



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: H
INTERDISCIPLINARY

Volume 16 Issue 6 Version 1.0 Year 2016

Type: Double Blind Peer Reviewed International Research Journal

Publisher: Global Journals Inc. (USA)

Online ISSN: 2249-460X & Print ISSN: 0975-587X

State Response to Terrorism and Implications for Human Rights

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Introduction- States have for some time now being engaged in a rather new security issue of the proliferation of armed conflicts that appear to have gained momentum. It is observable through internal conflicts that are taking place in the different parts of the world, especially in the Middle East and in Africa that millions of people remain at the mercy of civil wars and in some cases insurgencies and state collapse as seen of Nigeria and Somalia respectively. The Rwanda genocide under the United Nations Security Council and United Nations peacekeepers watch has among others, demonstrated the failure of individual states to fulfil their primary responsibility of protecting their population.

The consequences of the competing claims between sovereignty and human rights saw an attempt in 2001 to resolve the tension between these claims. This attempt came in the form of the report of the International Commission on Interventions and State Sovereignty (ICISS) which spoke to the responsibility of the state to protect its citizens (Baylis et al., 2011). As a concept, responsibility to protect sought to address Rwanda tragedy and that of Kosovo dilemma by emphasizing obligation of the state towards its citizens, as was also the main argument in the ICISS. The argument that was advanced by the commission was to the effect that the primary responsibility of the state is to protect their citizens and in the event that they are failing in that responsibility, such should shift to the international community (Global Centre for the Responsibility to Protect, 2015).

GJHSS-H Classification: FOR Code: 390303p



Strictly as per the compliance and regulations of:



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I. INTRODUCTION

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It goes without saying that the emphasis on the responsibility to protect was geared towards ensuring the protection of human rights among others. As a result of the unfortunate trend of contemporary conflict in which civilians often bear the brunt, human rights and the need for their protection have graduated to a level so high in the international agenda. It is with reference to Nigeria that this paper interrogates its responsibility to protect through the counter-terrorism strategies it has employed. It notes the recent and most dangerous threats presented by non-state actors such as terrorists in particular, and the threats by states in 'attempt' to administer their protective role. It argues in the case of Nigeria that, the state in lieu of upholding the responsibility to protect has often been caught as another major human rights violator in the struggle

against Boko Haram, and there is a serious need for Nigeria to review its counter-terrorism strategy in the interest of human rights.

II. RESPONSIBILITY TO PROTECT (R2P)

The Responsibility to Protect (hereafter R2P) sought to address the unfortunate happenings that took place in the Rwanda genocide of 1994 among others. This late and half-hearted action by the international community during the genocide led to much soul-searching on the part of the international organisations and individual states about how to protect civilians in the future (Welsh, 2009:3). The 2005 World Summit unanimously endorsed the R2P and its outcome was later adopted as a General Assembly resolution. R2P involves a three pillar approach in which pillar one's focus is on the protection responsibilities of the state, pillar two on international assistance and capacity building while timely and decisive response was emphasised in pillar three (Mwangi 2015). Paragraph 138 and 139 of the Resolution adopted by the General Assembly as a result of the largest ever gathering of Heads of State and Government, thus hold on the R2P that;

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate



and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out (*World Summit Outcome, 2005:30*).

The 2005 UN World Summit Outcome Document captured in relation to pillar one, that the four extreme human rights abuses are; genocide, war crimes, ethnic cleansing and crimes against humanity which are usually classified as mass atrocity crimes (Mwangi 2015). Despite this unanimous endorsement, clearly stated obligations and the adoption of the world summit outcome on the 24th October 2005, there has been some contestation among states before, during and after the Summit negotiations and claims about R2P status as a new norm of international conduct have been strongly resisted, while it has at the same time, been enthusiastically embraced by key sectors of civil society, and is part of the public consciousness in many Western countries (*Global Centre for the Responsibility to Protect 2015*). The report of the Secretary General, *Implementing the Responsibility to protect (2009)*, cautions there is a need to underscore the provisions of paragraph 138 and 139, which are anchored in well-established principles of international law in which states are obliged to prevent and punish mass atrocity crimes. The statement also emphasises that action as per the aforementioned paragraphs is to be undertaken only in conformity with the provisions, purposes and principles of the United Nations Charter.

The twentieth century was marked by the Holocaust, the killing fields of Cambodia, the genocide in Rwanda as previously stated, and the mass killings in Srebrenica, of which the latter two under the watch of the UN Security Council and UN Peacekeepers (ibid,5). This "brutal legacy" of the twentieth century according to the Secretary's report, speaks bitterly and graphically of the extent to which states at their individual level, fail to live up to their most compelling responsibilities, as well as the collective inadequacies of the international institutions. The recent and most challenging provocation that has propelled states to act in protecting the population is the trendy nature of the non-state actors; terrorists.

III. TERRORISM AND COUNTER-TERRORISM

The end of the cold war has led to a very noticeable security phenomenon of the proliferation of armed conflict within states (ICISS 2001). In most of the cases, the conflicts have been concentrated on the demand for political demands and objectives, which were mostly forcibly suppressed during the cold war. This demands which according to the International Commission on Intervention and State Sovereignty (ICISS) have been greatly marketed, occur most in poor countries. The state's ability to uphold the Responsibility to Protect (R2P) therefore has come under very intense challenge as a result of this emergent security issues such as non-state actors. There are many types of non-state actors and the most common include rebels or guerrilla fighters, militias, clan-chiefs or big men, warlords, terrorists, mercenaries, criminals and private security companies which are all not incorporated into the formalised state institutions, thus possess a degree of autonomy regarding politics, military operations, resource and infrastructure (Mwangi, 2012:13).

A non-state actor of interest to the paper is terrorists. The central feature of terrorism is that, it is a form of political violence that aims to achieve its objectives through creating a climate of fear and apprehension and its use of violence is intended to create unease and anxiety about possible future attacks of death and destruction (Haywood, 2011:283). The use of violence as its tactic takes many forms which include but are not limited to, assassinations, bombings, hostage seizures and plane hijacks which often indiscriminately targets civilians, although kidnappings or murder of senior government officials and political leaders, who are viewed as symbols of power are also regarded as terrorist's acts (Baylis et al., 2011; Haywood 2011).

In attempt to assume responsibility to protect their civilian population, states employ a variety of counter-terrorism strategies, which include but may not be limited to; strengthening state security, political deals and military action to suppress the insurgency. Haywood (2011:297) identifies the aforementioned strategies and argues that state security can be strengthened by extending the legal powers of the government. He points in so doing, state have means of control over the financial flows and immigration arrangements have been made more rigorous especially in high alert periods, the surveillance and control of domestic population, particularly members of the terrorist groups or their sympathizers has been significantly tightened and in many cases, the power to detain terrorist suspects has been strengthened. This means terrorist suspects can be detained much longer than the ordinary criminal.

Political approaches to terrorism using negotiations seek to address not just its manifestation

but its political causes (ibid, 300). Recognizing that there is no single best approach to countering terrorism, political deals are a rather peaceful means to addressing terrorism problem. The palpable benefit of engaging in talks with groups that use terror is to accelerate an end to violence and intensify prospects for sustainable peace. This approach managed to secure South Africa a rather relative stability in the negotiations during the 1990s. In its struggle for liberation during the apartheid regime, the African National Congress (ANC) resolved to establishing the military wing Umkhonto we Sizwe (MK-Spear of the Nation, also known as Umkhonto) as another tactic to advance their struggle (Maharaj 2007).

Upon realising the necessity to engage in negotiations with the ANC, President P.W Botha promulgated he was ready to release Nelson Mandela from Prison, and this announcement is said to have received an appropriately principled response from Mandela, in his response read at mass rally in Jabulani Stadium Soweto (ibid, 17). That the approach was a success in South Africa does not mean it can produce similar results anywhere it is put in place, especially in situations that concerns groups that use terror, although attempts to use it in several occasions have been made. There have been several attempts in the case of Nigeria to bring the Boko Haram to a table of negotiation but in vain as shall be seen later in the paper. The failure of this approach is usually traced to among others, the nature of the non-state actor the government is engaged with. Haywood (2011:301) points that, political approaches are most likely to be effective in the case of nationalist terrorism, where deals can be done over matters such as power sharing and political autonomy. On the other hand he points, Islamist terrorism may be beyond reach of political solutions due to the nature of the objectives such groups usually seek to pursue.

Military repression has been employed by quite a number of states in their struggle to counter-terrorism and this response has been based on two complementary strategies, the first being an attempt to deny terrorists the support or sponsorship, while the second concern the launch of direct attacks on terrorist training camps and their leaders (ibid, 298). Although a rather common approach by states to quell the insurgency, there have been some concerns by some national leaders over the use of military action against terrorists. They caution that the actions by the military can only lead to terrorist reprisals or worse, their return to its original connotation, and the sanctioned use of force by states to repress its own citizenry (Baylis et al., 2011:377). Haywood (2011) presents cases that indicate consequences of military action to curb the insurgency as well as their implications for the human rights in the host cities such as Sri Lanka, Israel, Northern Ireland and Algeria. While this approach in some case has successfully wiped out the terrorists, as in Sri Lanka but

with dire consequences for human rights violations (estimated civilian deaths 7,000 to 20,000), it has led to escalating conflict in some countries as in Israel, Northern Ireland, Algeria, thus rendering the record of force based counter-terrorism poor.

IV. NIGERIA AND THE BOKO HARAM

a) *Terror Attacks*

Nigeria is currently facing serious security challenges that are actually complicated by the transnational threats which are associated with organised crimes and activities of the Jihadist movements (Adetula 2015:3). In particular, the Nigerian government has had to deal with the militant Islamist group Boko Haram (BH) which has caused havoc due to a series of attacks it has launched in Nigeria. The Nigerian government has employed a number of counter-terrorist strategies as part of upholding its responsibility to protect the civilian population in Nigeria. This section will commence by trying to understand the origins of BH as well capturing the various activities that this group has administered. It will proceed to identify the approaches that the Nigerian government has taken to deal with BH as well as their implications for human rights. It will conclude by making some recommendations on how the counter-terrorist strategies may be enhanced for the benefit of protecting human rights, especially of the civilian population in the process of fighting BH.

b) *Boko Haram (BH)*

Boko Haram's origins are reported to lie in a group of radical Islamist youth who worshiped at the Alhaji Muhammadu Ndimi Mosque about a decade ago. In 2002, an offshoot of this youth not yet known as Boko Haram declared the city and the Islamic establishment to be intolerably corrupt and irredeemable (Walker, 2012:3). Initially, BH was known by its Arabic name "Jama'atu Ahlis Sunna Lidda'a wati Wal-Jihad" which meant 'People Committed to the Propagation of the Prophet's Teaching, and was later ascribed the status "Boko Haram" meaning, "Western Education is forbidden" (Adibe, 2013:10).

It has been argued that until 2009, BH used to conduct its operations in a more or less relatively peaceful manner and that its radicalization was a result of government crackdown on the group which resulted in some 800 people dead (ibid, 11). In 2009, BH carried out a spate of attacks on police stations and other government buildings in Maiduguri and this was followed by a shootout on the streets of Maiduguri. This shootout saw hundreds of BH members dead, thousands of residents fleeing the city and some BH fighters captured alongside their leader Mohammed Yusuf who was later killed by the security forces (Adibe 2013; Farouk 2015). Having suffered a defeat in the hands of the security forces, the BH fighters regrouped

under the leadership of its current leader Abubakar Shakau and stepped up their insurgency (Farouk 2015). A great ink has been spilled on the various terrorist attacks that BH has since 2009 indiscriminately carried. Adibe (2013:10) among others chronologically indicates some of the notable attacks by BH and starts by indicating that, its first terrorist attack was in January in a place called Borno at Dala Alemderi Ward in Maiduguri metropolis, which resulted in deaths of four people. On June 2011, it bombed the Police Force Headquarters in Abuja in the Nigerian Capital in what was thought to be the first case of using a suicide bomber to carry out its terrorist attacks in Nigeria. On August 2011, BH leaped into international headlines after another suicide bomber blew up the United Nations Headquarters in Abuja, leaving about 21 people dead and dozens injured, and on January 2012, it launched an attack in Kano, leaving more than 185 people dead.

In what Farouk (2015) has described as a "Facial Marks" of BH, its trait was originally the use of gunmen on motorbikes, killing police, politicians, clerics from other Muslim traditions, Christian preachers and anyone who criticised it. It has also staged more audacious attacks in the northern part of Nigeria, including bombing churches, bus ranks, bars, military barracks and even police and in April 2014, it drew international condemnation after abducting more than 200 Chibok school girls.

V. NIGERIAN RESPONSE TO BOKO HARAM TERROR ATTACKS

Like many countries, Nigeria is a member of the United Nations and the African Union's Peace and Security Council, organisations that have both repeatedly stated the need for Nigeria to assume its primary responsibility of protecting its civilians within its territory (Uchehera 2014). The international community through the *United Nations Global Counter-Terrorism Strategy by the General Assembly Resolution 60/288* has committed itself to adopt measures that ensure respect for all and the rule of law as the fundamental basis of fight against terrorism. In attempt to respond to the Boko Haram insurgency, Nigeria has employed a number of counter-terrorism strategies which are mostly dominated by the use of the force to suppress the insurgency.

a) Legislative Measures and Negotiations

One of the means employed by the Federal government have ranged from legislative, negotiations and apparently, Nigeria's favourite military action to counter BH terrorists acts. Laws at the National Assembly of Nigeria have been passed in response to transnational organised crimes on Jihadist activities. Laws have proven an essential tool in the fight against terror groups as provide a legitimate cause for response, and as a result, several acts have also been

passed and include among others, Anti-Terrorism Act, Anti-Piracy Act, Money Laundering and Terrorism Financing (Prohibition) Act (Adetula, 2015:15).

Other attempts geared towards a peaceful end to insurgency have been those of the government as well as other Nigerians to facilitate negotiations between the government and the BH. The Federal government of Nigeria has attempted to engage in peace talks with the Boko Haram since 2009 in attempt to end its insurgency. Several prominent Nigerians have attempted to initiate peace between the government and the BH. In 2011, the former president Obasanjo passed the demands of BH to President Jonathan after having talks with some members of the BH in Maiduguri although there were no formal talks or concrete actions that emerged from his efforts (Pate 2015). Another attempt to engage with the BH was made by the then newly appointed National Security Advisor Colonel Sambo Dasuki in 2012. According to Pate (2015:31-32) Colonel Dasuki began travelling to the north to persuade community leaders to engage with BH elements and seek a peaceful resolution, however, his efforts were dismissed by the BH.

There are also many other prominent people who had hoped to see the government and the BH engaging in talks. In fact, the Chairman of the Governing Council of the Institution for Peace and Sustainable Development, General Abdulsalami Abubakar did not only urge the government to strive and excel in ensuring transparency and accountability toward sustainable peace and development, but held a potent view that, dialogue was the only way to tackle the current security challenges in the north (Uchehara, 2014:132). Despite the government having announced in October 2014 that it had secured an agreement for a ceasefire and the release of the Chibok girls, which was subsequently dismissed by the BH (BBC 2015), attempts that sort for reaching a common ground between the government and BH have been futile and the government on the other hand, has since relied on force to counter the BH insurgency.

b) Force Based Counter-Terrorism in Nigeria

The past six years have seen BH atrocities in the northern part of Nigeria raising serious internal insecurity issues and international uproar by its proclivity to strike freely, killing and maiming with destruction (Abiodun 2016). These have thus attracted the reliance of the Nigeria government on the military action to deal with BH. It is essential to note first that, the Nigeria police are statutorily charged with ensuring internal security and public order but the complexity of the threat has seen the army aiding the police. The involvement of the armed forces in the fight against BH has enjoyed legal backing in the Nigeria's Constitution and the Armed Forces Act. Section 218(1) of *Nigeria's Constitution of 1999* empowers the President as the

Commissioner in Chief of the Armed Forces to determine its operational use. Section 8(1) of the *Armed Forces Act of 1999*, also provides that, the President shall determine the operational use of the Armed Forces, but may, under general or special directives, delegate his responsibility for the day-to-day operational use. Section 8(3) of the same Act clarifies that, the operational use of the armed forces in Nigeria includes its use for the purpose of maintaining and securing public safety and public order.

Alubo and Piwuna (2015:145) states that with the absence of war with other states around the world, in maintaining Nigeria's territorial integrity and securing its borders, the armed forces have been deployed more to suppress insurrections and assisting, mostly the police and civil defence corp in the blizzard of ugly disturbances in different parts of Nigeria, especially in dealing with BH insurgency among others. The struggle by the Nigerian army to combat the BH insurgents proved rather difficult under the former Nigerian President Good luck Jonathan, while the face of war changed with the emergence of President Buhari, whose first step has been the reorganisation of the military, notably appointment of Lt. Gen Burati as Chief of Army Staff and relocation of the military command structure to Borno (Abiodun 2016).

Across the world, the battle against terrorism is an uphill struggle observable among others, with the continuing war on terror by the United States of America (USA). Despite having recorded a milestone of killing Bin Laden, leader of Al-Qaida, the battle to end insurgents appears to be far from over. USA with all its military might has since been engaged in a continuing battle against Al-Qaida in Iraq and has now found itself engaged with the Islamic State militancy. The Nigerian military and other internal security agencies victory over BH may be incontestable despite difficulties they have undergone (ibid). In their counter terrorist raids against the BH, the Nigerian military reported it had rescued 178 people from the Islamist militant in the northern Borno State, of which 101 of them were children and 67 were women (BBC 2015). According to the *Mail & Guardian* (2016), a military officer stated that in a 5 day operation which took place in the period between January 18 and 22, 2016, the Nigerian troops killed at least 63 insurgents and intercepted suicide bombers. The troops also recovered several sophisticated weapons from the insurgents and this was said by Major General Hassan Umoru, the Commander of the northeast operation in a media briefing in Maiduguri.

It is in the very briefing that the Major talked up the army's successes, telling the reporters that the Nigerian troops had conducted a fighting patrol at Afe, Kudiye, Souma, Dikwa Mijigeta, Midu villages of Borno State (ibid). The said operation as per the major saw troops come in contact with BH in Kudiye and Mijigete, rescuing 370 hostages, seizing 4 rifles, destroying 41

motor cycles and clearing BH hideouts in Wala, Tirkopytir and Durubajuwe in Gwoza area.

Despite documented and undocumented claims of the military success over the BH, either by the military itself or any organisations, the conduct of the military in the exercise of the protective role of the Nigerian population has been documented and heavily criticized by the independent scholars and international organisations respectively as shall be seen. The Nigerian government heavy-handed response to BH has led to serious human rights violations, thereby rendering to some extent, the record of military action against terrorists very poor. In their fight against the BH, government forces have since responded in a heavy-handed manner, leading to serious human rights violations (*Human Rights Watch 2015*). The establishment of the Joint Task Force (JTF) which includes the police and the army to contain the violence of BH have resulted in destructive and devastating consequences. The JTF has been accused of gross human rights violations, mass murder, extra judicial killings, physical abuse, secret detentions, extortion, burning houses and stealing money during their raids, acts that indeed stain the Nigerian's responsibility to protect (Oarhe, 2013:66).

VI. COUNTER-TERRORISM STRATEGIES AND THEIR IMPLICATIONS FOR HUMAN RIGHTS

Human rights have become a mainstream of the international law, and respect for the human rights indeed is central to the subject under discussion. They are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity (UN 2008:3). There has been key progression on the human rights issue which include Universal Declaration of the Human Rights, the four Geneva Conventions and the two additional protocols on international humanitarian law in armed conflict; the two 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the two 1966 Covenants relating to civil, political, social, economic and cultural risk and many others (ICSS, 2001). This milestone speaks to the essence of recognition by the international community of the human cost of terrorism among others.

Nigeria like many other countries subscribed to major international human rights instruments like Universal Declaration of Human Rights, 1948; the International Covenant on Civil and Political Rights, 1966; the International Covenant on Economic, Social and Cultural Rights, 1966, and other regional human rights instrument (Dada, 2012:68). Despite being a signatory to these instruments, there are varying worrisome human rights violations in Nigeria. In recent years, the measures adopted by states to counter-

terrorism have in themselves often posed a serious challenge to human rights and rule of law. This is so because even the constitution which was supposed to protect, has appeared to some degree, perpetuating human rights violations due to the clauses that permit derogation of rights.

An arduous impediment to enjoyment of human rights especially under the state of emergency as the case in some parts of the northeast Nigeria can be traced to some provisions in the Nigerian Constitution. Section 41(1) of the Constitution provides a foundation for justifying invalidation of fundamental human rights (ibid, 76). With such a foundation prepared, Section 45 of *Nigerian's Constitution of 1999* indicates a provision for derogation clause and thus reads;

45.1 Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society

- a. in the interest of defence, public safety, public order, public morality or public health; or
- b. for the purpose of protecting the rights and freedom or other persons.

According to Dada (2012) reference of the gravity of the danger posed by the constitutional derogations is made to the provisions of Section 33(1) of the *Nigerian's Constitution of 1999*. This Section speaks to the derogation of the fundamental rights and in particular right to life. It permits derogation from this right and Section 33(2) of the Constitution thus reads;

2. A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary

- a. for the defence of any person from unlawful violence or for the defence of property;
- b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- c. for the purpose of suppressing a riot, insurrection or mutiny.

These provisions are worrisome as they somewhat rather than promote, perpetuates human rights violation as they may be subject to abuse. Worrying also is their availability to the character of the Nigeria security agencies, the police and the army in particular.

VII. CONDUCT OF THE SECURITY FORCES (JTF) IN INTERNAL OPERATIONS IN NIGERIA

As earlier noted, the police have a primary responsibility of maintaining law and order in the country and thus deal specifically with internal security operations. However, due to the complexity of the threat of Boko Haram that is facing Nigeria the army has since been deployed to aid the civil authorities to repress the

insurgency. It is essential to note also that, as a way of upholding the responsibility to protect, every state has an obligation to deploy its law enforcement instruments and resources to counter the threat and carnage unleashed by terrorism, and such measure however should be consistent with the law and human rights complaint (Dahas and San, 2015). The need to ensure that measures taken by states do not violate human rights was reaffirmed by the *United Nations General Assembly Resolution 60/288*, which read on IV(2);

2. --States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.

Despite this reaffirmation, the Nigeria security agencies have a poor track record of protecting civilians, and a pattern of human rights violations which go on across the country (Montclos 2014; Ibrahim 2015).

Chronicling the Joint Task Forces (JTF) and Counter-Insurgency in Nigeria, Odomovo (2014:49) indicates the first military task force established for internal security operation in contemporary Nigeria dates back to 1993 when an Internal Security Task Force (ISTF) was deployed in Ogoni land in the Niger Delta to suppress protests by oil producing communities. He further points their operation in this region was characterised by extrajudicial killings, wide spread human rights abuses and the widely condemned arrests and eventual execution of Ken Saro-Wiwa and eight other members of the Movement for the Survival of Ogoni People. Other JTFs code named Operation Salvage and Operation Flush were also established but in 1997.

In the year 1999, Nigeria established the first key JTF in the Niger Delta which was code named Operation Hakuri II, which had very devastating effects as resulted in massive destruction of lives and property after two days of continuous bombardment of the Odi community (ibid, 49). Nigeria's history with the deployment of the JTF continues to the twenty first century. In 2009, the resurrection of the BH insurgency led to the implementation of the emergency rule in Borno, Yobe and Adamawa states and yet another transition point in Nigeria as for the first time since the Biafara war of 1967-1970, the Nigerian Air-force bombed its own territory (Montclos, 2014:15). It is during the very same time that the police and the armed forces of the JTF were deployed in the urban areas to quell the BH insurgency, and later moved to the rural areas in 2013.

The conduct of the security agencies in Nigeria has not escaped condemnation from the international community, especially the international human rights organisations. On the 14th July 2011, the Amnesty International along with 28 prominent human rights organizations in Nigeria released a joint statement titled

"Nigeria: Unlawful killings by the Joint Military Task Force in Maiduguri must stop." The statement condemned human rights violations committed by the Nigeria security forces in Borno state in response to abuses by BH. The statement indicated security forces conducted a punitive house to house operation as a result of the BH bombing at Kaleri Ngomari Custain area in Maiduguri on 9 July 2011 and unlawfully killed dozens of people, brutally assaulted and unlawfully detained. It further indicated at least 25 people are believed to have been shot dead by the JTF while at least 45 people were reportedly wounded as a result of this actions.

Respect for the integrity of the person, including freedom from arbitrary or unlawful deprivation of life appears not to be of any concern for the JTF as government or its agents committed numerous arbitrary or unlawful killings as per the *Nigeria 2013 Human Rights Report*. The report indicates JTFs conducted raids on militant groups and criminal suspects in Adamawa, Bauchi, Borno, Gombe, Kano, Kaduna, Kogi, Niger, Plateau, Sokoto, and Yobe states, resulting in numerous deaths and injuries to alleged criminals, militants, and civilians. It further reads; "according to credible eyewitness accounts, JTF members committed illegal killings during attempts to apprehend members of the extremist group Boko Haram in several states, including Borno, Kano, Kaduna, and Yobe states and surrounding areas."

Civilians in Nigeria have since proved to be collateral damage in the armed forces uphill battle against BH. The *Amnesty International 2014/15* on the state world's human rights reported that communities already terrorized for years by BH became increasingly vulnerable to violations by the state armed forces, which regularly responded with in discriminate attacks, mass arbitrary arrests, beatings and torture. The report continued to indicate that Amnesty International had obtained gruesome video footage, images and eyewitness accounts which provided fresh evidence of probable war crimes, crimes against humanity and other serious human rights violations. Since the military repression, the gap between the people and the security agencies had widened to the extent that civilians have sought protection of BH, even if they did not sympathize with, support or subscribe to their actions and doctrine (Montclos, 2014:15).

In 2015, the Centre for Civilians in Conflict whose work is to improve protection for civilians caught in conflicts around the world published a report authored by Kayle Dietrich on civilians views of security and security forces in Nigeria. The report titled *"When We Can't See the Enemy, Civilians Become the Enemy"* documented that people were afraid of the military more than they are with BH due to the destruction and brutality they caused whenever they got to the scene were BH had perpetrated dastardly acts. The lack of trust by the people to the army complicates the battle

against BH as people may not be able and may be unwilling to provide the intelligence of the BH whereabouts.

VIII. CONCLUSION

The proliferation of armed conflict that Nigeria is engaged in has often stressed the capacity of the state to protect its civilian population within its borders. Like any other state, Nigeria has an obligation to protect its population by preventing and punishing mass atrocity crimes. It remains a generally acknowledged fact that the issue of internal insecurity is not foreign to Nigeria. Since her independence, Nigeria has experienced some internal security issues that have claimed lives of people. Worse in the current case in the battle against the BH insurgents which no one is no stranger to it having claimed many lives. In response to this insurgency, Nigeria has attempted to employ a number of means, with the use of force taking the lead with dire consequences for human rights. While every state has a compelling obligation to protect its population, that mandate should in lieu of being used as a ticket to inflict pain on innocent civilians, be carefully used to protect the people. There is need for a civil and military leadership that takes into account the essence of human rights.

This paper accepts that fighting the insurgents is one of the most difficult internal tasks a country can face. This is as a result of in most cases, being unable to identify the target as insurgents hide under the mask of innocent civilians (e.g. not wearing any specific identifiable uniform or emblem) however; there are ways in which efforts can be made to identify them. There should be actionable intelligence obtained especially from the villagers in the region that BH appears to be mostly present so that direct targeted attacks can be carried out. In order to do this, there is need for Nigeria to review its security agencies conduct, especially that of the JTF and work on regaining public trust and sympathy. A heavy handed response of indiscriminate attacks on civilian population by the army will likely escalate conflict than contain it.

Finally, this paper also accepts that, due to the radicalness of the BH insurgents and having rejected peaceful means by a number of prominent Nigerians and the government itself, the use of force was imperative to *smoke them out*. The situation in Nigeria had graduated to a level that demanded military repression. While the army's involvement was inevitable due to a series of indiscriminate attacks by terrorists, there is a pressing need to orient the Nigeria army on human rights protection and civil internal operations. It is a generally accepted fact that the army is oriented towards wiping out the enemy and in the instances of internal operations, proper orientation and training on civilian internal operations is necessary.

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