



**The Impact of US Counter terrorism Efforts in Africa on Human Rights  
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Chairman Lynch, Ranking Member Hice and members of the Subcommittee on National Security, on behalf of the members and supporters of Amnesty International USA, I would like to thank you for this opportunity to present our concerns and recommendations regarding US Counter terrorism (CT) efforts in Africa and their impact on human rights there.

Amnesty International is a global human rights organization, launched in 1961 with 7 million supporters, activists, and volunteers in over 150 countries, including 250,000 here in the United States. We advocate for the rights of all as enumerated by the Universal Declaration of Human Rights. My comments will focus on the impact of CT efforts on the respect for and protection of human rights by US backed allies and those committed by the US military itself in the Sahel and in Somalia.

This hearing is urgently needed. Congress must assert its oversight mandate over US CT efforts in Africa. The lack of transparency over the impact of operations by the US and partner forces in the region on civilian populations needs debate, discussion, evaluation and ideally new ideas learned from mistakes and the human rights violations they caused. While there may be closed door Congressional briefings on aspects of the military components of CT operations, all too often, they do not address the worsening contexts and environment and the erosion of human rights and accountability that CT efforts contribute to and therefore do not discuss how to mitigate or reverse those trends or even acknowledge that they should be an issue of concern. The problems with the lack of transparency regarding CT initiatives in Africa from here in the United States are compounded by even more opaque environment on the continent. This is as a result of CT measures and legislation enacted by many African governments restricting media and civil society organizations from even asking questions about CT initiatives or the human rights violations they may cause inadvertently or deliberately. Amnesty International hopes, at the very least that this hearing will inspire and serve as a model for similar platforms in countries that are supported by the US in their CT efforts so that their people can be partners in efforts that are wholistic and rights oriented.

US backed Counter Terrorism efforts in sub Saharan Africa have focused on three regions the Horn of Africa impacted by the activities of the armed group el- Shabab, the Sahel region of West Africa which faces threats from the armed groups Boko Haram and al Qaeda in the Islamic Maghreb (AQIM) and North [Africa](#) which also faces attacks from AQIM. In the Horn of Africa, key US allies include Kenya, Ethiopia, and the *AMISOM* peacekeeping force created under the auspices of the African Union. In the Sahel key partners include Nigeria, Chad, Niger, Cameroon and Mali who constitute the Multinational Joint Task Force (MNJTF) led by Nigeria. In North Africa key partners include Algeria, Tunisia, Burkina Faso, Cameroon, Chad, Mali, Mauritania, Morocco, Niger, and Senegal.

Amnesty International and other international and domestic human rights groups have documented human rights violations by key African partner governments and their security forces linked to and justified as counter terrorism efforts as well as by the United States.

### Anti-Terrorism Legislation and the Erosion of the Rule of Law

International and regional agreements to coordinate efforts by African governments on Counter Terrorism initiatives have resulted in governments passing sweeping legislation, often accompanied by other laws that end up being used to restrict freedom of expression, association and access to information and to shut down government critics, members of the political opposition, civil society organizations and the media.

In Kenya, the 2012 Prevention of Terrorism Act, includes a vague definition of terrorism – *a term which has not been defined under international law*. The Act greatly expands police powers and allows the state to create lists of suspected terrorists and terrorist organizations without due process. In 2015 the Kenyan government used the law to freeze the bank accounts of two civil society organizations in Mombasa County accusing them of funding terrorism. The state later failed to prove the [allegations](#) in court.

In Ethiopia, the Mass Media and Freedom of Information Proclamation of 2009; the Anti-Terrorism Proclamation of 2009, and the Charities and Societies Proclamation augmented the government's powers to proscribe activities it deemed unacceptable and allowed it to brand them as terrorism with no recourse for appeal. Over 20,000 people were arrested on false charges, civil society organizations has their assets and bank accounts frozen.

Nigeria enacted its Terrorism Prevention Act of 2011 in response to increasing attacks by Boko Haram. The Act was amended by the Terrorism Prevention Act of 2013. The Act prohibits terrorist financing and allows for the seizure of funds and property held by individual alleged to be terrorists or terrorist organizations and allows the state to collect funds used to carry out terrorist acts, including property and funds used by such individuals or organization.

In 2015, outgoing President Goodluck Jonathan signed the Cybercrime (Prohibition, Prevention, etc.) Act of 2015 into law. The law includes provisions that violate peoples' rights to privacy (Section 38, see Surveillance, Privacy, and Anonymity) and freedom of expression. It penalizes "cyberstalking" or messages that are "false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another" with up to three years in prison, a fine, or both. Section [26](#) penalizes distribution of "racist or xenophobic material to the public through a computer system or network" with up to five years in prison, a fine of up to NGN 10 million (US\$50,000), or both.

Ignoring domestic and international concerns, in 2018 the Nigerian Parliament passed a Digital Rights and Freedom Bill which awaits President Buhari's signature. The Nigerian Parliament also began to consider a broadly worded hate speech bill human rights groups and media worry could also be used by the government to further silence critics.

The impact on Nigeria's independent media has been alarming in our latest report on Nigeria *Endangered* [Voices](#), we detailed the cases of journalists, bloggers and independent radio stations who had been targeted by the Nigerian Police and Department of State Services (DSS). The report noted that attacks have continued since 2015 and that between January and September 2019, at least 19 journalists and media were attacked verbally and physically as well facing as arbitrary arrest and detention. These incidents are linked to journalists and media practitioners seeking access to information, sharing information or expressing critical views that could drive public opinion.

Cameroon's anti-terrorism legislation, enacted in 2014 generated expressions of concern regarding the severity of sanctions on journalists, who defend terrorism in spoken or written word. Punishment includes 15 to 20 years in prison and/or a fine of 25 million to 50 million CFA francs (28,000 to 76,000 euros). The law also grants military courts exclusive jurisdiction to try civilians allows the minister of defense to appoint and assign military judges, raising concerns of their independence. Civilians should never be tried by military courts.

The administration of President Paul Biya has enforced the law aggressively: journalists have been brought before military courts and charged with failing to report matters affecting state security to the authorities. In some cases, they could no longer work, had to report to the police every week and were forbidden from talking to the national or international press. Others faced similar harassment: a Radio France Internationale correspondent was detained for two and a half years, the former head of the public radio and a TV broadcaster were also detained and others subjected to unfair trials in an effort to stop their [coverage](#) of terrorism related issues.

Amnesty gained firsthand knowledge of the lengths the Cameroonian government will take its anti-terrorism law when we began working on the case of Ivo Feh in 2014. Feh

was 27-year-old student facing up to 20 years in prison for sending a text to his friends. In the message he joked that getting a good job in Cameroon was so hard, it was easier to get into the armed group Boko Haram. His message was read by a teacher, and Ivo and two of his friends were swiftly arrested and charged with “trying to organize a rebellion against the state.” Feh remains in jail.

### Abuses by Security Forces

One of the most alarming aspects of Counter Terrorism efforts by US partners has been the erosion of accountability and respect for human rights by national security forces. Security forces in Nigeria, Cameroon, Chad have been linked to mass executions, arbitrary detention, torture, and destruction of homes and livelihoods. They have granted themselves near total impunity under the justification of engaging in counter terrorist operations.

### **Nigeria**

The poor record of the Nigerian military and police on human rights predates its counter insurgency efforts against Boko Haram. Amnesty International documented abuses committed by security forces in the Niger Delta in the 1990s and during the Biafran war in the 1960s. Decades of impunity fueled the egregious and systematic abuses in Nigeria’s CT efforts against Boko Haram.

In 2016 we [documented](#) the mass killings of 640 men and boys in the Giwa barracks detention facility that were part of CT initiatives where arbitrary detention, torture, ill-treatment and malnutrition were widespread and systemic.

In 2017 the international community was left stunned after the Nigerian air force bombed a refugee camp in Rann Borno State, leaving over two hundred and thirty dead and a hundred more injured.

Our 2018 report entitled *Willingly [Unable](#)*, we noted that since June 2015, Nigerian security forces had arbitrarily arrested at least 20,000 people and killed over 1,200. During this period, an estimated 2,018,513 people have been [displaced](#). This year, UN OCHA reported that 7.1 million people are in need of humanitarian assistance in just the three states of Borno, Adamawa and Yobe.

Despite this reality, the culture of impunity remains unbroken and in place: there have been 20 inquiries - commissions, committees, panels, and other forms of proceedings - that have been set up by different authorities and organs of the Nigerian government to look into allegations of serious crimes and violations committed by Boko Haram, Nigerian security forces and its allied vigilante group, the Civilian Joint Task Force (CJTF) between 2009 and 2018. Not one of them has resulted in accountability or credible security sector reform. The Nigerian Defense Ministry has accused Amnesty of being as Boko Haram supporter, has called for the organization to be shut down and has been linked to paying people to stage demonstrations outside the AI Nigeria offices.

## Cameroon

Cameroon's security forces, who have been recipients of US military training and support, have also been linked to serious abuses including extrajudicial executions, destruction of villages and arbitrary arrests.

In 2016 Amnesty published a report that found that Cameroon's authorities and security forces arbitrarily arrested hundreds of individuals accused of supporting Boko Haram, often with little or no evidence, and detained them in inhumane, often life-threatening conditions. AI found that some had died in custody as a result of torture while others have been subjected to enforced disappearance. The [report](#) also documented how, in cases that were actually brought to court, detainee rights were routinely denied, and anti-terrorist legislation and military courts had left them with virtually no procedural guarantees.

In 2017 Amnesty [exposed](#) the cases of 101 people who were held incommunicado, tortured, with some of them being killed by Cameroonian security forces in facilities run by the military and intelligence services. We concluded that the use of torture in Cameroon's fight against Boko Haram had become widespread, routine and practiced with impunity and that this constituted a violation of international human rights law and international humanitarian law that amounting to war crimes.

In response to our report the US Africa Command (AFRICOM) initiated an internal investigation to find out what US military trainers, in Cameroon and located at some of the sites where the torture had taken place knew. The findings of the investigation have not been released publicly. In February 2019 the Trump cut some military assistance to Cameroon, citing human rights concerns as one of the reasons for the decision. To the best of our knowledge, the Cameroonian government has not undertaken an investigation in to the allegations.

### Operations by US Forces:

A final area of concern is the role played by US forces themselves. Their conduct, how they uphold human rights and enforce accountability have a huge impact on the forces they train and work alongside as well as the general population.

Of particular concern are US airstrikes in Somalia aimed at el Shabab and the civilian casualties that they cause. In a [report](#) released earlier this year, Amnesty found that the US had conducted over 100 strikes using drones and manned aircraft since early 2017, a number that had tripled under the Trump administration and outpaced strikes in Yemen and Libya **combined**. Despite this level of strikes the US Africa Command (AFRICOM) insisted there had been no civilian casualties as a result of its operations in

Somalia.

Our report focused on 14 civilians who were killed and seven more injured in five of the more than 100 strikes in the past two years. These five incidents were carried out with Reaper drones and manned aircraft in Lower Shabelle, a region largely under Al-Shabaab control outside the Somali capital Mogadishu. Amnesty believes that the attacks may have violated international humanitarian law, and some of them could constitute war crimes.

Just weeks after the report was released, AFRICOM publicly [acknowledged](#) that there had been civilian casualties as a result of some of its air strikes.

### Conclusions

AFRICOM's belated acknowledgement that US air strikes had caused the death of civilians was a major step toward improved transparency and accountability regarding counter terrorism efforts on the continent, but it was only one step. The 95 other military strikes must also be thoroughly investigated to confirm whether or not more civilians have been killed in those strikes, and the US must begin the process of reparations for the families of those killed. The failure to do so sends the wrong message to its military partners and to the impacted community.

Equally clear is the need for a new more robust approach to instill professionalism and accountability in the African forces taking on these armed groups. African security forces have historically enjoyed high levels of impunity. The global push to combat terrorism and the prioritization of security-oriented assistance from the United States and other donor countries has solidified this culture of impunity. Without transparent and public accountability, human rights abuses will continue and possibly even get worse with potentially disastrous consequences. If there is no difference between the behavior and abuses of the national security forces and the armed groups.

It is also clear that governments have taken advantage of the opportunity to impose laws that undermine, if not violate, international and regional human rights treaties to which their countries are party. The result has been the closure of civic space, and the silencing of critics and opposition voices. While this might serve the purposes of the ruling elite, it does not allow for diverse sources of information and analysis to emerge that could actually benefit and improve the human rights impact of CT initiatives. Indeed, in the restrictive environments now in place in the countries I have used as examples, it is nearly impossible to get an accurate assessment of the true level of success or failure of any CT effort or its human rights impact.

A further consequence of the restrictions being imposed by governments is the absence of services provided by non-governmental organizations that in many cases government

have not been providing. These are critical interlocutors who can serve as bridges and facilitate dialogue and tolerance between communities and between them and their governments. These are actors that no government can afford to discard.

## Recommendations

Congress must help end the false supposition that to ensure security it is necessary to sacrifice human rights. Security and human rights are linked and are dependent on each other. The US prioritization of a militaristic strategy has created a bigger battlefield and a dependency on US arms and support that has been shown to be unsustainable in other parts of the world. Congress has already begun to demand more comprehensive wholistic approaches through legislation like the Global Fragility Act of 2019 (H. R. 2116 and S.727) which focus on addressing drivers of fragility and call for engaging civil society.

- Prioritize Human Rights

Congress must demand accountability from their partners this includes credible, transparent investigations in to human rights violations by security forces and ensuring that those responsible for those violations are held accountable.

Congress must also press the Executive Branch to work with US African partner governments and civil society to review and reform problematic anti-terrorism legislation and policies. A priority must be ending the practice of using military courts try civilians.

- Model Best Practices

In addition to pressing its partners to prioritize the respect for and protection of human rights through military and civilian channels, Congress must ensure that US forces themselves model professional behavior and adhere to international and regional human rights standards in terms of security operations. Congress must ensure that there are investigations into all credible allegations of civilian casualties caused by US air strikes, that there is accountability for those responsible for violations and that reparation made to the victims and survivors.

- Prioritize More Wholistic Strategies

Congress must press the administration to prioritize a wholistic rights-based strategy that helps improve the rule of law and respect for human rights. This [approach](#) has been endorsed by African civil society and help efforts to improve governance across numerous countries which plays a key role in levels of support for armed groups.