

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing on

Counterterrorism and Human Rights: Striking the Right Balance

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I am here today to provide an overview of the impact on human rights of measures adopted by the Nigerian authorities in the fight against terrorism. These actions have harmed many of Nigeria's most vulnerable citizens, who are already suffering through the horrors of 12 years of the Boko Haram conflict in the northeast region.

Human Rights Watch appreciates the Lantos Commission looking at this issue, given the significant influence of the United States on counterterrorism in Nigeria. I will make the case that the United States has a responsibility to mitigate the negative effects of this counterterrorism partnership.

Nigeria has an obligation to protect civilians from abuses committed by groups like Boko Haram and its breakaway faction, the Islamic State West Africa Province, known as ISWAP. It also should bring the perpetrators of these abuses to justice. But it has an equal international legal obligation to ensure that it does not violate human rights in the name of security.

Those obligations extend to international partners who provide military cooperation and support to Nigeria, including the United States.

This year, Nigeria received 12 "Super Tucano" Light Attack aircraft from the US government. The sale, which was initially held up due to human rights concerns, is the largest US foreign military sales program in Sub-Saharan Africa, valued at almost a half-billion dollars.

Commendably, your Congress has for now suspended a proposed \$875 million sale of 12 AH-1 Cobra attack helicopters and other military hardware to Nigeria over human rights concerns. It's critical that US policymakers take stock of the knock-on effect of this war on terror.

An example is [a 2017 airstrike by the Nigerian air force which killed over 100 people in a camp for people displaced in Borno State](#), the epicenter of the Boko Haram conflict. In September this year, the air force carried out another [airstrike on a village in Yobe State](#) that killed 10 civilians.

The authorities [claimed](#) in both cases that the civilians were struck erroneously but to date, it has offered no detailed explanation of what went wrong or held anyone to account.

The Boko Haram conflict currently accounts for the highest number of missing persons documented in any conflict in the world, according to the International Committee of the Red Cross. While non-state armed groups may be largely to blame, many of the missing, including children, are victims of extrajudicial killings, arbitrary arrest, and incommunicado detention by Nigerian security officials. In 2019, I documented the detention of children as young as 10 years old for suspected links to Boko Haram.

Counterterrorism abuses are also taking place in court. In 2018, I documented mass [trials of Boko Haram](#) suspects that were fraught with irregularities. Many suspects had been detained incommunicado for 2 to 5 years. Some had been detained for almost a decade before finally standing trial. Most suspects have been charged with providing material and non-violent support to Boko Haram under Nigeria's Terrorism Prevention Act, although in most cases I saw no shred of evidence from the prosecution to prove the allegations.

Nigeria adopted the Terrorism Prevention Act following pressure from the US and other Western governments to pass a tough counterterrorism law. The law contains overbroad provisions that the authorities have used in recent years to repress dissent, including by branding critics as suspected insurgents or terrorists. Consider the case of Abba Jalingo, a journalist who was detained for 174 days on charges of treason and terrorism under the Terrorism Prevention Act after he published a report implicating a state governor in corruption.

Under the Terrorism Prevention Act, the government has also [proscribed groups including the Shia Islamic Movement of Nigeria](#), a Muslim minority group, as well as the [Indigenous People of Biafra, a secessionist movement in the southeast](#) agitating for the creation of a separate country called Biafra. Yet, the purpose of these groups could not reasonably be considered terrorism.

For years, military authorities have also stifled organizations trying to deliver essential aid to people living in conflict zones. They have done this also through the Terrorism Prevention Act, which criminalizes engagement with groups the government lists as terrorists—even if all they are doing is trying to save the lives of people who have the misfortune to live in conflict areas.

It is important to note that the US government provides [humanitarian assistance](#) in the northeast including through USAID. It is a shame that this aid is less effective than it could be because of Nigeria's counterterrorism abuses.

Finally, the Terrorism Prevention Act gives Nigerian authorities the power to seize and freeze the assets of those suspected of terrorism or terrorism financing. During the #EndSARS protests against police brutality in October 2020, I documented how Nigerian [authorities ordered banks to](#)

[freeze accounts of individuals carrying out transactions in support of the protests](#), alleging that they could be financing terrorism.

Similar abuses are taking place in the name of countering Boko Haram in neighboring countries in the Lake Chad basin, including Cameroon, Chad, and Niger. Over the last decade, the United States [has provided](#) hundreds of millions of dollars to Cameroon, including in security assistance. This includes training Cameroon's elite military force, the Rapid Intervention Battalion, which [has been accused](#) of serious human rights abuses in its fight against Boko Haram.

Before moving ahead with [another major weapons sale](#) to Nigeria, I urge US policymakers to scrutinize the country's rights record and ask themselves if they are doing enough to help minimize the potential harm to ordinary people in the name of countering terror.

We are also aware that the US government is reviewing its Counterterrorism Strategy. I urge the Biden administration to develop a policy that prioritizes human rights and minimizes suffering and rights abuses. That will require the US to both offer incentives to countries like Nigeria for rights improvements and penalties for rights violations.

This is the correct approach not only legally but also strategically. Time and again, we hear from local leaders and civil society in Nigeria and beyond that abusive counterterrorism measures are fueling recruitment to groups like Boko Haram. The more the US countenances abuses by its counterterrorism allies, the more it risks being viewed on the ground not as an ally but as the enemy.