

# **Amnesty International's Intervention on Human Rights before the ECOWAS Parliament 2022 1<sup>st</sup> Ordinary Session 9 June – 2 July 2022**

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Your Excellencies, ladies and gentlemen, all protocols observed.

Amnesty International is a human rights organisation established in 1961. Since its inception, Amnesty International has carried out research, campaigns and advocacy across the world. Our investigations have exposed several human rights violations and abuses in several countries.

Amnesty International welcomes this opportunity to address the ECOWAS parliament on the occasion of its 2022 First ordinary session in plenary on 25 June 2022.

The human rights situation in ECOWAS countries varies from one country to another. However, despite these disparities, cross-cutting issues can help understand the pressing needs for human rights protection in the region.

The situation can be grouped under four headings:

- Persistence of conflict situations and the insecurity of populations
- Violations of economic and social rights
- Discrimination and gender-based violence
- Restriction of civic space

## **The persistence of conflict situations and the insecurity of populations**

Many ECOWAS countries face conflict situations marred by serious human rights violations which can in certain cases amount to crimes of international law. Civilians are the main victims of the conflicts.

In Mali, Burkina Faso, Nigeria and Niger, armed groups launch regular attacks on villages, killing people, burning properties and looting goods. More than 600 civilians were killed in Mali in 2021. More than 300 people were killed in Tillabery and Tahoua regions (Niger) by alleged members of the Islamic States in the Grand Sahara in 2021 first quarter. In June 2021 in Burkina Faso, at least 132 people were killed in the attack of the town of Solhan by an unidentified armed group. In Burkina Faso, the Group for the Support of Islam and Muslims (GSIM) blockaded Mansila town, Yagha province, causing food insecurity among the population. In Mali, GSIM blockaded many villages and communities, restricting villagers' free movement and access to farmland and water, to force them to cease collaboration with the army.

In Nigeria, the armed groups Boko Haram and the Islamic State of West Africa Province (ISWAP) ambushed, injured and killed many members of Nigeria's security forces. At least 31 soldiers were killed by ISWAP on 26 April 2021 in Mainok, Borno state. Inter-communal violence, mostly between herders and farming communities, as well as attacks by bandits escalated, resulting in more than 3,494 deaths and thousands of displacements. Over 5,290 people, including foreign nationals working on quarry sites, were abducted for ransom by bandits and other gunmen. More than 93 people were killed on 12 June by gunmen who attacked Kadawa village, Zurmi Local Government Area (LGA), Zamfara state. Recently, on 22 May 2022, at least 45 people in Rann, Kala-Balge LGA of Borno state were killed by Boko Haram when they invaded farms. At least 855 students were abducted from their schools for ransom in seven states in 10 separate attacks. About 65 passengers in the Abuja-Kaduna inbound train were abducted in March 2022 which left at least 8 people dead. 11 of the abducted passengers were released in June 2022. About 50 remain in captivity since their abductions.

Amnesty International and other international and national NGOs also reported unlawful killings and unforced disappearances committed by members of national armed forces and of their allies during military operations in the last years. Between 27 and 31 March 2022, operations carried out in Moura by the Malian armed forces targeting armed groups reportedly resulted in the death of many civilians. Some survivors alleged the army was accompanied by mercenaries of the Russian security agency Wagner. The UN also requested a judicial investigation into alleged violations of international humanitarian law when French military airstrikes killed many civilians in 2021 in Bounti. In Nigeria, on 15 September 2021, nine people were killed and several injured during a military air strike in Buwari village, Yunusari LGA, Yobe state. The military said it had hit the village accidentally.

Impunity for conflict-related crimes remain the rule. In Burkina Faso, no significant progress had been made in the investigation into the unlawful killings of 50 people and the enforced disappearance of 66 others allegedly committed by the armed group Koglweogo in the village of Yirgou, in January 2019. The Burkinabe government established in 2021 the Special Forces, whose mandate included “counter-terrorism operations”, among other tasks. The decree establishing the unit states that Special Forces cannot be pursued before the courts for any actions taken during their operations.

In its April report, “[Crimes without convictions: Analysis of the judicial response to conflict related crimes in central Mali](#),” Amnesty International concluded that despite repeated commitments on the part of the Malian authorities, a number of judicial investigations –such as those into the Ogossagou, (157 people killed in March 2019 and 35 in February 2020), Sobane Da (35 people killed in June 2019), Binédama and Yangassadiou (37 and 15 people killed in June 2020 respectively) killings– have made little to no progress and the victims are continuing to demand justice while fearing reprisals in the absence of protection measures. The military justice system still exercises its jurisdiction over crimes committed against civilians by military personnel in operations which is in contradiction with the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, of the African Commission on Human and Peoples’ Rights,’ which specified that military courts should only hear cases relating to purely military offences and not crimes committed against civilians.

At a time when investigations into crimes suffered by the population in the centre of the country are stalled, the Malian authorities are expediting legal proceedings for acts allegedly perpetrated in those very same regions for “terrorism”. In October 2021, the Malian authorities held a special trial session during which 47 cases were heard. Some of these proceedings are marred by serious violations of the rights of the accused, who are detained incommunicado by the General State Security Directorate (DGSE), sometimes without charge and possibly suffering torture or other ill-treatment, for weeks or months before being sent to trial.

Most recently, 132 civilians were killed in the commune of Diallassagou in Mali between 18 and 19 June and 86 were killed in Seytenga in Burkina Faso between 11 and 12 June 2022.

New and unresolved conflicts in the region with warring parties violating international human rights and humanitarian law have led to millions of displaced persons, thousands killed, hundreds subjected to sexual violence, and further weakening of the already fragile healthcare and economic systems.

### **Violations of economic and social rights**

Conflict situations also shed a stark light on the second cross-cutting human rights issue in the region, namely violations of economic and social rights.

Conflict situations generate humanitarian crisis. More than 1.5 million people are forcibly displaced due to insecurity in Burkina Faso, 400,000 in Mali, 300,000 in Niger. Populations are deprived of their basic rights to food and health.

Thousands of schools are closed due to insecurity depriving the new generation of their right to education. Since the beginning of the conflict in Burkina Faso, more than 2,682 schools had been closed. By May 2021, 304,564 students were affected by these closures (148,046 of whom were girls).

Violations of economic and social rights are not only related to conflicts but are also the result of austerity policies, corruption, and a lack of political voluntarism at the national and international levels.

The Covid-19 pandemic but also malaria, the resurgence of measles in some regions, have highlighted the chronic lack of investment by countries in the region in the health sector. Health facilities are often not available, accessible and of high quality.

The right to housing has also been violated in many countries in the region, including through forced evictions of people to facilitate business activity or infrastructure development. Evictions occur often without discussion with the persons concerned, without prior notification, without prospect of relocation and without adequate compensation.

Forced evictions continue unabated in Nigeria and justice is elusive for hundreds of thousands of evictees. Five years after a high court declared the forced evictions of Otodo-Gbame community in Nigeria illegal, the authorities are yet to abide by the judgment and provide shelter for the evictees. Our report, [\*"The Human Cost of a Megacity: Forced Evictions of the Urban Poor in Lagos, Nigeria,"\*](#) documents seven forced evictions of more than 30,000 residents of Ilubirin and Otodo-Gbame waterfront communities in Lagos State, Nigeria, between 19 March 2016 and 22 April 2017. In July 2021, the Nigerian authorities demolished 400 homes in Iddo Sarki community, Abuja. About 1,500 persons were displaced when bulldozers brought down their homes in Mpape area of Abuja in August 2021. Similarly, in January 2022, nearly 2000 people in Elechi Phase 1 waterfront community in Port Harcourt, have been displaced from their homes and tens of thousands of people in 15 neighbouring communities are under imminent threat of forced evictions. The demolitions not only violated people's right to adequate housing but also negatively impacted their livelihoods.

Violations of the rights to education, health, and housing, added to poverty and unemployment, continue to push some young people to want to migrate to Europe by taking ever more dangerous paths at the risk of their lives.

**The third human rights issue in the region that emerges from a cross-cutting analysis is gender-based discrimination and violence.**

Gender-based discrimination and violence remain a major concern in the world and in the region. Discriminatory laws and practices (on inheritance, marriage, divorce, etc.) exist in many countries and reform projects are often blocked by conservative movements. Women and girls are at risk of sexual violence, disproportionately. Other issues documented include, harmful practices such as female genital mutilation, early and forced marriage, limited access to sexual and reproductive health services and information, and the exclusion of pregnant girls from schools.

Cases of rape, especially of young girls, have made headlines and have created a shock among the population. Efforts made by some authorities in the region to tackle this issue must be reinforced to strengthen prevention, ensure protection for survivors and to end impunity.

LGBTI people also continue to face discrimination and violence. Homosexuality is still criminalized in several countries in the region. LGBTI people are fleeing their country because of threats and associations are prevented from doing their work to promote and protect rights.

In Sierra Leone, the government rescinded the ban on pregnant schoolgirls attending mainstream schools in 2020 following the decision of the ECOWAS Court in [WAVES v Sierra Leone](#), declaring such policy as discriminatory and a violation of the African Charter on Human and Peoples' rights and other international law instruments. Nigeria is yet to pay the damages awarded in 2017 by the ECOWAS Court in [Dorothy Njemanze v Nigeria](#), in favour of three women who suffered gender-based violence and discrimination from state security agents.

Despite the authorities' and NGOs' efforts in recent years to promote access to justice for survivors of sexual and gender-based violence (SGBV), bureaucracy, stigma, the practice of negotiating out-of-court settlements between the suspected perpetrator and the victim continue to hinder prosecutions.

**Finally, a fourth issue in the region that also echoes a global trend is that of the restriction of civic space.**

Human rights defenders, journalists, activists, bloggers, members of the political opposition speak out and protest to remind States of their human rights obligations of States and to denounce insecurity, arbitrary arrests, corruption, rising prices of basic necessities, non-payment of salaries in the administration, etc. Instead of addressing concerns, the authorities have continued to restrict freedom of expression and peaceful assembly.

Demonstrations continue to be banned in many ECOWAS countries under false pretexts related to security or public health. On 13 May 2022, the Guinean military regime prohibited all political demonstrations in total violation of national and international human rights law. The ban on gatherings of more than 15 people as part of restrictions to fight against Covid-19 is still in place in Togo.

In the last year, police forces used excessive force to suppress protests in Senegal, Benin, Chad, Ghana, Nigeria, Guinea and Sierra Leone, killing several protesters. Dozens of protestors were killed in 2019-2020 in Guinea. Amnesty hopes the judicial investigation recently launched by a prosecutor on human rights violations under the precedent regime will cover all cases of unlawful killings.

Many people continue to be arbitrarily arrested on the grounds of defamation, spreading false news, insulting or endangering state security while simply exercising their freedom of expression.

These violations of fundamental liberties are notably visible in Mali in the context of the transitional regime. Issa Kaou Djim, member of the transitional regime, was condemned in 2021 to 6 months in prison for having criticized the Prime Minister's policy. In December 2021, the politician Oumar Mariko together with the activist Boubacar Soumaoro and Bakary Camara were put in custody for insults via a communication system for having criticized the PM's policy on social networks. They have been released pending their trials. Since April, Oumar Mariko is facing new charges for defamation for having denounced human rights violations during military operations.

In several countries, cybercrime laws have been used to circumvent press laws and criminalize the opinions expressed by certain people via social networks or online media. Internet disruptions and shutdowns and suspension of social media were recorded, in Burkina Faso, Niger, Nigeria and Senegal, in order to hinder the mobilization of people. Many media had been suspended in Togo, Benin and Mali. In Nigeria media organizations staged an "Information Blackout" campaign to protest against two bills which threatened to tighten media regulation and undermine access to information.

Amnesty International's Security Lab and other partners as part of the Pegasus Project, discovered the massive deployment of [cybersurveillance](#) using NSO Group's spyware to perpetuate human rights violations. Togo was one of the 11 countries identified during the investigation.

Mobilizing for the protection of human rights therefore remains a perilous exercise in the region. However, this mobilization has been effective and contributes to many recent positive impacts such as:

- Abolition of the death penalty in Sierra Leone
- The release of many people arbitrarily arrested for simply exercising their right to freedom of expression as in Côte d'Ivoire and Guinea
- The decision by the ECOWAS Court of Justice to condemn a decree taken 10 years ago in Senegal banning all demonstrations for political motives in a specific district of Dakar
- The opening of a judicial investigation in Mali against the commander of FORSAT for the bloody repression of demonstrations from May to July 2020
- The lifting of the Twitter ban in Nigeria

### **About Amnesty International**

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

I thank you for your kind attention.

### **References**

Amnesty International Report 2021/22: The State of the World's Human Rights (Index: POL 10/4870/2022)