

**Testimony of Mr. Emmanuel Ogebe, Esq.**

**On Behalf of the Jubilee Campaign**

**On**

***The Rising Global Threat of Boko Haram & US Policy Intransigence***

**Before the**

**Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations**

**and the**

**Subcommittee on Terrorism, Nonproliferation, and Trade**

***Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations***

***Rep. Christopher H. Smith, Chairman***

***Subcommittee on Terrorism, Non-proliferation and Trade***

***Rep. Ted Poe, Chairman***

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**U.S. House of Representatives Foreign Affairs Committee**

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Mr. Chairmen, Ranking Members and Members of the Subcommittees: Thank you for the opportunity of allowing me to testify before you today.

I especially want to thank Chairman Smith for his outstanding leadership on this issue and for traveling to Nigeria to further investigate the situation, where he called for the Nigerian government to create a Boko Haram victim's compensation fund. Today, I would like to share five critical points concerning the unfolding situation in Nigeria.

### **I. Profiles Of Terror**

The People for the Propagation of the Prophet's teaching, also known as Boko Haram was recently described as "one of the most vicious terrorist organizations in the world" by President Obama. The Nigerian-based Jihadist group was ranked the 2<sup>nd</sup> deadliest terrorist group worldwide – after the Taliban – by the State Department's 2012 US Terrorism report.

Boko Haram emerged around 2002 as a self-styled "Nigerian Taliban" in direct response to the US invasion of Afghanistan and the dislodgment of the Taliban<sup>1</sup>. Since its first attack against Nigerian police stations, interestingly, on Christmas Eve 2003, Boko Haram has evolved into a lethal terror group after its role model in just a decade.

From the time it issued an ultimatum, shortly after blowing up churches on Christmas day, asking Christians and southerners to leave Northern Nigeria in January 2012 or die, Boko Haram has prosecuted a pernicious and systematic campaign of extermination. Funerals for randomly killed non-Muslim "others" have been attacked, companies have been raided, and non-Muslims summarily executed by shots to the head, buses have been stopped with the occupants separated and systematically slaughtered. More Christians

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<sup>1</sup>Onmonya, George, *Boko Haram and History*, <http://nigeriavillagesquare.com/guest-articles/boko-haram-and-history.html>

were killed in northern Nigeria in 2012 than throughout the rest of the world<sup>2</sup>. Despite a state of emergency meant to rout out the insurgents after they captured significant swathes of territory in Nigeria's northeast, military sources say they have only liberated about 75% of territory previously lost to Boko Haram. In a recent trip to an insurgent strong-hold, it was clear that Boko Haram is operating unfettered in the mountain ranges of Gwoza. Three churches and 21 homes were burnt and the father of one of our interviewees was killed just miles away from our hotel. These incidents barely made it into the local news. September marked the highest death toll since 2009 with deaths in the region of 500 including a rush hour ambush in which chainsaws were used to decapitate travelers, a school massacre, a military ambush and scorched earth raids on villages in Gwoza. Like Tora Bora, the hills of Gwoza have become a bastion of insurgency. In fact there is a region in Yobe actually renamed "Kandahar" by the terrorists.

This year, there has been a sustained level in the number of church attacks inspite of the increased security. In 2012, about 47 churches were attacked. This year 53 churches have already been attacked and 216 people murdered in them. Last year, there were two attacks on mosques carried out by Boko Haram resulting in 19 deaths and this year there have already been two attacks, with an increased death rate of 52, indicating an upward trend in the severity of such attacks.

Inspite of the well documented nexus with global jihad that goes as far back as Nigerian Islamist fighters being captured fighting alongside the Taliban during the US invasion of Afghanistan, and Bin Laden's personal secretary admitting to traveling to Nigeria in a New York court, the US continues to discount the full global antecedents and intents of Boko Haram.

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<sup>2</sup>World Watch Monitor, *Widest Church Groupings Raises Funds for Boko Haram's almost 800 Victims in 2012*, March 8, 2013, <http://www.worldwatchmonitor.org/2013/03-March/2331194/>

So while the President is on point in his description of Boko Haram as one of the most vicious terrorist organizations in the world, his administration's response has been anything but precise.

## **II.A Deadly Misdiagnosis: How The U.S. Has Framed The Issue Improperly**

Part of the State Department's response has been to deny the religious motivation of a rabid jihadist group that has repeatedly declared its goal of overthrowing the state and establishing a radical Muslim theocracy; to downplay the repeated threats to America going back several years by claiming this is all "local"; presenting arguments rationalizing terrorism by psycho-analyzing the emotional disconnect between the central government and northern Muslims who fuel the terrorism; pressing the government to throw money at the problem with no emphasis on victim compensation, and being more critical of the military counteroffensive than of the terrorists' atrocities.

This has led to an absurd situation where the terror group has had to clarify its jihadist credentials in almost direct rebuttals of State Department characterizations. When the US said Boko Haram is "not religious" but economically motivated, the terrorists invested in a video to correct this misinformation. In a video released last week on November 3<sup>rd</sup>, Boko Haram leader Shekau claimed responsibility for the deaths of 35 people on an October 24 attack in the northern city of Damaturu. He stated: "This is a brief message to the world. We carried out the Damaturu attacks with Allah's help, with Allah's might, with Allah's glory and with victory from Allah, the Creator."<sup>3</sup> Shekau and his group are not shy about the fact that they kill in the name of their Creator. In regard to the FTO designation, Boko Haram is substantially ahead of the US – they have long since assumed that they have already been designated and they have designated the US a Foreign Target Objective!

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<sup>3</sup><http://news.yahoo.com/boko-haram-video-claims-october-24-attack-killed-185857285.html>

A decade ago I visited a Nigerian community devastated by flooding. The US and Nigerian governments built 400 free houses for them. When I went to the houses, I saw northern children wearing Osama bin Laden hats. What was shocking to me is that US diplomats are aware of the intense anti-American sentiments in northern Nigeria but somehow the US misrepresents this as being “local”.

But beyond the farcical elements of State’s misinterpretations of Boko Haram’s clear message and intent, there are more troubling assertions that could portend great harm to America’s biggest ally in sub-Saharan Africa.

First, the Department of State asserts that the north feels distanced from the central government headed by President Jonathan and has been politically marginalized. This statement was made less than one year after he was elected. Could the president in office for less than 1 year be responsible for the neglect of the north, which has occupied the presidency for 70% of the nation’s history? How would State explain the riots in 12 states that destroyed over 500 churches, which occurred even before President Jonathan’s electoral victory was announced? The fact remains that the backwardness of the north is a reality that dates back to British colonial rule and one that cannot now be reassigned vicariously to Nigeria’s Federal government.

State’s proposed solution was for Nigeria to give more money and positions to the Muslim north which it specifically distinguished from central Nigeria which is majority Christian and especially to cuddle “Hausa Fulani” leaders.

Here is the reality: The north already has the majority of top government positions including 80% of the most senior positions – Senate President, House Speaker, Chief Justice and Vice President. Only the President is not from the north.

But in its tribalist-based assessment of the situation in Northern Nigeria, State singled out the Hausa Fulani for rapprochement whereas the hub of the insurgency is the Kanuri tribe in the northeast. In fact, the Hausa Fulani are not only considered to have oppressed

minorities in the north but also the rest of the country as well! How did the Department of State miss it so badly on a simple cultural and historic fact? This is as bad as saying the Redskins should apologize for using that name - to the British.

Even worse is the US prescription for more money to the north in furtherance of the sophist argument that this is “economic”. By reinterpreting the jihadist movement in its own image State has succeeded in negotiating a ransom on behalf of terrorists demanding “protection money” from the federal government in violation of all the principles of federalism. The Federal government of Nigeria does more for its individual states than the US government does for its states, providing generally 80% of many states’ budgets.<sup>4</sup>

The ultimate danger here is that the US is opening a slippery slope to the institutionalization of mass murder as a legitimate pathway to more federal resources. This could create a precedent that if you blow up churches, the US will advocate on your behalf (not on behalf of victims) to earn you a federal ministry. The end result would be horrendous - different segments of the 360+ tribes who have “legitimate grievances” will seize upon terrorism as the way forward and Nigeria will know no peace ever again! The rule of law will be completely eviscerated.

On Easter Monday last year at a CSIS event in Washington, DC the top US diplomat for Africa then, Ambassador Johnnie Carson declared, “I want to stress that religion does not drive extremism in Jos or northern Nigeria” despite the fact that 38 innocent Nigerians were killed in terrorist bombings the day before during Easter celebrations and despite the fact that Boko Haram has attacked Christians hundreds of times. His solution: “(The Government of Nigeria) will have to develop an economic recovery strategy that compliments its security strategy...The Nigerian government should consider creating a Ministry of Northern Affairs or a development commission.”

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<sup>4</sup> Nairaland.com Forum, *Internally Generated Revenue- Lagos, Sokoto Lead the Way*, July 23, 2009, <http://www.nairaland.com/300410/nigeria-igr-internally-generated-revenue>

To state that religion does not play a role in the extremism exhibited by the terrorist group is disingenuous at best and deeply insensitive to victims. To propose that it can be fixed with a commission is naïve. The US sent out billions in cash that was physically distributed around Iraq, but still signally failed to win hearts and minds to stem insurgency. To propose a repeat methodology and expect different results certainly meets Einstein's threshold of insanity.

America's missed opportunity in properly understanding and promptly responding to the Boko Haram threat has misled the Government of Nigeria, weakened its response and resulted in numerous lives lost plus a heightened and highly evolved threat to the US homeland and global community.

If after September 11th, the global community had responded by pontificating on America's perceived sins to the Arab world instead of rallying around to jointly disavow terrorism, giant strides would not have been made in decimating Al Qaeda. This is why the US response to a crucial African ally is unfair and unfortunate.

Questions still arise – what happened to the Nigerian foreign fighters found fighting alongside Al Qaeda and the Taliban in Afghanistan when NATO troops invaded in 2001? They did not go to Gitmo so were they released to return to Nigeria and start the Nigerian Taliban? The intelligence gaps here are deep and wide...Regardless of what happened a dozen years ago, the intelligence lapses now are of the utmost concern. Last year, the former Ambassador Johnnie Carson dissimulated before this committee on a simple question: whether there were Iranian arms in Nigeria – a matter that was before the UN Security Council and had been reported in numerous media. He claimed ignorance.

This was inspite of the fact that in violation of UN sanctions requested by the United States, Iran had surreptitiously shipped 13 containers of weapons into Nigeria, which the Nigerian government confiscated and reported to the UN Security Council. As a colleague stated: even if Ambassador Carson's defense is that he has not been reading

cables from the US embassy in Nigeria, what is his excuse for not reading the Washington Post? The Iran arms story appears in the most elementary Google search.

Those rocket-propelled grenades were reportedly linked to staff of the Iranian embassy in Abuja, Nigeria. The Iranian Foreign Minister flew into Nigeria and, invoking diplomatic immunity, rescued a suspected Iranian official from hiding in the embassy and flew him home.

Here is where it gets interesting. The Nigerian government, embarrassed and miffed by this total violation of diplomatic norms, reported this arms shipment to the United Nation's Security Council as a violation of resolutions and sanctions sought for and obtained by the US against Iran.

When Ambassador Carson denied knowledge of arms shipments from Iran to Nigeria, it simply was incredible for the top diplomat for Africa, and a former intelligence officer at that, to claim not to know of a serious international incident rising to the level of the UN Security Council on an issue driven by the US.

In the wake of the attacks of September 11th, Nigeria's then president Obasanjo flew to Washington to condole with President Bush. A dozen years later, President Obama avoided Nigeria, its biggest trading partner in the continent, on his second Africa trip reportedly citing abuses by the security forces.

### **III. US Actions and Inactions**

The US has lagged behind in humanitarian assistance. It has not provided anything to victims of the Boko Haram terrorism crisis. Even less still is said to the Federal Government about providing victim assistance. Nigeria's President announced last week that he would not provide compensation for victims.

USAID has a PEACE project that researches extremism in target countries. In spite of the data that puts Nigeria at the front of terror activity, USAID has not made Nigeria a

priority country. In fact, in its bidding documents, it lists Nigeria specifically as an example of a country that doesn't suffer extremism, but does not make an effort to study the situation to prove or disprove its assumption.

The US has presented an award to a hardline Muslim Imam who would not let American officials into his mosque. At the same time, it has labeled Christian ministers whose congregants are being slaughtered in the thousands as "radical", which is ironic given the manner civil rights pastors were marked in America's own history.

In regards to regional security cooperation, the US looked beyond the oil producing region to include northern Nigeria in its Bi-national Commission. However, where it donated a ship to the Nigerian Navy years ago for the NigerDelta, there is little technical assistance against the Boko Haram terrorism. At the time a Nigerian policeman died while detonating bombs with his bare hands, there is talk of US providing bomb detonation robots - a full two years after bombings began. Interestingly, the US rushed to provide bomb detectors in Nigerian airports after the failed airplane bombing by a Nigerian AQIM operative Abdul Mutallab.

On intelligence cooperation, it is unclear what is occurring. President Obama reportedly cancelled his Nigeria visit on account of satellite pictures showing a major gun battle in the fishing hamlet of Baga. If the US had access to such satellite images, why didn't they alert the Nigerian authorities to the fact that Boko Haram had captured significant amounts of territory and was flying its flag in several captured counties?

In the same vein, while the US was working to contain the spread of post-Qaddafi arms in Libya and recovered 800 out of 5000 missing missiles, not much was done to contain their influx into Nigeria since 2011. Sadly, history repeated itself when arms from northern Mali once again flowed into northern Nigeria following the US-backed, French-led and Nigeria-supported counteroffensive against the jihadists. Although the US consul general did raise public concern, it is unclear if strategic containment mechanisms were initiated.

One historic footnote that deserves mention is that even the Niger Delta militancy that threatened US oil supplies and shot up global oil prices was a direct product of Libyan state-sponsored terrorism - financing, arming and Mujahed training. Again, a terror export to Nigeria that somehow fell through the cracks.

**The most worrisome aspect of US action is the announcement of a new consulate in northern Nigeria.** Carson indicated that the US is opening a consulate in Kano to achieve closer ties with the region. The problem is that the US embassy in Abuja is not allowing ANY American officials travel outside the capital due to fear of attack. It routinely issues advisories to American visitors that the cities' prominent hotels are under threats for being "western." Isn't it a brilliant idea to place more American lives and property at great expense in grave danger at the height of a low-grade insurgency that claimed more lives in one day than in either Iraq, Afghanistan or Pakistan in 2012? On January 20, 2012 Boko Haram went on a large scale onslaught against security agencies in the northern Nigerian city of Kano. The police headquarters, barracks, intelligence headquarters and police stations were amongst the numerous targets of simultaneous attacks that left over 200 people dead. It was to be the highest single day death toll in any global conflict in 2012 until Syria tied with Kano much later in the year.

Three months later in April, 2012, Johnnie Carson declared that the US was going to open a consulate in Kano and that the State Department had "pots of money" ready to recruit Americans to go there. This was in a city where the police had shuttered several of their police stations after the January 20 siege because they could not defend their own stations, let alone the US consulate.

#### **IV. Foreign Terrorist Organization Designation**

Finally, the US has not designated Boko Haram an FTO. This tool which would enable tracing and freezing of terror financing and potentially arms has been steadfastly squirreled away in a lockbox and the key thrown away. The US has designated Shekau

and two other men associated with Boko Haram as terrorists. This year, in another classic non-starter, it went ahead to offer a \$7 million bounty for the capture of Abu Shekau. Here is the problem – capturing the head without destroying the terrorists organization is not a winning strategy. Former Boko Haram leader Mohammad Yusuf was replaced by Shekau. More importantly, even the multi-million dollar Bin Laden bounty did not result in his capture. It was old-fashioned, dogged police work plus Special Forces that got the job done.

According to the U.S. Department of State, “FTO designations play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.”<sup>5</sup> The U.S. has designated three Boko Haram radicals as terrorists, and the group’s financing has been traced to groups that have already been designated FTOs by the United States.

In addition to being linked to Al-Qaeda in the Islamic Maghreb, Boko Haram’s funding has been traced to other Al-Qaeda linked organizations in the Middle East.<sup>6</sup> Some of these other organizations include: the Islamic World Society (with headquarters in Saudi Arabia), and Al-Muntada Trust Fund (a Britain based organization).<sup>7</sup> Boko Haram’s worldwide sources of funding demonstrate that the group is more than a ragtag bunch of Nigerians. In fact, Shekau has boasted that his group is now strong enough to “comfortably confront” the United States.<sup>8</sup>

Doesn’t it seem strange that there has been an incredible amount of hesitation to designate Boko Haram as an FTO when Boko Haram itself has labeled the US a Foreign

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<sup>5</sup><http://www.state.gov/j/ct/rls/other/des/123085.htm>

<sup>6</sup><http://allafrica.com/stories/201202141514.html>

<sup>7</sup>Id. and [http://www.upi.com/Top\\_News/World-News/2012/02/13/Investigators-track-Boko-Haram-funding/UPI-25221329148725/](http://www.upi.com/Top_News/World-News/2012/02/13/Investigators-track-Boko-Haram-funding/UPI-25221329148725/)

<sup>8</sup><http://cnsnews.com/news/article/nigerian-terror-group-boko-haram-designates-us-terror-target>

Target Objective? In fact, Boko Haram meets the criteria for the FTO designation in accordance with section 219 of the Immigration and Nationality Act. The criteria are as follows: 1) The organization must be foreign based. 2) The organization engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism. 3) The terrorist activity or terrorism of the organization threatens the security of United States nationals or national security of the United States.<sup>9</sup>

Let me take a moment to expound on the third point. Boko Haram has attacked US nationals. I repeat - Boko Haram has attacked US citizens. During the bombing of the UN HQ in Abuja, there were several Americans known to be in the building who survived the attack. One was an American official stationed at the US embassy in Nigeria and the second was an American civilian working for the UN whom I was supposed to see at the UN that day. I was in Nigeria on the day of the bombing. Yet the U.S. has made no public statement about the survivors of that horrific attack. **Since then, Boko Haram has attempted to abduct an American in northern Nigeria.**

In conclusion, please permit me to juxtapose two geopolitical giants on the African continent. While one can understand the reluctance to recognize what happened in Egypt as a coup for fear of imposing sanctions by cutting aid to its topmost north African ally, how does one rationalize the reluctance to designate terrorism that would impose sanctions restricting terror financing to a vicious organization fighting the USA's topmost sub-Saharan ally?

Nigeria is doubtlessly a strategic security partner in the region and on the globe, and currently participates in 9 UN peacekeeping operations worldwide. The US has no troops in UN Peacekeeping operations since Somalia's Black Hawk down incident while Nigerian troops are currently in Somalia. Historically, the Nigerian army has paid considerably in lives and billions of dollars to end the war in Liberia – America's African child. Even this year, Nigerian troops joined the French army in dislodging Taureg

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<sup>9</sup><http://www.state.gov/r/pa/prs/ps/2010/09/146554.htm>

jihadists who took over northern Mali, while America stayed safely away by providing only limited logistic support. It is not a stretch to say that Nigeria has had boots on the ground in numerous situations of strategic interest to the US where the US could not or would not.

The Nigerian army does not receive up to one tenth of aid that the United States provides to the Egyptian army. However, Nigeria's army has done more for continental security, global peacekeeping and directly protecting US strategic interests than the Egyptian army. Is this the way to treat a strategic ally and regional stabilizer?

Terrorism in Northern Nigeria negatively affects the sub region as a whole. Chad, Niger and Cameroun are reeling from the influx of refugees and cross border infiltration.

Further, Nigeria is the 6<sup>th</sup> largest supplier of oil to the United States. 40 percent of its oil supply, or 281,291,000 barrels per year are exported to the United States.<sup>10</sup> The instability of Nigeria would undoubtedly have a negative effect on the amount of oil it produces and ships to the United States. Such a decrease in oil supply would be considerable if the former Niger Delta militancy was anything to go by, with potential consequences ranging from a drastic increase in gas prices, to a more vulnerable United States in regard to national security.

Essentially, the body language of the administration seems to hint - Boko Haram is your problem, not ours. This is well illustrated by the recent extradition from Nigeria to the US for trial of a Nigerian who acted as a translator/recruiter for another terrorist organization AQAP which has been designated an FTO<sup>11</sup>. Meanwhile chainsaw-wielding, suicide-bombing terrorists have not been labelled terrorists? This mentality is dangerous, and it is

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<sup>10</sup><http://www.globalpost.com/dispatch/100726/top-7-us-oil-importers>

<sup>11</sup><http://www.fbi.gov/newyork/press-releases/2013/alleged-international-terrorist-arraigned-today-in-brooklyn-federal-court-following-extradition-from-nigeria>

my hope that the U.S. policy will be modified as soon as possible in order to adequately deal with Boko Haram - the vicious terrorist organization.

## V. CONCLUSION

If the fundamental step of any 12-step recovery program is admitting there is a problem, then the US is stuck on ground zero. It concedes there is a problem but has enrolled in Alcoholics Anonymous instead of a Jihad Unanimous rehab group. The resulting prescriptions are bound to have contraindications from misdiagnosis.

Hopefully we are at the cusp of a new dawn following personnel changes at State that may well usher in a new policy. When State argued that designating Boko Haram would give it global street cred, Boko Haram was 5<sup>th</sup> on global terrorism indices. This year, it is second. This rise has occurred without the boost of an FTO designation.

To its credit, the Secretary Kerry's State Department has issued a \$7 million bounty for the capture of Abu Shekau, Boko Haram's blood-thirsty Osama wanna be. But aside from the proven ineffectual nature of this approach to the classic decade-long pursuit of Bin Laden, this match.com strategy for combatting terrorism is clearly a long shot in the dark. The US needs to move from retail piece-meal designation of favorite terrorists to wholesale designation of the entire organization. Half-hearted and half-baked measures are exactly how a Nigerian suicide bomber got on a flight to Detroit with a bomb in his underpants on Christmas Eve 2009 even though his father had walked into the American embassy and warned them about his son.

**Chairman Smith** is the lead sponsor of H.R. 3209, the Boko Haram Terrorist Designation Act of 2013. I strongly urge members of Congress of both parties to actively support the enactment of H.R. 3209. This does not need to be a partisan issue or a polarizing issue. This is a basic human rights issue. On behalf of many victims and their families, thank you, Chairman Smith, for your uncommon and unwavering care and concern for our common humanity.



**Mrs. Deborah is carried to her son's casket. Boko Haram killed her husband and then abducted her two daughters ages 9 and 7. A few months later, they returned to her home and asked why she still hadn't converted. They then killed her son and his friend a fellow Boys' Scout.**