



July 13, 2022

Office of Information Programs and Services (IPS)
A/GIS/IPS/RL
U.S. Department of State, State Annex 2 (SA-2)
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RE: FOIA Request Regarding State Department Removal of Nigeria from the Countries of Particular Concern (CPC) – a list of countries that engage in or tolerate systematic, ongoing, and egregious violations of religious freedom – Just Days Before President Biden Met With Nigerian Leader

Dear FOIA Officer:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice ("ACLJ")¹ on behalf of its members.

To summarize, this Request seeks records pertaining to the U.S. Department of State's knowledge and efforts surrounding the story that the Biden Administration State Department removed Nigeria from the Countries of Particular Concern (CPC) – a list of countries that engage in or tolerate systematic, ongoing, and egregious violations of religious freedom – just days before Secretary Blinken met with Nigeria's President Buhari.

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

In Nigeria, innocent Christians are being massacred. “In Nigeria, a Christian is killed for [his or her] faith every two hours.”² From October 2020 to September 2021, “more Christians were murdered for their faith in Nigeria than in any other country.”³ With more than 4,650 Christians killed during that time period, “Nigeria accounts for nearly 80% of Christian deaths worldwide.”⁴

Radical Islamic groups like Boko Haram, a Nigerian terrorist militia that has sworn its loyalty to ISIS, are committing barbaric atrocities against Christians while the Nigerian government continues to do nothing. Yet, in November 2021, the Biden State Department removed Nigeria from the Countries of Particular Concern (CPC) list.

After the Biden Administration removed Nigeria from the watchlist, in May 2022 the story broke that roughly 20 Christians were slaughtered by members of ISIS. As reported by the Daily Mail:

ISIS extremists have callously executed 20 Christians in Nigeria in a bloodthirsty rampage to 'avenge the killing of the group's leaders in the Middle East'.

The terrorist group published footage of the ruthless killings, showing the masked knife and gun-wielding fanatics standing behind their kneeling victims.

The militants carried out the merciless executions in Borno state where rival Islamist groups Boko Haram and Islamic State in West Africa (ISWAP) have been abducting, looting and killing on a huge scale.⁵

ISIS has claimed responsibility for the brutal execution-style murders of these 20 Nigerian Christians. This is hardly the first time such an atrocity has taken place in Nigeria. The ACLJ reported numerous horrific instances of targeted violence and murder committed by Islamic radicals.⁶ Nigerian Christians are living in a nightmare. Terrorists have ransacked and burned

² Tim Dustin, *Where Every 2 Hours, a Christian is Killed for Their Faith*, OPEN DOORS (Mar. 3, 2022), <https://www.opendoorsusa.org/christian-persecution/stories/every-two-hours-a-christian-in-nigeria-is-killed-for-their-faith/>.

³ *Id.*

⁴ Christopher Summers, *16 Christians Murdered for Following Jesus—Every Day*, OPEN DOORS (Jan. 21, 2022), <https://www.opendoorsusa.org/christian-persecution/stories/16-christians-murdered-for-following-jesus-every-day/>.

⁵ Jack Newman, *Knife-wielding ISIS fanatics execute 20 Christians in Nigeria 'to avenge the killing of the group's leaders in the Middle East'*, THE DAILY MAIL (May 11, 2022), <https://www.dailymail.co.uk/news/article-10805093/Knife-wielding-ISIS-fanatics-execute-20-Christians-Nigeria-avenge-killings-Middle-East.html>.

⁶ Paul Archuleta, *ACLJ Details the Ongoing Violence Facing Christians in Nigeria at the UN and Demands Immediate Action To Prevent Further Suffering*, ACLJ.ORG (Aug. 27, 2021), <https://aclj.org/persecuted-church/aclj-details-the-ongoing-violence-facing-christians-in-nigeria-at-the-un-and-demands-immediate-action-to-prevent-further-suffering>.

Christian villages, gunned down entire families, and even beheaded Christians. Innocent young girls have been abducted and sold as slaves, or worse.

As the ACLJ reported to the United Nation's Human Rights Council in 2021:

Christians in Nigeria are under threat of extinction by Islamic militant groups such as Boko Haram and Fulani herdsmen. Due to the extremist violence, the U.N. Refugee Agency (UNRA) estimates that over 2.7 million people have been displaced in north-eastern Nigeria.⁷

According to Fox News, "Nigeria, which is a hub of Boko Haram where approximately 43,000 Christians have reportedly been killed by Islamic terrorists in the past 12 years, was added to the list during the Trump administration but left off this year."⁸

The U.S. Commission on International Religious Freedom (USCIRF), "[t]he top federal religious freedom advisory panel[,] on Wednesday condemned the Biden administration for removing Nigeria from the U.S. State Department's list of countries of particular concern (CPC)."⁹

"USCIRF is disappointed that the State Department did not adopt our recommendations in designating the countries that are the worst violators of religious freedom," said USCIRF Chair Nadine Maenza in a press release. She said the panel was "appalled."

"While the State Department took steps forward on some designations, USCIRF is especially displeased with the removal of Nigeria from its CPC designation, where it was rightfully placed last year, as well as the omission of India, Syria, and Vietnam. We urge the State Department to reconsider its designations based on facts presented in its own reporting."¹⁰

Ironically, just after Nigeria was removed from the CPC list, on or around November 19, 2021, Secretary of State Antony "Blinken met Nigerian President Muhammadu Buhari and Foreign Minister Geoffrey Onyeama. In a joint news conference with Onyeama, Blinken said the US supports Nigeria's "engagement, leadership and strong voice". However, he called for greater human rights accountability in the country."¹¹ Secretary Blinken also announced that same week that:

United States President Joe Biden plans to hold a summit with African leaders to show Washington's commitment to the continent . . .

⁷ *Id.*

⁸ Jon Brown, *Federal religious freedom panel 'appalled' at Biden admin for removing Nigeria from watchlist*, (Nov. 19, 2021), <https://www.foxnews.com/politics/federal-religious-freedom-panel-biden-admin-nigeria-watchlist>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Biden to hold Africa summit to boost cooperation: Blinken*, ALJAZEERA (Nov. 19, 2021), <https://www.aljazeera.com/news/2021/11/19/biden-to-hold-africa-summit-to-boost-cooperation-blinken>.

Blinken made the announcement on Friday from the Nigerian capital of Abuja, his second stop on a three-country tour of sub-Saharan Africa that began in Nairobi, Kenya and will end in Dakar, Senegal.¹²

International media outlets noted the seemingly implicit connection between the two events:

Washington on Wednesday removed Nigeria from its list of countries with religious freedom concerns, just a day before Secretary of State Antony Blinken arrives in the country as part of a tour of Africa. . . . The State Department did not respond to a request for comment, and it was unclear if the designation was related to the secretary's travel.¹³

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government or private account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

All requests seek records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

¹² *Id.*

¹³ Simon Lewis, *U.S. removes Nigeria from religious freedom list ahead of Blinken visit*, REUTERS (Nov. 17, 2021), <https://www.reuters.com/world/africa/us-removes-nigeria-religious-freedom-list-ahead-blinken-visit-2021-11-18/>.

For purposes of this Request, the term "DOS official" includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; or (4) any such person's staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 20, 2021, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

1. **All records of communications by or with Secretary of State Antony Blinken, involving or regarding removing Nigeria from the CPC list.**
2. **All records of communications by or with any other DOS official, at a GS-14 level or higher or an appointee, within the Secretary's Office (S), involving or regarding removing Nigeria from the CPC list.**
3. **All records of communications between any DOS official within the Deputy Secretary's Office (D) or the Chief of Staff's Office (COS), involving or regarding removing Nigeria from the CPC list.**
4. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Bureau of Democracy, Human Rights, and Labor (DRL), involving or regarding removing Nigeria from the CPC list.**
5. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official within the Bureau of African Affairs (AF), involving or regarding removing Nigeria from the CPC list.**
6. **All records of communications between any DOS official within the Bureau of Counter Terrorism and Countering Violent Extremism (CT), involving or regarding removing Nigeria from the CPC list.**
7. **All records of communications between any DOS official within the Office of the Undersecretary for Civilian Security, Democracy, and Human Rights (J), involving or regarding removing Nigeria from the CPC list.**

8. All records of communications by or with Secretary of State Antony Blinken, involving or regarding persecution or violence against Christians in Nigeria.

9. All records of communications by or with Secretary of State Antony Blinken, or any other DOS official at a GS-14 level or higher or an appointee within the Secretary's Office (S), involving or regarding his trip to Nigeria in November 2021 and issues of human rights and/or persecution of or violence against Christians in Nigeria.

10. All records of communications by or with Secretary of State Antony Blinken, or any other DOS official at a GS-14 level or higher or an appointee within the Secretary's Office (S), involving or regarding removing Nigeria from the CPC list and oil, gas or petroleum.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Handwritten signature of Jordan Sekulow in black ink.

Jordan Sekulow
Executive Director

Handwritten signature of Benjamin P. Sisney in black ink.

Benjamin P. Sisney
Senior Litigation Counsel

Handwritten signature of John A. Monaghan in blue ink.

John A. Monaghan
Senior Litigation Counsel