



Friends Committee on
National Legislation
A Quaker Lobby in the Public Interest



Chairman Bob Corker
Senate Foreign Relations Committee
Ranking Member Ben Cardin
Senate Foreign Relations Committee

Chairman Ed Royce
House Foreign Affairs Committee
Ranking Member Elliot Engle
House Foreign Affairs Committee

May 10, 2017

Dear Chairman Corker, Senator Cardin, Chairman Royce and Representative Engle,

We the undersigned organizations are writing to convey our concerns regarding reports that the Trump administration is moving forward with plans to sell A-29 Super Tucano light attack aircraft, with mounted machine guns and related parts and logistical support to the government of Nigeria. We believe that given the Nigerian government has not taken adequate action to protect human rights and enforce accountability in the military, this transfer runs a substantial risk of resulting in serious human rights violations.

In June of 2016 many of us expressed concerns over the same proposed sale to President Obama, citing the lack of adequate safeguards and accountability mechanisms to ensure that the Tucano aircraft would be used consistently with international human rights and humanitarian law by the Nigerian military. Those concerns took on a tragic reality with the Nigerian government's bombing of an Internally Displaced Person's camp in early 2017 – that bombing effectively scuttled plans to move forward with the sale under the Obama administration. We reiterate those concerns now and ask that you take steps to limit the risks that equipment supplied by the US will be used to commit or facilitate serious violations of human rights and humanitarian law. The Nigerian government must first agree to implement a comprehensive plan to protect human rights and enforce accountability

Our message to the Obama administration was that the US should insist on securing robust, binding end use/r guarantees, post-delivery monitoring to verify all recipients

are operating consistently with full respect for international human rights and humanitarian law, and end user certificate restrictions are being honored, safeguards against further serious human rights violations, and other credible and measurable progress on accountability within the Nigerian security forces. These recommendations were offered with the aim of ensuring that the United States did not inadvertently facilitate the commission of human rights violations in Nigeria and to ensure that the US is doing everything it can to end the culture of impunity within the Nigerian military with respect to human rights.

In our earlier letter, we listed several incidents of serious human rights violations that indicated a systemic failure to respect human rights and enforce accountability within the Nigerian security forces (see attached). Unfortunately, to date there has been no progress towards investigating any of those past incidents or bringing persons responsible for those violations to justice. Indeed, the Nigerian Air Force bombing of a remote displaced persons camp in Rann in January 2017 demonstrates the urgency of implementing safeguards and monitoring with respect to human rights. The bombing of that camp, close to the Cameroon border, killed at least 126 people (and possibly as many as 200).

Although a panel appointed by the Nigerian Air Force to investigate the tragedy presented its report to the Chief of Air Force in April, the report is yet to be made public and speculations about the bombing are rife. The Chief of Air Force has stated that the bombing was a human error. However, witnesses claim that the fighter jet circled the camp at least twice before it bombed the camp.

In view of the continuing patterns of abuse and potential for misuse of US-supplied equipment, the U.S. Congress should insist that the Nigerian government undertake independent investigation into all allegations of human rights violations by the military. Any such reports on human rights violations by the military in northeast Nigeria should be made public, including on the Rann bombing. Further, all victims should receive full reparation, including financial compensation.

Before approving the intended transfer of the Tucano aircraft, Congress should ensure that Nigerian military personnel involved in its operation and command will be rigorously vetted in order to screen out those responsible for past human rights violations and violations of international humanitarian law. Moreover, steps should be taken to ensure that personnel operating the equipment are adequately trained to comply with international human rights and humanitarian law and standards.

Furthermore, we ask you as Congressional leaders to insist on binding guarantees from the Nigerian government that the equipment will be used in conformity with US and international law. Likewise, Congress should seek guarantees from the Trump Administration that the Department of Defense will effectively monitor the use of these aircraft for compliance with international human rights and humanitarian law.

Just a few weeks ago, Ambassador Nikki Haley made well-publicized comments drawing attention to the connection between widespread human rights violations and the breakdown of peace and security. Without strong human rights structures in place, the transfer of the Tucano attack aircraft armed with heavy machine guns could exacerbate the conflict, or fuel new ones.

This is already an established pattern in Nigeria and demonstrates that the hoped for outcome based on the sale may not be achieved. The US must take seriously its responsibility to ensure that the transfer of these arms and equipment does not result in a further deterioration in the respect for human rights in Nigeria. From your position of leadership in the US Congress, we urge you to convey these concerns to the Administration and seek guarantees that all precautions will be taken.

Sincerely,

Amnesty International USA
Peace Action
Peace Direct
Friends Committee on National Legislation.
21st Century Wilberforce Initiative
Jubilee Campaign USA