

BOKO HARAM: A TEXTBOOK CASE FOR DESIGNATION  
AS A TERRORIST ORGANIZATION AND ITS  
TERRORISTIC THREAT TO INTERNATIONAL  
RELIGIOUS FREEDOM

*April Nees\**

I. INTRODUCTION

“Fighting terrorism is like being a goalkeeper. You can make a hundred brilliant saves but the only shot that people remember is the one that gets past you.”<sup>1</sup> This principle presently describes the chaotic situation in Nigeria. From its inception, Boko Haram, a Nigerian-based terrorist cell, has claimed the lives of hundreds of Nigerian people. This feared terrorist organization has rapidly grown, gaining members and an arsenal of weapons while establishing dangerous ties to well-founded terrorist organizations such as al Qaeda. This troubling expansion has permitted Boko Haram to launch various attacks around the Nigerian area targeting Nigerian government officials, Christians, non-Muslim faiths, and even Muslims whose ideology does not match their radical convictions.

Nigeria is Africa’s most populated country and contains an approximately even split amid its Christian (forty-six percent) and Muslim (fifty-two percent) population.<sup>2</sup> Nevertheless, the onset of Boko Haram’s ferocious attacks has intensified Muslim and Christian tensions within the Nigerian region. Furthermore, Nigeria holds the tenth largest oil reserves and is one of the most influential countries on the continent.<sup>3</sup> Due to Boko Haram’s unyielding violence, the Nigerian citizens’ face relentless religious persecution. Thus, it would seem that the United States war against terror might involve a stalwart relationship with the Nigerian government.

---

\* Associate New Developments Editor, Rutgers Journal of Law and Religion; J.D. Candidate May 2013, Rutgers School of Law – Camden.

1. Erich Ferrari, *Deep Freeze: Islamic Charities and the Financial War on Terror*, 7 SCHOLAR 205, 206 (2005) (quoting Paul Wilkinson).

2. M. Christian Green, *Religious and Legal Pluralism in Nigeria: Religion, Family Law, and Recognition of Identity in Nigeria*, 25 EMORY INT’L L. REV. 945, 945, 948 (2011).

3. *Id.*

Ever since the September 11th, 2001 attacks on American soil, the United States has become increasingly concerned with “rogue” nations that defy international policies and proliferate violence.<sup>4</sup> Following the September 11th attacks, the United States has successfully thwarted several attempted terrorist attacks on the homeland. Unfortunately, the same cannot be said for the countless sadistic terrorist attacks Boko Haram has inflicted on the hundreds of innocent Nigerian citizens.

As a result of these religious persecutions, Boko Haram has caught the eye of numerous United States’ officials. This newly founded concentration on Boko Haram’s operation arises from the fact that the United States has always placed religious freedom at the core of human rights and societal stability.<sup>5</sup> Additionally, military leaders have expressed concern that Boko Haram is capable of posing a threat to the United States homeland.<sup>6</sup>

Furthermore, Boko Haram has caught the attention of the United States and Nigerian officials chiefly because of Boko Haram’s recent public message, declaring Boko Haram’s intention to carry out a religious cleansing against Christians in Nigeria.<sup>7</sup> Moreover, scholars have suggested that a correlation exists between religious persecution and terrorism in which such intolerance of other non-Muslim religions breeds terrorist groups within that particular country.<sup>8</sup> Hence, Alliance Defending Freedom, a

---

4. David A. Bosworth, *American Crusade: The Religious Roots of the War on Terror*, 7 BARRY L. REV. 65, 65 (2006).

5. See generally Christina M. Kelly, *The United States and Turkmenistan: Striking a Balance Between Promoting Religious Freedom and Fighting the War Against Terror*, 15 PACE INT’L L. REV. 481 (2003) (discussing the impact of the International Religious Freedom Act and how advancing religious freedom globally can also lead to more stable societies); Matthew L. Fore, *Shall Weigh Your God and You: Assessing the Imperialistic Implications of the International Religious Freedom Act in Muslim Countries*, 52 DUKE L.J. 423, 426-28 (2002) (discussing America’s commitment to international religious freedom).

6. Karen Leigh, *Nigeria’s Boko Haram: Al-Qaeda’s New Friend in Africa?*, TIME (Aug. 31, 2011), <http://www.time.com/time/world/article/0,8599,2091137,00.html>.

7. Benjamin Bull, *U.S. Urged to Designate Boko Haram as Terrorist Group*, ALLIANCE DEFENDING FREEDOM (Dec. 3, 2012), <http://www.adfmedia.org/News/PRDetail/?CID=61084>.

8. Raju Chebium, *U.S. Should Promote Religious Diversity to Win Terrorism War, Advocates Say*, GANNETT NEWS SERV., Dec. 4, 2001 (quoting Tamara Sonn, an Islam expert, who stated, that “[t]here is a connection between religious intolerance and terrorism in the Muslim world.”).

legal ministry,<sup>9</sup> and various world leaders have condemned Boko Haram's vicious attacks on churches and non-Muslims.<sup>10</sup> Because of Boko Haram's deadly targeting of non-Muslims or "infidels," a number of organizations, including Alliance Defending Freedom, filed a petition with the Secretary of State urging the Honorable Hillary Clinton to designate Boko Haram a foreign terrorist organization.<sup>11</sup>

Boko Haram's extreme hatred for Christianity and any religion that does not conform to their radical beliefs was portrayed on a symbolic Christian holiday - Christmas Eve 2003 - when the organization launched its first brutal attack against non-Muslims.<sup>12</sup> Boko Haram has since "evolved into a highly sophisticated, globally linked, suicide-bombing terrorist entity with global aspirations."<sup>13</sup>

Consequently, in keeping with the United States' tradition of holding the freedom of religion at the core of American life, United States' officials have developed numerous international policies to defend and promote global religious freedom.<sup>14</sup> This article will begin by briefly explaining how the United States developed a plan to execute its commitment to worldwide religious freedom. Next, Part III will describe the law and policy surrounding the controlling statute authorizing the Secretary of State to designate foreign groups such as Boko Haram as terrorist organizations. Furthermore, this section will discuss Boko Haram's origin, its overall purpose, and how its attacks have effortlessly placed it in the category as a foreign terrorist organization. Finally, Part IV will dis-

---

9. Alliance Defending Freedom is a legal ministry where a group of Christian lawyers advocate for people around the world for the opportunity to practice religious freedom. *Alliance Defending Freedom: For Faith. For Justice.*, ALLIANCE DEFENDING FREEDOM, <http://www.alliancedefendingfreedom.org/about> (last visited May 3, 2013).

10. *Deadly Nigeria Bomb Attacks Condemned by World Leaders*, BBC NEWS (Dec. 25, 2011), <http://www.bbc.co.uk/news/world-africa-16330093>.

11. Formal Petition to Designate Boko Haram as a Foreign Terrorist Organization Pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996 8 U.S.C. §1189 from Advocates Int'l et al., to Hillary Rodham Clinton, Sec'y of State (Dec. 3, 2012), available at [http://www.adfmedia.org/files/BokoHaram FormalPetition.pdf](http://www.adfmedia.org/files/BokoHaram%20FormalPetition.pdf) [*hereinafter* *Formal Petition to Designate Boko Haram*].

12. Bull, *supra* note 7.

13. Bull, *supra* note 7 (quoting Emmanuel Ogebe, a legal expert on Nigeria who contributed to the petition filed with the Secretary of State requesting that Boko Haram be designated a foreign terrorist organization).

14. *See generally* Fore, *supra* note 5 (discussing the United States' commitment to international religious freedom and the issues the various international policies create in the Muslim world).

cuss why the United States must designate Boko Haram a foreign terrorist organization. Moreover, this section will discuss the enormous threat Boko Haram poses to those on United States soil. This article will conclude that designating Boko Haram as a foreign terrorist organization will reinforce America's pledge and other foreign countries' commitment to promoting religious freedom for all Muslim and non-Muslim religions alike in Nigeria and worldwide, while simultaneously fighting the war on terrorism.

## II. THE AMERICAN SOLUTION TO PROMOTING INTERNATIONAL RELIGIOUS FREEDOM

In the 1990's the United States began witnessing an alarming trend surrounding the international persecution of religious minorities, where studies revealed that a majority of the world's population was not allowed to practice religious freedom within various countries.<sup>15</sup> In response to this worldwide problem of international religious persecution, Congress enacted the International Religious Freedom Act of 1998.<sup>16</sup> The goal of the International Religious Freedom Act (hereinafter "IRFA") was to halt the intolerance towards religious freedom, and to assist other countries and their governments in advancing this basic human right - religious freedom.<sup>17</sup> Thus, the IRFA was designed to endorse a spirit of liberty, and provide "appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples."<sup>18</sup>

Ultimately, the IRFA authorizes both the U.S Department of State and the Commission on International Religious Freedom to determine particular countries' attitudes and legislation regarding religious persecution<sup>19</sup> and impose sanctions based on the countries' degree of intolerance for religious freedom.<sup>20</sup> An Annual Report on Religious Persecution<sup>21</sup> is produced by the State Department detailing any and all situations of religious intolerance.<sup>22</sup> The State Department uses this Report to detect any "particularly

---

15. *Id.* at 426-27.

16. *See* 22 U.S.C. §§ 6401-6481 (1998).

17. 22 U.S.C. § 6401(b)(1).

18. 22 U.S.C. § 6401(b)(5)..

19. 22 U.S.C. § 6412.

20. 22 U.S.C. §§ 6441-6442.

21. 22 U.S.C. § 6412(b).

22. 22 U.S.C. § 6441(a)(1)(B).

severe violations of religious freedom engaged in or tolerated by the government of that country.”<sup>23</sup> Moreover, the IRFA is intended to assist foreign governments in developing ways to protect this fundamental right within their respective countries without sacrificing the country’s culture or unique customs.<sup>24</sup>

Furthermore, the IRFA has become an extremely important instrument in the United States’ fight for international religious freedom, where terrorism has impeded the advancement of religious freedom. Some studies have suggested that a country’s “tendency to oppress religious minorities” increases the probability that the country is harboring terrorists.<sup>25</sup> Furthermore, the United States, along with scores of other countries, has chiefly viewed terrorism as the equivalent to an anti-religious mentality.<sup>26</sup> Due to the overwhelming desire to stop both terrorism and religious persecution, the IRFA confers authority to the United States to create foreign religious policies to promote this concept of universal religious freedom while at the same time combating terrorist groups that attempt to hinder the advancement of this vital freedom.<sup>27</sup>

Likewise, promoting religious freedom strengthens a country’s social order and stability.<sup>28</sup> Nigeria is facing an extremely dangerous threat from Boko Haram’s lethal continuum of violence.<sup>29</sup> It is undisputed that Boko Haram has demonstrated its commitment to exterminating all non-Muslim people living in Nigeria.<sup>30</sup> Thus, because a correlation exists between (1) religious persecution and terrorism, and between (2) terrorism and social turmoil within a country, Boko Haram’s existence in Nigeria must be extinguished in order for the United States to continue to advance international

---

23. 22 U.S.C. § 6412(b)(1)(A)(iii).

24. 22 U.S.C. § 6401(b).

25. Fore, *supra* note 5, at 427 n.15; Chebium, *supra* note 8.

26. Fore, *supra* note 5, at 427.

27. See Chris Markos, *Empty Threats and Saber Rattling: Why the International Religious Freedom Act provides a Better Solution to Combating Terrorism and Promoting Stability in Pakistan*, 11 RUTGERS J. L. & RELIGION 177, 188 (2009) (explaining that the IRFA gives the United States authority to create international religious freedom, and that the United States has an interest in seeing other countries keep their commitment to promoting religious freedom).

28. Kelly, *supra* note 5, at 481.

29. Markos, *supra* note 27, at 190-91 n.62 (discussing the United States Commission on International Religious Freedom, 2008 Annual Report 146, available at <http://www.uscirf.gov/images/AR2008/annualreport2008-finaledition.pdf>).

30. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 3.

religious freedom.<sup>31</sup> Correspondingly, the promotion of this paramount right is in and of itself “a means of fighting the war on terrorism,” and therefore a first step towards bringing stability back to Nigeria and the surrounding African countries.<sup>32</sup>

### III. BOKO HARAM: A TEXTBOOK CASE FOR DESIGNATION AS A FOREIGN TERRORIST ORGANIZATION

“Injustice anywhere is a threat to justice everywhere.”<sup>33</sup> This remark fittingly depicts the seriousness of Boko Haram’s violence in Nigeria. Moreover, this remark illuminates the urgency underlying the request for Boko Haram’s designation as a terrorist organization. Boko Haram, translates into the literal meaning that Western education is sacrilegious.<sup>34</sup> This feared organization has continually persecuted hundreds of non-Muslim Nigerians over the course of nine years.

Needless to say, Boko Haram has demonstrated its earnestness to carry out its religious persecutions, and the United States should be leery of dismissing its capability of becoming a major terrorist cell similar to that of al-Qaeda. This fearless terrorist group has claimed responsibility for numerous attacks launched around the Nigerian region.<sup>35</sup> Furthermore, the current leader, Abu Shekau, has expressly stated, “[t]his is a war against Muslims and infidels.”<sup>36</sup> In the remaining Parts, evidence of Boko Haram’s responsibility for immeasurable attacks on Nigerian Christians, and its suspected connection to many other lethal strikes in Nigeria will show that Boko Haram is a textbook case for designation as a foreign terrorist organization.

---

31. Fore, *supra* note 5, at 429.

32. Bureau of Democracy, Human Rights, & Labor, *International Religious Freedom Report 2002*, U.S. DEPT OF STATE (Oct. 7, 2002), <http://www.state.gov/g/drl/rls/irf/2002/13607.htm>.

33. Ferrari, *supra* note 1, at 225 (quoting Martin Luther King, Jr. in the midst of a discussion concerning terrorism and freezing of assets).

34. Green, *supra* note 2, at 965.

35. See e.g., *Radical Islamist Sect Claims Responsibility for Nigeria Church Attacks*, THE TELEGRAPH (Dec. 28, 2010), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/nigeria/8228816/Radical-Islamist-sect-claims-responsibility-for-Nigeria-church-attacks.html>.

36. Videotape: Boko Haram: Inciting Messages of Intolerance Against Christians, 2) (quoting Imam Abu Muhammad Abubakar Bin in a direct video capturing his preaching) (on file with Muhammad Shekau).

A. *The Designation of a Foreign Terrorist Organization Provision*

Under the Anti-Terrorism and Effective Death Penalty Act (“AEDPA”), Congress enacted a provision for the designation of foreign terrorist organizations.<sup>37</sup> This statute provides that:

The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that - (A) the organization is a foreign organization; (B) the organization engages in terrorist activity (as defined in section 1182(a)(3)(B) of this title or terrorism (as defined in section 2656f(d)(2) of Title 22), or retains the capability and intent to engage in terrorist activity or terrorism); and (C) the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.<sup>38</sup>

Moreover 8 U.S.C. § 1182(a)(3)(B)(iii) provides that “terrorist activity” encompasses:

[A]ny activity which is unlawful under the laws of the place where it is committed...and which involves any of the following: (I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle). (II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained. (III) A violent attack upon an internationally protected person...or upon the liberty of such a person. (IV) An assassination. (V) The use of any...(a) biological agent, chemical agent, or nuclear weapon or device, or (b) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property. (VI) A threat, attempt, or conspiracy to do any of the foregoing.<sup>39</sup>

Finally, terrorism is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”<sup>40</sup> If the Secretary of State

---

37. See generally 8 U.S.C. § 1182 (2010).

38. 8 U.S.C. § 1189(a)(1).

39. 8 U.S.C. § 1182(a)(3)(B)(iii).

40. 22 U.S.C. § 2656f(d)(2) (2004).

labels a group as a foreign terrorist organization (hereinafter “FTO”), three consequences flow from such a designation: (1) the FTO may have its assets frozen,<sup>41</sup> (2) FTO members are prohibited from entering the United States,<sup>42</sup> and (3) anyone who knowingly provides “material support or resources” to the FTO is subject to criminal prosecution.<sup>43</sup> Consequently, the resulting effects following a FTO designation could prevent Boko Haram from exponentially growing and continuing to persecute Nigerian citizens, while also protecting the American homeland.

### B. *Boko Haram’s Origin And Stance on Religious Freedom*

In response to Boko Haram’s initiation of nearly daily attacks in 2012, several organizations collaborated to prepare a lengthy brief for the Secretary of State to consider when determining whether to designate Boko Haram as a foreign terrorist organization. However, Boko Haram’s existence as a violent organization is far from a novel development. In fact, Boko Haram has taken responsibility for numerous attacks within Nigerian borders since it began its terrorism campaign on Christmas Eve 2003, and is estimated to have killed hundreds of people by means of terrorist tactics in the last nine years.<sup>44</sup>

Boko Haram is thought to have formed in 1995 by the name of *Jama’atu Ahlis Sunna Lidda’awati wal-Jihad* which means “People Committed to the Propagation of the Prophet’s Teachings and Jihad.”<sup>45</sup> The group later designated itself as Boko Haram after the September 11th attacks and subsequent to a United States invasion of Afghanistan targeting the Taliban.<sup>46</sup>

Since its establishment, Boko Haram has intentionally launched attacks on symbolic Christian holidays such as Christmas and Easter.<sup>47</sup> In addition, Boko Haram has declared on its website and in other public forums that it will continue to execute terrorist attacks to target anyone not practicing Islamic *Sharia*

---

41. 8 U.S.C. § 1189(a)(2)(C).

42. 8 U.S.C. §§ 1182(a)(3)(B)(i)(IV), (V).

43. 18 U.S.C. § 2339B(a)(1) (2009).

44. John Alechenu, *U.S., Nigeria Hold Talks on Boko Haram*, PUNCH (Jan. 24, 2012), <http://www.punchng.com/news/us-nigeria-hold-talks-on-boko-haram/>.

45. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 5-6.

46. *Id.* at 5.

47. Integrated Reg’l Info. Networks, *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, REFWORLD, (Jan. 20, 2012), <http://www.unhcr.org/refworld/country,,IRIN,,NGA,,4f1e71cd2,0.html>.



law as well as anyone who assists those individuals observe anything but Islamic teachings.<sup>48</sup> Accordingly, Boko Haram's radical Islamic convictions have taken the identity of a holy crusade aimed at persecuting all non-Muslim worshippers.<sup>49</sup>

After its successful Christmas Eve 2003 assault, Boko Haram planned and executed countless fatal strikes against Christians and other non-Muslim Nigerian citizens. In 2005, Boko Haram exemplified its hatred for Christianity when they attacked more than fifty churches, and cruelly beheaded pastors "who refused to convert to Islam."<sup>50</sup> To further demonstrate its lethal agenda, in December 2010, Boko Haram killed a governor candidate of the All Nigeria Peoples Party.<sup>51</sup> This specific attack confirmed Boko Haram's intention of targeting Nigerian government officials.<sup>52</sup> Continuing with pious dedication to its radical beliefs, Boko Haram claimed responsibility for several Nigerian church attacks in Christmas of 2010.<sup>53</sup> Notably, in the 2010 annual report from the United States Commission on International Religious Freedom, the Christian Association of Nigeria validated in that year as many as twenty-nine churches had been burnt down including the malicious killings of numerous pastors.<sup>54</sup> This prompted the conclusion Nigeria should be considered a country of particular concern.<sup>55</sup>

The next year fared no different as Boko Haram continued its rampant attacks across Nigeria. On June 16, 2011, Boko Haram substantially changed its terroristic tactics by employing suicide bombers to carry out a string of deadly attacks.<sup>56</sup> These attacks also generated suspicion that Boko Haram had established ties with Somalian terrorist groups and al Qaeda, by receiving training

---

48. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 3, 11.

49. *See generally id.*

50. *Id.* at 9.

51. *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, *supra* note 47.

52. *Id.*

53. *Radical Islamist Sect Claims Responsibility for Nigeria Church Attacks*, *supra* note 35.

54. U.S. Comm'n on Int'l Religious Freedom, *USCIRF Annual Report 2010 - Countries of Particular Concern: Nigeria*, REFWORLD (Apr. 29, 2010), <http://www.unhcr.org/refworld/docid/4be2840c6.html>.

55. *Id.*

56. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 12.

from these deep-rooted organizations.<sup>57</sup> From that time forward, Boko Haram became known as a national and global threat.<sup>58</sup>

The next attack explicitly illustrated Boko Haram's disdain for Westerners. Because of its association with al Qaeda cells and the advanced terrorist training this skilled organization provided Boko Haram, the sect was able to effectuate a suicide bombing on the United Nations headquarters in Abuja, Nigeria, killing twenty-three civilians and government personnel.<sup>59</sup> This attack further signified Boko Haram's ability to breach complex government security defenses.<sup>60</sup> Fortunately, the two Americans present on the compound at the time of the attack managed to survive the bombing.<sup>61</sup>

A decade following the horrendous terrorist attacks on the World Trade Center, Boko Haram launched a series of assaults on Christians in the city of Madala, where they forced the hostages to recite passages from the Quran or be executed.<sup>62</sup> Likewise, January 2012 marked a tremendous killing spree by Boko Haram, which began by a statement from the group leader demanding all Nigerian Christians to leave the north or face certain death.<sup>63</sup> On January 20, 2012 and for the next two days, Boko Haram slaughtered an estimated three hundred people in Kano through a series of suicide bombings, vehicle-borne improvised explosive devices

57. *Id.* at 13. See also Jonah Fisher, *Are Nigeria's Boko Haram Getting Foreign Backing?*, BBC NEWS (June 21, 2011), <http://www.bbc.co.uk/news/mobile/world-africa-13843967>.

58. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 13.

59. *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, *supra* note 48.

60. *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, *supra* note 47.

61. Benjamin Bull, *State Dept. Should Designate Boko Haram a "Foreign Terrorist Organization"*, TOWNHALL.COM, [http://townhall.com/columnists/benjaminbull/2012/12/11/state\\_dept\\_should\\_designate\\_boko\\_haram\\_a\\_foreign\\_terrorist\\_organization/page/full/](http://townhall.com/columnists/benjaminbull/2012/12/11/state_dept_should_designate_boko_haram_a_foreign_terrorist_organization/page/full/) (last visited Feb. 10, 2013) [hereinafter *State Dept. Should Designate Boko Haram a "Foreign Terrorist Organization"*].

62. *Muslim Extremists in Nigeria Kill Christians in Two States*, COMPASS DIRECT NEWS (Sept. 27, 2011), [http://www.compassdirect.org/english/country/nigeria/article\\_120948.html](http://www.compassdirect.org/english/country/nigeria/article_120948.html).

63. Tim Lister, *Islamist Militants in Nigeria Warn Christians to Leave North Within 3 Days*, CNN (Jan. 2, 2012), [http://articles.cnn.com/2012-01-02/africa/world\\_africa\\_nigeria-sectarian-divisions\\_1\\_boko-haram-shehu-sani-muslim-community?\\_s=PM:AFRICA](http://articles.cnn.com/2012-01-02/africa/world_africa_nigeria-sectarian-divisions_1_boko-haram-shehu-sani-muslim-community?_s=PM:AFRICA).

(hereinafter “IED”) and prolonged gunfire.<sup>64</sup> Throughout the rest of 2012, Boko Haram continued its relentless religious persecutions against military compounds, civilian marketplaces, churches, and schools. In March 2012, the sect targeted a Catholic church in Jos using a suicide bomber, killing six people while they worshipped.<sup>65</sup> On Easter Sunday, Boko Haram used a vehicle bomb, killing thirty-eight people while the service was in session.<sup>66</sup> Subsequently, in June and July Boko Haram continued its thread of attacks on churches around the Nigerian region.<sup>67</sup>

The preceding timeline of Boko Haram’s merciless violence over the span of nine years demonstrates its complete and utter disregard for religious freedom in Nigeria or anywhere else in the world. Boko Haram’s extreme Islamic beliefs leave no room for a religion that goes against the “pure” teachings of Islam.<sup>68</sup> This “pure” teaching is necessarily any teaching that Boko Haram itself adheres to, and nothing else.<sup>69</sup> As Benjamin Bull remarked in an online article, this radical Islamic group, “has been systematically murdering Christians in northern Nigeria and elsewhere since 2009.”<sup>70</sup> Boko Haram’s genocidal tendencies are evidenced by the estimated 3,000 murders this group has claimed responsibility for in Nigeria and eleven other countries.<sup>71</sup> Thus, Boko Haram’s message is straightforward: it exists to rid Nigeria and other specifi-

---

64. Adam Nossiter, *In Nigeria, A Deadly Group’s Rage Has Local Roots*, N.Y. TIMES (Feb. 25, 2012), <http://www.nytimes.com/2012/02/26/world/africa/in-northern-nigeria-boko-haram-stirs-fear-and-sympathy.html?pagewanted=all>.

65. Hassan John, *Six Dead in Car Bomb Attack at Nigeria Church*, CNN (Mar. 11, 2012), [http://articles.cnn.com/2012-03-11/africa/world\\_africa\\_nigeria-violence\\_1\\_car-bomb-attack-boko-haram-explosion?s=PM:AFRICA](http://articles.cnn.com/2012-03-11/africa/world_africa_nigeria-violence_1_car-bomb-attack-boko-haram-explosion?s=PM:AFRICA). See also *20 Killed at Bayero University Church Services Attack*, VANGUARD (Apr. 29, 2012), <http://www.vanguardngr.com/2012/04/20-killed-as-gunmen-attack-church-services-in-buk/> (describing Boko Haram’s attack on worshippers during a church service killing twenty people).

66. *Nigerian Easter Bomb Kills Many in Kaduna*, BBC NEWS (Apr. 8, 2012), <http://www.bbc.co.uk/news/world-17650542>.

67. *Deaths in Nigeria Attacks on Churches*, AL JAZEERA (June 10, 2012), <http://www.aljazeera.com/news/africa/2012/06/201261011369196916.html>.

68. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 39.

69. *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, *supra* note 47. Even Muslims are not immune from attacks by Boko Haram if their practice does not align with *Sharia* law, as evidenced by the murder of two Muslim clerics in 2011. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 12.

70. *State Dept. Should Designate Boko Haram a “Foreign Terrorist Organization”*, *supra* note 61.

71. *Id.*

cally targeted countries (to include the United States) of all non-Muslims.<sup>72</sup>

#### IV. COMBATING BOKO HARAM'S RELIGIOUS PERSECUTIONS IN THE NAME OF TERRORISM

According to several reports, the Nigerian government has been incapable of ending Boko Haram's violent attacks.<sup>73</sup> As discussed in Part III, these attacks have widely targeted the Christian population in Nigeria. In a chilling video taped prior to the United Nations compound bombing, the suicide bomber relayed his message to President Barack Obama and "other infidels" declaring this was a "religious conflict conducted by the rules of jihad."<sup>74</sup> This message coincides with Boko Haram's known hatred for the United States whom it has labeled the "great Satan."<sup>75</sup> If Boko Haram's movement is not smothered soon, it is unavoidable that Nigeria faces certain anarchy. The result of which would bring severe social and economic unrest to Nigeria as the Christian and Muslim populations engage in a civil war.<sup>76</sup>

##### A. Designating Boko Haram as a FTO

After the preceding discussion of the numerous attacks Boko Haram has launched on Nigerians, Americans, and non-Muslims, it follows that Alliance Defending Freedom and other alarmed organizations have requested Boko Haram be designated a foreign terrorist organization.<sup>77</sup> As previously mentioned, the Secretary of State can designate Boko Haram a foreign terrorist organization if (1) it is shown to be a foreign organization, that (2) engages in terrorist activity, and (3) threatens the security of the United States.<sup>78</sup>

Pursuant to the first element, Boko Haram is a foreign organization that was established in Nigeria. The sect began its mur-

---

72. *Id.*

73. *Id.*

74. *Id.* (quoting Benjamin Bull discussing the message on the suicide bomber's videotape).

75. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 5.

76. *Id.* at 30.

77. *State Dept. Should Designate Boko Haram a "Foreign Terrorist Organization"*, *supra* note 61.

78. 8 U.S.C. § 1189 (2010).

derous rage on Christmas of 2003 from Nigerian soil.<sup>79</sup> Secondly, as shown in Part III, Boko Haram has utilized all but one of the named terrorist activities found within the statute.<sup>80</sup> Specifically, Boko Haram has engaged in violent attacks employing suicide bombers, vehicle-borne IED's, gunfire, and kidnapping tactics.<sup>81</sup> Moreover, this organization has executed numerous "premeditated, politically motivated"<sup>82</sup> assaults against government officials, police, military, and innocent civilians. Further exhibiting its audacious ways, Boko Haram has admitted to executing several Nigerian-based attacks, stating "[t]here will never be peace until our demands are met...we want full implementation of the sharia system."<sup>83</sup>

Finally, Boko Haram satisfies the third element of the statute, because this expanding organization continues to threaten the security of the United States. The Secretary of State must determine that Boko Haram poses an immediate threat to Nigeria, as well as a coinciding potential threat to the United States. Several of Boko Haram's most recent attacks have illustrated its expansion as an organization capable of far-reaching operations with multiple, simultaneously coordinated attacks.<sup>84</sup> Furthermore, Boko Haram explicitly threatened the United States and its citizens with violence for aiding the Nigeria government in its promulgation for religious freedom.<sup>85</sup> In particular, the sect expressed its contempt for Americans on Christmas Eve 2009, when the famous underwear bomber attempted to blow up a plane in Detroit filled with 300 people.<sup>86</sup> In the midst of that particular investigation, it was uncovered that a member of Boko Haram was a Facebook friend of the underwear bomber, Abdulmutallab.<sup>87</sup> Although the United

---

79. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 5-6.

80. 8 U.S.C. §§ 1182(a)(3)(B)(iii)(I)-(VI). *See infra* Part III. No evidence has been brought to indicate that Boko Haram has used any sort of biological, chemical, or nuclear weapon to launch its attacks. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 33-36.

81. *See infra* Part III, section B.

82. 22 U.S.C. 2656f(d)(2) (2004).

83. David Francis, *The Rise of Boko Haram*, FOREIGN POLICY (Dec. 28, 2011), [http://www.foreignpolicy.com/articles/2011/12/27/the\\_rise\\_of\\_boko\\_haram](http://www.foreignpolicy.com/articles/2011/12/27/the_rise_of_boko_haram) (quoting Abul-Qaqa, a known spokesman for Boko Haram).

84. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 22.

85. David Alexander, *African Islamist Groups Seen as U.S. Threat: General*, REUTERS (Sept. 15, 2011), <http://www.reuters.com/article/2011/09/15/us-usa-defense-africa-idUSTRE78E13920110915>.

86. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 45.

87. *Id.* at 48.

States was spared the loss of life from the failed attempt, this very evidence demonstrates that Boko Haram has inched ever so closely to United States borders.

Therefore, sufficient evidence exists to denote Boko Haram as a FTO. Such a designation would kick off the United States' efforts to fight Boko Haram's terroristic ways. Boko Haram's violence has aggressively threatened Nigeria's social and economic stability and if allowed to continue, will severely impede any chance Nigerian citizens may have in enjoying their exercise of religious freedom.

### B. THE EFFECT OF BOKO HARAM'S DESIGNATION

Consequently, designating Boko Haram as a FTO also carries with it other important considerations in the war against terror and the fight for international religious freedom. Namely, Boko Haram's label as a FTO would effectively freeze their financial assets and accounts, Boko Haram members would be prohibited from entering the United States, and anyone suspected of providing Boko Haram material support would risk criminal prosecution.<sup>88</sup>

Although no data suggests that Nigeria has tolerated Boko Haram's religious persecutions, the Nigerian government has continuously been unable to deal with Boko Haram's evolving sophisticated violence and insurgency against its citizens.<sup>89</sup> With the aid of Somalian terrorist groups and al Qaeda, Boko Haram has effectively increased its violent reach, crippling the Nigerian government's efforts to protect its citizens and promote religious freedom.<sup>90</sup>

Furthermore, although Nigeria has refused to give into Boko Haram's demands, Boko Haram's massive amounts of vicious and coordinated attacks against Christians and other non-Muslims is precisely what the State Department's Annual Report was developed for under the IRFA – to identify severe violators of religious

---

88. See *People's Mojahedin Org. of Iran v. U.S. Dept. of State*, 613 F.3d 220, 223 (D.C. Cir. 2010) (discussing the various consequences following an organization's designation as a FTO); 8 U.S.C. § 1189(a)(2)(C) (2004); 8 U.S.C. §§ 1182(a)(3)(B)(i)(IV), (V) (2010); 18 U.S.C. § 2339B(a)(1) (2009).

89. *Nigeria: Timeline of Boko Haram Attacks and Related Violence*, *supra* note 47. On August 3, 2011, the Nigerian government refused to negotiate with Boko Haram concerning the release of its incarcerated members. *Id.*

90. *Nigeria: Boko Haram Attacks Indefensible*, HUMAN RIGHTS WATCH (Nov. 9, 2011), <http://www.hrw.org/news/2011/11/08/nigeria-boko-haram-attacks-indefensible>.

freedom.<sup>91</sup> To further strengthen the argument that Boko Haram is a serious violator of religious freedom, the sect has publicly announced its intentions to overthrow the Nigerian government.<sup>92</sup> Boko Haram has fervently vowed to fight the Nigerian government until their radical beliefs become the law in Nigeria.<sup>93</sup> Short of Boko Haram becoming the Nigerian government, there is no doubt that the sect's nine-year crusade in Nigeria has severely impacted international efforts to advance religious freedom within the country. Moreover, Boko Haram's existence in Nigeria presents great social and economic instability, and further increases the threat of religious persecutions in Nigeria, other African countries, and the United States. Thus, Boko Haram's designation as a FTO is imperative not only for the fight against terrorism, but also to ensure the United States maintains its pledge under the IRFA to advance global religious autonomy.

#### V. CONCLUSION

If the Secretary of State does not take action or postpones the designation of Boko Haram as a foreign terrorist organization, the United States, Nigeria, and the world, are risking catastrophic death tolls. In corroboration of the enormous threat Boko Haram plays in the war against terror, this terrorist cell slaughtered over 200 people in Nigeria during a January 2012 bombing, one of the highest single death tolls recorded in any foreign conflict.<sup>94</sup> Moreover, Boko Haram's ferocious and pointed attacks against Nigerian Christians and people of other non-Muslim faiths, harbors an environment for its continued terroristic expansion in Africa.

Boko Haram has launched a worldwide religious war against all non-Muslims. As Abubakar, a Boko Haram leader, stated, "[W]e are ever ready to face any one that will take any step against us be it individuals, group of persons or government or whoever may be because we know those we aim at in this war."<sup>95</sup> Likewise, Boko Haram's ties to al-Qaeda, one of the largest and highest funded organizations among the extremist groups, further

---

91. 22 U.S.C. § 6412(b)(1)(A)(iii) (2002).

92. Monica Mark, *Boko Haram Vows to Fight Until Nigeria Establishes Sharia Law*, THE GUARDIAN (Jan. 27, 2012), <http://www.guardian.co.uk/world/2012/jan/27/boko-haram-nigeria-sharia-law>.

93. *Id.*

94. *Formal Petition to Designate Boko Haram*, *supra* note 11, at 1. This is the highest single death toll, tied only with Syria, in September 2012. *Id.*

95. *Id.* at 3 n.5.

demonstrates its threat to Nigeria, the United States, and the IRFA.<sup>96</sup> General Carter Ham, the ex-director of the United States military command in Africa, remarked that Boko Haram and al-Qaeda have become very friendly as they coordinate their efforts to kill infidels around the world.<sup>97</sup> Al-Qaeda, which has already been designated a FTO, coupled with Boko Haram's efforts in Nigeria and Africa, could amplify terroristic efforts and put the United States pledge for international religious freedom out of reach.

Furthermore, the shocking resilience Boko Haram has shown following attempts to disband the sect, coupled with its extraordinary ability to launch attacks almost every month since 2003, demonstrates Boko Haram's ability to carry out religious persecutions like the world has never seen before. After the failed underwear-bombing attempt on Christmas Eve 2009, the United States cannot afford to underestimate Boko Haram and its potential to disrupt Nigeria, Africa, and the advancement of international religious freedom. By immediately designating Boko Haram a FTO, the United States can take an initial step in preventing the continued persecution of Nigerian Christians, while effectively aiding Nigeria in its fight against terror. More importantly, such a designation would serve to thwart any attempt to recognize the United States as the dreaded goalkeeper the world remembers. Thus, once Boko Haram is designated a FTO, the United States can successfully combat terrorism and advance international religious freedom.

---

96. *Id.* at 46. See also Jason Burke, *Bin Laden Files Show al-Qaida and Taliban Leaders in Close Contact*, THE GUARDIAN (Apr. 29, 2012), <http://www.guardian.co.uk/world/2012/apr/29/bin-laden-al-qaida-taliban-contact> (discussing that American officials have recognized that Boko Haram has established a terrorist connection with al Qaeda).

97. Leigh, *supra* note 6.