



January 17, 2019

The Honorable James Risch  
Chairman  
Senate Foreign Relations Committee

The Honorable Robert Menendez  
Ranking Member  
Senate Foreign Relations Committee

The Honorable James Inhofe  
Chairman  
Senate Armed Services Committee

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee

The Honorable Eliot Engle  
Chairman  
House Foreign Relations Committee

The Honorable Michael McCaul  
Ranking Member  
House Foreign Relations Committee

The Honorable Adam Smith  
Chairman  
House Armed Services Committee

The Honorable Mac Thornberry  
Ranking Member  
House Armed Services Committee

Dear Sirs,

I am writing to call your attention to recent investigative reporting that holds implications for the application of US law and policy with regard to Nigerian security forces.

As you may have seen, on December 17, 2018, the New York Times reported that contrary to initial claims, video evidence establishes that Nigerian security forces who fired on protestors in October did not do so in self-defense. Rather, video footage shows the security forces “opening fire on unarmed demonstrators, sometimes shooting indiscriminately into the crowd at close range as people turned and tried to flee.” (See “Nigeria Says Soldiers Who Killed Marchers Were Provoked. Video Shows Otherwise.”) Amnesty International shares this assessment of the soldiers’ account and considers the allegations against the marchers as an attempt to justify unlawful killings.<sup>1</sup>

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<sup>1</sup> <https://www.amnesty.org/en/latest/news/2018/10/nigeria-security-forces-must-be-held-accountable-for-killing-of-at-least-45-peaceful-shia-protesters/>

The close examination of video footage brings the 7<sup>th</sup> unit of the Nigerian Brigade (also referred to as the Presidential Guard Brigade) into the orbit of the Leahy Law, which prohibits any Department of Defense funding from being used “for any training, equipment, or other assistance for a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.” [10 U.S.C. section 2249e](#) and further, 22 U.S.C. section 2378d. According to section 502B(d) of the Foreign Assistance Act, the extrajudicial killings carried out by Nigerian soldiers in October 2018 meet the US statutory definition of a gross violation of human rights.

It is the State Department’s responsibility to vet foreign military personnel who are candidates for US military training, including the history of the unit in which they serve. The State Department maintains a Vetting and Security Tracking System (INVEST), and US embassy personnel abroad are charged with entering names into the database. The State Department is also charged to make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished.

To ensure adherence to US law, I ask you to verify that the Nigerian military unit responsible for actions in the October demonstrations has been identified and its members’ names entered in INVEST. I also ask that you confirm members of this unit will not be allowed to receive US training or weaponry unless and until it is established that the Nigerian government has taken effective measures to bring those responsible to justice and all necessary corrective steps have been taken – in accordance with US policy (Leahy Fact Sheet 03-03-2016). Lastly, I ask that you ensure the identities of the perpetrators are made publicly available.

Please convey to the Foreign Minister of Nigeria and to any other of your respective counterparties these concerns about the apparent impunity of Nigerian soldiers shooting at unarmed marchers, and the serious violations of human rights for which they are responsible.

Thank you very much for your attention to this matter.



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