

INTERNATIONAL LAW AND HUMAN RIGHT VIOLATION IN NIGERIA: A STUDY OF BOKO HARAM IN NORTH EASTERN NIGERIA (2009-2019)

**Inna Frank Ogbise**

Department of Political Science and Public Administration  
University of Uyo, Uyo, Akwa Ibom State

&

**Oki, Maureen**

Department of History and International Studies  
University of Africa, Toru Orua Bayelsa State.

&

**Ebong, Ito Bassey**

Department of Political Science and Public Administration  
University of Uyo, Uyo, Akwa Ibom State

IJMSSSR 2020

VOLUME 2

ISSUE 3 MAY – JUNE

ISSN: 2582 - 0265

**Abstract:** Terrorism has directly impacted on human rights, with shocking consequences for the enjoyment of the right to life, liberty, and physical integrity of victims. Human rights are among the essentials of democracy and good governance. They aid human beings to live a fulfilled life. And where it is denied, life becomes meaningless and hopeless. It was on this note that Nigeria's state enshrined such right in its constitution to safeguard her citizens. But for some time now, the violations of these rights by the terrorists and security persons have become unpalatable. In Nigeria the activities of Boko Haram sect have devastated the North East with wanton destruction of lives and properties including Public and private institutions. In a bid to address these, Nigerian military had deployed several strategies including the declaration of a state of emergency, counter terrorism operation, Operation Lafia Ado among others. However, the manner of Nigeria's counter-terrorism operations has raised a lot of questions that border around international human and humanitarian laws. Some non-state actors have accused Nigeria Arm Forces of violation Human rights in the cause of countering terrorism an accusation that the military has denied and described as untrue. The extremely used of force by the Nigerian military to combat Boko Haram results in collateral damages of the civilian population among other soft targets. The paper adopted realist theory as a theoretical framework. Data were collected with the aid of secondary sources such as text book, Journal, News paper etc. The major finding of the paper revealed among others that (i) current trends of human rights abuses about terrorism go beyond the violation of right by terrorist organizations alone; the counter-terrorism strategies by states also constitute human right violations in the North East region of Nigeria (ii) that the Nigerian military indulges in extrajudicial killings and unlawful detention of suspected Boko Haram members which in turned led to human rights violation in Nigeria's North Eastern zone. Based on the findings, the study recommended among others that Nigerian Army should ensure that while confronting the terrorist group in protecting the lives and properties of her citizens, their counter-terrorism strategies must not also violate human rights.

**Keywords:** Boko Haram, Human Rights, International Laws, and National Security.

### Introduction

International law evolved to regulate the behavior, actions, and relationships between states and non-state actors within the global system to ensure a peaceful international order. Terrorism constitutes the significant challenge for international peace, and security with unlimited implications for Human Rights. Terrorism in Europe, America, and other parts of the world has led to all forms of fear, discriminations, prejudices, and anti-Islamic crimes against Muslims/attacks against Christians.

Terrorism is a threat not just to the lives and properties of citizens but a violation of human rights and a threat to national security. The global spread of insurgency and its implications on international security has raised a lot of concerns. The nature and characteristics of insurgent attacks in several parts of the world have made states to employ strategies to ensure the security of lives and properties. However, the way and manner states go about

countering terrorism also jeopardizes the prospects for human right protection hence the provisions and positions of international law on terrorism and counter-terrorism geared towards eradication Human Right Violations by both the terrorist and the state while countering terrorism.

In the past decades, Africa has gone through many turbulent changes, and Nigeria presents no exception. Since the return of democracy in 1999, the country has been threatened by the unprecedented campaign of terror by a terrorist sect. What has appeared to be the current biggest security challenge is the dastardly wicked activities of Boko Haram- radical Islamist group with religious and political demands, which recently swore bayah- the pledge of allegiance to Islamic State and whose influence is slowly spreading beyond Nigeria's borders.

The upsurge of terrorism in Nigeria engineered by Boko Haram poses grave security challenges to the nation and summons on the part of the law and security agencies a synergy of strategies to combat the situation. The terrorist actions of the Boko-Haram since 2009 have created a state of palpable fear in Nigeria and beyond, whereas the helpless posture of governments is worrisome. Nigeria currently faces security and developmental impasse with the crucible of terrorism enveloped mainly in the foreign policy perspective with neighbors (Akpomera, & Omoyibo, 2013).

According to the Guardian Sunday Newspaper (March 4, 2002), historically, Nigeria is an aberration. Anthropologically, Nigeria is a misnomer. Philosophically, Nigeria is a stable of confused quagmire. Culturally, Nigeria is a cluttered cocoon. Structurally, it is a stifling structure to its constituent units. Sociologically, it is a perfect study in incompatibility. Spiritually, it is a reject. These and other conditions created MEND, MASSOB, Egbesu Boys, OPC, and Boko Haram. But Boko Haram came and distorted things the more. It has brought unthinkable and unimaginable brutality and inhumanity to the people of North east. In their many attacks a bombings in Yobe, Borno, Adamawa, Abuja, etc, Boko Haram had snuffed out life out of the people. This is in total violations of Article 33 of the Nigerian constitution and Article 6(1) of the International Convention on Civil and Political Rights. So much so that, more than 800,000 thousand citizens has been internally displaced (IDP). The mayhem and the wanton destruction caused by Boko Haram will take another twenty years to be rebuilt or reconstructed. Boko Haram as a non-state actor does not respect or obey any law locally or internationally. Therefore, as a first step, it should be prescribed by the entire international community and its accounts including that of the sponsorers frozen.

According to Alozieuwa (2012), the challenge posed by the Boko Haram sect in Nigeria is not only about the viciousness of either its terror crusades or the sect's avowed mission to impose Islamic law on the people. In respect to the confusion regarding the exact cause(s) of the violence. However, many theories that have emerged to explain the problem, have broadly revolved around socio-economic, political, and religious themes; all of which may not explain the reason for such violence.

The year 2009 was a breaking point for Boko Haram, with violence erupting in July leading to the destruction of the mosque headquarters of the group leader by the Nigerian military. The soldiers captured Yusuf, handed over to the state police officers, but extra-judicially killed in police captivity. The consequent violent revolt by the Boko Haram sect members, now directed by the new leader, Abubakar Mohammed Shekau, led to over 3,500 people being internally displaced, 264 children orphaned, 392 women widowed, 28 policemen killed, several police stations razed, over 700 inmates, forcefully released, especially the sect members, from the Bauchi Prisons and 109 killed in bomb explosions near the Mogadishu Barracks in Abuja (Onuoha, 2011).

Significant attacks are as follows bombings on Christmas Day 2011, when bombs were detonated in three states, Niger, Plateau, and Yobe, killing forty-five people. In January 2012 three groups of gunmen and suicide bombers coordinated attacks on three government buildings in Kano-the police headquarters, the office of the immigration service, and the State Security Service. More than two hundred people murdered. The group has also continued its involvement in the long-standing fight between indigenous groups and Hausa/Fulani "settlers" in Plateau state. Most of the violence in the area has not had a connection to Boko Haram, but in February 2012 a suicide car bomb was detonated at a church in Jos. In March, another suicide bomb was detonated outside St. Finbar's church in Rayfield, Jos, near the government house. Nineteen people have been killed in retaliatory tit-for-tat attacks immediately following those bombings. The abducted Chibok girls in 2014 further heightened the insecurity in the nation. By February 2018, more than a hundred schoolgirls have been kidnapped in Dapchi (International Crisis Group, 2018).

The primary responsibility of the state is to ensure the protection of her sovereignty by bringing to bear all elements of national power, including coercion, to counter terrorism. The catastrophic impact of terrorism on national and international security has spurred states to develop counter-terrorism strategies to ensure that the security of lives and properties of their citizens are guaranteed.

The fight between Boko Haram and security forces of Nigeria, Cameroon, Niger, and Chad have devastated the lives of civilians as well as violating fundamental human rights of her citizens. It has been proven that in the course of security operations against Boko Haram, Nigerian military forces have committed severe human rights violations, war crimes and acts which may constitute crimes against humanity such as shocking levels of deaths in military custody, extrajudicial executions, torture, unlawful detention and arbitrary arrests by the military. Nigerian troops, often with the support of Civilian JTF members, have arbitrarily arrested at least 20,000 people. On numerous occasions, particularly following Boko Haram raids, soldiers have gone to the town or village, rounded up hundreds of men and boys and taken into custody those identified as Boko Haram by paid informants.

Amnesty International has also documented arrests during house-to-house raids and at checkpoints, as well as targeted arrests of suspected Boko Haram members' relatives. Most of those arrested are young men, although Amnesty International has recorded arrests and detention of boys as young as nine years old. This criticism has put the Nigerian state in a dilemma between countering terrorism and adhering to international Law on Counter-Terrorism and Human Rights. Although acts such as military strikes against terrorist camps, kidnapping terrorist leaders or assassinating terrorist leaders may be illegal under international law, moral justification could make them tolerable and allow for emergence into customary international law.

Several scholars have written on Boko Haram insurgency in North East Nigeria. However, there are few works on terrorism and Human Rights violations and the position of International Law on terrorism and counter-terrorism and their implications for human rights. Hence this work is spurred by this gap to examine the status of International Law on terrorism and counter-terrorism and the insinuations of these variables for Human Rights using North Eastern Nigeria as a case in point.

## CONCEPTUAL CLARIFICATION

### Concept of Boko Haram

Boko Haram means "Western education is a sin". And depending on the faction, the group's ambitions ranges from the stricter enforcement of Sharia law which is derived from the Koran as the „Word of God” across the predominately Muslim north of Nigeria, to the total destruction of the Nigerian, state its government and introducing an Islamic State. Boko Haram's grievances remain local, but it has proven itself capable and willing to attack international institutions — such as the United Nations building — on Nigerian soil to achieve their aims. The August 26 attack — during which a Boko Haram suicide bomber drove a jeep laden with explosives into the U.N. headquarters in Abuja — was one of the deadliest in U.N history. Twenty-four people were killed, including 12 U.N staff. Armed groups are all too common in Nigeria, often paid by politicians to support their bids for power, and Boko Haram at first was no different. However, the group exploded onto the national scene in 2009 when 700 people were killed in widespread clashes across the north between the group and the military. The uprising was put down, but violence has resurged once more since national elections in April with hundreds of people killed in almost weekly bomb attacks, assassinations and killings in the main northeast of Maiduguri.

The elections are widely regarded by many in the north to have been rigged against the popular northern candidate. Hence it was said that a former head of state who lost the election uttered that, he will make country ungovernable for the incumbent President. There is concern that Boko Haram has made contact with other extremist Islamic groups such as al Qaeda in the Islamic Maghreb in northern Africa. Increasing sophistication in the execution of Boko Haram's attacks, security experts say, indicate such external instruction. As the group moves further away from its political roots toward an increasing religious dimension, any attempt at dialogue with the group becomes more difficult for the authorities. The group has spawned an offshoot known as Ansaru. The group exerts influence in the States of Borno, Adamawa, Kaduna, Bauchi, Yobe and Kano.

The United States Department of State offered a \$7 million reward to Boko Haram leader AbubakarShekau's capture (Abubakar Shekau is late now. He died on ). On July 8th 2013, the Home office announced that Boko

Haram would be banned from operating in the UK from the July 2013 onwards. The group has adopted its official name to be “the Congregation of the People of Tradition for Proselytism and Jihad” which is the English translation from Arabic. In the town of Maiduguri, where the group was formed, the residents dubbed it Boko Haram. The term “Boko haram” comes from the Hausa word book figuratively meaning “western education” (literally “alphabet”, from English “book”) and the Arabic word haram figuratively meaning “sin” (literally, “forbidden”). The name, loosely translated from Hausa, means “western education is forbidden”. The group earned this name due to its strong opposition to anything Western, which it sees as corrupting Muslims. However, this interpretation of the name is disputed, and locals who speak the Hausa language are unsure what it means.

Boko Haram was founded as an indigenous group, turning itself into a Jihadist group in 2009. It proposes that interaction with the Western World is forbidden, and also supports opposition to the Muslim establishment and the government of Nigeria. The members of the group who do not interact with the local Muslim population have carried out assassinations in the past of anyone who criticizes it, including Muslim clerics. In a 2009 BBC interview, Mohammed Yusuf, then leader of the group who stated that his belief in the concept of a spherical Earth is contrary to Islamic teaching and should be rejected, along with Darwinian evolution and the concept of rain originating from water evaporated by the sun.

Before his death, Yusuf reiterated the group’s objective of changing the current education system and rejecting democracy. Nigerian academic Hussain Zakaria told BBC News that the controversial cleric had a graduate education, spoke proficient English, lived a lavish lifestyle and drove a Mercedes-Benz. In the wake of the 2009 crackdown on its members and its subsequent reemergence, the growing frequency and geographical range of attacks attributed to Boko Haram have led some political and religious leaders in the north to the conclusion that the group has now expanded beyond its original religious composition to include not only Islamic militants, but criminal elements and disgruntled politicians as well. Borno State Governor Kashim Shettima said of Boko Haram: “(they have) become a franchise that anyone can buy into. It’s something like a Bermuda Triangle”.

### Concept of Human Right

Several scholars have attempted the conceptualization of the term human right to suit the content of the discussion. Human right is freedoms established by custom or international agreement that impose standards of conduct on all nations. However, such rights are distinct from civil liberties, which are freedoms established by law of a particular state and applied by the state in its own jurisdiction.

It is a universal ethical right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without a grave insult to justice, something which is owing to every human simply because he is human. They are those rights, which cannot be given to man by another man but are earned for being a human because they are necessary for his continuous happy existence with himself, his fellow man and for participation in a complex society. This concludes that human rights cannot be accorded to man by another man but are derived because such a person is a human and not an animal. The importance of such rights as explained is for the justification of self-existence, which brings about happiness to him first, to others and then the larger society.

The UN in 1987 described human rights as those rights which are inherent and without which we cannot function as human beings.

Human right violation in other hands implies the violation of inherited rights given to man by God either by individual, or group of persons consciously or unconsciously for any reasons. It can also be seen as an act of abusing human liberty to life by state or non state actors in an aid of pursuing a specific interest.

### International Law.

International law” was first used by an English philosopher Jeremy Bentham in 1780 in his treatise entitled “Introduction to the Principles of Morals and Legislation.” Since about 1840, this term replaced the older terminology “law of nation,” which can be traced back to the Roman concept of “ius Gentium” (Malanczuk, 1997). led public international law

International law also called public international laws or law of nations, is the body of legal rules, norms, and standards that apply between sovereign states and other entities that are largely recognized as international actors. It can also be define as the set of rules, agreements and treaties that are binding between countries.

When sovereign states enter into agreements that are binding and enforceable, its called international law. Countries come together to make binding rules that they believe benefit their citizens. However, International law promote peace, justice, common interest and trade.

Ladan (2008:2) defined International Law as that body of rules that govern the relations between States. According to him, it is true that decades ago, International Law was primarily concerned with the state when States were the only bodies, which had rights and duties under it. Today, however, this definition cannot be taken as an adequate and complete description of the intents, purposes, and scope of international law, nor its suggestion that international law is a matter of concern solely to states. International Law today also comprises rules that relate to the functioning of international institutions or organizations, their relationship among nations and individuals. Furthermore, specific provisions of International Law extend to individuals and non-state actors (Transnational corporations) insofar as their rights or duties are the concern of the international community of states.

International law springs from the relations between independent states. It is for this reason that what is absolute in it retains the form of an ought-to-be since its actuality depends on different wills, each of which is sovereign. The fundamental plan of international law is that treaties, as the grounds of obligation between states, ought to be kept. But since the sovereignty of the country is the principle of its relations to others, rules are to that extent in a state of nature about each other. Their rights are actualized only in their particular wills and not in a universal will with constitutional powers over them. It follows that if states disagree and their original intentions cannot be harmonized, the matter can only be settled by war.

International law aimed at addressing and regulating the following issues.

- i. Human Rights
- ii. Treaties of refugees
- iii. Prosecution for international crimes
- iv. Arms agreements and controls
- v. How States can claim new territories
- vi. Regulating common spaces like water and outer space
- vii. Preventing War
- viii. Fair treatment of prisoners and
- ix. Preserving the environment

### Sources of International Law

International law generally comes from three sources: treaties, Customs and general principle of law.

**Treaties:** treaties are express agreements that countries enter into voluntarily. They are written agreements. The Vienna Convention on the Law of Treaties of 1969 calls for interpretation of treaties based on the plain language of the words in treaties. The context of the words and presumption of good faith and good intentions can also play a role in interpreting a treaty. The United States signed the Vienna Convention on the Law of Treaties in 1970.

**Customs:** custom are common practices between countries. They are common practices that are so expected and consistent that countries operate with the belief that the custom legally required and binding. Examples of customary law are the prohibitions of a state using or condoning genocide or slavery. Generally, as long as a state doesn't object to customary laws, it applies to that state.

**Principle of Law:** principle of law or general rules of law that develops over time. Principles of law are an understanding of how the law should work based on past rulings. In addition international courts can also look to

judicial opinions for help identifying and interpreting international law. Just like other judicial bodies look to case law and scholarly treaties, international courts and others interpreting international law may look to these sources for authorities on interpreting international law.

### **The Concept of National Security**

Oxford Advanced English Dictionary defines Security as the condition of being protected from or not exposed to danger; the safeguarding or safeguarding of (the interests of) the state against risk. Freedom from care, anxiety or uneasiness; feeling of security or liberty from or absence of risk.

The concept of national security remains ambiguous, having evolved from simpler definition which emphasised freedom from military threat and from political coercion. It is the security defense and defence of a nation state, including its citizens, economy and institutions which is regarded as a duty of government.

To Brown, H (1981). National security is the ability to preserve the nation's physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to preserve its nature, institution, and governance from disruption from outside and to control its borders.

Trager and Simone (1973:36) views national security as that part of government policy having as its objective the creation of national and international political conditions favorable to the protection or extension of important national values against existing and potential adversaries.

Prabhakaran (2008) sees national security as the measurable state of the capability of a nation to overcome the multi-dimensional threats to the apparent wellbeing of its peoples and its survival as a nation-state at any given time, by balancing all instruments of state policy through governance.....and is extendable to global security by variables external to it.

### **Theoretical Framework of Analysis**

To give this work a scientific base, the researchers adopted realist theory as a theoretical framework. Realism is a school of thought that emphasizes the modest and conflictual side of international relations. The theory maintained that humans are perceived as being anxious with their own well-being in their competitive relations with each other. They desire to be in the driver's seat. They consequently strive to have an 'edge' in relations with other people—including international relations with other countries. In that regard, human beings are considered to be the same everywhere. Thus, the desire to enjoy an advantage over others and to avoid domination by others is universal.

This pessimistic view of human nature is strongly evident in the International Relations theory of Hans (Morgenthau: 1965:195) who sees men and women as having a 'will to power.' This is predominantly evident in politics and especially international politics. International politics is thus portrayed as—above all else—power politics: an arena of rivalry, conflict, and war between states in which the same fundamental problems of defending the national interest and ensuring the survival of the country, and the security of its people, repeat themselves over and over again.

The normative core of realism is national security and state survival: these are the values that energy realist doctrine and realist foreign policy. The state is considered to be essential for the useful life of its citizens: without a country to guarantee the means and conditions of human security life is bound to be, in the famous phrase of Hobbes (1946: 82), 'solitary, poor, nasty, brutish and short.' The state is seen as a protector of its terrain, of the population, and of their distinctive and valued way of life. The national interest is the final arbiter in judging foreign policy.

The fact that all states must chase their national interest means that other countries and governments can never be relied upon or completely trusted. All international agreements are provisional and conditional on the willingness of states to observe them. That makes treaties and all other agreements, conventions, customs, rules, laws, and so on between countries merely expedient preparations which can and will be set aside if they conflict with the vital interests of nations. There are no international duties in the legal or ethical sense of the word—i.e., bonds of mutual duty—between independent states. The only fundamental responsibility of states people is to

spread and to defend the national interest. That is nowhere stated more brutally than by Machiavelli in his famous book *The Prince* (Robert and George, 2013).

The relevance of the realist theory to understanding international law and the implications of Boko Haram and the war against Boko Haram for Human Rights cannot be exaggerated. Thus, the Nigerian fight against Boko Haram most times defies international laws/conventions on counter-terrorism to protect the nations' paramount interest. Some cases abound where in Nigeria; Amnesty International publishes reports against the Nigerian Army on the method adopted in countering the Boko Haram attacks in affected areas. Some fundamental human rights are mostly infringed upon due to curfew placed on war-torn regions such as Borno, Yobe, Adamawa, among others. Hence, the terrorist violates Human Rights without regards for international Laws why then should the state be interested in the Rights of terrorist as enunciated by International Law. mostly, Nigerian military counter Boko Haram terrorists at gunpoint without recourse most times to international law on counter-terrorism. Adhering to such rules a times put the soldiers in danger while some of the terrorists arrested/sent to court for prosecution are mostly released through presidential pardon and amnesty.

### **Human Rights Violations and Boko Haram**

The Nigerian state is aware of the importance of human rights and incorporated it in chapter four of her constitution 1999 as amended. Under fundamental Human Rights the following are enshrined therein in the constitution; (A) Article 33-Right to Life, (B) Article 34- Right to Dignity of Human Person (C) Article 35 Right to Personal Liberty (D) Article 36 and 37 Right to Private and Family Life (E) Article 38 Right to Freedom of Thought, (F) Article 39- Right to Freedom of Expression and the Press Association G) Article 41- Right to Freedom of Movement (H) Article 42 Right to Freedom of Discrimination.

However, Boko Haram had violated these rights with impunity in total disregard to the Nigerian constitution and, the international Peoples and Human Rights of the United Nations. In kidnapping of Nigerians and Foreigners, rapping of innocent girls and women, wanton destruction of lives and property, etc. Boko Haram as a non-state actor do not listen or adhere to any international law and order. The international community therefore, should not question Nigeria as to what she is doing in fighting the security challenges facing the country.

Human Rights Violations also occur when actions by state or non-state actors like Boko Haram abuse, ignore, or deny basic human rights including civil, political, cultural, social and economic rights of the people. Ambassador Entwistle had this to say, "Boko Haram that mixes itself into the population and couldn't care less how many civilians got killed, that kind of enemy is very difficult to fight"... (Tell, February 2, 2015).

Article 39 of the United Nations Charter designates the United Nations Security council or any appointed authority as the only tribunal that may determine the United Nations human rights violations. United Nations committees, national institutions and governments and many other independent bodies like, Amnesty International, Federation of Human Rights, Human Rights Watch, etc, monitor human rights abuses and collect evidence as well as documentation of alleged human rights abuses. They apply pressure to enforce human rights laws.

Boko Haram had involved itself with all these acts like; wars of aggression, war crimes and crimes against humanity, including genocide. These are breaches of international humanitarian law and represent the most heinous and serious of human rights violations by Boko Haram sect. Boko Haram uses unsuspecting innocent girls now as agents of destruction by stripping them with bombs. By so doing, they are violating the girl/child's right. Instead of sending them to schools, they are being used as agents of mass destruction in total disregard of their fundamental rights.

Selected Catalogue of Boko Haram Activities in The North Eastern Part Of Nigeria

7, September, 2010	Bauchi Prison Break
31 December 2010	December 2010 Abuja Attack
22, April, 2011	Boko Haram frees 14 prisoners during a jail break in Yola, Adamawa State.
29, May 2011	Yola, Adamawa State. May 2011 Northern Nigeria Bomings.
16, June 2011	The group claims responsibility for the 2011 Abuja Police headquarter bombing.
26, June 2011	Bombing attack on a beer garden in Maiduguri, leaving 25 dead and 12 injured.
10, July 2011	Bombing at the all Christian fellowship church in Suleja, Niger State.
11, July 2011	The University of Maiduguri temporary close down its campus citing security concerns
12 August, 2011	Prominent Muslim cleric LimanBana is shot by Boko Harm
26, August 2011	2011 Abuja bombing
4, November 2011	Damaturu Attack
25, December 2 011	December, 2011 Nigeria Bombing
5-6, January 2012	January, 2012 Nigeria Attacks
20, January 2012	January 2012 Kano Bombing.
28, January 2012	Nigeria army say it killed 11 Boko Haram insurgents.
8, February 2012	Boko Haram claims responsibility for a suicide bombing at the army headquarters in Kaduna.
16, February 2012	Another Prison break staged in central Nigeria 119 prisoners are released, one warden killed
8, March, 2012	During a British hostage rescue attempt to free Italin engineer Franco Lamdinara and Briton Christopher Mc Manus, abducted in 2011 by a splinter group Boko Haram, both hostages were killed.
31, March, 2012	During a joint Task Force raid on a Boko Haram den, it was reported that 5 sect members and a German hostage were killed.
3, June 2012	15 church goers were killed and several inured in a church bombing in Bauchi State. Boko Haram claimed responsibility through spokes person Abu Qaqa
17, June 2012	Suicide bombers strike three churches in Kaduna State at least 50 people were killed.
17, June 2012	130 bodies were found in Plateau State. It is presumed they were killed by Boko Haram members.
3, October 2012	Around 25 — 46 people were massacred in the town of Mubi in Nigeria during Night Time raid



18, March 2013	2013 Kanu Bus bombing: At least 22 killed and 65 injured, when a suicide car bomb exploded in kano bus station.
7, May 2013	At least 55 killed and 105 inmates free in coordinated attacks on army barracks, a prison and police post in Bana Town.
6, July, 2013	Yobe State School Shooting 42 people mostly students, were killed in a school attack in Northeast Nigeria.
4, April 2014	Abduction of 206 Secondary School students at Chibok in Bornu State. Boko Haram claimed responsibility.
16 January 2015	Bombing of church in Yobe and killing of over 20 peoples
21May 2015	Inversion of Military Camp in Sambisa Forest and claiming of over 5 Military personels
8 December 2015	Ambush of Militypersonels in Maiduguri
17 June 2016	Bombing of beer garden in Yobe, leaving 10 dead and 5 injured
21 October 2016	Killing of atleast 5 civilian captured by members Boko Haram Sect in maiduguri
Ist December 2017	Blasting at Monday market in Borno.tleast 32 people were killed
November 2017	Explosion and gun fire in Damaturu, atleast 32 people were wounded
26 April 2018	Book haram bomber killed atleast four civilian in the out skirts of maiduguri
13 May 2018	10 bodies were found in Yobe State. It is presumed they were killed by Members of Boko Haram sect.
15 January 2019	Eight peoples were killed in Boko Haram attack in maiguguri
25 March 2019	Two residents were shot dead and two suicide bombers blew themselves in attack on maiduguri'sjiddari polo neighbourhood.
25 May2019	27 dead after Boko Haram attack on Nigerian Villages in Borno
19 June 2019	12 soldier were killedduring exchange of gun with the Boko Haram Sect in Maiduguri
20 August 2019	12soldiers killed in Boko Haram attack on military base in Niger's Diffa region

Source: Google 2020

### Nigerian Military And Extrajudicial Killing In The North East

Amnesty International documented 27 incidents of extrajudicial executions committed by themilitary in 2013 and 2014. At least 1,200 men and boys, almost certainly many more, were killedin these incidents. In 14 of these cases, Nigerian military forces, sometimes in collaboration withCivilian JTF members, executed a large number of people, at times dozens or even hundreds in oneday.The precise number of extrajudicial executions is impossible to verify due to the lack of records, Index.

Amnesty International in June 2015cover-up efforts by the military, and the difficulty of reaching witnesses in the areas where the crimes were committed. Cases presented in this report provide documentation of extrajudicial executions in Adamawa, Borno and Yobe states. Amnesty International's research shows that the military extra judicially executed people after they had been captured and when they presented no danger, in violation of International Humanitarian Law (IHL). Many were shot dead inside detention facilities, while others were either shot or had their throats cut after being captured during cordon-and-search operations. One of the most horrific mass extrajudicial executions by the military happened on 14 March 2014in Maiduguri, Borno state. In the aftermath of a Boko Haram attack on the military detention facility at Giwa barracks during which the detainees were released, the military killed at least 640 men and boys, most of them recaptured detainees.

In March 2014, Amnesty International published adetailed report documenting the killings of at least 622 people who had escaped from Giwabarracks. This report presents additional information about the extrajudicial execution of at least 18other men on that day, including the analysis of videos showing some of the executions. Other cases of mass extrajudicial executions documented by Amnesty International include the execution of 64

detainees in Presidential Lodge (Guardroom) detention facility in Damaturu, Yobe state on 18 April 2013 and the killings of at least 185 people during a “mop-up” operation in Bagaon 17 April 2013. In some cases, the bodies of executed detainees were returned to their families, usually dumped near the houses or on the outskirts of the villages. In other cases, the families were never officially informed of the deaths of their relatives and found out about the executions from released detainees or eyewitnesses. In many cases, they never found out at all.

## **BOKO HARAM, COUNTERTERRORISM AND HUMAN RIGHT VIOLATIONS IN NORTH-EASTERN NIGERIA**

Human rights establish a set of universal norms that limit the use of legitimate force to reserve human dignity: the physical security and freedom from fear that is our birthright. Counter-terror policies involve the state's use of coercion to control violence by non-state actors and thus intrinsically include potential threats to the freedom and bodily integrity of subjects of state power. A rough international consensus on minimal fundamental rights of the person is collated in the overlapping collective standards of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Geneva Conventions, the Convention on Genocide, and the Convention against Torture. These international legal instruments, along with emerging global jurisprudence, stipulate that legitimate national defense must not involve unregulated assassination, torture, systematic targeting of civilians, covert or indefinite detention, cruel and inhumane punishment or prison conditions, or systematic suppression of identity.

These bases for human rights stand in respect to national security and social security. If security itself is measured as a universal individual right, the foundation of counter-terror would be the defence of the individual from both external threats and state violence. Human rights expand the social contract of citizenship, in which the state guarantees both order and justice in return for collective allegiance, to a universal claim. But under conventional constructions of security, that claim too often collides with the state's enforcement of internal authority and national defense. A broader notion of national security that includes the state's responsibility to protect its citizens implies more rights, not less (Wilson, 2005).

Counterterrorism responses should be possible within the rule of law, represented by national, regional, and international legal frameworks, containing fundamental norms that protect human rights as well as security. Furthermore, not only is it possible that effective counter-terrorism can be within the rule of law, but the very nature of counter-terrorism requires that it should be within the rule of law. To flout fundamental laws on liberty, speech, personal security, and due process in the cause of fighting terrorism removes the legitimacy of counter-terrorism and potentially, depending upon the severity of the response, reduces it to the same level as terrorism. Thus blows and counter-blows form a never-ending escalation of violence in which it is difficult to make any determinate legal or indeed moral judgments about just cause (Katja and Nigel, 2012).

Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad which in English means “People Committed to the Spread of the Prophet's Teachings and Jihad, the set which is popularly known by its Hausa name ‘Boko Haram’ was a local radical Salafist group which converted into a Salafi-jihadist terrorist organization after 2009. This group is sited in the northeast of Nigeria, in the areas dominated by the Kanuri people. Slackly translated from the local Hausa language, Boko Haram means, ‘Western education or civilization is forbidden.’ Put differently, ‘Western education or evolution is a sin.

There are divergent views and conflict in the literature as to the actual date of origin and formation as well as the leadership of the Boko Haram sect. Alozieuwa (2012) documented that the confusion not only reflects in the narratives about the exact date, and who the actual founder was, but also as to the real source of these expositions. ‘According to Ekwueme (2011), the group came into being in the 1960s but only started to draw devotion in 2002. This view tallies with Imasuen's, 2015; Okpaga, Ugwu, and Eme, 2012; Eme and Onyishi, 2014 who maintained that Boko Haram is a radical Islamist sect, designed in 2002 in Maiduguri, capital of Borno state by Mohammed Yusuf.

Though the group first became known internationally following religious violence in Nigeria in 2009, it does not have a clear structure or evident chain of command. It has, however, alleged that the group has links with several terrorist networks such as Al-Qaeda, Hezbollah, Taliban, etc. Boko Haram has modeled a lot of security threat nationally and internationally, bearing in mind the spread of its activities to states such as Cameroon, Niger, and

Chad. There have been series of human rights violations by Boko Haram manifested in the forms of destructions of lives and properties, kidnappings, detentions, forced marriages, etc. in addition to these is the issue of sexual violence/ exploitations that have characterized the activities of this terrorist group. Sexual abuse is both a tactic of war and a tactic of terrorism, and this tactic has been manifested and is associated with most terrorist organizations. Sexual violence has variously been understood as ‘one of the most dreadful weapons of war, an instrument of fear used against women (Storr, 2016). This and some other factors precipitated the UN Secretary’s Annual Report on conflict-related sexual violence.

Terrorists have also realized that rape can be used effectively as a weapon of terror, without attracting any legal penalty, even amid existing laws which criminalize and prescribe penalties for abuse, as is the circumstance in Nigeria. In investigative the relationship between terrorism and sexual violence, the United Nations (2017:7) states thus:

The effect of sexual abuse employed as a method of war or violence is to spread fear among the civilian population, with a range of economic consequences, including facilitating the capture of land and property by forcibly displacing residents, with high levels of sexual violence seen during flight and in displacement settings. Also, this fear restricts women’s freedom of movement to continue critical economic activities. The destruction of women’s employment and education increases their risk of being unprotected to sexual violence, whereas economically empowered women have been shown to provide a buffer against the recruitment and radicalization of their children and other family members and thus against widening and repeating cycles of violence. Livelihood support and structurally transformative reparations can help to break the cyclical connection between poverty and sexual abuse. Though, despite being the measures that survivors themselves most often demand, they are precisely those least seen in responses to date.

Attah (2016:385) documented the above view by domesticating it within the context of Boko Haram in Nigeria when he says:

Over the centuries, rape has been used successfully by terrorist groups as a weapon of terror. In this context, women’s bodies are used by terrorists as battlegrounds, serving the dual purpose of spoils of war and a means of terrorizing the population. The Nigerian fundamentalist group, Boko Haram, has employed sexual terrorism in its campaign of terror against the Nigerian state and its people. Boko Haram has since 2013 included this tactic, which has led to the abduction of hundreds of women and girls, the most outrageous being the abduction of 276 ‘Chibok girls’ that has attracted global concern

Shading more light on this marvel Nossiter (2015:6) claimed that:

This group has boarded on the deliberate use of sexual violence against women as one of its tactics in the terror campaign against the Nigerian state. The sexual abuse which humiliates the Nigerian state and its people and also abolishes the social fabric of society, where a high premium is placed on the integrity of its women, has had a shocking impact on the victims – physically as well as psychologically. While some of the women rescued from the camps of Boko Haram militants have tested positive for HIV, the majority of the freed women were found to be pregnant.

In an attempt to further analyze and examine the relationship between Boko Haram and sexual exploitation in North Eastern Nigeria via the exertion of the state to counter Boko Haram, the 2017 eighth Annual Report of the Secretary-General on Conflict-related Sexual Fierceness, United Nations, (2017:8). States that:

In spite of military gains made against Boko Haram, women and girls remain exposed to the risk of sexual violence and other crimes, including being used as suicide bombers. Efforts led by the Government to secure the release of the girls abducted from Chibok and others held in captivity continued in 2016. Hundreds managed to escape or were rescued, with many returning pregnant or with babies, some having contracted HIV. Their accounts corroborate information received about forced marriage, forced pregnancy, and sexual slavery by Boko Haram. Those living in Boko Haram-controlled areas that were compelled to marry insurgents face acute stigma and discrimination. Additional concerns have been raised when women and children released from Boko Haram are held for prolonged periods by the national security forces for screening and detention, often because they were married to fighters. Children born to abducted women and girls face exclusion and guilt by association. While

religious and traditional leaders have become increasingly open to accepting these women and children, many displaced communities remain deeply distrustful of returnees.

Awosusi and Ogundan (2016) thought that one might never know the full extent of the sexual violence released on Nigerian women by members of the Boko Haram terror group, due to the prevailing culture of silence on matters relating to rape in Nigeria. Most victims are not willing to talk about their ordeal because of a fear of stigmatization by other followers of society.

Even though it is a fact that sexual violence/exploitation is one primary tactic and strategy used by Boko Haram, It is also likely to ask this question 'to what end' is sexual violence employed? There are contending perspectives on the above issue. Some school of thoughts feels that since sexual violence is displayed in conflict situations mainly because of male supremacy of War and conflicts, it is possible that sex abuse by Boko Haram is a way to ease tension, satisfy sexual desires and molest their victims. Sexual vehemence during conflicts and wars historically evolved from the practice in ancient times when women are viewed as part of the 'spoils of war' to which soldiers are allowed (United Nations, 2016). A dialectical view to the above is the school that sees sexual violence by Boko Haram as a strategy for recreation and continuity of their mission, vision, and ideology.

United Nations News Centre (2016) captures Zainab Bangura, Representative of the Secretary-General of the United Nations on Sexual Violence in Conflict when she says:

I am appalled by reports that Boko Haram militias repeatedly raped hundreds of the recently released female captives and compelled to 'marry' their captors. To give rise to a new generation raised in their duplicate, they (Boko Haram militants) are fighting war on women's physical, sexual, and reproductive autonomy and rights.

An examination of the entire socio-economic and political style of the North East in relations to the standard and quality of lives shows a severe shortfall in the Human Development Index. Apart from a geometric increase in population and arithmetic surge in the food supply, Nigerians in North East lack necessary infrastructures and amenities that can enhance the quality of life in addition to the high degree of illiteracy.

It is essential to point out here that conflict related-violence in North Eastern Nigeria is not only spread by Boko Haram as Security personnel (soldiers and Policemen). Civilian Joint Task Force (CJTF) and civil Societies Organizations (CSOs) and some NGOs have also taken the opportunity of their offices to sexually abuse victims of terrorism that they are supposed to guarantee their safety thereby taking advantage of their vulnerability. This scenario is manifested both in the cause of counter-terrorism and in Internally Displaced Person's Camp (IDPs) where sex is switched for food and protection. Soldiers use the vulnerable victims, Police Men other non-states actors to get free and low-priced sex in exchange for food and other materials being shared in the camps.

In late July 2016, Human Rights Watch recognised sexual abuse, including rape and exploitation, of 43 women and girls living in seven internally displaced persons (IDP) camps in Maiduguri, the Borno State capital. The victims had been displaced from several Borno towns and villages, including Abadam, Bama, Baga, Damasak, Dikwa, Gamboru Ngala, Gwoza, Kukawa, and Walesa. In some cases, the victims had arrived in the under-served Maiduguri camps, where their movement is controlled after spending months in military screening camps (HRW, 2018).

Human Right Watch (2016) further requested that:

Government officials and other establishments in Nigeria have raped and sexually exploited women and girls displaced by the conflict with Boko Haram. The government is not doing enough to protect displaced women and girls and ensure that they have access to fundamental rights and services or to sanction the abusers, who include camp leaders, vigilante groups, police officers, and soldiers.

Irregular supplies of food, clothing, medicine, and other essentials, along with restricted movement in the IDP camps in Maiduguri, compounds the vulnerability of victims – many of them widowed women and alone orphaned girls – to rape and sexual exploitation by camp officials, soldiers, police, members of civilian vigilante groups, and other Maiduguri residents.

The human rights concept has evolved by time as a result of the dynamism of a society. Ndifon (2012) opines that it is not an unexpected change because it is an issue concerned with the general being of human life and not an aspect of social concern. Therefore, as it is a growing area of the human existence coupled with its activities, human rights premeditated needs are sharpened to fit into the scope of the established notion of what human rights mean.

## Conclusion

Terrorism has become a considerable challenge to both National and International Security. The emergence of Boko Haram and its subsequent activities from 2009 till date has posed a lot of security challenge to Nigeria. Apart from the security challenges posed by this terrorist group, its activities manifest human right abuse. The findings of this research show that Boko Haram is guilty of human right violations in Nigeria. Various tactics adopted by the states to counter the menace have led to criticisms of a human rights violation by rules under the guise of protecting human rights violations by terrorists. Countering terrorism while safeguarding human right puts controls in a dilemma. Bearing in minds that terrorists operate outside the bounds of International laws on warfare makes counter-terrorism itself challenging to prosecute without infringing on fundamental human rights. Nigeria's counter-terrorism operation has generated a lot of arguments, particularly on the conformity of Nigerian military services with international law. The respondent's opinion in chapter five clearly shows that there have been cases of human right abuses in Nigeria's counterterrorism operations, which are tantamount to violating international law.

It is the position of this work that a lot emphasis is placed on how Nigeria's counter-terrorism operations violate the international code of conducting military operations without emphasizing the rate of Human right violations continued by Boko Haram since 2009.

The Boko Haram is an enemy of the state, and as such it will be difficult to put human rights into consideration when dealing with an enemy who also violates the rights of other citizens that the state is meant to guarantee. Some school of thoughts has argued that the country is supreme and sovereign and must demonstrate this on matters of defense and national security hence when countering terrorism; issues of human rights need not arise since the Boko Haram does not consider the rights of other citizens in their attacks. What makes a state a state is its capacity to defend her territorial integrity from both internal and external aggressors. Bearing in mind human rights while countering terrorism exposes Nigeria to more attacks by the Boko Haram.

## RECOMMENDATIONS

Having made an in-depth analysis on the topic, the position of international law on terrorism, counter-terrorism, and issues of human rights to understand the dilemma for states, this work came up with the following recommendations:

- i. Extra-judicial killings and unlawful detention should be avoided by the Armed Forces in compliance with Human rights and humanitarian laws. By so doing, there is a need for increased training of members of the Arm Forces on Human Rights and the position of international and humanitarian laws on counter-terrorism.
- ii. Those individuals and groups aiding and abetting the Boko Haram insurgency should be exposed and tried by the government to the world and arrested as well to give account of their role in destabilizing the country.
- iii. The international community and the friends of the nation should wholehearted come out and support the country in its efforts to root out the scourge of Boko Haram insurgency in the country and the entire West African sub-region.
- iv. The United Nations Human Rights Council should adopt a resolution calling on Nigeria to investigate allegations of crimes under international law committed by both parties to the conflict and request a report from Nigeria on steps taken to investigate such allegations to date.

- v. Nigeria's international partners should call on Nigeria to implement safeguards against human rights violations by the military and to investigate allegations of crimes under international law by both parties to the conflict.

## References

1. Akpomera, E & Omoyibo, K. (2013). Boko Haram Terrorism in Nigeria: The Paradox and Challenges of a. Big Brother Foreign Policy. *AFRREV IJAH: An International Journal of Arts and Humanities*. 2 (1):94-113.
2. Alozieuwa, S.H.O (2012). Contending Theories on Nigeria's Security Challenge in the Era of Boko Haram Insurgency. *The Peace and Conflict Review*. Volume 7, Issue 1 - ISSN:16593995. <http://www.review.upeace.org/index.cfm?opcion=0&ejemplar=24&entrada=128>
3. Amnesty International (2015) "Human rights under fire: Attacks and violations in Cameroon's struggle with Boko Haram" 16 September 2015 (AFR 17/1991/2015) <https://www.amnesty.org/en/documents/afr17/1991/2015/en/> [last accessed on 23 November 2016].
4. Attah, E. C (2016). Boko Haram and sexual terrorism: The conspiracy of silence of the Nigerian anti-terrorism laws. *African Human Rights Law Journal* 385-406 <http://dx.doi.org/10.17159/1996-2096/2016/v16n2a4>
5. Awosusi, A.O & Ogundana, C.F (2016). Culture of silence and wave of sexual violence in Nigeria' *American Association for Science and Technology Journal of Education*, [Http://www.aascit.org/journal/education](http://www.aascit.org/journal/education) 34 (accessed 17 September 2019)
6. Brown, H (1983). *Thinking about National Security: Defence and Foreign Policy in a Dangerous World*. As quoted in Waston, Cynthia Ann (2008). *U.S. National Security: a reference handbook on Contemporary World Issues (2nd Ed)* The Guardian Sunday Newspaper, Lagos, March 4, 2002 Hobbes, T. (1946). *Leviathan*. Oxford: Blackwell.
7. Human Right Watch, (2016) *World Report*. Retrieved on <http://www.hrw.org>. Assessed on February 15<sup>th</sup>, 2019 at 6:32 Pm.
8. International Crisis Group (2018) *Presenting Boko Haram Abductions of School Children in Nigeria*. Crisis Group Africa Briefing No. 137, Brussels.
9. Ladan M.T (2008:2) *Introduction to International Law*. Being A Paper Presented to the Participant of the National Defence College Course 16 organized by the National Defence College Abuja on Monday
10. Morgenthau, H. J. (1985). *Politics among Nations: The Struggle for Power and Peace*. New York: McGraw Hill Higher Education.
11. Nossiter, A. (2015). Boko Haram militants raped hundreds of female captives in Nigeria' *The New York Times* 18 May 2015 [http://www.nytimes.com/2015/05/19/world/africa/boko-haram-militants-raped-hundreds-of-female-captives-in-nigeria.html?\\_r=0](http://www.nytimes.com/2015/05/19/world/africa/boko-haram-militants-raped-hundreds-of-female-captives-in-nigeria.html?_r=0) (accessed 5 March 2019)
12. Onuoha, F. (2011). Nigeria's Vulnerability to Terrorism: The Imperative of a Counter Religious Extremism and Terrorism Strategy. *Peace and Conflict Monitor: Special Report II*, February 02.
13. Prabhakaran, P. (2008:521). *National Security: Imperatives and Challenges*. Tata McGraw-Hill, New Delhi. Retrieved 1<sup>st</sup> June 2020.
14. *Tell Magazine*, February 2, 2015
15. Trager F. and Simonie, F. (1973) 'An Introduction to the Study of National Security,' in Trager FN and Kronenberg PS (eds), *National Security and American Society: Theory, Process, and Policy*. Kansas: University Press of Kansas. pp. 36- 51
16. United Nations (2017). *The eighth annual Report of the Secretary-General on Conflict-related Sexual Violence (S/2017/249)* retrieved from [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2017/249](http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/249) (Accessed on the 12th December 2017).
17. United Nations News Centre (2015, 25th May). *Condemning the use of Sexual Violence, UN Envoy Warns Boko Haram aims to Destroy Family Structures'* 27 May 2015, [http://www.un.org/apps/news/story.asp?NewsID=50981#.V-o\\_9zV1yJc](http://www.un.org/apps/news/story.asp?NewsID=50981#.V-o_9zV1yJc) (accessed 5 March 2019)

18. Wilson, R. A. (2005) ed Human Rights in the "War on Terror." Cambridge: Cambridge University Press.