

**Written Testimony -
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Ambassador-at-Large
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Chairman McGovern, Chairman Smith, distinguished members of the Commission: Thank you for the opportunity to testify today and for the longstanding efforts of this Commission to promote, defend, and advocate for international human rights. I welcome the opportunity to speak with you today about the dire situation in Nigeria's North Central region.

The Office of Global Criminal Justice (GCJ), which I have the honor of leading, advises the Secretary of State and Under Secretary of State for Civilian Security, Democracy, and Human Rights on issues related to war crimes, crimes against humanity, and genocide. We assist in formulating U.S. policy on justice and accountability for mass atrocities. Our mandate also includes atrocity prevention and mitigation.

Generally speaking, from my perch in the Office of Global Criminal Justice, the most important priority is that we take action to prevent atrocities, to ameliorate the effects of atrocities when they do occur, and to bring justice to the victims of atrocities and to hold accountable those who are responsible for atrocities.

Making the decision whether to characterize a situation as a specific atrocity (e.g., genocide or crimes against humanity), or war crimes is a serious one. Many governments will not make such statements officially, preferring to leave the question to judicial bodies. The United States similarly leaves this question to the courts in most cases. However, on a few occasions, the Secretary of State has determined whether the U.S. Government should characterize particular abuses as genocide, crimes against humanity, or ethnic cleansing.

Since the United States ratified the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention") in 1988, at least, two common elements exist in how the Secretary makes an atrocity determination. First, an analysis of all the facts available to the United States occurs. Sometimes the United States spends resources to seek out additional facts prior to making a determination. Second, an application of the facts to the law occurs to determine if the terms are legally available. So, for example, if we were to review whether genocide has taken place, we would look at the federal genocide statute and also the Genocide Convention, including any U.S. understandings about the convention. While no automatic trigger for atrocity determinations exist, the absence of a U.S. atrocity determination does not mean that a specific atrocity is not taking place or that the U.S. Government believes that the atrocity is not taking place.

With regard to Nigeria, we can say that the country continues to be at great risk for mass killings. Most relevant to this hearing, herder-farmer conflicts in Nigeria include mass killings in the North Central region. With the 300 kidnapped boys just a couple days ago, and the majority of the Chibok girls disappeared in 2014 still missing, there is much to be concerned about. In addition, herdsman initiating the conflict are most often Fulani, with victims largely from Christian ethnic groups. To be sure, the

problem is complex. Resource competition, demographic pressure, poor governance, and intercommunal grievances commonly take on an ethno-religious character. The bottom line is that violence in Nigeria's North Central region continues to cause displacement and death.

Last week, the United States designated Nigeria as a *Country of Particular Concern*¹ for engaging in or tolerating "systematic, ongoing, egregious violations of religious freedom." We also designated Boko Haram, and ISIS-West Africa, and others as *Entities of Particular Concern*.² The White House has also reiterated that "the United States is deeply concerned by religion-based violence in Nigeria, particularly the killing and persecution of Christians."³

The Government of Nigeria's inability to protect victims from the violence perpetrated by Fulani in the North Central region is unacceptable, and its failure to bring such perpetrators to justice must not stand.

In fact, Nigeria must hold all perpetrators accountable, including government officials. A lack of justice for victims and accountability for perpetrators creates an atmosphere that perpetuates cycles of violence and abuse. As such, we support appropriate efforts to promote justice and accountability for atrocities and other violations and abuses committed in the context that is the subject of today's hearing, which is focused on Nigeria's North Central region. We believe that such efforts are critical to prevent future atrocities as well as to meaningfully redress those that have already taken place.

We are committed to helping Nigeria reform its security sector and improve governance. It is in the national interest of the United States to support Nigeria in this endeavor. U.S. efforts to support civilian security cannot, however, be a substitute for Nigerian political will. To ensure our continued cooperation, we emphasize to our Nigerian partners that they must professionalize their security forces, ensure they are under an accountable chain of command, and, where appropriate, hold accountable for violations and abuses not only the direct perpetrators, but also superiors who are complicit in their subordinates' crimes. And we reiterate that women's full, effective, and meaningful participation in Nigeria's government and civil society is critical to building a peaceful future.

In addition, we recognize the necessity of a comprehensive approach when addressing the complexity surrounding the mass killings and other violations and abuses in the North Central region. Thus, we seek reliable in-country partners willing to uphold the rule of law, including inviolable limits on the exercise of government power -- like the obligations to respect the rights to free expression, religion or belief, and due process. Good governance requires some basic fundamentals, like an independent judiciary dispensing justice without fear or favor, a citizenry willing and able to hold its leaders accountable, and a security sector willing to hold itself accountable. We call on the government of Nigeria to investigate and prosecute the perpetrators of the attacks and killings occurring within its borders, including government officials.

The United States will continue to work tirelessly to end religiously motivated abuses and persecution around the world, including in Nigeria. We will never cease working to help ensure that each person, everywhere, at all times, has the right to live according to the dictates of conscience.

We desire to work with Nigeria's governmental and civil society leaders to prevent further violence. The Secretary has made clear that we want the Nigerian people to be successful, and that the religious intolerance and horrific actions occurring in Nigeria are unacceptable and must end.

We recognize the necessity of a comprehensive approach to addressing the mass killings in the North Central region. Prioritizing good governance under the rule of law, accountability, respect for human rights and fundamental freedoms, and other reforms must all be part of preventing mass atrocities and establishing and maintaining peace and security.

The government of Nigeria must, as a matter of highest urgency, address the humanitarian crisis in its midst. We stand ready to help if there is a serious desire on the part of the Nigerian government to tackle these issues.

Thank you again for giving me the chance to speak with you. I look forward to your questions.