Imuhagh Organization for the Sake of Justice & Equality

For the promotion of Justice and Transparency to achieve the recognition of fundamental human rights

2018-2020 Report

About Us

Indigenous peoples are entitled, collectively or individually, to the fundamental rights and freedoms set out in the International Covenant on Civil and Political Rights recognized by the United Nations and the Universal Declaration of Human Rights.

Imuhagh International Organization (IIO) is an organization that aims to uphold the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples[1].

IIO receives grievance notices from the community. The organization then does its own research to verify testimonies, before publishing its findings. It is on the basis of these findings that IIO embarks on the steps needed to provide institutional answers to questions addressed to state bodies or associations.

We treat all submissions, regardless of their author and origin, in accordance with the objectives of the organization.

This report does not provide an exhaustive examination of the problems faced by Tuareg communities.

Mainly financed by its members and donations from individuals, Imuhagh International Organization (IIO) is independent of any government, political party, economic power or religious grouping. IIO mostly focuses on Northwest African issues with representatives in the US and Europe, who are voice of those that are voiceless and powerless in their homeland. IIO is led by Ayoub Ag Chamad, internationally and Ibrahim Mouhamadine in the US.

[1] Resolution adopted by the General Assembly on September 13, 2007

Words from the members of Imuhagh International

Ayoub Attaher, President: "After 3 years of continuous work during my mandate to identify and fight against injustices concerning the victims of arbitrary arrests, disappearances of bodies, and powerless families, I feel that there is still much to be done to fight against the inability people to defend themselves and the [issues that come with] remote cities. The geography is deadly."

Mustafa Zawi, Vice President: "The lack of democracy, transparency and ethics in our countries has fostered racism, tyranny, injustice, poverty, and a lack of rights in general. The situation will be even worse without the existence of free defense organizations that monitor and expose systemic corruption and its consequences."

Sarah Fortune, Legal Counsel: "You told us, 'Accept the borders, and you'll be home everywhere.' You told us, 'Drop the guns and we will protect you.' You told us, 'Choose education and you will be entitled to the same positions as other citizens.' We have done all of that. When will you fulfill your part of the contract?"

Ibrahim Mouhamadine, Representative in the US: " It has been over 80 years since Franklin D. Roosevelt made his famous speech of Four Freedoms, and my people are still ravenously hungry to attain the freedom of speech, freedom of faith, freedom from want and freedom from fear. When will those, who govern our homeland let us get there?"

Executive Summary

The real scourges of the world are not those that are in the news every day. The latest Covid-19 health crisis obscures the much more alarming ills that affect the daily life of African populations. Case-by-case tracking of pandemic deaths occupies the media while the hundreds of people who are massacred, kidnapped, or arbitrarily arrested go unseen.

In this report, we aim to provide information on those who suffer in silence, because they do not or no longer have the breath to claim equal rights and justice.

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Abbreviations

WHO: World Health Organization

NHRC: National Human Rights Commission

VDH: Volunteers for the Defense of the Homeland

Current Health Conditions: Covid-19 / Malaria

Globally, the number of malaria cases was estimated at 228 million in 2018. Nineteen countries in sub-Saharan Africa and India accounted for almost 85% of the total number of malaria cases worldwide. Six countries alone accounted for more than half of the cases: Nigeria (25%), the Democratic Republic of Congo (12%), Uganda (5%), and Ivory Coast, Mozambique, and Niger (4%)[2]— Every 2 minutes, a child dies from malaria worldwide.

Four percent of the 228 million people affected were in Niger. Four percent of the 405,000 deaths in 2018.

Our goal is not to start a competitive bidding war between the evils that affect the population, but to shed light on priorities in terms of morbidity.

Information from the Minister of Public Health

Cases in Niger as of October 20, 2020 are as follows:

- One (1) positive case out of 277 Covid-19 tests performed on females;
- This case was registered in the region of Niamey;
- No deaths registered

We have the following breakdown to date:

Total number of people tested	Positive cases	Cases undergoing treatment	Cured cases	Deaths
33,958	1,212	15	1,128	69

Data from Minister of Public Health in Niger

WHO predicts that the number of malaria deaths in sub-Saharan Africa could double to 769,000. Efforts to fight the disease are being paused by the coronavirus pandemic.

[2] World Malaria Report 2019, WHO

The majority of funding for prevention campaigns comes from foreign countries. The distribution of mosquito nets and other antimalarial drugs have been interrupted.

The quantity of rapid screening tests for malaria has greatly diminished and these tests are in short supply in some regions. Many laboratories have changed their production lines by manufacturing Covid-19 tests instead without considering the normal malaria cases.

This is why we are issuing a strong alert within nomadic areas, where travel is risky due to multiple threats, including insecurity, poor infrastructure and the lack of financial resources for transportation.

It has been reported to us that in some areas of Azawagh, such as Tillia, patients can wait more than 10 days before receiving medical care.

Private funds will not be sufficient to deal with the scale of the situation. Typically, women receive funds and organize care by seeking out medical personnel available to go into villages.

In searching for information in official international and national journals, we found that every time malaria was illustrated in a photo, it did not represent the nomadic areas of Northwest Africa. The communication or rather the non-communication, of the malaria in these zones does not allow us to understand the issue. Instead, it contributes to denial about the ravages of malaria in these territories.

In the northern regions of Mali, the malaria outbreak is the same as in sub-Saharan Africa. Local organizations face the health needs of the inhabitants with inade3quate means.

We thank all the people and organizations who responded to the call for solidarity.

Bellum Omnium Contra Omnes, "The War of All Against All": Crimes and Impunity

The Sahel has been the grounds for massacres committed both by criminal armed groups and by the national armed forces. Insecurity now has multiple causes, especially afflicting the inhabitants especially in regions far from big cities. Before the arrival of terrorist groups in the countries concerned, local populations did not trust the national armed forces.

"The relationship between civil society and the security sector is fundamental to human security. In many places, civilian populations view the security forces with suspicion, perceiving them as predators rather than protectors. At the same time, many military and police are also suspicious of civil society, questioning their intentions."[3]

The people of the Sahel now find themselves in a crossfire between terrorist groups, "ethnic" militias, and the national armed forces.

In these regions, simply remaining in one's ancestral territory becomes suspect for the armed forces and leads to becoming a target. It seems that the current logic is to empty certain areas of their inhabitants.

Niger, which so far has been more or less spared is affected by the criminal behavior of these same actors operating in the Sahel region. Let us wager that Niger will not make the mistake of covering up these criminal acts, thus contributing to the adherence of certain young people to terrorist groups.

We have issued two alerts concerning the cases reported to us. The first concerns two people who were executed by the Nigerien army during a simple identity check in the Tarbiyat region. The violence of the execution of these people by the Nigerien military

[3] Schirch, L. et D. Mancini-Griffoli, *Local Ownership in Security: Case Studies of Peacebuilding Approaches,* La Haye: Alliance for Peacebuilding, GPPAC, Kroc Institute, December 2015.

raises questions about the criteria for recruitment, training, control mechanisms and sanctions for behavior that casts opprobrium on the entire profession.

To date, the family of the two executed persons has received neither the condolences of the authorities, nor a public apology, nor criminal or civil reparation.

People living in areas far from major cities are accustomed to never relying on the services of the State. In this instance, injustice is fatal.

The second case concerns mass crimes.

Between March 27 and April 2, 2020, around Inates and Ayorou, in the Tillaberi region, of western Niger near the Malian and Burkinabe borders, one-hundred-and-two people were reported missing. Their names listed on five pages that local officials organized by place and date. The images circulating on social media have people anxiously believing that the worst is yet to come.

Niger's National Commission on Human Rights (CNDH) report is overwhelming. It accuses the uncontrolled army of committing crimes by summarily executing 102 people in the Inates area.

"In all of the six pits from which the bodies were exhumed, all of them had their hands tied behind their backs, with bullet holes," explained Alichin Amadou, Secretary General of the CNDH.

The six pits are in Tagabat (Boni), Inates (located 35 km east of Ayorou), Ikirbachan (village of Garey Akoukou), Bambakariya (located 3 km east toward Kandadjli), Tagardey (two graves 10 km south-east of Ayorou), and Tamorogala (5 km east of Ayorou).[4]

In light of testimonies, material evidence, forensic investigation, and reports drawn up by the Judicial Police Officers, CNDH Niger concluded that:

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[4] CNDH Niger Report

1. There were indeed at least 71 unarmed civilians who were summarily executed;

2. The death of these persons is not linked to any air strike;

3. There is no doubt that those who committed the crime are part of the Defense and Security Forces (FDS);

4. There is no indication that it is the responsibility of the military hierarchy or of the State; and

5. It will be up to the judges in charge of the case to situate the individual or collective responsibilities.

Impunity, corruption and lack of justice are among the root causes of instability and insecurity in the region. The lack of a strong response to crime and conflict (such as banditry, livestock theft, attacks on roads and markets, and illegal detention and injustices committed by justice officials) contributes to the erosion of state legitimacy and creates a breeding ground for terrorist groups.

Thus, addressing systemic failures of justice is crucial to effectively combat instability in the region. Victims sometimes see perpetrators walking away hands free or even rising in the ranks of national forces.

For the families of those arrested, the right to information, the right to visits, and sometimes even provisional liberty are things that must be purchased. Some families who can pay now are not doing so because they know that families who have already paid once have seen additional arrests committed, like kidnappings. The line between these practices by state agents and those of terrorist groups taking hostages is very thin.

Finally, anti-terrorist laws are diverted from their objectives. They are used to oppress populations with arbitrary arrests that blithely violate the fundamental rights of individuals in the context of a state of emergency that is no longer a situation of exception but rather a

permanent one. Massive raids have been carried out and people are being detained outside the judicial system. Pronounced detentions without any form of respect for procedures and the presumption of innocence are leaving some individuals in prison for years without ever being seen by a judge. This is exercised toward the Tuaregs, Arabs, and Fulanis most often across the whole Sahel-Saharan region.

This was the case of Sidi, imprisoned in Ivory Coast, following the attacks on Grand Bassam. After a detention of more than two years, Imuhagh International was able to secure hearings for his case as well as that of his fellow prisoners (19 people in total). Sidi was released along with the other detainees.

Strengthening Civil Protection and Humanitarian Responses

In order to strengthen the protection of civilians and improve the humanitarian response for all vulnerable populations affected by different conflicts and the COVID-19 pandemic, UN humanitarian agencies and NGOs are calling on the G5 Sahel member states and their armed forces to commit to:

1. Reaffirm their international commitments on human rights, asylum and international humanitarian law, and to guarantee the protection of civilians—particularly displaced persons and refugees, women, girls, the elderly and people with special needs—while strengthening actions to prevent gender-based violence.

2. Place the protection of civilians at the heart of military operations in the G5 Sahel.

3. Strengthen the judicial system by condemning human rights violations and adopting permanent measures to investigate crimes committed by defense and security forces, self-defense groups, and elements of armed groups.

4. Ensure that the Human Rights Due Diligence Policy is applied and that the Compliance Framework is implemented by creating conditions for civilian and military members of the G5 Sahel to respect and promote the highest standards of ethical and professional conduct, which involves cooperating in duly authorized investigations, inquiries, evaluations, and reviews to prevent and combat sexual abuse and exploitation.

5. Ensure unhindered humanitarian access to forcibly displaced populations, their host communities and the civilian population at large. More specifically, cease attacks against children and ensure safe access to all affected children in accordance with humanitarian principles.

6. Develop humanitarian civilian-military guidelines aligned with international guidance to ensure a clear distinction of mandates and roles between defense and security forces and humanitarian actors.

7. Invest in basic social services such as health, water, sanitation, and education.

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[5] Recommendations from the United Nations

8. Guarantee the re-establishment of the presence of state authorities, basic social services and the rule of law, thus preventing and combating violations and repeated attacks on the security, dignity and rights of civilians.

9. Promote the demobilization and reintegration of persons associated with armed groups, including a specific approach to the demobilization of children.

10. Encourage a political solution based on social cohesion, reconciliation and accountable local governance.[5]

At Imuhagh International, we believe that raising awareness about human rights and criminal responsibility must take place on several levels. It must effectively concern state actors and international armies, but also the victim populations, who have the right to act. This is why Imuhagh International has held the MNLA Congress in Kidal – to organize a workshop on rights, as well as legal remedies and recourse. It was also an opportunity for Ayoub ag Attaher and Akli Shakka, representatives of the organization, to submit the still pending files of criminal acts against the Tuareg population to the representatives of international bodies present at the Congress.

In Burkina Faso the situation is no better. We have been alerted about the completely uninhibited tendency to stigmatize and incite racial hatred of certain ethnic groups toward inhabitants of Tuareg origin. We reminded them of their duty to respect the laws that prevent the crime of incitement to racial hatred in a letter addressed to a media channel reporting hate speech.

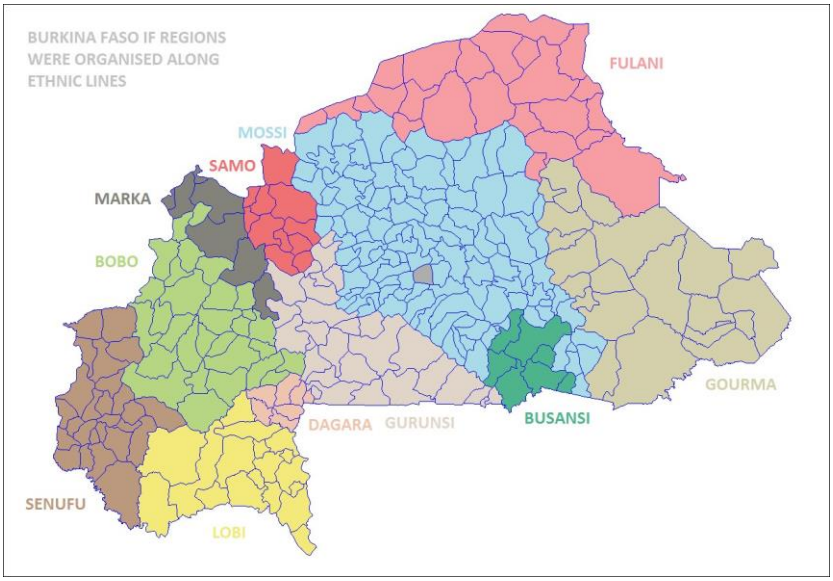
Indeed, a witch hunt is organized against Tuaregs who are treated like terrorists. The criminal acts are carried out with impunity and, as in Niger, do not lead to any legal proceedings.

Being a Tuareg in Burkina Faso

"Here, when you are fair-skinned, you are presumed to be a terrorist" is the title of an article in *Le Monde Afrique* published on April 10, 2017.

Tuaregs, refugees, or terrorists? The confusion leads to the stigmatization of a whole section of the citizen population in Burkina Faso.

The presence of Tuaregs as inhabitants and full-fledged citizens of Burkina Faso is either denied or intentionally concealed. In some maps shown on the web, Tuaregs do not appear as a people and Tamasheq does not appear as a language of Burkina Faso. While we do not wish to presume the intention of the authors of these maps, they are taken up by the general public and contribute to propagating the idea of a non-existent people.



Since 2015, Burkina Faso, like its neighbors Mali and Niger, has been faced with increasing deadly violence perpetrated by terrorist groups as well as by inter-community conflicts, leaving more than 800 people dead and nearly 860,000 displaced. In addition, there are the acts committed by the national forces and the VDP (Volunteers for the Defense of the Fatherland), which were the subject of a report by HRW.

The VDP, a replica of similar organizations in the neighboring countries, is a body of armed civilians. With 14 days of training, VDP volunteers are armed by the government to deal with terrorist attacks in their villages.

VDPs are a means to legalize existing militias. In this way, groups like the Kogl Weogo receive support from the authorities. Having become part of the VDP, protected by a law set in place in January 2020, they enjoy strong impunity, especially in the central and northern part of Burkina Faso. In a report published in March 2020, Amnesty International singled out Kogl Weogo self-defense groups for attacking three villages and killing dozens of civilians in early March in an attempt to extort money and goods.[6]

Burkinabe NGOs, for their part, denounced "ethnic cleansing." Arming some, disarming others and leaving them at the mercy of "ethnic cleansing," everything is being done to empty certain areas of their inhabitants. Caught in a vice between several fires, survival effectively consists of leaving.

On June 28, 2020, the village of Petabouli, a border town located between the Soum and Oudalan provinces in the commune of Gorom-Gorom, was the scene of a confrontation between the VDP, the Defense and Security Forces (FDS), and unidentified armed individuals. This incident led the citizens of Petabouli and other neighboring villages (Tiefolboye, Petelkotia and Adjara-djaray) to move to the city of Gorom-Gorom for their safety. Around 50 people died from this confrontation, including civilians from the Alkaseybanes community.

An elderly woman recounts, "When the military and the VDF arrived, they shot at everything that moved. I took my blind husband by the hand to try to save us. They caught up with us. They separated us and I begged them to spare my blind husband. I didn't want to let go of my husband's hand, but they were stronger. They riddled him with bullets."

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[6] https://www.amnesty.org/fr/latest/news/2020/03/burkina-faso-witness-testimony-confirms-armed-group/

More recently, on October 12, 2020, in the commune of Tin-Akof (Oudalan), we received reports of murder. One witness recounts,

“Aghali ag Abalhod, aged about sixty, as he was driving his herd of cows to the waterhole, underwent an identity check by the military. Having left his identity document at home, the soldiers shot him at close range on his legs and shoulder, leaving him for dead. The soldiers continue to criss-cross the village and meet a person from whom they asked for identification. The person provides it, the soldiers let him go and a few meters away shot him in the back. The people who were working in the fields, witnesses to the scene, tried to hide. The soldiers captured all the men and shot them. On that day, old Eganday, who is over 80 years old, was in the area trying to find food in the nearby camp and also crossed paths with the soldiers who shot him in the shoulder. At the end of this macabre day, two young Fulanis were found lifeless at the edge of the pond, shot dead.”[7]

A young driver tells us his story from June 4, 2019, when he was with passengers Aljoumagat Ag Amidi and Alwali Ag Mossa, both from Intililt. The driver met them at Oursi.[8]

“My older brother called me to pick them up. I didn't have to discuss the price, my brother had already spoken with them. I loaded their luggage and a motorcycle they had bought. We took the national road that leads to the market of Deou [a department and rural commune of Burkina Faso located in the province of Oudalan]. I took another passenger and my apprentice. We were at a village when a convoy of three pick-up trucks from the military arrived and stopped us. After checking our identity papers. they asked me if I knew the two Malians I was carrying. I told them no. They started to be violent and took a rope to whip the two passengers and my apprentice. They took the two passengers and their belongings and told us to leave and not to carry unknown people anymore. According to the

[7] In order to protect those who testify, we do not disclose the names of witnesses.

[8] Intililt and Oursi communes are located in the province of Oudalan, Burkina Faso.

information I got, they were executed the same day on the road between Gorom-Gorom and Tasmakat; their luggage, motorcycle and money were never found."

Civil and Social Rights

In Libya, Tuaregs, who have been indigenous inhabitants of the Fezzan region for decades, have been deprived of access to citizenship. The problem began in the early seventies, during the waves of droughts in Libya. To flee these living conditions, many settled on the shores of the Sahara Desert. Libya began its journey to economic recovery, and Tuaregs invested in agricultural projects in the villages. This period was the beginning of the return of nomads to the cities and their subsequent sedentarization. During the Gaddafi era, there was no provision in the Libyan Constitution to guarantee specific civil and political rights to the indigenous or settled Tuaregs. They were used to moving freely and were forced to provide identity documents that they had never had. With the fall of Gaddafi, the question of Tuareg citizenship took a political turn; certain ethnic groups became undesirable and still do not have access to basic civil rights, considered "second-class" inhabitants.
While having been alerted of these issues at several occasions, national and international bodies—as well as local leaders—have been unable to establish this equality of rights for the 250,000 people (about 4% of the total population) that make up the Tuareg population, who are mainly concentrated near the Algerian and Nigerien borders in the southwest region of the country. Unemployment, precarious living conditions, and the absence of government could drive young people in the community into the arms of traffickers, criminals, and even terrorists.

However, it was through peaceful means in Oubari that the youth organized a movement on February 19, 2020, to protest against all forms of discrimination.

The movement has spread throughout the world, which has allowed this pacifist demand to gain more visibility. National and international television stations broadcasted the demonstrations, which provided the necessary spotlight. Authorities could not completely close their eyes to the issue of leaving tens of thousands of people with the status of being unrecognized stateless persons.

The Tuareg diaspora is present in all continents. Sometimes forced to migrate to neighboring countries and living in refugee camps, they face difficult living conditions. Forced migration, both internal and external, is the consequence of the failure of states to protect the fundamental rights of individuals and to meet basic needs.

In Niger, 90% of the refugees come from Tuareg communities.

“The conflict and occupation of the northern regions did not allow them to remain in their localities of origin. The possibility of moving to the South was not conceivable, insofar as the relationship between the Tuareg and the southern populations involves prejudices, often inherited from the colonial period. Moreover, after independence, the various Tuareg rebellions were strongly repressed by the state via the army (who are only from the South), which regularly accentuated resentment on both sides and memories that fed the potential for conflict. To be a Tuareg in southern Mali is to be equated with terrorism or rebels. This antagonism from the southern population toward Tuaregs was exacerbated after the massacre in Aguelhok led by several members of the Malian national army. The Tuaregs then remain the target of an outbreak of violence in Bamako against a backdrop of amalgamation and suspicion. The Tuareg population thus found itself caught in the crossfire. On the one hand, in the north of Mali, they were subjected to the obscurantist order of armed groups and, on the other hand, they were the target of indiscriminate or illegal attacks in regions where members of armed groups mingled with the Malian army, in addition to the rejection and persecution they also suffered in the south.”[9]

[9] A socio-political approach to the management of Malian refugees in the Tillabery region of Niger. Thesis by Mariame Sidibe.

Refugees by ethnic group and city

Background	Male	Female	%
1) Tuareg	19,593	23,194	81.58%
2) Songhai	2,069	2,929	9.53%
3) Haussa	585	756	2.56%
4) Fulani	1,041	1,373	4.60%
5) Arab	343	436	1.49%
6) Bambara	21	33	0.10%
7) Soninke	3	6	0.02%
8) Other	28	35	0.12%

Department	Male	Female	%
1) Gao	22,949	27,902	96.96%
2) Timbuktu	212	300	0.98%
3) Kidal	416	416	1.59%
4) Mopti	31	49	0.15%
5) Bamako	20	30	0.10%
6) Kayes	13	17	0.06%
7) Koulikoro	6	15	0.04%
8) Segou	18	16	0.06%
9) Sikasso	9	6	0.03%
10) Other	9	11	0.04%

Global summary of data on Malian refugees in Niger as of June 30, 2018 from UNHCR

Although refugees face violence, extortion, crimes, cohabitation amidst tension between communities, the presence of terrorists inside the camps, and difficult living conditions (lack of water, food, etc.), the fear of returning to their city is stronger.

A cramped camp of Tuaregs will, alas, make it a prime target for attacks by militias, armed terrorist groups, or national forces seeking out specific communities.

Recently in Burkina Faso, an army attack in the camp of Mentao left 32 refugees wounded. Security forces entered the camp and conducted a door-to-door search, reportedly forcing men and boys out before beating them with batons, belts, and rope. The refugees were accused of complicity with unidentified assailants and ordered to leave the camp within 72 hours or face with death penalty.

These attacks are on the rise; they are spreading and are not limited to one country. It is essential that the camps effectively perform their function as a refuge, both inside and outside the country.

Cultural Rights

Imuhagh International, whose actions are in line with the fundamental rights recognized by national and international legal instruments, wanted to draw attention to the need to put the appropriate mechanisms in place to keep the Tuareg alphabet system alive, such as by getting schools to teach Tifinagh, increasing the script's visibility on signs, and organizing a cultural day.

It is with this objective in mind that we published the Universal Declaration of Human Rights in Tifinagh on December 1, 2018.

Possible Solutions

Insecurity has rightly led to the enactment of laws to combat terrorist crime. However, the pretext of the fight against terrorism has given rise to abuses both among civilians, with the creation of self-defense militias massacring the population with impunity, and among state agents (military, judicial, etc.). We therefore recommend that the States:

- Evaluate laws with regard to fundamental freedoms. The evaluation must concern both criminal aberrations and the impact on nomadic populations leading to the loss of a way of life generating accentuated impoverishment and a loss of cultural safeguarding.
- Examine files of those arrested within a reasonable period of time. Some detainees have still not been seen by a judge after more than 2 years of detention. Raise awareness among detainees and their families about legal remedies and recourse.
- Enforce transparency of alleged facts concerning crimes and offenses perpetrated by the national forces in order to remove offending agents and restore the population's confidence in their justice system.
- Organize a mobile justice system in order to reach inhabitants in remote places who are often victims of atrocities.
- Use the necessary and effective mechanisms to shorten the time that reparations are given to victims and their families.
- Support organizations that fight for the Tuareg community's fundamental freedoms and rights.

We advise traditional chiefs and leaders to:

- Protect, defend, and preserve the life of Tuareg communities.
- Ensure that the authorities take up the issue of malaria and access to health care in general.

- Organize a transnational base that brings all traditional chiefs and leaders together in order to monitor issues and establish a common agenda for resolutions.

Your Turn to Speak

We wanted to devote a new section to our annual reports – a space where people can convey a message.

“In 2018, my brother, born Sayed Ould Muhammad, disappeared in Makua. Since that day, we lost contact with him. We don't know if he is still alive, so we asked Imuhagh International to publish this message.” – *Ms. Tutua Mint Sayed Ould Mohamed*, Sister

“I am *Khadji Andid*, I am an architectural engineer in Libya. We suffer from many violations of our rights, such as withholding our salaries. We can't travel to get medical treatment. Our life depends on a national social security number, which prevents us from the necessities of daily life, like opening a bank account.”

“I am *Khaled*, I knocked on all doors here in Bamako, contacted all those among the leaders and traditional chiefs with ties to the State and spent all my means to get news of my son Moradiss without any success. I would like to hear him, to see him. I appeal for help.”

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