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President Goodluck Ebele Jonathan
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Your Excellency:

I write on behalf of the Association of the Bar of the City of New York (the Association) to urge you to use all necessary measures to protect your population from the atrocities committed by Boko Haram, and to ensure that your military respects your country's obligations under international humanitarian law while it combats the insurgency in Northern Nigeria. In addition, we ask that you maintain your support for the African Union's mandate for the regional military force to combat Boko Haram, which will be submitted to the United Nations Security Council for approval.

The Association is an independent non-governmental organization with more than 24,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, and its Committee on African Affairs, which closely monitors and responds to legal developments in Africa.

As has been documented, Boko Haram, a jihadist group, started its bloody insurgency in 2009¹ with rampant bombings, murders, seizing and destroying towns, kidnapping 276 high-school girls in Chibok in 2014, and most recently using 10- and 12-year-old girls as suicide bombers in the northern Nigerian towns of Maiduguri and Potiskum.² The terrorist group presents a serious threat to regional stability.

Boko Haram militants have killed scores in a series of raids on dozens of villages in Northeast Nigeria's Adamawa state, continuing its violent campaign of terror, slaughtering residents and abducting others.³ The group has been tied to a spate of assassinations, market bombings, and attacks on churches and raids on villages.

¹ Global Information Network, *Bombs Fly as Nigerians Prepare to Vote*, February 2, 2015, See www.globalinformationnetwork.org/AfricaNews-in-Brief-from-GlobalInformationNetwork-February2-2015.

² David Tolbert, *Boko Haram and the Lessons of the LRA*, January 15, 2015, See <https://www.ictj.org/news/boko-haram-and-lessons-lra>.

³ Aminu Abubakar and Greg Botello, *Boko Haram strikes again: 'They slaughter people like animals'*, CNN, January 28, 2015, See <http://www.cnn.com/2015/01/28/africa/boko-haram-raids/>.

As you are aware, the militant group has also attacked the neighboring towns of Baga and Doro, murdering scores of people and laying waste to their homes. The initial local estimates put the death toll at 2,000, although the Nigerian military disputed the figure. Daniel Eyre, Nigeria researcher for Amnesty International, described the Boko Haram assault as “the largest and most destructive” the organization had analyzed.⁴ “It represents a deliberate attack on civilians whose homes, clinics and schools are now burnt-out-ruins,” he said. Only recently, Baga has been retaken by the military.

Much of the north of the country has been in flames. About 18,000 people have died in political violence in recent years, thousands of them in brutal attacks by Boko Haram, a jihadist group that claims to have established its “caliphate” in territory as large as Belgium. Another 1.5 million people have fled their homes.⁵

It has been reported that the Nigerian government has been criticized for its ineffectiveness in tackling Boko Haram,⁶ and for failing to address the threat of the insurgency.⁷ In addition, there are reports that soldiers are sent to the front line short of ammunition and rations. Poorly led, they have failed to quell the insurgents.⁸

However, there are also reports that the Nigerian military has been conducting brutal interrogations and executions of civilians suspected to be Boko Haram members.⁹ The military went on what they called “security sweeps,” detaining unarmed civilians, beating them up, and treating people very roughly. Such actions, as described, violate the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)¹⁰ that requires signatory parties to take measures to end such acts within their territorial jurisdiction and to criminalize all acts of torture. Nigeria signed the CAT on July 28, 1988, and ratified it on June 28, 2001.¹¹

Under the Responsibility to Protect doctrine (R2P), that was adopted by the United Nations General Assembly,¹² the pillars, as stipulated in the Outcome Document of the United Nations World Summit,¹³ state that 1) The State carries the primary responsibility for protecting populations from . . . war crimes, crimes against humanity . . . ; 2) The international community has a responsibility to assist States in fulfilling this responsibility; and 3) If a State is manifestly failing to protect its populations, the international community must take collective action to protect populations in accordance with the Charter of the United Nations (UN). Amnesty International has alleged that Boko Haram’s and the Nigerian security forces’ actions may constitute war crimes and crimes against humanity.

⁴ Sam Jones and Monica Mark, *Boko Haram: satellite images reveal devastation of massacre in Nigeria*, The Guardian, January 15, 2015, See <http://www.theguardian.com/world/2015/jan/14/satellite-images-reveal-devastation-boko-haram-massacre-nigeria>.

⁵ The Economist, *Nigeria’s election, the least awful*, February 7, 2015, page 13, See <http://www.economist.com/news/leaders/21642168-former-dictator-better-choice-failed-president-least-awful>.

⁶ *Id.*

⁷ Alexander Smith, *Nigeria Elections: Boko Haram Violence Ballot Chaos Threaten Vote*, NBC News, January 31, 2015, See www.nbcnews.com/storyline/nigeria-elections-boko-haram-violence-ballot-chaos-threaten-vote.

⁸ The Economist, *Bad Luck for Nigeria*, February 7, 2015, page 43, print edition.

⁹ Priyanka Bhogani, *Uncovering Atrocities Committed by Nigerian Security Forces*, Frontline, Public Broadcasting System, September 9, 2014, See <http://www.pbs.org/wgbh/pages/frontline/foreign-affairs-defense/hunting-boko-haram/uncovering-atrocities-committed-by-nigerian-security-forces/>.

¹⁰ GA res. 39/46, annex, 39 UN GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984); 1465 UNTS 85.

¹¹ United Nations Treaty Collection, Status At: 15-02-2015, See <https://treaties.un.org/Pages/ParticipationStatus.aspx>.

¹² A/RES/60/1, para. 138-140 Office of The Special Adviser on the Prevention of Genocide, *The Responsibility to Protect*, See <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

¹³ A/RES/60/1, para. 138-140, and formulated in the Secretary-General’s 2009 Report (A/63/677) on implementing the Responsibility to Protect.

In view of the above, and in accordance with R2P and the UN Charter,¹⁴ we request that you maintain your support for the Multinational Joint Task Force (MJTF) that was mandated by the African Union on January 30, 2015.¹⁵ Although Nigeria previously insisted that it was capable of tackling Boko Haram, some of its neighbors, including Niger and Cameroon, have criticized Nigeria for not doing enough. The plan for the MJTF will be submitted to the UN Security Council for approval in accordance with the UN Charter. The Security Council has already condemned attacks by Boko Haram, while reiterating the primary responsibility of Member States to protect their civilians.¹⁶ And the UN Secretary-General Ban Ki-moon said he supported the AU's plan to fight the terror group, Boko Haram, with the establishment of a Multinational Joint Task Force.¹⁷

Because of the ongoing atrocities committed by Boko Haram, and the reported violations of humanitarian law by the Nigerian military, we respectfully urge you to comply with your country's obligations under the Responsibility to Protect and international humanitarian law. We also request that you maintain your support for the Multinational Joint Task Force as mandated by the African Union.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Debra L. Raskin'.

Debra L. Raskin

¹⁴ Article 53, par.1, second sentence, recognizes that regional arrangements for enforcement actions may play an autonomous role with subsequent authorization by the Security Council. See Ugo Villani, *The Security Council's Authorization by Regional Organizations*, Max Planck Yearbook of United Nations Law, Volume 6, 202, pgs.535-537, http://www.mpil.de/files/pdf1/mpunyb_villani_6.pdf. Also, e.g. AMISOM operation against Al Shabaab, United Nations Security Council Resolution 1744.S/RES1744(2007).

¹⁵ BBC News Africa, *Boko Haram crisis: African Union backs regional force of 7,500 troops*, January 30, 2015, See <http://www.bbc.com/news/world-africa-31057147>.

¹⁶ Oluseyi Soremekun, *Security Council condemns attacks by Boko Haram-Presidential Statement adopted as S/PRST/2015/4*, United Nations Information Centre Lagos, January 21, 2015, See <http://lagos.sites.unicnetwork.org/2015/01/21/un-security-council-on-boko-haram-presidential-statement-adopted-as-sprst20154/>.

¹⁷ United Nations Centre, January 31, 2015, See <http://un.org/apps/news/story.asp?NewsID=49965#.VNaf1finF8RI>.

cc:

H.E. Dr. Nkosazana Dlamini Zuma
Chairperson of the African Union Commission

Honorable Kayitesi Zainabo Sylvie
Chairperson of the African Commission on Human and People's Rights

Honorable Commissioner Zeid Ra'ad Al Hussein
High Commissioner
Office of the United Nations High Commissioner for Human Rights (OHCHR)

H.E. President Thomas YAYI Boni
President of the Republic of Benin

H.E. President Idriss Deby
President of the Republic of Chad

SH.E. President Paul Biya
President of the Republic of Cameroon

H.E. President Mahamadou Issoufou
President of Niger

Commissioner Smail Chergui
African Union Commissioner of the Peace & Security Council