QUESTIONNAIRE BASED ON THE UN OFFICE FOR THE PREVENTION OF GENOCIDE AND THE RESPONSIBILITY TO PROTECT'S FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES[1]

Name of the organisation completing this Questionnaire: *Christian Solidarity International*

Name of the individual completing this Questionnaire for the organisation: *Joel Veldkamp, PhD – Head of International Communications, CSI and Franklyne Ogbunwezeh, PhD – Senior Research Fellow and Director for Genocide Prevention in Africa, CSI*

Signatures:

Date: 20-June-2022

[You may choose not to provide identifying information at this stage]

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[1] The UN Office for the Prevention of Genocide and the Responsibility to Protect use the concept of 'Atrocity Crimes' as an umbrella concept for three specific crimes: genocide, crimes against humanity and war crimes.

Guidance notes on completing this Questionnaire:

Please provide as much information as you can, and substantiate your response, ideally through footnotes. It would be helpful if you could refer to concrete events rather than making general assertions. This will make the information that you provide more credible and helpful. For the avoidance of doubt, this UN body is not an accountability mechanism. This particular UN office and its officials such as the Special Advisor to the Secretary-General on Prevention of Genocide, does not deal with investigation and prosecution; the work is directed at prevention of atrocity crimes..

Risk Factor 1: Situations of armed conflict or other forms of instability

Are there situations that place Nigeria under stress and generate an environment conducive to atrocity crimes? Are any of the following indicators present?

1.1 International or non-international armed conflict.
1.2 Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighboring countries, threats of external interventions or acts of terrorism.
1.3 Humanitarian crisis or emergency, including those caused by natural disasters or epidemics.
1.4 Political instability caused by abrupt or irregular regime change or transfer of power.
1.5 Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements.
1.6 Political tension caused by autocratic regimes or severe political repression.
1.7 Economic instability caused by scarcity of resources or disputes over their use or exploitation.
1.8 Economic instability caused by severe crisis in the national economy.
1.9 Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.
1.10 Social instability caused by resistance to or mass protests against State authority or policies.
1.11 Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.

Response:

1.1. Nigeria is the site of three ongoing armed conflicts, which have a combined death toll of 90,000 since 2009:[2]
a. In northeastern Nigeria, around 40,000 people have been killed in a conflict between the Nigerian federal government and jihadist groups, especially Boko Haram and Islamic State West Africa Province (ISWAP), with an estimated 314,000 additional excess deaths caused by the conflict.[3] This conflict is also an international conflict, with Boko Haram and its splinter groups launching attacks around the Lake Chad basin in Chad, Cameroon, and Niger, and with troops from these nations (and Benin) cooperating with Nigerian forces to attack jihadists.[4] Physically eliminating Christians from northern Nigeria is one of Boko Haram and ISWAP's declared goals, and the groups have killed thousands of Christians since 2009.[5]
b. In Nigeria's northwest, there is a growing conflict between the Nigerian federal government and a group of loosely organized insurgents, often referred to as "bandits," mostly hailing from Fulani Muslim

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[2] *Nigeria Tracker*, Council on Foreign Relations, https://www.cfr.org/nigeria/nigeria-security-tracker/p29483; *Nigeria's Silent Slaughter: Genocide in Nigeria and the Implications for the International Community*, International Organisation for Peace Building and Justice, International Committee on Nigeria, June 2020, https://www.silentslaughternigeria.com/

[3] *Assessing the Impact of Conflict on Development in North-East Nigeria*, United Nations Development Fund, June 24, 2021, https://bit.ly/2Sne4cd.

[4] "Boko Haram and the Islamic State West Africa Province," *Congressional Research Service*, 24 February 2022, https://sgp.fas.org/crs/row/IF10173.pdf.

[5] Ibrahim Mshelizza, "Christians flee attacks in northeast Nigeria," *Reuters*, 7 January 2012, https://www.reuters.com/article/ozatp-nigeria-violence-20120107-idAFJOE80600P20120107; Madeline Vellturo, "Violent Islamist Groups in Northern Nigeria," *United States Commission on International Religious Freedom*, February 2021, https://www.uscirf.gov/sites/default/files/2021%20Factsheet%20-%20Violent%20Islamists%20in%20Northern%20Nigeria.pdf.

pastoralist communities. These insurgents attack Hausa Muslim farming communities, conduct kidnapping for ransom on a large-scale, and increasingly control large swathes of territory and are able to challenge the Nigerian military in combat. In 2021, more people died in the northwest conflict than in the northeast.[6]

c. In Nigeria's Middle Belt region, between 13,000 and 19,000 people have been killed in the so-called "farmer-herder conflict," better described as an ethnic cleansing campaign directed against indigenous Christian people groups, and carried out by militias organized within Fulani Muslim pastoralist communities. Despite a heavy Nigerian military presence in some of the states hardest hit by Fulani militia attacks, such as Plateau and Kaduna, locals consistently report that the Nigerian military does not prevent attacks or come to the aid of villages while attacks are underway, and sometimes even protects or collaborates with Fulani militias.[7] By 2018, this conflict was killing six times as many people as the conflict in the northeast.[8]

1.2. Terrorism continues to be a major part of Nigeria's security crisis. According to the Global Terrorism Index, Nigeria is the country sixth most affected by terrorism in the world, with 204 terrorist incidents in 2021, which killed 448 people.[9]

1.3. These conflicts have created a sprawling humanitarian crisis, particularly for the large numbers of people they have displaced from their homes. According to the United Nations High Commissioner for Refugees, there are three million people internally displaced in Nigeria, including 450,000 in the Middle Belt.[10] This is as serious undercount. According to Governor Samuel Ortom of Benue state in the Middle Belt, 1.5 million people have been displaced by Fulani militia attacks in his state alone, a figure that was confirmed for CSI by in-country foreign diplomats.[11] Many of these people have now been displaced for years. On a recent visit to Kaduna state and Plateau state, CSI observers were struck by the toll this prolonged displacement is having on the affected communities. Joblessness, lack of education, drug use, and child labor were cited as major concerns by interlocutors, even more than the ongoing Fulani militia attacks.

1.4. CSI contacts in Nigeria are gravely concerned about the potential for violence accompanying the upcoming 2023 presidential elections. These concerns are well-founded, as the presidential elections in 2011, 2015 and 2019 were all accompanied by serious electoral violence.[12]

[6] James Barnett, Murtala Ahmed Rufa'I, Abdulaziz Abdulaziz, "Northwestern Nigeria: A Jihadization of Banditry, or a 'Banditization' of Jihad?," *CTC Sentinel,* January 2022, Volume 15, Issue 1, https://ctc.westpoint.edu/northwestern-nigeria-a-jihadization-of-banditry-or-a-banditization-of-jihad/; "Halting the Deepening Turmoil in Nigeria's North West," *International Crisis Group*, 26 May 2021, https://www.crisisgroup.org/africa/west-africa/nigeria/halting-deepening-turmoil-nigerias-north-west.

[7] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.

[8] "Stopping Nigeria's Spiralling Farmer-Herder Violence," International Crisis Group, 26 July 2018, https://d2071andvip0wj.cloudfront.net/262-stopping-nigerias-spiralling-farmer-herder-violence.pdf

[9] *Global Terrorism Index 2022: Measuring the Impact of Terrorism*, Institute for Economics & Peace, March 2022, http://visionofhumanity.org/resources.

[10] "Nigeria: All Population Snapshot," UNHCR, 28 February 2022, https://reliefweb.int/map/nigeria/nigeria-all-population-snapshot-28-february-2022

[11] See, for example, "1.5 million Benue Residents Displaced By Attackers, Farming Activities Halted – Governor Ortom," *Sahara Reporters*, 19 January 2022, https://saharareporters.com/2022/01/19/15million-benue-residents-displaced-attackers-farming-activities-halted-%E2%80%93-governor-ortom

[12] "Nigeria: Widespread Violence Ushers in President's New Term," Human Rights Watch, 10 June 2019, https://www.hrw.org/news/2019/06/10/nigeria-widespread-violence-ushers-presidents-new-term; Oyewole, S., Omotola, J.S. "Violence in Nigeria's 2019 general elections: trend and geospatial dimensions." *GeoJournal* **87,** 2393–2403 (2022). https://doi.org/10.1007/s10708-021-10375-9

1.5. In addition to the jihadist and "bandit" insurgencies in northeast and northwest Nigeria, in overwhelmingly-Christian southeastern Nigeria, a secessionist movement known as the "Independent Peoples of Biafra" has gained influence over the past two years. Along with its armed wing, the "Eastern Security Network," it seeks to revive the breakaway state of Biafra, which tried and failed to secede from Nigeria during the 1967-1970 civil war. Both the ESN and the government forces deployed to repress it have been accused of extrajudicial killings.[13] Nigeria's president Muhammadu Buhari was suspended from Twitter in June 2021 for using the platform to arguably threaten genocide against Biafra.[14]

1.6. In Kaduna state, a growing number of journalists and whistleblowers have been targeted by the state and federal governments for reporting on attacks on Christians. They include Midat Joseph, Steven Kefas, Luka Binniyat, Ibanga Isine, and Dr. Obadiah Mailafia, the former deputy governor of the Central Bank of Nigeria.[15]

1.7. As has been widely noted, desertification in northern Nigeria has increased competition for farm and grazing land between Fulani Muslim herders and Christian and Hausa Muslim farmers, giving a hard material incentive for Fulani militia attacks on Christian farming communities in the Middle Belt.[16]

1.8. According to Oxfam, the war in Ukraine and its adverse effects on global food markets is expected to create a severe hunger crisis across West Africa, including Nigeria.[17]

1.9. Nigeria is one of the most unequal countries in the world, with a Gini coefficient of 0.351. Oxfam ranks Nigeria 157 out of 158 countries surveyed for commitment to reducing inequality.[18]

1.10. In 2020, nationwide protests against police brutality were repressed by the federal government with force, including deadly force against unarmed demonstrators.

1.11. In Nigeria's twelve northern states, Islamic *shari'a* law has been adopted as official state law, inherently privileging Muslims over Christians, even in states like Kaduna with substantial Christian minorities and local majorities. CSI's work with Christians in Kano state confirms the reality of systematic discrimination against Christians in northern Nigeria.[19] Conflicts over the decision to introduce *shari'a* in these states led to the massacre of thousands of Christians and Muslims in communal violence in Kaduna and Jos cities in 2000 and 2001.

Risk Factor 2: Record of serious violations of international human rights and humanitarian law

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[13] Kenny Guy, "Security agencies arresting innocent Igbo Youths and tagging them IPOB members – Intersociety," *Standard Observers*, May 31, 2021, https://standardobservers.com/security-agencies-arresting-innocent-igbo-youths-and-tagging-them-ipob-members-intersociety/; Adejumo Kabir, "The Different Factions of IPOB Insurgents Tormenting Nigeria's Southeast," *Humangle*, 2 June 2022, https://humanglemedia.com/the-different-factions-of-ipob-insurgents-tormenting-nigerias-southeast/.

[14] John Campbell, "Nigerian President Buhari Clashes with Twitter Chief Executive Dorsey," *Council on Foreign Relations*, 8 July 2021, https://www.cfr.org/blog/nigerian-president-buhari-clashes-twitter-chief-executive-dorsey.

[15] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.

[16] Ismail Bello & Sophia Kazibwe (2022) "Pastoralist, farmers and desertification induced conflict in North Central and Southern Nigeria," *Small Wars & Insurgencies*, DOI: 10.1080/09592318.2022.2061149

[17] "Ukraine crisis: How and why it could worsen hunger in Nigeria," Oxfam, 21 March 2022, https://nigeria.oxfam.org/latest/press-release/ukraine-crisis-how-and-why-it-could-worsen-hunger-nigeria.

[18] "Nigeria," Commitment to Reducing Inequality Index, Oxfam, 2021, https://www.reports.inequalityindex.org/nigeria-country-profile/

[19] "Le quotidien difficile des chrétiens soumis à la charia,» Christian Solidarity International, 29 December 2017, https://www.csi-suisse.ch/actualites/quotidien-difficile-chretiens-soumis-a-charia/

This recognises that a situation where past or current serious violations of international human rights and humanitarian law have not been prevented, punished or adequately addressed can create a risk of further violations. Are any of the following indicators present in Nigeria?

2.1 Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals.

2.2 Past acts of genocide, crimes against humanity, war crimes or their incitement.

2.3 Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement.

2.4 Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement.

2.5 Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions.

2.6 Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.

2.7 Politicization or absence of reconciliation or transitional justice processes following conflict.

2.8 Widespread mistrust in State institutions or among different groups as a result of impunity.

Response:

Serious violations of international human rights and humanitarian law routinely occur and routinely go unpunished in Nigeria. This has contributed to widespread mistrust in State institutions across social and ethnic divides.

A few noteworthy examples of serious, widely publicized violations which went unpunished:

1. On 20 November 1999, Nigerian military forces carried out a massacre of dozens of Ijaw civilians in the village of Odi, Kolokuma/Opokuma Local Government Area, Bayelsa state.[20]

2. From October 22-24, 2001, Nigerian military forces massacred more than two hundred Tiv civilians in seven towns in Benue state, as an act of collective punishment for an attack on Nigerian soldiers two weeks earlier.[21]

3. On 14 March 2014 in Maiduguri, Borno state, Nigerian military forces killed 640 men and boys who had tried to escape from Giwa barracks, where they were being held after being caught up in mass arrests.[22]

4. From December 12-14, 2015, Nigerian military forces killed more than 350 people in a clash with members of the Islamic Movement of Nigeria, a Shi'ite group, in Zaria, Kaduna state.[23]

5. In May 2016, Nigerian security forces killed dozens of people in Onitsha, Anambra state, where a rally for Biafran independence was being planned.[24]

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[20] Ebuka Onyeji, "INTERVIEW: Odi 1999 Massacre: Why we will never forgive Obasanjo, Alamieyeseigha – Odi Community Chariman," *Premium Times*, 23 November 2019. https://www.premiumtimesng.com/features-and-interviews/364370-interview-odi-1999-massacre-why-we-will-never-forgive-obasanjo-alamieyeseigha-odi-community-chairman.html

[21] *NIGERIA: Military Revenge in Benue: A Population Under Attack*, Human Rights Watch, April 2002, Vol. 14, no. 2 (A), https://www.hrw.org/reports/2002/nigeria/

[22] "Nigeria: No justice for the 640 men and boys slain by military following Giwa barracks attack two years ago," Amnesty International, 14 March 2016, https://www.amnesty.org/en/latest/news/2016/03/nigeria-no-justice-for-the-640-men-and-boys-slain-by-military-following-giwa-barracks-attack-two-years-ago/

[23] "Nigeria: Military cover-up of mass slaughter at Zaria exposed," Amnesty International, 22 April 2016, https://www.amnesty.org/en/latest/news/2016/04/nigeria-military-cover-up-of-mass-slaughter-at-zaria-exposed/

[24] "Nigeria: Killing of unarmed pro-Biafra supporters by military must be urgently investigated," Amnesty International, 16 June 2016, https://www.amnesty.org/en/latest/news/2016/06/nigeria-killing-of-unarmed-pro-biafra-supporters-by-military-must-be-urgently-investigated/

6. On 20 October 2020, Nigerian military forces opened fire on unarmed protestors at Lekki toll gate in Lagos state, killing 12. The protestors were part of the End SARS movement, which campaigned against the brutal practices of the Special Armed Robbery Squad of the Nigerian Police Force.[25]

In Nigeria's Middle Belt, where Fulani militia attacks on Christian farming communities are almost continuous, CSI's contacts on the ground consistently report that the government does nothing to punish their attackers. Jonathan Asake of the Southern Kaduna People's Union told us in January 2022, "These are unprovoked, premeditated attacks, by people who are well-protected, well-armed, and who get away with it. To my knowledge, no one has been prosecuted for these attacks. No one!"[26]

Risk Factor 3: Weakness of State structures

Are there circumstances that negatively affect the capacity of Nigeria to prevent or halt atrocity crimes? Do any of the following apply in Nigeria?

3.1 National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties.
3.2 National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.
3.3 Lack of an independent and impartial judiciary.
3.4 Lack of effective civilian control of security forces.
3.5 High levels of corruption or poor governance.
3.6 Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims.
3.7 Lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors.
3.8 Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards.
3.9 Lack of resources for reform or institution-building, including through regional or international support.
3.10 Insufficient resources to implement overall measures aimed at protecting populations.

Response:

According to Transparency Internationals' 2021 Corruption Perceptions Index, Nigerian citizens view their state as one of the most corrupt countries in Africa. Nigeria ranks 154 out of 180 in the worldwide survey, down from 146 the year before.[27] Few citizens see the Nigerian security forces as a viable source of protection or justice.

The Pentecostal Fellowship of Nigeria has publicly protested the exclusion of Christians from federal court appointments under President Muhammadu Buhari.[28]

Nigeria has a constitution which protects political and civil rights, and is party to the International Covenant on Civil and Political Rights, the Convention against torture and its Optional Protocol, the International Convention for the Protection of all Persons from Enforced Disappearance, and the African Charter on Human

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[25] "Nigeria: Denials and cover up mark 100 days since Lekki shooting," Amnesty international, 28 January 2021, https://www.amnesty.org/en/latest/news/2021/01/nigeria-denials-and-cover-up-mark-100-days-since-lekki-shooting/
[26] Interview with Jonathan Asake, 27 January 2022. Edited transcript available here: https://www.nigeria-report.org/asake-interview/
[27] *2021 Corruption Perceptions Index*, Transparency International, https://www.transparency.org/en/countries/nigeria
[28] "PFN Condemns Marginalization of Christians in Federal Appointments," *Nigerian Tribune*, 25 February 2021, https://tribuneonlineng.com/pfn-condemns-marginalization-of-christians-in-federal-appointments/

and Peoples' Rights. However, the provisions of these documents are routinely disregarded in Nigeria, in ways big and small. Twelve of Nigeria's northern states have adopted *shari'a* law, in flagrant defiance of the Nigerian Constitution's provisions for secular governance and religious freedom (Articles 10, 38, and 42). Nigeria's overly-broad 2015 Cybercrime Act has been repeatedly used to persecute journalists and whistleblowers for drawing attention to the state's failures, most notably in the case of the South Kaduna journalist Luka Binniyat.[29]

In 2014, the Nigerian government convened a constitutional convention, which recommended giving states more power over localities and spending, and a rotation of the presidency between Nigeria's six regions. Its recommendations have not been implemented.[30]

All security forces in Nigeria, including police, are controlled by the Federal Government. Many Nigerian stakeholders, including Governor Rotimi Akeredolu of Ondo state, where the Owo Pentecost massacre took place, have proposed a more decentralized system of security forces to better handle security threats.[31]

A recent report from Brown University, the Security Assistance Monitor, and Interaction found that U.S. trainings of Nigerian Armed Forces to reduce civilian casualties and war crimes had little impact: "There is reportedly a widespread conception across military forces that any civilians who have not come out of the bush are affiliated with [non-state armed groups]. The military seldom distinguishes between civilians and combatants and fails to take adequate precautions to mitigate civilian harm in anti-insurgent operations."[32]

Risk Factor 4: Motives or incentives

In order to prevent atrocities, the Office needs to know about motivations, aims or drivers that could influence certain individuals or groups to resort to massive violence as a way to achieve goals, feed an ideology or respond to real or perceive threats. Are there reasons, aims or drivers that can explain the use of violence against Christians, including by actors outside of Nigeria's borders? Are any of the following risk factors present?

4.1 Political motives, particularly those aimed at the attainment or consolidation of power.
4.2 Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources.
4.3 Strategic or military interests, including those based on protection or seizure of territory and resources.
4.4 Other interests, including those aimed at rendering an area homogeneous in its identity.
4.5 Real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause.
4.6 Real or perceived membership of or support for armed opposition groups, by protected groups, populations or individuals.
4.7 Ideologies based on the supremacy of a certain identity or on extremist versions of identity.
4.8 Politicization of past grievances, tensions or impunity.
4.9 Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge.

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[29] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.
[30] "Analysis: What did Nigeria's National Conference achieve?" *BBC News*, 26 August 2014, https://www.bbc.com/news/world-africa-28929532
[31] CSI Interview, 10 June 2022
[32] *U.S. Security Partnerships and the Protection of Civilians: The Case of Nigeria and the Nigerian Armed Forces (NAF)*, Security Assistance Monitor, May 2022, https://securityassistance.org/wp-content/uploads/2022/05/Nigeria-May-2022-Factsheet-FINAL.pdf

Response:

4.1. The mass displacement of Christians from their homes in the Middle Belt is politically advantageous for some participants in Nigeria's religiously-polarized elections. One Christian activist in Kaduna state told CSI, "A lot of our people cannot vote because they are displaced. Muslims have replaced these communities, and they will probably vote in the district that serves their interests."[33] Many Middle Belt Christians are convinced that the violence against their communities is tolerated because it serves the electoral interests of some political actors.

4.2. As has been widely noted, desertification in northern Nigeria has increased competition for farm and grazing land between Fulani Muslim herders and Christian and Hausa Muslim farmers, giving a hard material incentive for Fulani militia attacks on Christian farming communities in the Middle Belt.[34]

4.7. Muslims supremacy is a social reality in northern Nigeria, one that has been reinvigorated by the successful campaigns to enshrine Islamic *shari'a* in the law of the northern states, and the violence that accompanied it. The Nigerian scholar Moses Ochonu observes how the Hausa language itself reflects this reality: "In northern Nigeria, language, idioms, and labels were invented and then evolved as part of efforts to mark the religious 'inside' from the religious 'outside' and to keep 'outsiders' out of the 'inside' or force them to convert and assimilate to be given entry into the 'inside.' These idioms demean, devalue, dehumanize, and sometimes mark certain people out for abuse or legitimize and authorize violence against them."[35]

4.8. In Nigeria's Middle Belt, memories of the 1804 jihad led by the Fulani caliphate-builder Usman Dan Fodio, which included the enslavement of indigenous peoples in the Middle Belt, remain strong, and have been appropriated by actors on both sides of the conflict to interpret the current conflict.[36]

Risk Factor 5: Capacity to commit atrocity crimes

Atrocity crimes are complex phenomena. In particular, genocide and crimes against humanity, but also several war cimes, are characterized by large-scale violence that requires a level of planning and that, in most cases, is sustained over a period of time. To be able to engage in such conduct, actors aiming at committing atrocity crimes must have at their disposal the necessary, substantial resources and support, either internal or external. That capacity can be intentionally developed or it can also be incidental. Are any of these indicators present in Nigeria?

5.1 Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement.
5.2 Capacity to transport and deploy personnel and to transport and distribute arms and ammunition.
5.3 Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them.
5.4 Strong culture of obedience to authority and group conformity.

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[33] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.

[34] Ismail Bello & Sophia Kazibwe (2022) "Pastoralist, farmers and desertification induced conflict in North Central and Southern Nigeria," *Small Wars & Insurgencies*, DOI: 10.1080/09592318.2022.2061149

[35] Moses Ochonu, "Idioms of ethno-religious othering and conflict in northern Nigeria," *Nigeria Report*, February 2022, https://www.nigeria-report.org/commentaries-3/ochonu-2/

[36] See, e.g., Bashir Aliyu Limanci, "'I've lost everything': how innocent Fulani pay the price for attacks," *Nigeria Report*, May 2022, https://www.nigeria-report.org/commentaries-3/limanci/.

5.5 Presence of or links with other armed forces or with non-State armed groups.
5.6 Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help sustain perpetrators.
5.7 Financial, political or other support of influential or wealthy national actors.
5.8 Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others.

Response:

CSI's contacts in the Middle Belt consistently report that the quantity and calibre of weapons and equipment wielded by Fulani militias in attacks on Christian villages has increased dramatically in recent years. Traditional "herder-farmer conflicts" involved machetes and small artisanal rifles and fighters on horseback. But on a 2022 fact-finding mission to the Middle Belt, CSI heard first-hand reports of the use of automatic weapons, home-fabricated guns, night vision goggles and laser sights, machetes, fire torches, petrol bombs and incendiary chemicals used to burn houses, with Fulani attackers arriving en masse on motorcycles.[37] A report from Conflict Armament Research confirms that attackers in the region have access to weapons from Nigerian, Ivorian and Libyan defense and security forces.[38]

Risk Factor 6: Absence of mitigating factors

The risks of atrocity crimes are greater where there are few or no elements that can contribute to preventing an escalation of violence or even to ending it and can therefore reduce the probability of atrocity crimes. Does the situation in Nigeria match any of the following indicators?

6.1 Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves.
6.2 Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media.
6.3 Lack of interest and focus of international civil society actors or of access to international media.
6.4 Lack of or limited presence of the United Nations, INGOs or other international or regional actors in the country and with access to populations.
6.5 Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations.
6.6 Lack of exposure, openness or establishment of political or economic relations with other States or organizations.
6.7 Limited cooperation of the State with international and regional human rights mechanisms.
6.8 Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community.
6.9 Lack of interest, reluctance or failure of United Nations Member States or international or regional organizations to support a State to exercise its responsibility to protect populations from atrocity crimes, or to take action when the State manifestly fails that responsibility.
6.10 Lack of support by neighbouring States to protect populations at risk and in need of refuge, including by closure of borders, forced repatriation or aid restrictions.
6.11 Lack of an early warning mechanism relevant to the prevention of atrocity crimes.

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[37] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.
[38] "Nigeria's Herder-Farmer Conflict: Domestic, regional, and transcontinental weapon sources," *Conflict Armament Research*, January 2020, https://www.conflictarm.com/dispatches/nigerias-herder-farmer-conflict/.

Response:

There is a relative lack of attention paid to Nigeria in international media and international human rights circles. A recent exposé by NIgerian journalist David Hundeyin showed that Nigeria's Amnesty International chapter has been largely infiltrated by the Nigerian security establishment.[39] In November 2021, the United States removed Nigeria from its list of "countries of particular concern" for religious freedom violations, despite the grave and deteriorating religious freedom situation in the country. It offered no explanation, and faced little public blowback for its decision.

Risk Factor 7: Enabling circumstances or preparatory action

Atrocity crimes, and in particular genocide and crimes against humanity, are processes that take time to plan, coordinate and implement. They cannot be explained as isolated or spontaneous events that perpetrators decided to commit without some level of preparation. In Nigeria, are there events, actions or changes that point to the likelihood that certain actors are taking steps towards a scenario of mass violence and possibly atrocity crimes? Are any of the following present in Nigeria?

7.1 Imposition of emergency laws or extraordinary security measures that erode fundamental rights.
7.2 Suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups.
7.3 Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals.
7.4 Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm.
7.5 Creation of, or increased support to, militia or paramilitary groups.
7.6 Imposition of strict control on the use of communication channels, or banning access to them.
7.7 Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements.
7.8 Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent adoption of measures or legislation that affect or deliberately discriminate against them.
7.9 Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror.
7.10 Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation,evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations.
7.11 Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity.
7.12 Marking of people or their property based on affiliation to a group.
7.13 Increased politicization of identity, past events or motives to engage in violence.
7.14 Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals.

Response:

7.4. See response to Risk Factor 5 above.

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[39] David Hundeyin, "Compromised by the Secret Police," *West Africa Weekly*, 6 March 2022, https://westafricaweekly.substack.com/p/compromised-by-the-secret-police.

7.6. In June 2021, the Nigerian government blocked access to Twitter for the entire country.[40]

7.9. Mass kidnappings of schoolchildren, particularly schoolgirls, has become a common tactic for both jihadist groups and "bandits" in northern Nigeria. More than 1,000 students were abducted in the first eight months of 2021.[41] While on a fact-finding trip to the Middle Belt in March 2022, CSI met an eight-year-old boy named Philip, who was just four years old when Fulani militants – some wearing military uniforms - attacked his village in Miango community in Plateau State. Upon entering his house, the militants hacked Philip with machetes while he slept. He survived, but was left with permanent deformities on his hand and skull.[42]

7.11. Fulani militia attacks on Christian communities in the Middle Belt commonly include attacks on churches, which serve as centers of community and organization for these communities. In March 2022, a CSI team was able to tour several destroyed churches in Jebbu Miango, Bassa Local Government Area, Plateau State.

7.14. The lynching of Deborah Samuel Yakubu (Emmanuel) in Sokoto on 12 May 2022 demonstrated how anti-Christian hate speech and religious conflict has moved into the digital sphere. An argument over religion on Whatsapp quickly turned into calls for her murder, spread via social media. Her killers recorded themselves celebrating over her burning body, and uploaded the video to the internet. The next day, the chief imam of Nigeria's national mosque took to Twitter to defend the murder, stating that "we the Muslims have some redlines beyond which MUST NOT be crossed."[43]

Risk Factor 8: Triggering factors

Are there any events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset? Are any of the following indicators present in Nigeria?

8.1 Sudden deployment of security forces or commencement of armed hostilities.
8.2 Spillover of armed conflicts or serious tensions in neighbouring countries.
8.3 Measures taken by the international community perceived as threatening to a States' sovereignty.
8.4 Abrupt or irregular regime changes, transfers of power, or changes in political power of groups.
8.5 Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups. Other serious acts of violence, such as terrorist attacks.
8.6 Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders.
8.7 Acts of incitement or hate propaganda targeting particular groups or individuals.
8.8 Census, elections, pivotal activities related to those processes, or measures that destabilize them.
8.9 Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics.
8.10 Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations.
8.11 Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.
8.12 Acts related to accountability processes, particularly when perceived as unfair.

[40] John Campbell, "Nigerian President Buhari Clashes with Twitter Chief Executive Dorsey," *Council on Foreign Relations*, 8 July 2021, https://www.cfr.org/blog/nigerian-president-buhari-clashes-twitter-chief-executive-dorsey.
[41] "Nigeria: Gunmen free kidnapped schoolchildren," *BBC News*, 27 August 2021, https://www.bbc.com/news/world-africa-58351793.
[42] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.
[43] "Christian student murdered by mob in Northern Nigeria," *Nigeria Report*, 13 May 2022, https://www.nigeria-report.org/deborah-mob-killing/.

Response:

8.1. In addition to the ongoing armed conflicts in northern Nigeria, the sudden flare-up in hostilities between the Nigerian Armed Forces and the Indigenous Peoples of Biafra in 2021-2022 is cause for serious alarm. The last time open conflict erupted over the Biafra question, in 1967-1970, millions of people were killed.

8.4. CSI contacts in Nigeria are gravely concerned about the potential for violence accompanying the upcoming 2023 presidential elections. These concerns are well-founded, as the presidential elections in 2011, 2015 and 2019 were all accompanied by serious electoral violence.[44]

8.5. Christian pastors and priests in Nigeria are frequently targeted for assassination and abduction by jihadist groups and Fulani militias. Methodist Church leader Samuel Kanu Uche was kidnapped in the south-east on 29 May.[45] Two Catholic priests were abducted in Katsina state on 25 May.[46]
Rose, from Miango community in Plateau state, told CSI that her husband, a pastor in the Evangelical Church Winning All (ECWA), was targeted by Fulani militants when they attacked their village on 7 April 2020. Rose's husband was targeted and killed; Rose survived because she had travelled to a neighboring village for a prenatal checkup.[47]

SPECIFIC RISK FACTORS FOR ATROCITY CRIMES

Risk Factor 9: Intergroup tensions or patterns of discrimination against protected groups

This risk factor is going towards identity-based atrocities, notably genocide and the crime against humanity of persecution. Is there past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the government, generating an environment conducive to atrocity crimes? Are any of the following present in Nigeria?

9.1 Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups.
9.2 Denial of the existence of protected groups or of recognition of elements of their identity.
9.3 History of atrocity crimes committed with impunity against protected groups.
9.4 Past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity or to perceptions about the targeted group.
9.5 Past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnical, racial or religious lines.
9.6 Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.

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[44] "Nigeria: Widespread Violence Ushers in President's New Term," Human Rights Watch, 10 June 2019, https://www.hrw.org/news/2019/06/10/nigeria-widespread-violence-ushers-presidents-new-term; Oyewole, S., Omotola, J.S. "Violence in Nigeria's 2019 general elections: trend and geospatial dimensions." *GeoJournal* **87,** 2393–2403 (2022). https://doi.org/10.1007/s10708-021-10375-9
[45] John Nwachukwu, "Methodist Church Prelate, Samuel Kanu abducted in Abia," *Daily Post*, 29 May 2022, https://dailypost.ng/2022/05/29/methodist-church-prelate-samuel-kanu-abducted-in-abia/.
[46] Ankeli Emmanuel, «Two catholic priests, two other persons abducted in Katsina," *Premium Times*, 25 May 2022, https://www.premiumtimesng.com/news/headlines/532278-two-catholic-priests-two-other-persons-abducted-in-katsina.html.
[47] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.

Response:

9.1. In Nigeria's twelve northern states, Islamic *shari'a* law has been adopted as official state law, inherently privileging Muslims over Christians, even in states like Kaduna with substantial Christian minorities and local majorities. CSI's work with Christians in Kano state confirms the reality of systematic discrimination against Christians in northern Nigeria.[48] Conflicts over the decision to introduce *shari'a* in these states led to the massacre of thousands of Christians and Muslims in communal violence in Kaduna and Jos cities in 2000 and 2001.

Under President Muhammadu Buhari, who also ruled Nigeria as a military dictator in the early 1980s, power in the Nigerian federal government has been concentrated with people from his own Fulani Muslim ethnic group. This is particularly true of the security services, both at the leadership level and the level of everyday recruitment.[49]

9.3. See response to Risk Factor 2.

Risk Factor 10: Signs of an intent to destroy in whole or in part a protected group

This is about genocidal intent. Christians as a religious group would be a protected group. The intention to destroy in whole or in part a national, ethnical, racial or religious group is both one of the most fundamental
and one of the most difficult elements of the crime of genocide to prove. The 'proof' tends to come after the commission of the crime. We are looking for early indicators that can serve as a warning sign – are any of the following present in Nigeria?

10.1 Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group.
10.2 Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group.
10.3 Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination.
10.4 Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups.
10.5 Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity.
10.6 Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group.
10.7 Expressions of public euphoria at having control over a protected group and its existence.
10.8 Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

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[48] "Le quotidien difficile des chrétiens soumis à la charia, » Christian Solidarity International, 29 December 2017, https://www.csi-suisse.ch/actualites/quotidien-difficile-chretiens-soumis-a-charia/

[49] Olayinka Shehu, "Buhari's lopsided appointments in six years continue to generate controversy," *International Centre for Investigative Reporting*, 29 May 2021, https://www.icirnigeria.org/buharis-lopsided-appointments-in-six-years-continue-to-generate-controversy/; "DSS Director-General, Bichi, Conducts Secret, Uneven Recruitment Into Agency With North Getting 535 Slots, South 93," *Sahara Reporters*, 29 September 2020, http://saharareporters.com/2020/09/29/dss-director-general-bichi-conducts-secret-uneven-recruitment-agency-north-getting-535; Kingsley Nwezeh, "Northern States Top Shortlisted Candidates for Police Recruitment Exams," *This Day*, 28 April 2022, https://www.thisdaylive.com/index.php/2022/04/28/northern-states-top-shortlisted-candidates-for-police-recruitment-exams/.

Response:

10.1.

a. In June 2021, President Buhari implicitly threatened to repeat the events of the Biafra war (1967-1970), in which millions of Igbo Christians and other Christians in the southeast were killed: "Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Nigerian Civil War. Those of us in the fields for 30 months who went through the war, will treat them in the language they understand."[50]

b. In January 2012, Boko Haram gave all Christians in northern Nigeria 3 days to evacuate or else be killed.[51]

c. In January 2021, the Islamic State in West Africa Province executed a Christian university student named Ropvil Daciya Dalep, stating, "Christians all over the world must know that we will never forget their atrocities against us, until we avenge the bloodshed visited on us."[52]

10.2. The thousands of targeted killings of Christians in Nigeria since 2009 are well-documented. To take a particularly blatant recent example, on 20 April 2022, 12 Christians were reportedly killed in the town of Geidam in Yobe state. One resident of the town stated, "Christians killed in Geidam town were identified by their inability to recite passages from the Koran. The terrorists asked the victims to recite passages from the Koran, and since they couldn't, they were killed."[53]

10.3. See response 1.11.

10.8. According to data collected by the Armed Conflict Location and Event Data Project (ACLED),[54] there have already been 23 separate attacks on church premises and people linked to them so far this year. For the whole of 2021, there were 31, and in 2020 there were 18.

Risk Factor 11: Signs of a widespread or systematic attack against any civilian population

Such an attack is the hallmark of the atrocity known as the crime against humanity.These crimes will involve either large-scale violence (quantitative element) or a methodical type of violence (qualitative element). This excludes random, accidental or isolated acts of violence. This type of violence will require a high level of preparation that can be revealed through different indicators. There are two aspects of the violence (which need not involve 'force' as in 'armed force') – one is that the attack on the cvilian population is massive, large-scale and frequent (widespread), and the other is that the attack on the civilian population involves violence with patterns of periodicity, similitude and organization (systematic). Are any of the following indicators present in Nigeria?

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[50] John Campbell, "Nigerian President Buhari Clashes with Twitter Chief Executive Dorsey," *Council on Foreign Relations*, 8 July 2021, https://www.cfr.org/blog/nigerian-president-buhari-clashes-twitter-chief-executive-dorsey.

[51] Ibrahim Mshelizza, "Christians flee attacks in northeast Nigeria," *Reuters*, 7 January 2012, https://www.reuters.com/article/ozatp-nigeria-violence-20120107-idAFJOE80600P20120107

[52] Madeline Vellturo, "Violent Islamist Groups in Northern Nigeria," *United States Commission on International Religious Freedom*, February 2021, https://www.uscirf.gov/sites/default/files/2021%20Factsheet%20-%20Violent%20Islamists%20in%20Northern%20Nigeria.pdf

[53] "Christians Killed as ISWAP Expands to Taraba State, Nigeria," *Morning Star News*, 2 May 2022, https://morningstarnews.org/2022/05/christians-killed-as-iswap-expands-to-taraba-state-nigeria/.

[54] The Armed Conflict Location and Event Data Project, https://acleddata.com/#/dashboard

11.1 Signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols.

11.2 Increase in the number of civilian populations or the geographical area targeted, or in the number, types, scale or gravity of violent acts committed against civilian populations.

11.3 Increase in the level of organization or coordination of violent acts and weapons used against a civilian population.

11.4 Use of the media or other means to provoke or incite to violent acts.

11.5 Signs of a plan or policy to conduct attacks against civilian populations.

11.6 Establishment of new political or military structures that could be used to commit violent acts.

11.7 Access to or increasing use of significant public or private resources for military or belligerent action, including the acquisition of large quantities of weaponry or other instruments that can cause death or serious harm.

11.8 Signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets or that are capable of mass destruction, persecution or weakening of communities.

Response:

In March 2022, a joint CSI-HART-PSJ report found,

> *Fulani militia repeatedly demonstrate a clear intent to target Christian leaders, Christian villages and symbols of Christian identity. Their attacks are organised and systematic. Armed with sophisticated weaponry, they destroy homes, farmland, churches and orphanages. They assert their right to land by settling their cattle, re-naming the village and threatening anyone who seeks to return.* **According to the Southern Kaduna Peoples Union, Fulani militia have occupied and settled in 145 Christian communities in the southern part of Kaduna state, accounting for some 10 per cent of the region's land.**[55]

Risk Factor 12: Signs of a plan or policy to attack any civilian population

The International Criminal Court requires that crimes against humanity are committed in furtherance of a State or organizational policy to commit an attack, but this has not been so clear at other international courts and tribunals, and in national legislation. Even so, it is critical for prevention purposes to be able to identify facts or evidence suggestive of a State or organizational policy, even if not explicitly stipulated or formally adopted, to commit serious acts of violence directed against any civilian population. Are any of the following present in Nigeria?

12.1 Official documents, political manifestos, media records, or any other documentation through which the existence of a State or organizational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred.

12.2 Adoption of discriminatory security procedures against different groups of the civilian population.

12.3 Adoption of measures that result in the alteration of the ethnic, religious, racial or political composition of the overall population, including in defined geographical areas.

12.4 Establishment of parallel institutions or autonomous political or military structures, or organization of a network of potential perpetrators belonging to a specific ethnic, religious, national, racial or political group.

12.5 Preparation and use of significant public or private resources, whether military or other kinds.

12.6 Access to and use of weaponry or other instruments not easily obtained inside the country.

12.7 Preparation or mobilization of armed forces en masse against civilian populations.

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[55] "Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt," Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022, https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/.

12.8 Facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts.

12.9 Widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations.

12.10 Involvement of State institutions or high-level political or military authorities in violent acts.

Response:

12.10. There is strong evidence that Nigerian security forces have in some cases taken sides with Fulani militias during attacks on Christian communities, by either refusing to intervene or providing logistical support. On 4 December 2017, as hundreds of Fulani militiamen attacked a village in Adamawa state, fleeing villagers were fired on by Nigerian air force fighter jet and helicopter.[56]

In a similar incident, villagers in southern Kaduna alleged that a military helicopter provided support for a Fulani militia attack that killed 32 people in Adara communities of the Kajuru local government area of Kaduna state on 5 June 2022.[57]

Risk Factor 13: Serious threats to those protected under international humanitarian law

International humanitarian law is the body of rules and principles that applies in armed conflict to control the way that force is used and who it is used against. This body of law protects civilians and civilian objects, the sick and wounded, the shipwrecked, prisoners of war, hospitals, schools, places of worship, the environment, and cultural property. It tries to ensure that there is some humanity in armed conflict. War crimes are crimes in violation of international humanitarian law. Often, threats in armed conflict are identified too late, but there may still be preventative measures that can be taken to prevent war crimes. In the armed conflicts in Nigeria, such as between the government and Boko Haram, are any of the following present?

13.1 Fragmentation of parties to the conflict or disintegration or absence of chains of command within them.

13.2 Mistrust between opposing parties based on past or present breaches of commitments or agreements.

13.3 Increased radicalization or extremism of opposing parties within a conflict.

13.4 Promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict.

13.5 Conduct that dehumanizes the enemy or particular groups within the population, or that exhibits disrespect for their religious, ethnic or, in general, cultural traditions, morals and values, objects or institutions.

13.6 Adoption of measures that severely curtail the rights of those protected under international humanitarian law, including those aligned or perceived as aligned with opposing parties but not taking active part in hostilities.

13.7 Evidence of plans or discourse which reveals a threat of or incitement to violence against those protected under international humanitarian law, including as a means to spread terror, intimidate, demoralize, show military strength, provoke displacement, or as preliminary to further violence.

13.8 Evidence of conduct interfering with or impeding delivery or access to supplies, facilities, equipment, objects or medical or humanitarian support indispensable to the survival of those protected under international humanitarian law.

13.9 Evidence of preparation of personnel and logistics enabling the transportation, movement or confinement of large numbers of people, or the conducting of medical experiments.

13.10 Evidence of conduct related to the planning, development, production, storage, acquisition, availability or threat of use of weapons, projectiles, materials or substances which are by their nature indiscriminate or cause superfluous injury or unnecessary suffering to people, or that can cause widespread, long-term and severe damage to the natural environment.

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[56] "Nigeria: Dozens killed as military launches air attacks on villages beset by spiralling communal violence," Amnesty International, 30 January 2018, https://www.amnesty.org/en/latest/news/2018/01/nigeria-dozens-killed-as-military-launches-air-attacks-on-villages-beset-by-spiralling-communal-violence/.

[57] Muhammad Sabiu, «Helicopter Strike Allegedly Kills 32 in Kaduna," 9 June 2022, https://tribuneonlineng.com/helicopter-strike-allegedly-kills-32-in-kaduna/.

13.11 Refusal to allow inspections by competent and independent bodies into allegations of conduct included in point 13.10, or action to stop such conduct.

13.12 Refusal to acknowledge detentions or places of detention or to allow visits by delegates of the International Committee of the Red Cross.

13.13 Issuance of rules of engagement or legislation that allow the disproportionate or indiscriminate use of force, or failure to take action to avoid launching such attacks or to conduct military operations in heavily populated areas or to non-military targets.

13.14 Increase in the number of any of the attacks or operations mentioned in point 13.13.

13.15 Use of methods of warfare that reveal treachery, including taking advantage of the symbols or emblems of humanitarian or peacekeeping personnel, or not wearing uniforms or distinctive combat gear to portray combatants as civilians.

13.16 Threats or appropriation, seizure, pillaging or intentional destruction or damage of civilian objects or property that belong, represent or are part of the cultural, social or religious identity of those protected under international humanitarian law, unless used for military purposes.

13.17 Threats or orders of warfare without concessions or where there would be no survivors.

13.18 Conduct that threatens the rule of law or any other measures that limit protection of the rights to life and physical integrity afforded by applicable international humanitarian law, including denial of its applicability.

 Response:

13.1, 13.3, 13.4. Boko Haram has split several times since 2015, and some of its splinter groups have adopted more radical positions and rhetoric. The most prominent of these groups, Islamic State West Africa Province, "renounce[ed] the killing of Muslim civilians and vow[ed] to focus attacks on Christians and state targets."[58]

The structure of the Fulani militia movement is, apparently, nearly completely opaque to outside observers. Although Fulani militia attacks in the Middle Belt exhibit a high degree of planning and coordination, it is not known how unified the movement is or how it is organized.

Risk Factor 14: Serious threats to humanitarian or peacekeeping operations

International humanitarian law also affords specific protection to those working for humanitarian assistance or peacekeeping missions provided they do not take direct part in hostilities, except for self-defense. Has there been conflict-related conduct that threatens the protection provided by international humanitarian law to humanitarian assistance or peacekeeping personnel not taking direct part in hostilities? Are any of the following indicators present in Nigeria?

14.1 Perceptions of partiality or political interference by humanitarian or peacekeeping operations, their members, the broader international community, international, regional or national organizations, individual countries, or others sponsoring or participating in the operations.

14.2 Increase in identity-based conflicts and perceptions about humanitarian or peacekeeping operations as associated with the opponent or as an obstacle to plans of elimination, marginalization or displacement.

14.3 Increased intensity of the conflict and scarcity of livelihoods or other resources.

14.4 Fragmentation of parties to the conflict or disintegration of chains of command within them.

14.5 Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel.

14.6 Tampering with or removal of signs identifying protected objects or locations where humanitarian or peacekeeping operations are stationed or providing support.

14.7 Incidents of improper use of a flag of truce, of the flag or of the military insignia and uniform of the United Nations and the distinctive emblems of the Geneva Conventions.

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[58] "Boko Haram and the Islamic State West Africa Province," *Congressional Research Service*, 24 February 2022, https://sgp.fas.org/crs/row/IF10173.pdf.

14.8 Attacks against locations in close proximity to humanitarian or peacekeeping operations and personnel, or on the routes taken by them during their activities.
14.9 Discourse or evidence of plans that suggest a threat, or the incitement or tolerance of acts of violence against humanitarian or peacekeeping operations and personnel.
14.10 Disrespect, threats or increase in attacks to objects, property or persons using the distinctive emblems of the Geneva Conventions or of other humanitarian or peacekeeping operations.

Response:

In September 2019, the Nigerian army closed the offices of several aid organizations in northeast Nigeria, including Mercy Corps and Action Against Hunger. In December 2018, the army briefly banned UNICEF from operating in the region.[59] According to an August 2020 report from the Soufan Center, 60 aid workers were killed by non-state armed groups in northeast Nigeria since 2009, including 24 in the previous 12 months.[60] Five of these were killed by ISWAP, who warned that the executions were to warn "all those being used by infidels to convert Muslims to Christianity."[61]

Any additional submissions on the situation in Nigeria

[If your organisation has relevant data, documents and reports that have been made public, could you please provide a list of these along with your completed Questionnaire (with sufficient identifying information so that they can be easily located).
If your organisation has confidential or sensitive material, and is prepared to share it with the UN, please indicate that. The Office can contact you directly if it wishes to take it further, and can provide you with the necessaries guarantees.
If you know of good materials that should be on a list of 'essential documents', please could you also provide details of that.]

1. "CSI issues genocide warning for Christians in Nigeria," Christian Solidarity International, 30 January 2020.
   https://www.nigeria-report.org/2020/01/30/csi-issues-genocide-warning-for-christians-in-nigeria/
2. NIGERIA: UNFOLDING GENOCIDE? An Inquiry by the UK All-Party Parliamentary Group for International Freedom of Religion or Belief, June 2020.
   https://appgfreedomofreligionorbelief.org/media/200615-Nigeria-Unfolding-Genocide-Report-of-the-APPG-for-FoRB.pdf

3. *Breaking Point in Central Nigeria? Terror and Mass Displacement in the Middle Belt*. Christian Solidarity International (CSI), Humanitarian Aid Relief Trust (HART) and International Organisation for Peace and Social Justice (PSJ-UK), March 2022.
   https://www.nigeria-report.org/2022/03/24/new-report-terror-and-mass-displacement-in-nigeria-s-middle-belt/

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[59] Patrick Wintour, "Nigeria warned it risks humanitarian disaster by expelling charities," *The Guardian*, 29 September 2019, https://www.theguardian.com/world/2019/sep/29/nigeria-warned-it-risks-humanitarian-disaster-by-expelling-charities.
[60] "Northeast Nigeria's Growing Insecurity Threatens Humanitarian Aid Workers and Civilians," Soufan Center, 19 August 2020, https://thesoufancenter.org/intelbrief-northeast-nigerias-growing-insecurity-threatens-humanitarian-aid-workers-and-civilians/.
[61] "Boko Haram and the Islamic State West Africa Province," *Congressional Research Service*, 24 February 2022, https://sgp.fas.org/crs/row/IF10173.pdf.