

Congress of the United States
Washington, DC 20515

September 8, 2022

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Austin:

We write to first express our appreciation for your commitments to preventing, mitigating, and responding to civilian harm in U.S. military operations. We applaud the recently released Civilian Harm Mitigation and Response Action Plan (CHMR-AP) and look forward to our continued partnership ensuring successful implementation. We also look forward to working with the Department to understand the scope of past civilian harm allegations.

Recent [reporting](#) suggest the United States military may have assisted in a 2017 Nigerian military operation that bombed an internally displaced persons' camp near Rann, Nigeria and killed over 160 civilians, many of whom were children. A document obtained by a FOIA request revealed an investigation ordered by Brigadier General Frank Stokes, Deputy Director of US Africa Command (AFRICOM), which referred to the strike as an instance of "U.S.-Nigerian operations." A local news outlet supported by the MacArthur Foundation [reported](#) that the Nigerian regional military commander, General Lucky Irabor, alleged that the strike was based on "intelligence received" from "one of the powerful countries in the west."

Given the previously unreported nature of the U.S. military's involvement in this strike and subsequent investigation, and your recent commitments to transparently responding to civilian harm, we request that the Department make available the investigation and all accompanying documentation to Members of the House Armed Services Committee. Additionally, we request answers to the following questions that may be included in the AFRICOM report of investigation or through other reports and briefings:

1. What was the nature of U.S. military involvement in the kinetic air strike conducted by Nigerian military forces in the vicinity of Rann, Nigeria on January 17, 2017?
2. Did the United States military provide intelligence or other support for this strike? If so, under what authority and by whom was this support provided?
3. What circumstances led to the targeting of an internally displaced persons' camp?
4. What, if any, corrective action was taken within the Nigerian armed forces? To the extent of U.S. military involvement in this operation, what, if any, corrective action was taken within the U.S. military?
5. What was the extent of AFRICOM's knowledge of this strike, and any U.S. involvement, when it took place? If unaware when the strike took place, when did AFRICOM receive knowledge of this strike and any U.S. involvement?

6. Ryan Essman, deputy spokesperson at the State Department's Bureau of African Affairs, [reportedly](#) denied that the United States was involved in this strike. When were officials at the State Department, including the Embassy and the Bureau of African Affairs, notified of any U.S. role in the strike and of the substance of this investigation?
7. Since January 2017, has the United States provided intelligence or any other support or assistance to the Nigerian armed forces for air strikes or ground operations? If so, please list these operations and detail whether you are aware of any allegations of civilian harm.
8. What steps has the Department of Defense taken to mitigate the risk of civilian harm in U.S.-Nigerian partnered operations and the provision of security assistance, including arms transfers, to Nigeria? What has been the impact of these steps?
9. Under 22 USC 2753, the Arms Export Control Act requires the President to report to Congress when in receipt of information that U.S.-provided defense articles or services have been misused. Has the Defense Department reported the possible misuse of defense articles or services to the President, the State Department, and Congress?

We respectfully request this information and documentation no later than 90 days after receipt of this letter. Thank you for your attention to this important matter and we look forward to your response.

Sincerely,



Sara Jacobs
Member of Congress



Jason Crow
Member of Congress



Ro Khanna
Member of Congress



Tom Malinowski
Member of Congress



Andy Kim
Member of Congress