

# Terrorism, Counterterrorism and Human Rights in Nigeria

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## Abstract

*Terrorism continues to pose a profound challenge to national security, democratic governance, and the protection of human rights across the globe. In Nigeria, the persistence of terrorist activities by groups such as Boko Haram and its affiliates has generated complex legal, social, and institutional dilemmas. While the state bears the primary responsibility of protecting lives and maintaining public order, counterterrorism measures have often raised serious concerns regarding compliance with constitutional guarantees and international human rights obligations. This paper examined the dynamic relationship between terrorism, counterterrorism, and human rights within the Nigerian context, with particular emphasis on the tension between security imperatives and the rule of law. The paper adopts a doctrinal and analytical approach, drawing on constitutional provisions, international legal instruments, policy frameworks, and reported cases of human rights violations linked to counterterrorism operations. It interrogates the extent to which Nigeria's counterterrorism strategies align with human rights standards, focusing on issues such as unlawful detention, use of force, accountability, and access to legal remedies. The study also explores emerging dimensions of Nigeria's counterterrorism efforts, including rehabilitation of former terrorists, terrorist financing, youth radicalization, gender considerations, intelligence gathering, and regional and international cooperation. The findings reveal that although Nigeria has made notable efforts to strengthen its counterterrorism architecture, significant gaps remain in ensuring transparency, accountability, and effective protection of fundamental rights. Excessive reliance on military responses, weak oversight mechanisms, and socio-economic inequalities continue to undermine the legitimacy and effectiveness of counterterrorism initiatives. The paper argues that a sustainable response to terrorism in Nigeria requires a right centered approach that integrates security measures with legal safeguards, institutional reform, and social development. It concludes by offering recommendations aimed at achieving a balanced framework that enhances national security while upholding human dignity, justice, and the rule of law.*

## Original Research Article

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## 1.0 INTRODUCTION

Terrorism has emerged as one of the most persistent threats to national stability, democratic governance, and human security in Nigeria. Over the past two decades, the country has witnessed sustained violent activities by extremist groups whose actions have resulted in mass casualties, displacement of communities, destruction of infrastructure, and deep social trauma. In response, the Nigerian state has adopted diverse counterterrorism measures aimed at suppressing insurgent violence, restoring territorial control, and protecting citizens. While these efforts reflect the legitimate duty of the state to safeguard lives and preserve national security, they have also generated intense debates regarding their implications for human rights, the rule of law, and democratic accountability.

Counterterrorism operations in Nigeria have largely been characterized by heavy military deployment, emergency security regulations, mass arrests, prolonged detention, and aggressive intelligence driven operations. Although such measures are often justified on grounds of urgency and necessity, they have raised serious concerns among scholars, civil society groups, and international observers regarding alleged violations of fundamental rights such as the right to life, dignity of the human person, fair trial, and freedom from torture. Reports of extrajudicial killings, arbitrary detention, enforced disappearances, and inhumane treatment of suspects have continued to feature prominently in assessments of Nigeria's security response to terrorism (Amnesty International, 2023; Human Rights Watch, 2022).

The relationship between terrorism, counterterrorism, and human rights is therefore complex and often contentious. Terrorism itself constitutes a grave violation of human rights, targeting civilians and undermining the collective right to peace and security. At the same time, counterterrorism strategies that disregard legal safeguards risk eroding public trust, radicalizing affected populations, and weakening the legitimacy of the state. International human rights law and humanitarian norms emphasize that even in situations of emergency, states are bound to respect non-derogable rights and uphold proportionality, necessity, and accountability in the use of force (United Nations Office on Drugs and Crime, 2021).

In Nigeria, this tension is further complicated by weak institutional capacity, prolonged conflict dynamics, socio-economic inequalities, and the growing involvement of non-state actors in security operations. The introduction of rehabilitation and reintegration programs for former terrorists, financial surveillance regimes to curb terrorism financing, and technology-driven intelligence systems has added new layers to the human rights debate. Questions persist regarding the legal basis of these measures, their effectiveness, and their potential risks to justice, equality, and victims' rights (Onuoha, 2020; Akinwale, 2021).

Against this background, this paper examines terrorism, counterterrorism, and human rights in Nigeria through a legal and institutional lens. It explores how Nigeria's counterterrorism efforts interact with human rights standards, the extent of compliance with domestic and international legal obligations, and the challenges of balancing security imperatives with civil liberties. The paper situates Nigeria's experience within broader global counterterrorism discourse while paying particular attention to local realities, gender dimensions, and accountability mechanisms. Despite the expansion of counterterrorism laws, military operations, and security institutions in Nigeria, allegations of human rights violations persist, raising concerns about the effectiveness, legality, and sustainability of the current approach. There is a growing gap between security objectives and human rights protection, leading to public distrust, legal challenges, and international criticism. The absence of clear accountability mechanisms, weak oversight of security agencies, and ambiguities surrounding rehabilitation and negotiation policies further complicate Nigeria's counterterrorism landscape.

This paper addresses the problem of how Nigeria can effectively combat terrorism while respecting human rights and upholding the rule of law. The main objective of this paper is to critically examine the interplay between terrorism, counterterrorism, and human rights in Nigeria. The specific objectives are to analyze the human rights implications of counterterrorism operations in Nigeria, assess reported cases of human rights violations, examine legal remedies and accountability frameworks, evaluate Nigeria's counterterrorism strategies including rehabilitation and

financial control measures, and propose recommendations for achieving a sustainable balance between national security and human rights protection. This study is significant for several reasons. It contributes to academic discourse by providing a comprehensive analysis of counterterrorism and human rights within the Nigerian context. It offers policymakers and security institutions insights into rights-compliant security strategies that enhance legitimacy and effectiveness. The paper also serves as a resource for legal practitioners, human rights advocates, and development partners seeking to strengthen accountability and justice mechanisms. Ultimately, the study underscores the importance of human rights as a foundation for long-term peace, stability, and democratic governance in Nigeria (Ewi, 2022; Okoli and Lenshie, 2023).

## 2.0 TERRORISM, COUNTERTERRORISM AND HUMAN RIGHTS

### 2.1 The Human Rights Question

The relationship between terrorism, counterterrorism, and human rights represents a profound dilemma in contemporary legal discourse. It involves a tension between the state's duty to protect citizens and its fundamental obligation to uphold the human rights of all individuals, including suspects and detainees. In Nigeria, counterterrorism responses to Boko Haram and ISWAP have exposed the fragility of democratic institutions and the persistence of security sector impunity. While terrorism is an assault on human rights that targets civilians to destabilize social order, state responses often violate rights to life, liberty, and dignity. This paradox is central to the Nigerian context, given the historical pattern of authoritarian responses to insecurity and weak accountability mechanisms.

Constitutionally, Nigeria's 1999 Constitution (Chapter IV) guarantees rights to life (Section 33), dignity (Section 34), and personal liberty (Section 35). These are bolstered by international instruments like the ICCPR and the African Charter (Nmehielle, 2019). However, the Terrorism (Prevention and Prohibition) Act of 2022 grants wide powers to law enforcement. Critics argue Section 68, which permits prolonged detention under judicial authorization, often leads to indefinite detention without trial. Reports from Amnesty International (2020) and Human Rights Watch (2021) document extrajudicial killings and torture by security forces. Notably, the 2015 Zaria massacre involving the Nigerian Army and the Islamic Movement in Nigeria (IMN) resulted in hundreds of civilian deaths without accountability (United Nations Human Rights Council, 2017). Similar concerns exist regarding the detention of women and children at Giwa Barracks (Ibrahim, 2022). While the judiciary has occasionally asserted that rights cannot be suspended during emergencies (*Chief of Army Staff v. Yakubu*, 2019), executive interference often weakens enforcement (Falana, 2019). The National Human Rights Commission (NHRC, 2018) has documented extensive breaches, but its recommendations

face slow implementation due to a lack of prosecutorial power. International law allows for limited derogation of rights during national emergencies (ICCPR, Article 4), provided measures are proportionate and non-discriminatory. However, rights such as freedom from torture are non-derogable. In Nigeria, Section 45 of the Constitution is often abused to justify arbitrary security practices (Byrne, 2019). Recent policies like the National Action Plan (2017) shift toward community-based approaches and deradicalization, acknowledging that social justice can reduce extremist appeal (Okoro, 2021). Victims of terrorism also face neglect. Despite the Victims Support Fund (2014), many displaced persons live in conditions that violate basic dignity (Ameh, 2022). Additionally, Section 75 of the Terrorism Act is often misused to suppress civil society and dissent (Agbaje, 2020). Gender and child protection remain critical issues; women face systematic sexual violence (Ogunyemi, 2022), and children are frequently unlawfully detained as alleged insurgent associates (Ibrahim, 2022).

## 2.2 Human Rights Violation Cases

The challenge of balancing national security with fundamental rights remains pressing. Evidence from judicial decisions and international monitors reveals a pattern of violations by both state and non-state actors.

### 2.2.1 Nature and Scope of Violations

Violations include extrajudicial killings, torture, arbitrary arrests, and the destruction of property (Amnesty International, 2018). These are primarily linked to the Nigerian Army, DSS, and the Civilian Joint Task Force (CJTF). While the government claims these are isolated, testimonies suggest a systemic pattern (Human Rights Watch, 2020).

### 2.2.2 Extrajudicial Killings and the Right to Life

The right to life (Section 33) is routinely violated. The 2015 Zaria massacre serves as a primary example of disproportionate state violence (United Nations Human Rights Council, 2017). Furthermore, Amnesty International (2018) estimated over 1,200 detainees were killed without trial at military facilities between 2013 and 2017, reflecting a culture of impunity (Eze, 2020).

### 2.2.3 Arbitrary Arrests, Detention, and Torture

Section 35 guarantees personal liberty, yet counterterrorism often suspends this in practice. High-profile cases, like the detention of Ibrahim El-Zakzaky despite court orders for release, highlight executive defiance (Falana, 2019). Despite the 2017 Anti-Torture Act, security forces continue to use severe physical abuse to extract confessions (United Nations Special Rapporteur on Torture, 2019).

### 2.2.4 Destruction of Civilian Property and Displacement

Operations have displaced over 2.2 million people (OCHA, 2020). The military practice of razing villages suspected of

harboring insurgents violates the "principle of distinction" under international humanitarian law (Adewunmi, 2020).

### 2.2.5 Sexual and Gender-Based Violence (SGBV)

Investigations by Human Rights Watch (2019) and the NHRC (2020) confirmed cases of rape and transactional sex in exchange for food within military-controlled camps. This failure to protect vulnerable groups contradicts Nigeria's obligations under CEDAW and the Maputo Protocol (Akinola, 2021).

### 2.2.6 Sexual and Gender-Based Violence

Sexual and gender-based violence (SGBV) constitutes another dimension of human rights violations in Nigeria's counterterrorism efforts. Female detainees and displaced women in military-controlled camps have reported systematic sexual abuse and exploitation by soldiers and camp officials.<sup>1</sup> Investigations by Human Rights Watch (2019) and the National Human Rights Commission (NHRC, 2020) confirmed cases of rape, forced marriage, and transactional sex in exchange for food or protection. Such abuses reflect the gendered nature of conflict and underscore the failure of Nigeria's security apparatus to protect vulnerable groups during crises.

Beyond physical abuse, survivors often face stigmatization, social exclusion, and lack of access to justice.<sup>2</sup> The failure of state institutions to investigate and prosecute perpetrators perpetuates impunity and reinforces gender inequality.<sup>3</sup> This situation contradicts Nigeria's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Maputo Protocol (Akinola, 2021).

### 2.2.7 Violation of the Right to Fair Trial

The right to a fair hearing, enshrined in Section 36 of the Nigerian Constitution, is consistently undermined in terrorism-related cases. Broad powers under the Terrorism (Prevention and Prohibition) Act often result in secret trials, reliance on coerced confessions, and denial of legal representation. Frequently, individuals are tried in camera or under special military tribunals that fail to meet international standards of due process.

For example, the 2017 mass trial of over 1,600 Boko Haram suspects at Kainji Military Base raised serious concerns.<sup>4</sup> Many accused lacked legal counsel, were denied access to evidence, and were convicted solely based on confessions obtained under duress.<sup>5</sup> The judiciary's inability to assert independence in these contexts reflects a growing militarization of justice (Odinkalu, 2021).

### 2.2.8 Role of the Judiciary and Accountability Mechanisms

Despite prevalent violations, Nigeria's judiciary and oversight institutions have made modest efforts toward accountability. The National Human Rights Commission (NHRC) has investigated cases like the Zaria massacre and

abuses in IDP camps, though implementation of its recommendations remains limited. Similarly, the Judicial Panel of Inquiry into the Special Anti-Robbery Squad (SARS) exposed systemic failures applicable to counterterrorism contexts.

Internationally, Nigeria faces scrutiny from the African Commission on Human and Peoples' Rights and the United Nations Human Rights Council.<sup>6</sup> These bodies consistently call for reforms to ensure compliance with human rights during operations (United Nations, 2022). However, the gap between rhetoric and implementation persists due to entrenched impunity and weak institutional capacity (Eze, 2022).

### **2.2.9 Implications for Human Rights and Rule of Law**

Persistent violations in counterterrorism erode citizens' confidence in the state, fuel grievances that sustain insurgencies, and delegitimize the government's moral authority. Furthermore, these abuses undermine Nigeria's compliance with constitutional and international obligations, exposing the nation to reputational damage and potential sanctions.

To build sustainable peace, Nigeria must integrate human rights principles into every aspect of its counterterrorism strategy. This requires robust oversight, transparent accountability, and the empowerment of civil society to monitor abuses. Only through the consistent protection of human rights can the state ensure lasting security and legitimacy.

## **2.3 Balancing Security and Rights**

The challenge of balancing security and human rights is a critical modern governance issue. In Nigeria, the state's responsibility to maintain order coexists with its constitutional and international obligations to protect liberties. This dual mandate generates tension, as seen in responses to Boko Haram and separatist movements, where security measures can both protect and endanger rights depending on implementation. Achieving this balance is essential for the legitimacy of Nigeria's counterterrorism framework and democratic stability.

### **2.3.1 The Conceptual Tension Between Security and Rights**

Security and rights are interdependent; security provides the stability for rights to exist, while rights ensure security practices remain humane. However, states often prioritize national security over individual freedoms in counterterrorism (Fitzpatrick, 2003). In Nigeria, this is exacerbated by a history of authoritarianism and broad discretionary powers for security agencies. While the 1999 Constitution guarantees fundamental rights, it also allows for measures "reasonably justifiable in a democratic society" for public safety—a clause often used to justify rights curtailment.

### **2.3.2 International Standards on Balancing Security and Rights**

International law, including the ICCPR and the African Charter (ACHPR), permits rights derogations during emergencies only when strictly necessary and proportionate (Viljoen, 2012). Lessons from the post-9/11 global experience, such as the U.S. Patriot Act, underscore the need for judicial oversight to prevent the erosion of civil liberties. Nigeria must align its domestic practices with these international principles to maintain global legitimacy.

### **2.3.3 The Nigerian Counterterrorism Framework and Human Rights Safeguards**

The Terrorism (Prevention and Prohibition) Act 2022 is Nigeria's primary legal tool, yet its implementation raises concerns. Section 49 allows for arrests without warrants and prolonged detention, often contradicting Section 35 of the Constitution (Adekoya, 2021). Furthermore, the lack of coordination between the DSS, Army, and Police leads to overlapping operations and due process violations (Amnesty International, 2018).

### **2.3.4 Judicial Oversight and the Role of the Courts**

The judiciary is the guardian of rights. Courts have attempted to limit state power, notably in *DSS v. Agbakoba* (1999) and *El-Zakzaky v. Attorney General* (2016), affirming that the rule of law must prevail even in security matters. However, executive non-compliance with court orders and institutional weakness often undermine judicial effectiveness.

### **2.3.5 Proportionality, Necessity, and Legality as Guiding Principles**

Under international law, any limitation on rights must be prescribed by law, serve a legitimate aim, and be proportionate (Ferejohn & Pasquino, 2004). Nigerian operations often fail this test, involving mass arrests and property destruction without individualized suspicion (Human Rights Watch, 2020). Internal operational guidelines incorporating these doctrines are essential for security forces.

### **2.3.6 Accountability and Oversight Mechanisms**

Effective oversight is vital. The **National Human Rights Commission (NHRC)** monitors abuses, as seen in its investigation of the Zaria massacre, though its recommendations often lack binding force (NHRC, 2020). Legislative oversight and civil society monitoring provide additional layers of transparency and democratic accountability.

### **2.3.7 Community Engagement and Human Rights-Based Policing**

Nigeria's overreliance on military solutions often ignores the importance of community trust. A human rights-based approach prioritizes dialogue and local cooperation. Engaging traditional and religious leaders in counter-radicalization has shown that when security forces act as

protectors rather than aggressors, communities become active partners in stability.

### **2.3.8 The Role of International and Regional Frameworks**

Nigeria's actions are shaped by AU and ECOWAS strategies that emphasize the rule of law (ECOWAS, 2013). Collaborative training with partners like the UNODC helps harmonize Nigerian legal standards with international human rights norms (United Nations, 2022).

### **2.3.9 Media Freedom, Transparency, and Public Accountability**

A free press ensures counterterrorism operations are subject to public scrutiny. However, the arrest of journalists reporting on military matters suggests a move toward narrative control rather than accountability. Transparency is a component of security, not a threat to it.

### **2.3.10 Socioeconomic Rights and the Security-Human Rights Nexus**

The security-rights debate must include socioeconomic rights. Poverty and social exclusion are drivers of radicalization. Addressing structural causes through inclusive development, such as the work of the North East Development Commission, aligns with a comprehensive human rights-based approach to security.

## **3.4 Legal Remedies and Accountability**

The quest for legal remedies in Nigeria's counterterrorism context evaluates the legal system's capacity to protect human rights while ensuring national security. Legitimacy in counterterrorism depends on upholding the rule of law, redressing abuses, and holding state actors accountable. While legal remedies provide redress for rights violations, accountability ensures that both state and non-state actors are responsible for unlawful acts (Odinkalu, 2018).

### **3.4.1 The Legal Context of Remedies in Nigeria**

Nigeria's 1999 Constitution (Chapter IV) protects fundamental rights, with Section 46 empowering the High Court to grant redress for violations. However, the Terrorism (Prevention and Prohibition) Act 2022 grants law enforcement extensive powers with limited oversight. Section 40, for instance, permits prolonged detention without trial, often contradicting international standards found in the ICCPR and the African Charter (Nwankwo, 2023).

### **3.4.2 Judicial Remedies and the Role of the Courts**

The judiciary is the primary institution for enforcing accountability, though its effectiveness is inconsistent due to political interference. In *Dokubo-Asari v. Federal Republic of Nigeria* (2007), the Supreme Court prioritized national security over bail, whereas in *Abacha v. Fawehinmi* (2000), it affirmed the enforceability of international human rights treaties. Despite several judgments favoring victims of extrajudicial killings and torture, the weak enforcement of

court orders remains a significant hurdle (Ojukwu, 2019; Amnesty International, 2021).

### **3.4.3 Administrative and Quasi-Judicial Mechanisms**

The National Human Rights Commission (NHRC) investigates violations and recommends remedial actions. Notable inquiries include the 2015 investigation into the Zaria military crackdown and the 2021 #EndSARS panel, both of which exposed systemic abuses (Ibe, 2020). However, the effectiveness of the NHRC, the Public Complaints Commission, and the Legal Aid Council is hampered by limited funding and a lack of binding enforcement powers.

### **3.4.4 International Accountability Mechanisms**

Nigeria's record is subject to international evaluators like the UN Human Rights Council's Universal Periodic Review, which has repeatedly flagged concerns regarding extrajudicial executions (United Nations Human Rights Council, 2023). Regionally, cases like *SERAC v. Nigeria* (2001) emphasize state responsibility for rights violations. Furthermore, the International Criminal Court (ICC, 2020) found a reasonable basis to believe that both Boko Haram and Nigerian security forces committed war crimes, highlighting a failure of domestic prosecution.

### **3.4.5 The Principle of State Responsibility and Individual Liability**

Legal accountability exists at two levels: state responsibility for internationally wrongful acts and individual criminal liability for agents who commit torture or arbitrary killings. While the Terrorism Act is silent on state-actor accountability, such individuals can be prosecuted under the Anti-Torture Act 2017 or the Penal Code. The primary challenge remains the state's willingness to prosecute its own agents (Ezeilo, 2021).

### **3.4.6 Reparations and Compensation for Victims**

The UN provides guidelines for reparations, including restitution and compensation. In Nigeria, although courts have awarded damages for unlawful detention, such as the 2021 Zaria massacre judgment, compliance is sporadic. NGOs like SERAP and Amnesty International continue to use strategic litigation to demand state-funded compensation for victims of counterterrorism abuses.

### **3.4.7 Strengthening Legal Accountability**

Meaningful accountability requires institutional commitment to judicial decisions, independent civilian oversight of security agencies, and intensified human rights training for law enforcement. The National Assembly must also align anti-terrorism legislation with constitutional standards. Security needs cannot justify the violation of the very rights the state is bound to protect.

## 4.0 NIGERIA'S COUNTERTERRORISM EFFORTS

### 4.1 Government's Counter-Offensive Response

Nigeria's counterterrorism response has evolved from reactive policing to a multidimensional militarized strategy. Following the 2011 UN building bombing, the government adopted "Operation Restore Order," marking a shift toward proactive military engagement (Walker, 2016). Large-scale campaigns like "Operation Lafiya Dole" (2015) and "Operation Hadin Kai" (2021) were launched to reclaim territories from Boko Haram and ISWAP, integrating ground assaults with precision air strikes (Okoli, 2019).

The legislative backbone of this response is the Terrorism (Prevention) Act 2011 (as amended) and the National Counter Terrorism Strategy (NACTEST). These frameworks emphasize five pillars: forestall, secure, identify, prepare, and implement, balancing "hard power" with regional cooperation through the Multinational Joint Task Force (MNJTF) (Adebajo, 2020). Auxiliary forces like the Civilian Joint Task Force (CJTF) have bolstered intelligence but raised concerns regarding human rights and accountability (Agbibo, 2020).

Despite operational successes, allegations of extrajudicial killings and torture by security forces at facilities like Giwa Barracks persist (Amnesty International, 2018). These violations risk alienating communities and fostering re-radicalization (Akinola, 2020). While reforms like the Army's Human Rights Desk and deradicalization programs under Operation Safe Corridor reflect a shift toward professionalism, challenges such as corruption in defense procurement and poor inter-agency coordination remain significant obstacles (Onapajo, 2017).

#### 4.1.1 Can Terrorists Be Rehabilitated?

The debate over rehabilitation centers on whether former insurgents can transform into law-abiding citizens. This concept challenges retributive justice, favoring a restorative framework that addresses the socioeconomic and ideological drivers of radicalization (Horgan & Braddock, 2010). Nigeria's Operation Safe Corridor (OSC), established in 2016, embodies this approach through vocational training and psychological counseling (Adesoji, 2021).

However, skepticism remains. Critics argue that deep-seated indoctrination may render reform temporary and perceive the program as unjust to victims who remain without support (Agbibo, 2020). Psychologically, deradicalization requires targeting the cognitive and social underpinnings of extremism (Kruglanski et al., 2014). In Nigeria, this involves theological re-education by Islamic scholars to counter distorted doctrines (Sampson, 2016).

From a human rights perspective, rehabilitation aligns with Article 10(3) of the ICCPR, which emphasizes the reformation of offenders (UNHCR, 2018). Yet, a moral

dilemma persists when the state prioritizes the welfare of former combatants over victims. Successful reintegration is further hindered by community stigmatization and the limited capacity of Nigeria's over-resourced correctional facilities. Ultimately, rehabilitation must be a transparent, long-term process that restores the dignity of both the offender and the affected community.

#### 4.1.2 What is the Legal Basis for Rehabilitation?

The rehabilitation of terrorists in Nigeria is rooted in a blend of constitutional law, criminal justice policy, and international standards. Far from being a mere military initiative, it is a state practice guided by restorative justice and human dignity. Constitutionally, Section 17(2)(c) of the 1999 Constitution directs state policy toward the welfare of all persons, while Section 34(1) guarantees the right to dignity, providing a normative foundation for the humane treatment and reformation of even those accused of grievous crimes (Durojaye & Adeniran, 2021).

The primary statutory authority is the Terrorism (Prevention and Prohibition) Act 2022. Section 47(1) specifically empowers the Office of the National Security Adviser (ONSA) to implement programs for the rehabilitation and reintegration of those who voluntarily surrender. This provision grants legal legitimacy to Operation Safe Corridor (OSC) and ensures that such initiatives are institutionalized within the national security architecture (Adesoji, 2021). Additionally, the Nigerian Correctional Service Act 2019 pivots the penal system's objective toward reformation and reintegration rather than mere retribution (Alao & Oyewole, 2021).

Internationally, Nigeria's obligations under Article 10(3) of the ICCPR and Article 5 of the African Charter mandate that penitentiary systems prioritize social rehabilitation. Domestic courts have affirmed the constitutional force of these international instruments (e.g., *Abacha v. Fawehinmi*). Furthermore, the National Counter Terrorism Strategy (NACTEST) and the 2017 National Action Plan on P/CVE provide the administrative framework for community-based deradicalization, aligning Nigeria with the UN Global Counter-Terrorism Strategy (Okeke, 2020). However, this legal basis must be balanced against accountability to ensure that rehabilitation does not result in impunity for those guilty of crimes against humanity.

#### 4.1.3 How Can True Repentance Be Verified?

Verifying repentance is a complex psychological and security challenge. It determines whether an individual is truly deradicalized or remains a latent threat. Repentance implies an inward cognitive change manifested in outward behavioral shifts (Allport, 1954). In the context of Operation Safe Corridor, verification is often controversial because repentance can be feigned to secure amnesty or economic incentives.

The state faces a high burden of proof to ensure that participants have genuinely renounced extremist ideologies. Community distrust remains high, as victims fear that without transparent verification mechanisms, ex-terrorists may return to violence once reintegrated.

#### **4.4 Negotiations and Dialogue**

Dialogue remains a contested tool within Nigeria's counterterrorism strategy, touching on sensitive issues of justice and state authority. While some argue that negotiation can de-escalate violence and save lives, critics contend that it rewards impunity and undermines the rule of law. The decision to negotiate often stems from the practical limits of military force and humanitarian imperatives (Ibeau, 2019).

##### **4.4.1 Should Government Negotiate with Unrepentant Terrorists?**

Negotiating with unrepentant actors is one of the most divisive issues in Nigerian policy. It raises the risk of legitimizing extremist groups and compromising justice for victims of Boko Haram and ISWAP. However, in certain high-stakes scenarios, such as hostage recovery or facilitating broader peacebuilding, dialogue is often viewed as a pragmatic, albeit morally difficult, necessity (Ibeau, 2019).

#### **4.5 Role of Intelligence and Technology**

Intelligence and technology are the cornerstones of modern counterterrorism. In Nigeria, the evolution of Boko Haram and ISWAP has necessitated a shift from reactive policing to proactive, intelligence-led operations. Effective intelligence allows for the disruption of threats before they materialize, while advanced technology extends the reach and precision of security forces (Okoli & Ugwu, 2019).

##### **4.5.1 The Intelligence Architecture**

Nigeria's intelligence community - comprising the DSS, DIA, NIA, and ONSA - must navigate the complexities of asymmetric warfare. Early systemic failures, such as the 2011 UN building bombing and the 2014 Chibok abduction, exposed critical lapses in interagency coordination (Abubakar, 2018). Success depends on a balance of Human Intelligence (HUMINT), gathered through local informant networks, and Signals Intelligence (SIGINT), involving the interception of electronic communications. The National Counter Terrorism Centre (NCTC) was established to harmonize these fragmented efforts and serve as a central repository for threat analysis (Olonisakin, 2021).

##### **4.5.2 Technological Integration**

Technological adoption has transformed surveillance and identity management. The military utilizes Unmanned Aerial Vehicles (UAVs) for reconnaissance in the North East, while the Nigerian Immigration Service (NIS) employs biometric databases to monitor border movements and prevent the infiltration of foreign fighters (Aghedo, 2021). Furthermore, the Nigerian Financial Intelligence Unit (NFIU) leverages technology to track illicit financial flows in compliance with

FATF standards (Okafor, 2020). As terrorists increasingly exploit digital platforms for recruitment, the Cybercrime Act 2015 provides the legal basis for cyber surveillance, though this must be balanced against privacy rights.

#### **4.6 Regional and International Cooperation**

Terrorism in West Africa is a transnational threat fueled by porous borders and regional instability. Nigeria's security is inextricably linked to that of its neighbors, necessitating a move beyond national solutions toward bilateral and multilateral partnerships (Alao, 2018).

##### **4.6.1 Regional Multilateralism: The MNJTF**

The Multinational Joint Task Force (MNJTF) is the primary platform for regional collaboration. Comprising forces from Nigeria, Chad, Cameroon, Niger, and Benin, it operates under the Lake Chad Basin Commission (LCBC). The MNJTF facilitates joint patrols and intelligence fusion, preventing insurgents from exploiting border zones as safe havens. Despite operational successes in liberating territories, the force faces ongoing challenges regarding funding, equipment disparities, and command coordination.

##### **4.6.2 Continental and Global Partnerships**

At the continental level, Nigeria aligns with the African Union (AU) and ECOWAS frameworks, such as the 2013 ECOWAS Counter-Terrorism Strategy. Globally, Nigeria collaborates with the United Nations (UNOCT/UNODC) to domesticate international standards through the Terrorism (Prevention and Prohibition) Act 2022. Bilateral partnerships with the United States, United Kingdom, and France provide critical technical support, intelligence sharing, and military training through initiatives like the Trans-Sahara Counterterrorism Partnership (TSCTP).

##### **4.6.3 Challenges to Cooperation**

Despite progress, international cooperation is often hindered by bureaucratic rivalries, sovereignty concerns, and language barriers. Unequal power dynamics sometimes result in an overemphasis on military solutions at the expense of socioeconomic interventions. To achieve long-term stability, Nigeria must institutionalize the NCTC as a hub for global engagement and prioritize a human security approach that addresses the root causes of radicalization within regional frameworks.

#### **CONCLUSION**

This paper has examined the complex and often contentious relationship between terrorism, counterterrorism, and human rights within the Nigerian context. It has demonstrated that while terrorism poses a serious and continuing threat to national security, social cohesion, and development, the methods adopted to confront this threat are equally significant. Counterterrorism measures that disregard constitutional safeguards and international human rights standards risk undermining the very values they seek to protect and may ultimately weaken the legitimacy of the state.

The analysis shows that Nigeria has established a range of legal, institutional, and operational frameworks to address terrorism, including military offensives, intelligence driven operations, financial regulation, and rehabilitation initiatives. However, persistent allegations of unlawful detention, excessive use of force, and lack of accountability reveal systemic challenges in the implementation of these measures. Such practices not only violate fundamental rights but also fuel public distrust, deepen grievances, and create conditions that may encourage further radicalization. The paper further underscores that terrorism in Nigeria cannot be effectively addressed through coercive means alone. Structural factors such as poverty, unemployment, corruption, weak governance, and social exclusion continue to provide fertile ground for extremist recruitment. A sustainable counterterrorism strategy must therefore integrate security responses with socio economic reforms, youth empowerment, gender sensitive approaches, and community based deradicalization programs. Equally important is the need to strengthen judicial oversight, ensure access to remedies for victims of abuse, and uphold the rule of law at all stages of counterterrorism operations. In conclusion, the pursuit of national security and the protection of human rights should not be viewed as mutually exclusive objectives. Rather, they are complementary and mutually reinforcing. Nigeria's long-term success in combating terrorism depends on its ability to adopt a balanced, lawful, and rights conscious approach that prioritizes accountability, transparency, and human dignity. Only through such an approach can lasting peace, justice, and stability be achieved.

## RECOMMENDATIONS

Nigeria's counterterrorism strategy should be firmly anchored on the rule of law and strict compliance with constitutional and international human rights standards. Security operations must be guided by clear rules of engagement, proportional use of force, and respect for due process to prevent abuses that undermine public confidence and legitimacy.

There is a need to strengthen accountability and oversight mechanisms within the security sector. Independent investigations into allegations of human rights violations should be institutionalized, and offenders must be prosecuted to deter future misconduct. Judicial oversight of detention, arrest, and prosecution in terrorism related cases should be enhanced to ensure transparency and fairness.

Government should adopt a comprehensive approach that goes beyond military responses. Greater investment in education, youth employment, poverty reduction, and social inclusion is essential to address the root causes of radicalization. Community based deradicalization and reintegration programs should be expanded and carefully monitored to ensure credibility and public safety.

Nigeria should further strengthen its legal and institutional framework for combating terrorist financing and money

laundering. This includes improving financial intelligence gathering, enforcing existing laws effectively, and enhancing cooperation among regulatory agencies in line with global best practices.

Gender considerations should be fully integrated into counterterrorism policies. Women should be recognized not only as victims but also as key actors in prevention, intelligence gathering, and peace building. Support services for women and children affected by terrorism should be prioritized.

Finally, regional and international cooperation should be deepened. Effective collaboration with neighboring states, regional bodies, and international partners is crucial for intelligence sharing, border security, and capacity building. Such cooperation must, however, remain consistent with human rights principles to ensure that counterterrorism efforts contribute to lasting peace and stability.

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