier (8)(j).

<sup>286</sup> Niger, Juridictions pour mineurs au Niger (previously cited), Article 6.

<sup>287</sup> Niger, Juridictions pour mineurs au Niger (previously cited), Article 2.

<sup>288</sup> Interview, 5 May 2021.

<sup>289</sup> Interview, 5 May 2021.

<sup>290</sup> ACLED, "State Atrocities in the Sahel" (previously cited).

presence by, for example, recruiting 500 young men from local communities into the national guard to deploy to their regions as part of mixed units.<sup>291</sup> But the FDS has still not redeployed fully near the border.<sup>292</sup>

People from villages in border areas consistently linked the military's absence with armed groups' ongoing attacks and predatory practices. In Torodi department, where JNIM has slowly encroached on villages, people interviewed by Amnesty International felt particularly abandoned by the state.<sup>293</sup> A man from a village near the Burkina Faso border expressed his frustration at trying to get the military to respond to the insecurity:

**We've tried to call the FDS, but they didn't come. So, we got tired of it. Now even if the armed groups come, we don't call the FDS... They don't do patrols [through our village]. Their route is between Torodi and Boni. We see them there [on that route]. It's around one-a-half kilometres from [our village]. But they don't come in our village... The situation has deteriorated because of the absence of the state.**<sup>294</sup>

People in some areas of Torodi department face further isolation due to improvised explosive devices (IEDs) on the roads, deterring movement by vehicles, including, reportedly, by the military.<sup>295</sup> One person explained, "It's rare [for the FDS] to come to the village now. The armed group has started putting landmines on the roads."<sup>296</sup> A protection assessment from February 2021 described five IED explosions in the departments of Torodi and Gothèye and about 15 IEDs were cleared following reports from communities.<sup>297</sup>



*A member of the Nigerien Defense and Security Forces (FDS) stands near a border post in Makalondi commune, Torodi department, on Niger's border with Burkina Faso, Makalondi, Niger, 2018. The checkpoint had been attacked by fighters on motorbikes the day before, killing several soldiers. © Francesco Bellina*

<sup>291</sup> ICG, *Murder in Tillabery* (previously cited), p. 10.

<sup>292</sup> ICG, *Murder in Tillabery* (previously cited), p. 9.

<sup>293</sup> Interview with five residents of Torodi department (conducted separately), 3 May 2021.

<sup>294</sup> Interview, 3 May 2021.

<sup>295</sup> Interview, 3 May 2021.

<sup>296</sup> Interview, 3 May 2021. A person from another village said the FDS travelled slowly because of the IEDs and often stuck to main roads. Interview, 3 May 2021.

<sup>297</sup> UNHCR and others, *Rapport mensuel d'analyse des données de monitoring de protection, Régions de Tillabéri et Tahoua (Niger), Février 2021*, p. 2.



children enrol in school; he said that providing “real security” was the most important step to ensure children in the region can return to school.<sup>311</sup>

The failure to protect the population not only leaves villages vulnerable, but it also risks fuelling recruitment into armed groups and possibly community self-defence groups.

A man from a border village in Torodi department explained how the state’s absence for at least 15 months had made it easy for armed groups to recruit from his village: “The problem is that the FDS has abandoned the area, which has allowed [the armed group] to recruit people... Before, the soldiers did patrols and were in the market. But now they’re gone.”<sup>312</sup> Another man described the freedom and impunity with which JNIM operates: “They don’t fear anyone. Even with the state of emergency, they drive their motorbikes freely.”<sup>313</sup>

Analysts warn of the emergence of self-defence groups due to the lack of security and of how that may inflame intercommunal tensions.<sup>314</sup> Nigerien authorities have resisted requests by local officials from the Tillabéri region to arm themselves, with one security official warning that such action could lead to more massacres by armed groups.<sup>315</sup> Self-defence groups also pose a threat to children’s rights and well-being, including through pressure to join their ranks.

The FDS’s sporadic presence may endanger residents who cooperate with the military. A 20-year-old man in the Niger-Burkina Faso border region, whose village chief had been killed for his alleged link with the state, explained, “The situation is very tense, and as soon as the FDS visits... there are always negative consequences for us the people.”<sup>316</sup>

The Nigerien government should take all feasible measures to protect the civilian population of the Tillabéri region from targeted or indiscriminate attacks by the armed groups, and more generally to protect civilians’ rights to life, physical and mental integrity, and security. That may include a more consistent FDS presence, if that minimizes the risk of attacks. Special care should be taken to protect children and other at-risk people.

## 4.2 RESTRICTIONS ON MOVEMENT AND AID ACCESS

In response to repeated attacks, the Government of Niger declared a State of Emergency in parts of the Tillabéri region in March 2017.<sup>317</sup> The declaration has been renewed every three months and has been extended to all of the region’s departments. As part of the State of Emergency, the government has adopted security measures that have restricted civilians’ movement, undermining livelihoods and sometimes delaying access to essential services, and, at times, also impeding humanitarian access.

### 4.2.1 PROHIBITION ON THE USE OF MOTORBIKES

On 1 January 2020, the government banned motorbikes under the State of Emergency.<sup>318</sup> Motorbikes are armed group members’ primary mode of transportation across the region, including to undertake attacks. But the ban has had a serious impact on civilians’ ability to carry out their daily activities and access services. It has also reduced the supply of basic items and contributed to a rise in food prices in a region that is already facing food shortages. For example, a woman with three children from Tillabéri department said it was harder for her to find certain food items and that the cost of a tin of pearl millet had risen by about 33%.<sup>319</sup>

The ban has also hindered people from accessing adequate and timely health care. A 48-year-old man from Zibane explained his experience before being displaced:

**There were several cases when people didn’t get treatment in time. For the urgent cases, before [the conflict], we used either motorbikes or a wagon [to carry people to health care]. But motorbikes**

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<sup>311</sup> Interview with education official, Niamey, 4 May 2021.

<sup>312</sup> Interview, 3 May 2021.

<sup>313</sup> Interview, 3 May 2021.

<sup>314</sup> For more, see ICG, *Murder in Tillabery* (previously cited).

<sup>315</sup> Interview, 5 May 2021; ICG, *Murder in Tillabery* (previously cited), pp. 11-12.

<sup>316</sup> Interview, 3 May 2021.

<sup>317</sup> Africanews., “Niger declares state of emergency in areas bordering Mali”, 4 March 2017, [bit.ly/2VfpcJ6](https://bit.ly/2VfpcJ6)

<sup>318</sup> Ministerial Roundtable on the Central Sahel, “Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger” (previously cited), p. 9; Government of Niger, “Radio Press Release,” 12 February 2019, on file with Amnesty International.

<sup>319</sup> Interview, 1 May 2021.

**couldn't be used any more, because of the state's ban, under the state of emergency. And so many of our animals were taken, so we didn't have the means to transport people [by wagon]. We're in a time of insecurity... It's very difficult for us to access health care... Movement is restricted.**<sup>320</sup>

While some temporary restrictions on movement may be justified on security grounds, they must be necessary and proportionate. International humanitarian law requires that the wounded and sick are collected and cared for.<sup>321</sup> Measures which prevent or unreasonably delay people – including injured civilians – from accessing urgent medical treatment cannot be justified.

## 4.2.2 THE MILITARY ESCORT REQUIREMENT

Following the declaration of the State of Emergency, Nigerien authorities imposed an obligation on humanitarian organizations to use military escorts in some areas, leading to an almost total suspension of humanitarian operations.<sup>322</sup> Military escorts are not mandatory for humanitarian organizations in Burkina Faso and Mali.

The obligation to travel with a military escort risks associating humanitarian organizations with one party to the conflict, undermining a core principle of humanitarian action – neutrality. This is particularly concerning given the FDS's documented responsibility for grave violations of human rights and humanitarian law.<sup>323</sup> Moreover, the FDS is often a target for armed groups, potentially endangering rather than protecting the organizations they are escorting.

A roundtable discussion on humanitarian access and civil-military coordination noted how because traveling with military escort compromises humanitarian principles, humanitarian activities reduced substantially:

**Between November and December 2019, 1,498 households whose needs could not be assessed following their forced displacement were affected. In August 2020, a humanitarian organization was forced to close its field base in Bankilaré because it had not been able to access it since October 2019. Between February and July 2020, six assessments (MSA/ERP) had to be cancelled. As a result, 975 households have been forced to relocate and their basic needs have not yet been met.**<sup>324</sup>

Meanwhile, the needs of conflict-affected communities have grown rapidly, with the number of internally displaced people in the Tillabéri region doubling from about 57,000 people in December 2019 to 102,000 people in May 2021.<sup>325</sup>

On 9 August 2020, ISGS members killed six French humanitarian workers, a guide, and a driver in Kouré wildlife reserve.<sup>326</sup> Following the attack, on 2 September 2020, Nigerien authorities issued a verbal notification requiring international organizations and consular officials to use armed escorts outside cities.<sup>327</sup> A few days later, on 14 September 2020, the governor of Tillabéri announced that the main roads no longer required armed escorts, though secondary roads still did,<sup>328</sup> which, together with the insecurity, affected aid delivery in some of the most conflict-affected areas. At the time of the research, organizations planning to travel to the field had to inform security services about their movements and were still restricted to main roads. To try to strengthen access to vulnerable populations, authorities and some organizations have tried to work through local NGOs with a presence in some of the inaccessible areas.

Following a high-level committee meeting on humanitarian access on 7 May 2021, the Nigerien government decided the use of escorts would be at the discretion of regional and departmental authorities.<sup>329</sup> A week later, the governor of Tillabéri arranged a regional Committee for Access to help establish humanitarian

<sup>320</sup> Interview, 1 May 2021.

<sup>321</sup> Geneva Conventions, Common Article 3; ICRC, Customary International Humanitarian Law, Rule 110.

<sup>322</sup> Ministerial Roundtable on the Central Sahel, "Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger" (previously cited), p. 10.

<sup>323</sup> See Niger National Human Rights Commission (CNDH), *Rapport de Mission d'enquête, d'investigation, de vérification et d'établissements des faits relatifs aux allégations portant sur la disparition de 102 Personnes dans le Département d'Ayorou, Région de Tillabéri*, May – July 2020, bit.ly/3dVohnG; Amnesty International, "They Executed Some and Brought the Rest with Them": Human rights violations by security forces in the Sahel (Index: AFR 37/2318/2020), 10 June 2020, pp. 16-17.

<sup>324</sup> Ministerial Roundtable on the Central Sahel, "Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger" (previously cited), p. 11.

<sup>325</sup> OCHA, "Daily Noon Briefing Highlights" (previously cited).

<sup>326</sup> Ruth Maclean, "8 Dead After Attack in a Wildlife Reserve in Niger", New York Times, 9 August 2020, nyti.ms/36pApJy

<sup>327</sup> Ministerial Roundtable on the Central Sahel, "Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger" (previously cited), p. 10.

<sup>328</sup> Ministerial Roundtable on the Central Sahel, "Relever les défis humanitaires dans une perspective à long terme Burkina Faso, Mali, Niger" (previously cited), p. 10.

<sup>329</sup> Letter from the Ministry of Foreign Affairs and Cooperation, 11 May 2021, on file with Amnesty International.

corridors and alternatives to military escorts.<sup>330</sup> These efforts have greatly improved humanitarian access to people affected by the conflict and should continue to be supported.

International humanitarian law requires parties to a conflict to “allow and facilitate rapid and unimpeded passage” of impartial humanitarian relief for civilians in need.<sup>331</sup>

## 4.3 VIOLATIONS BY GOVERNMENT FORCES

The Nigerien Defence and Security Forces (FDS) have been implicated in arbitrary detention, enforced disappearances, and the summary execution of civilians in response to the conflict in Tillabéri region. While such abuses have primarily targeted men considered to be of fighting age, that poses risks for older boys as well, many of whom do not know their age because they lack a formal birth certificate or who are considered adults before they reach the age of 18. Further investigation is necessary to determine the scale of such violations against children.

The Nigerien forces’ violations surged from early 2020.<sup>332</sup> One commentary suggests the increase may stem from a desire for revenge following severe losses during attacks by JNIM and ISGS in 2019.<sup>333</sup> In addition, the FDS has faced pressure for results following several armed group attacks in which dozens, and at times more than 100, civilians have been killed.<sup>334</sup> Finally, poor training, low morale, limited resources, and a culture of impunity within the FDS likely fuel violations.<sup>335</sup>

In the most high-profile case, between 27 March and 2 April 2020, the National Commission for Human Rights (CNDH) concluded that the Nigerien army, as part of Operation Almahou, forcibly disappeared what was at first believed to be 102, and later found to be 136 people. To date, 71 bodies have been found, including some of the people reported missing, while the fate and whereabouts of the other people remain unknown.<sup>336</sup> Initial reports of the missing 102 people suggest the FDS arbitrarily arrested the first 48 individuals between 27 and 29 March on the road to Ayerou market and arrested another 54 people on 2 April during military operations.<sup>337</sup> The victims are from the Tuareg and Fulani pastoralist communities.<sup>338</sup> These murders and disappearances followed attacks by ISGS on the military in Inatés on 10 December 2019 and in Chinégodar on 9 January 2020, resulting in significant military casualties.<sup>339</sup>

While an initial government investigation into the disappearances found no credible evidence of security force involvement, the CNDH’s findings necessitate a full criminal investigation, leading to prosecutions of those individuals responsible in fair trials without recourse to the death penalty. A finding that the FDS carried out these crimes would amount to the war crime of violence to life and person (murder, cruel treatment, and torture) and/or the war crime of passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court.<sup>340</sup>

The Nigerien military may also have committed other war crimes. Human rights groups, including Amnesty International, Human Rights Watch, and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), documented 15 other cases between October 2019 and May 2020 of alleged arbitrary detention, enforced disappearance, and summary execution by Nigerien security forces.<sup>341</sup>

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<sup>330</sup> Note du Gouverneur 14 May 2021, on file with Amnesty International.

<sup>331</sup> See ICRC, Customary International Humanitarian Law, Rules 55 and 56; UNSC Resolution 1265, adopted on 17 September 1999, UN Doc. S/RES/1265 (1999), para. 7.

<sup>332</sup> ACLED, “State Atrocities in the Sahel” (previously cited).

<sup>333</sup> ACLED, “State Atrocities in the Sahel” (previously cited).

<sup>334</sup> ACLED, “State Atrocities in the Sahel” (previously cited).

<sup>335</sup> ACLED, “State Atrocities in the Sahel” (previously cited); ICG, *Murder in Tillabery* (previously cited), p. 10.

<sup>336</sup> For more, see Amnesty International, “*They Executed Some and Brought the Rest with Them*” (previously cited), pp. 16-17; Niger National Human Rights Commission (CNDH), *Rapport de Mission d’enquête, d’investigation, de vérification et d’établissements des faits relatifs aux allégations portant sur la disparition de 102 Personnes dans le Département d’Ayorou* (previously cited).

<sup>337</sup> Amnesty International, “*They Executed Some and Brought the Rest with Them*” (previously cited), p. 16.

<sup>338</sup> Nathalie Prevost, “102 civils massacrés et ensevelis dans des fosses communes”, MondAfric, 2 August 2020, [bit.ly/3hHNCmc](https://bit.ly/3hHNCmc)

<sup>339</sup> Voice of America, “L’armée subit ses plus lourdes pertes à Chinégodar avec 89 soldats tués”, 13 January 2020, [bit.ly/3xwW9Pq](https://bit.ly/3xwW9Pq)

<sup>340</sup> Rome Statute, Articles 8(2)(c)(i) and 8((2)(c)(iv).

<sup>341</sup> United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), Division des Droits de l’Homme et de la Protection, *Note sur les tendances des violations et abus de droits de l’homme, 1er Janvier - 31 Mars 2020*, April 2020, [bit.ly/3wsAbvM](https://bit.ly/3wsAbvM), para. 26 (documenting 34 extrajudicial executions by Nigerien forces in February and March 2020); Human Rights Watch, Letter to Ministers Dr. Boubakar Hassan and Alkassoum Indattou, 9 April 2021, [bit.ly/3xv1EhB](https://bit.ly/3xv1EhB) (documenting 178 people whom the Nigerien security forces allegedly unlawfully killed or forcibly disappeared between October 2019 and May 2020, across 12 incidents); and Amnesty International, “*They Executed Some and Brought the Rest with Them*” (previously cited), p. 16 (documenting enforced disappearances, including of 13 herders taken while watering their animals in Boni-Peuhi, Ayerou Department, on 3 April 2020).

MINUMSA concluded the Nigerien forces were responsible for the extrajudicial killing of 34 people in three incidents in Mali.<sup>342</sup>

During the research for this report, some people from both border areas alleged that the Nigerien forces at times target and arbitrarily detain ethnic Fulani considered to be of fighting age. A 50-year-old Fulani woman from Ouallam department stated:

**The soldiers, as soon as they see a young man who has no job, they take him. Especially the young Fulani from the area. Some are found in [detention in] Ouallam, but others are never found. These people are usually between 18 and 20 years old... The arrests have been taking place for almost two years. Even sometimes when you go to the market to shop, you can get arrested. Some end up in the anti-terrorist unit in Niamey, where they are released. Others are never found.**<sup>343</sup>

Forces among the Joint G5 Sahel have also been implicated in human rights violations in Niger. In April, the CNDH reported that members of the Chadian contingent of the G5 Sahel Force, stationed in Téra department in Niger, had committed at least three rapes, including of an 11-year-old girl and pregnant woman; the alleged perpetrators have since been arrested.<sup>344</sup>

People interviewed by Amnesty International expressed fear of Niger's FDS and said their behaviour was worsening. A 46-year-old man from Abala department declared, "Today the military response is brutal and indiscriminate. Before, they were much more cautious."<sup>345</sup> Another man, 20, reflecting on the insecurity in Torodi department, said, "I am desperate and do not even want to go where there are... patrols, because the soldiers are scary. They also easily kill the innocent."<sup>346</sup>

People described feeling trapped between the military and armed groups. A 46-year-old man in Ayerou department said people in his village sometimes cooperated with the armed groups to prevent the theft of their livestock, but that such actions made them vulnerable to targeting and abuse by the military. "There is a fear of the military and a fear of the jihadists," he said.<sup>347</sup> Another man, 50, from Torodi department, said, "We, the population, are in between. If the FDS comes, they take us. If it's the [armed group], it's the same."<sup>348</sup>

### **THE REINTEGRATION OF CHILDREN ASSOCIATED WITH AN ARMED GROUP OR FORCE IN NIGER**

Nigerien authorities told Amnesty International in May 2021 that no children were being detained at that time for an alleged association with armed groups; however, such detention has occurred, including last year, according to the UN Secretary-General's annual report on children and armed conflict.<sup>349</sup>

When children are arrested by security forces for their suspected association with an armed group in the Tillabéri region, they are transferred to the "anti-terrorist unit" (specialized jurisdiction) in Niamey and brought before a juvenile judge. The juvenile judge determines whether to transfer the child to civilian child protection actors for reintegration in a *Centre de Transit et d'Orientation* (CTO) – a facility specifically for children affiliated with armed groups.

<sup>342</sup> MINUSMA Division des Droits de l'Homme et de la Protection, *Note sur les tendances des violations et abus de droits de l'homme, 1er Janvier - 31 Mars 2020* (previously cited), para. 26

<sup>343</sup> Interview, 5 May 2021.

<sup>344</sup> Reuters, "Chad arrests soldiers accused of rapes in Niger," 3 April 2021, [reut.rs/3wYFJOW](https://reut.rs/3wYFJOW)

<sup>345</sup> Interview, 6 May 2021.

<sup>346</sup> Interview, 3 May 2021.

<sup>347</sup> Interview, 6 May 2021.

<sup>348</sup> Interview, 3 May 2021.

<sup>349</sup> The Secretary-General's 2021 Annual Report on Children and Armed Conflict reports that during 2020, Niger detained ten children for their alleged association with armed groups in the Lake Chad Basin, three of whom were detained for 11 months. The report called for the continued implementation of the Handover Protocol. Children and armed conflict: Report of the Secretary-General, UN Doc. A/75/873-S/2021/437, 6 May 2021, paras 242 and 248. Niger has also held children allegedly associated with armed groups in the Lake Chad region in its Goudoumaria Center – a facility for defectors from Boko Haram and Islamic State West Africa Province (ISWAP), which some argue amounts to a de facto detention facility. Interviews, 18 February and 28 April 2021. See Florian Morier, "Program Insight: The screening process of disengaged Boko Haram associates in Niger", *Journal for Deradicalization*, 27 December 2019, [bit.ly/2Vt2T2Z](https://bit.ly/2Vt2T2Z). Following advocacy by child protection actors, children held in Goudoumaria were transferred to the custody of the Ministry for the Promotion of Women and the Protection of Children. The Ministry sent the children to a CTO. Interview, 28 April 2021; and Florian Morier, "Program Insight" (previously cited), p. 127. During this research, a prosecutor for the anti-terrorist unit said there were no minors in Niamey prison for charges related to terrorism or armed conflict. Interview with Mamane Issa Sayabou, Prosecutor, Specialist Pole, Niamey, 27 April 2021.

Pre-trial detention of children contradicts the “best interests of the child” as protected under international human rights law and should strictly remain a measure of last resort. Under a protocol signed on 17 February 2017 by the Government of Niger and the UN, Nigerien authorities should transfer children with a suspected affiliation with an armed group to civilian child protection actors for reintegration, with a potential exception for children caught in the act of committing a crime (“flagrant” crime<sup>350</sup>).<sup>351</sup>

Under Nigerien criminal law, children can be prosecuted and held criminally responsible from the age of 13.<sup>352</sup> Children subject to criminal proceedings may be placed with their families, with host families, or with educational institutions, health facilities or other adequate public facilities while being investigated or awaiting trial.<sup>353</sup> In cases where these measures are not sufficient, children from age 13 may be held in pre-trial detention, in cells separated from adults, for a period no longer than a year, or in exceptional circumstances, 18 months.<sup>354</sup> Children below the age of 13 can never be prosecuted nor detained.

Also under domestic law, children over 13 years old should be acquitted if a judge finds they did not act with “discernment” and instead, based on the situation, receive protective measures, assistance, or rehabilitation.<sup>355</sup> If found guilty of a crime, children must receive lighter sentences than adults.<sup>356</sup>

To ensure children associated with armed groups are treated as victims first and foremost and can receive the services they need when first encountered, the government and the United Nations should amend the protocol per provision II(1), removing the exception for “flagrant crimes” and allowing the transfer of children to civilian child protection actors in all cases, whether the child will be subject to criminal proceedings or not.

Children transferred to child protection actors in the CTOs receive shelter, food, health care, social-professional training, and psychological support.<sup>357</sup> Service providers teach the children vocational skills like sewing and carpentry.<sup>358</sup> They are supported by a staff that includes social advisors, psychologists, and chefs.<sup>359</sup> Imams work with the children, including as part of “de-radicalization”.<sup>360</sup> The children have some access to recreation, including going to a playground or playing football.<sup>361</sup> UNICEF provides funding for the CTOs.

At the time of the research, about 21 children from Tillabéri region had passed through the CTOs; most children who have been through the CTOs have come from the Diffa region.<sup>362</sup> The CTOs primarily house Nigerien nationals, but some children have come from neighbouring countries.<sup>363</sup> Only boys have come through the centre.<sup>364</sup>

Children typically stay at the CTOs for three to six months and are not allowed to leave unattended, reportedly for their safety.<sup>365</sup> During that time, authorities trace their parents to facilitate reunification.<sup>366</sup> Some families reject the children, forcing authorities to try to find alternative, safe arrangements.<sup>367</sup> Children can be difficult to track following their departure from the CTOs and reinsertion into the community, particularly in Tillabéri region. While acquiring a skill at the centre is important for ensuring they do not return to an armed group, many reportedly lack the means and equipment to turn the vocational skill into a business upon their return.<sup>368</sup>

<sup>350</sup> Niger, Code de Procédure Pénale, Article 48, defining a “flagrant crime” as a crime or misdemeanour that is currently being committed or has just been committed, and a few assimilated situations.

<sup>351</sup> Protocole d’Accord entre Le Gouvernement de la République du Niger et Le Système des Nations Unies au Niger Relatif aux Enfants Présumés Associés aux Groupes Armés et Groupes Terroristes, on file with Amnesty International, para. I(2).

<sup>352</sup> Niger, Code Penal, Article 45.

<sup>353</sup> Niger, Juridictions pour mineurs au Niger (previously cited), Article 18.

<sup>354</sup> Niger, Juridictions pour mineurs au Niger (previously cited), Articles 21-22.

<sup>355</sup> Niger, Code Penal, Article 46.

<sup>356</sup> Niger, Code Penal, Article 47.

<sup>357</sup> Interview with Mariama Babadi, Regional Director, Directorate for Child Protection, Niamey, 27 April 2021.

<sup>358</sup> Interview, May 2021.

<sup>359</sup> Interview with Mariama Babadi, Directorate for Child Protection, Niamey, 27 April 2021.

<sup>360</sup> Interview with Mariama Babadi, Directorate for Child Protection, Niamey, 27 April 2021.

<sup>361</sup> Interview, May 2021

<sup>362</sup> Interview, May 2021.

<sup>363</sup> Interview with Nalla Adam, Responsable du CTO, Niamey, 27 April 2021.

<sup>364</sup> Interview with Mariama Babadi, Directorate for Child Protection, Niamey, 27 April 2021.

<sup>365</sup> Interview, May 2021.

<sup>366</sup> Interview with Mariama Babadi, Directorate for Child Protection, Niamey, 27 April 2021.

<sup>367</sup> Interview with Nalla Adam, Responsable du CTO, Niamey, 27 April 2021.

<sup>368</sup> Interview, May 2021.



*Abdallah sits near his shelter in a displacement camp where he lives with his children after being forced to flee an armed group's attacks on their village near the Niger-Mali border, Tillabéri region, Niger, 1 August 2021. "The children heard the gunshots, which have haunted them," he told Amnesty International. "They couldn't even eat. The children were so traumatized... When your children are not living decently, and you are their father, there is no worse suffering than that." © Mamoudou L. Kane / Amnesty International*

# 5. CONCLUSION AND RECOMMENDATIONS

**“What I want is the true return of peace. And [the government] need[s] to pay attention to our lives, even here [in the IDP camp] in terms of food and water. And school. We need to go to school.”**

A 15-year-old boy from Mogodyougou village, Ouallam department, who was displaced after an attack on his village on 14 December 2020.<sup>369</sup>

The rapid escalation of the conflict in the Tillabéri region and its increasing toll on children should raise alarms for the Government of Niger and its partners and lead to urgent action to prevent further violations and abuses against children.

Niger was initially spared the worst of the violence in Burkina Faso and Mali. But an ISGS attack at the end of 2019 on a military base in Inatès, during which over 70 Nigerien soldiers were killed, has marked the beginning of Tillabéri’s spiralling decline.<sup>370</sup> Children have suffered greatly as ISGS and JNIM have expanded their reach and carried out ever-worsening violence and predation against the civilian population. Both armed groups have carried out abuses which amount, or may amount, to war crimes.

At the hands of ISGS, older boys have been among those killed in a series of brazen, large-scale attacks on civilians. With their granaries burned and livestock stolen, families and whole communities have been forced into displacement and to worry about how to secure their next meal. ISGS has also robbed children of an opportunity to go to school by outlawing secular education, burning schools, and threatening teachers.

In Torodi department, along the Burkina Faso border, JNIM is frequently in villages and, even when not present, keep a watchful eye through community spies. In the last year, fighters have given food, money, and other incentives as part of recruiting older boys and younger men. Women and girls are almost completely hidden in JNIM-controlled areas, forced to wear long dresses and a hijab, prohibited from engaging in life outside the home, and fearful that they may be forced to marry a fighter. JNIM has also deprived children of schooling.

For their part, the Nigerien authorities have done little to protect civilians. In the wake of assaults on their forces, they have withdrawn from critical areas, leaving villages vulnerable to abuses. Demoralised and under-resourced, the Nigerien military has at times carried out a heavy-handed response. Against the

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<sup>369</sup> Group interview with two children, 2 May 2021.

<sup>370</sup> See BBC News, “Niger Army Base Attack Leaves at Least 71 Soldiers Dead”, 12 December 2019, [bbc.in/2VnCy6i](https://www.bbc.com/news/world-africa-52111111)

backdrop of the State of Emergency, the government has adopted measures that have restricted movement and, at times, hindered humanitarian access in ways that harm the local population.

As the armed groups continue to tighten their grip on the region, the violence and deprivations experienced by children are likely to worsen further. Niger need only observe its neighbours to understand the gravity of what awaits. The government and its partners should seize this window of opportunity to stem the tide.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF NIGER

#### ENSURE ACCESS TO EDUCATION FOR CONFLICT-AFFECTED CHILDREN

- Prioritize and fund measures to prevent, mitigate, and respond to attacks on and closing of schools including, for example, expanding support for schools in communities hosting displaced persons. Where there is no feasible access to school in the short-term, consider innovative alternatives for continuity of education in villages and displacement sites, such as via education programs on radio broadcast in the relevant local languages;
- Where possible, and without endangering the local population, prioritize the rebuilding and rehabilitation of destroyed or damaged schools;
- Ensure, to the maximum extent feasible, that sufficiently trained teachers are deployed to schools across the region, including for displaced children, and that those teachers are supported, including through providing better security, to maximize their attendance;
- Provide periodic, public disclosures, in as much detail as possible and disaggregated by department, on attacks on schools, including information such as: the number of schools destroyed or damaged, for example by burning; the number of schools closed; the number of students affected, disaggregated by gender; and the number of teachers or other school officials killed or injured;
- Strengthen and support the implementation of the Safe Schools Declaration to better protect the civilian character of schools and to help reduce attacks and threats of attacks against students, teachers, and educational facilities. Such measures might include: refraining from the military use of schools and universities, even when the schools are abandoned; conducting risk assessments once schools are vacated by armed groups or forces to ensure they are safe for learning; and implementing measures, including through laws, policies, and trainings, to discourage the military use of schools and universities.

#### SUPPORT THE WELL-BEING OF CONFLICT-AFFECTED CHILDREN

- Invest in preventive measures to deter the recruitment and use of children into armed groups, particularly along the border with Burkina Faso, also by introducing programmes that offer children viable alternatives. These programmes should be directed to children age 13 to 17 and should include educational and vocational training as well as, particularly for older children out of school, employment opportunities. Programmes might also include awareness raising on the rights of children in armed conflicts;
- 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 government and by humanitarian organizations;
- Amend the handover protocol agreement with the United Nations, per provision II(1), by removing the exception for “flagrant crimes” and allowing the transfer of children associated with armed groups to civilian child protection actors in all cases.

#### ENSURE ACCOUNTABILITY, REPARATIONS, AND NON-REPETITION OF VIOLATIONS

- Ensure that members of ISGS, JNIM, and other armed groups suspected of war crimes, crimes against humanity, and other serious human rights abuses, including those against or affecting children, are investigated and, where there is sufficient evidence, prosecuted in fair trials not subject to the death penalty before ordinary criminal courts;

- Ensure that members of the military suspected of war crimes and other serious human rights violations, including those against or affecting children, are investigated and, where there is sufficient evidence, prosecuted in fair trials not subject to the death penalty before ordinary criminal courts;
- Ensure witnesses can testify as part of any investigation or trial into violations and abuses by members of the military and armed groups without fear of reprisal;
- Ensure victims' rights to truth, justice, and reparations, including by guaranteeing trials are public, except when the accused is below the age of 18, and providing for meaningful participation of victims in judicial proceedings and reparations;
- Establish a reparations programme, in consultation with civil society and affected communities, with special consideration given to the abuses 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 to be accessible, including for children with disabilities.

### **STRENGTHEN MONITORING OF VIOLATIONS AGAINST CHILDREN**

- Ensure the Regional Directorate for Child Protection (DRPE), as co-lead of the Child Protection Sub-Working Group for the Tillabéri region, works with group members to regularly conduct assessments to gather child protection data, including on grave violations against children, and coordinates prevention and response activities to violations of children's rights.

### **ENSURE HUMANITARIAN ACCESS AND AID**

- Continue to collaborate with the UN, international, and national humanitarian organizations to help to establish humanitarian corridors and alternatives to military escorts, allowing those organizations to assess and monitor the needs of conflict-affected civilians and to deliver assistance to them;
- Work with relevant stakeholders in taking urgent steps to ensure that all displaced persons, including children, have access to sufficient food, health care, education, and shelter.

### **REDUCE RESTRICTIONS ON THE FREEDOM OF MOVEMENT**

- Strongly consider more targeted restrictions instead of a blanket ban on motorbikes, given the impact the ban has on livelihoods and access to health care, among other rights.

## **TO THE NIGERIAN DEFENCE AND SECURITY FORCES (FDS)**

- Strengthen the protection of the civilian population, including through reinforcing security presence through fixed posts and consistent patrols through towns and villages in areas near the border and in other areas at risk of attack, with careful oversight to prevent human rights violations, including arbitrary arrests;
- Ensure pre-deployment training for all soldiers not only including training on the basic principles of international humanitarian law, but also integrating specialized training on preventing and responding to violations against children in armed conflict. The UN Department of Peace Operations has, for example, developed such guidance as part of their pre-deployment training for peacekeepers;
- Ensure members fully respect all rules of international humanitarian law, including those affording special protection to children, and deploy provosts tasked with monitoring the respect for international humanitarian law during operations, independent from the regional military command;
- Ensure that any returns of displaced persons to their areas of origin are based on individuals' free, informed, and voluntary decision, without coercion or inducement, including related to the delivery of humanitarian assistance;
- Immediately provide to families, lawyers, and other relatives information concerning the fate and whereabouts of forcibly disappeared individuals and provide details on the basis for their arrest.

## **TO THE ISLAMIC STATE IN THE GREATER SAHARA (ISGS)**

- Immediately renounce and cease attacks against, and killing of, civilians, including children; attacks on schools; looting of health facilities, and crimes against related protected persons; forced taxation; the destruction of granaries; the pillage of livestock; and any other war crimes;

- Ensure members fully respect all rules of international humanitarian law, including those affording special protection to children.

## **TO JAMA'AT NUSRAT AL-ISLAM WAL-MUSLIMIN (JNIM)**

- Immediately renounce and cease the use and recruitment, by force or otherwise, of children under the age of 15; forced marriages and the prohibition on engaging in income-generating activities, among other widespread crimes against women and girls; forced taxation; and attacks on schools and teachers;
- Ensure members fully respect all rules of international humanitarian law, including those affording special protection to children.

## **TO THE UNITED NATIONS**

- The UN country team should actively document and verify cases of grave violations and abuses against children, including killings; attacks on schools and health facilities; recruitment and use of children; abductions, and rape and other sexual violence. The Special Representative of the Secretary-General for Children and Armed Conflict should also actively request this information;
- The UN Secretary-General should closely monitor the situation in Niger and, if grave violations and abuses continue through 2021, include the conflict in Tillabéri as a situation of concern in his annual report to the Security Council on children and armed conflict, and strongly consider listing relevant parties to the conflict and establishing a Monitoring and Reporting Mechanism (MRM) that covers all of Niger or that has a sub-regional focus including Mali and Burkina Faso.

## **TO THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD**

- Urge the Nigerien authorities to strengthen their humanitarian response programs for children affected by the conflict in the Tillabéri region, including psychosocial support, continuing access to education, and programs to prevent the recruitment and use of children by armed groups;
- Consider conducting a fact-finding mission to investigate the situation of children in the context of the armed conflict in the Tillabéri region.

## **TO INTERNATIONAL PARTNERS**

- Significantly increase assistance to the humanitarian response and ensure pledges are met, with urgent support in particular for shelter, protection, water, hygiene, and sanitation, which are heavily underfunded, as well as education and child protection;
- Encourage the Government of Niger to continue to find alternatives to military escorts for humanitarian organizations and to promote unfettered humanitarian access.

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# “I HAVE NOTHING LEFT EXCEPT MYSELF”

## THE WORSENING IMPACT ON CHILDREN OF CONFLICT IN THE TILLABÉRI REGION OF NIGER

The escalation of the conflict in Niger’s Tillabéri region, which borders Mali and Burkina Faso, has had a devastating impact on children. Armed groups have perpetrated war crimes and other human rights abuses. Their attacks have forced many schools to close, robbing tens of thousands of children of an education. Older boys have been targeted for recruitment and killed. In some areas, women and girls have been prohibited from activities outside the home and, at times, forced to marry fighters. In northern Tillabéri, attacks on granaries and livestock have forced whole communities into displacement.

Nigerien authorities have done little to protect civilians, abandoning areas to abusive armed groups and responding slowly to attacks. Under the State of Emergency, they have restricted movement and, at times, hindered humanitarian access in ways that harm the local population.

The report is based primarily on interviews with 119 people, including 22 children and 39 other individuals affected by the conflict. It examines the rapidly worsening situation since the start of 2021 and calls for urgent action to prevent further abuses.

To change course, Nigerien authorities should reinforce efforts to protect civilians and expand programming for children that ensures their access to education and psychosocial support and deters their recruitment into armed groups. The United Nations should bolster these initiatives by documenting and reporting on grave violations against children. Armed groups should respect international humanitarian law and cease attacks against civilians.