

## INTERROGATING THE NEXUS BETWEEN COUNTERTERRORISM AND HUMAN RIGHTS VIOLATION IN THE NORTH-EASTERN NIGERIA: THE ROLE OF UNCTITF

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### ABSTRACT

Boko Haram insurgency poses serious security threat to the Nigerian government. For this reason, the Nigerian government employs counterterrorism operation through the use of Joint Task Force (JTF), which is a combination of the military, paramilitary and police to counter the terrorist menace. Accordingly, the extreme use of force, coupled with chaotic military operation by the Joint Task Force in the name of counterinsurgency, resulting the violation of the fundamental human rights of many Nigerians. Consequently, United Nations Counter Terrorism Implementation Task Forced (CTITF) launches counterterrorism projects to contain a human rights violation, and enhances the state's capacity in fighting terrorism. Therefore, the aim of this paper is to assess the United Nations counterterrorism initiatives under the aegis of CTITF. The aim of this paper is to identify the implications of violating the rights of innocent citizens to the success of the counterinsurgency. It argues that any counterinsurgency operation that violent the rights of the people it intends to protect undermines human security. The study relies on the secondary data extracted from the journals, articles, books, magazines, newspapers and reports from the Amnesty International. It employs descriptive methods of data analysis. The article finds that this violation of human rights resulted from the failure of JTF to fully adopt the code of conduct and rule of engagement in combating insurgency. Therefore, the fight against insurgency can only be succeeded if the government gets the support of the ordinary citizens, rather than using extreme force to achieve its objective.

**Keywords:** Insurgency, Counterinsurgency, Human Security, Human Rights, Joint Task Force.

### INTRODUCTION

Terrorism is a phenomenon bedevilling the world for the many decades. It spawns negative impact on many countries across the globe. Terrorism has become a serious threat to the international peace and security. It generates grave menace and devastating consequences for the safety and security of the general population. The danger of terrorism knows no boundary, geographical location, race or religion. Terrorism has affected both developed and underdeveloped countries (Sanderson, 2004). It has been reported that, terrorism claims about 3,329 fatalities in 2000. Similarly, in 2015, 29,376 people died as a result of terrorist attacks. However, the remarkable terrorist attack occurs on 11 September 2001 in the United State of

America, where four planes were simultaneously hijacked and bombed the world trade centre these actions have resulted in the killing of many people (Nowak, 2018). For that reason, United States of America and other countries employ different strategies and tactics in combating terrorism. However, most of the measures used in countering terrorism have been characterized by violating the rights of the civilians, including allegation of extra judicial killing, unlawful detention, physical abuse, intimidation and other abuses by the security agents.

Against this background, the activities of Boko Haram pose serious threat to the Nigeria. Recently, the group has increasingly become deadly in its attacks against civilians and security agents in the country. Boko Haram has caused widespread mayhem and killing a lot of both civilians and security agents. In an effort to assume responsibility of protecting its population from the menace of terrorist groups, Nigerian government pursues counterterrorism activities against Boko Haram (Blanchard, 2014). The Nigerian government establishes Special Task Military Task Force (JTF) with the intention to annihilate the group and restore order to the country particularly in the North-eastern region. The JTF is a combination of Nigerian Army, Nigerian Air Force, Nigerian Navy, the State Security Service and Police Force. However, there are various allegations of human rights violation by the JTF against the civilians while countering terrorism. As a result of that Nigerian people find themselves trapped between two vicious and violent opponents (Boko Haram and Security Forces). Both Nigerian security forces and Boko Haram have been indicted with war crimes by media outlets and human rights organisations.

Consequently, by 24 January 2012, Counterterrorism Implementation Task Force (CTITF) launches in Nigeria with the aims of enhancing the Nigerian capacity in countering terrorism as well as protecting human rights while countering terrorism. The CTITF establishes in 2005 under the aegis of United Nations system in order to enhance harmonization and rationality in global counter-terrorism measures. However, the terror group activities and violation of human rights by the security forces continues. Therefore, this paper tries to assess the effectiveness of Counter-terrorism Implementation Task Force (CTITF) in preventing human right violation while countering terrorism in Nigeria.

## **CONCEPTUALISING TERRORISM**

Terrorism is not a new phenomenon. But, the concept transpires during the 18<sup>th</sup> century in France. Even though, there were many examples of terrorist attacks in the past. However, terrorism, receives more attention after September 11, 2001 attack. This terrible event transforms the idea and discourse on terrorism more than ever before in the world history. More so, scholars categorize terrorism into “old” and “new” terrorism (Cohen and Taylor, 2018). Lesser (1999) describes “old terrorism” as an action aims to achieve certain social, political and economic objectives. He maintains that, in “old terrorism” the terrorists have been targeting government properties or engage in killing, kidnapping, assassination of government officials. Whenever the terrorists carried out an action, they usually broadcast and claim the responsibility. Also, “old terrorism” has more comprehensive objectives than “new terrorism” and that makes it easier for the government to reach and negotiate with the terrorists.

On the other hand, “new terrorism” aims to cause mass casualties among the vulnerable civilians. The main target of the “new terrorism” is to kill many people and at the same time inflicts fear among the general population. Scholars identify the early 1990 as the beginning of the new terrorism, when the terrorist ideologies begin to change from secular to religious-based movement. This movement has been guided by radical religious exegesis that motivates terrorists to carry out suicide bombing to die as martyrs (Seto, 2001). Even so, the existing of “new terrorism” does not mean the disappearing of the “old terrorism”. In this respect, Laqueur argues that “A new age of terrorism is dawning, but the old terrorism is far from dead” (1999: 32).

In spite of these chronological overview and changing pattern of terrorism, but no single definition of terrorism exists among scholars, policy makers and other stakeholders. Defining terrorism continues to be the most contested issues among government officials and academicians. This is because the definition of the terrorism has been influenced by political, cultural and social factors. As a result of that, any attempt to achieve universally accepted definition of terrorism among the academicians proved abortive, because the interpretation of the act of terrorism has been considerably shaped by power, politics and subjective exegesis (McCann and Pimley, 2018). In spite of that, scholars deliberate about what elements constitute reasonable definition of terrorism. Schmid and Jongman (2005) study 109 scholarly and official definitions of terrorism where they identify three elements of terrorism, which include the use of violence, political killings and intention to incite panic to the target population. However, Gerhard Schmidchen sees terrorism as “an action theory of illegal political behaviour” (Jongman, 2017: 4). In spite of that, many academicians, international organizations and state institutions regard any action with real intent to cause fear and intimidation as the key definitional element of terrorism. To Hoffman, terrorism is a “purposeful human political activity which is directed toward the creation of a general climate of fear and is designed to influence, in ways desired by the protagonist, other human beings and, through them, some course of events” (cited in PISOIU and HAIN, 2017)

However, Kurtulus (2017) argue that the major ideologies of terrorist, including propaganda by holy scripture, armed propaganda, guerrilla warfare and Jihadist beliefs provide inadequate evidence to conclude that the major strategic target of terrorism is to incite fear and intimidation. Notwithstanding the religious or political indoctrination and the historical background, terrorists engross with similar objectives that include mobilizing groups of people with shared interests or beliefs, revenging their fallen partners, killing or bombing of their perceived enemies. Kurtulus (2017) maintains that, undoubtedly the indiscriminate attacks by the terrorists caused fear to the general public, but the essential aims of the terrorists are to suppress dissent. Therefore, fear, intimidation or terror can be used as a tactic by terrorist with the implicit aim of savagely demoralize the enemies.

## **HUMAN RIGHTS**

The concept of human rights first introduces in the international discourse under the aegis of the United Nations Charter of 1945. It aims to protect and preserve the fundamental human rights and human dignity. In line with this, Freeman (2017) argues that, human rights law originated from the Universal Declaration of Human Rights (UDHR), and supported by the

UN General Assembly in 1948. He maintains that human rights law brought about significant changes in the international human rights agenda. Freeman relies on Article 1, which states that “All human beings are born free and equal in dignity and rights”. However, the idea of human rights present by the 1948 Declaration never matched for the reality. Recently, the violation of human right is becoming very obvious. In many countries, some people have become victims of insurgency, persecution and other crimes against humanity. Unfortunately, most of these human rights violations have been happening under the watch of the international community. Sometimes, the issues of sovereignty and mandate become obstacles for them to intervene. Conversely, this is not consistent with the Article 2, which stated that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”(UNHR, 1948).

Comparably, Illah (2014) concurs with Freeman and asserts that, human beings are born with undeniable rights. To him, these rights are inalienable and everyone has the right to live with dignity and safety. Illah argues that the world witnessed “right revolution” with the endorsement of the Universal Declaration of Human Rights (UDHR). The Declaration enhances the human rights protection of refugees and other people of concern (such as IDPs). He states that, about 45.2 million people were forcibly displaced globally as a result of conflicts and other human rights abuses. Among those displaced; there were 15.4 million refugees, 28.8 million IDPs, and others include asylum seekers. About 10.5 million were under the UNHCR mandate. However, the vulnerability of these people of concern was related to human rights protection and safety. In spite of all the efforts of the UNHCR and other humanitarian bodies in providing protection and assistance to the vulnerable groups, but there are certain lacunae within their protection strategy. Their effort appears to be inadequate, as it fails to sufficiently cover all the needs of those people of concern.

Ross-Larson (2000) asserts that, every person is entitled to human rights protection, by virtue of his/her being human. No nation can truly be free without respect and better protection of human rights. Therefore, it is imperative for the international community to intervene and prevent any systematic violation of human rights. This is because the main target of the 21<sup>st</sup> century is to achieve human rights for all people irrespective of the country. He upholds that, the adoption of the Universal Declaration of Human rights in 1948 was a strong move to achieve international human rights protection as part of global responsibility. Nowadays, five out of six core covenants and conventions on economic, civil, political, social and cultural rights have been formally approved by more than 140 countries. At the same times, Protocol II to the Geneva Conventions that applies to internal conflict. Article 3 of the Convention specifically concerns with the internal conflicts, because most of today’s gross human rights violations occur within the national borders, targeting innocent civilians. However, gross human rights violations continue unabated within the national borders of many countries in the world. Internal conflict/insurgency is one of the challenges of the 21<sup>st</sup> Century, which causes millions of people to becoming refugees and internally displaced persons. The displacement goes along with gross and systematic violation of human rights. Therefore, still much need to be done in developing an international institution that has a clear mandate with institutional capacity to tackle the gross human rights violation within the national borders.

## **COUNTERING TERRORISM AND HUMAN RIGHTS VIOLATION: THE NORTH-EASTERN NIGERIAN EXPERIENCE**

Terrorism as an act of violence against the general public for political reason is a gross crime that, when it becomes pervasive or systematic can amount to crimes against humanity. National authorities have the primary responsibility to protect those within their jurisdiction from the insurgent attacks. However, Human Rights Watch and other relevant United Nations agency to keep an eye on the states' actions to ensure that they do not violent the rights of their citizens.

Jama'aAhl as-Sunna Lida'wa-al Jihad emerges as an Islamic sect popularly known as Boko Haram. The sect becomes popular when Mohammed Yusuf, a radical Islamic cleric takes over the mantle of leadership. It advocates strict implementation of the Sharia system in the country. Mohammed Yusuf was arrested and eventually extra judiciously killed by the Nigerian police in 2009. Nonetheless, before the killing of its sect leader, the group engages in intermittent clashes with the Nigerian Police particularly in Borno and Yobe. But the killing of its leader further radicalizes the group to become more violent and dangerous (Okoli & Iortyer, 2014). Many spectators and political analysts view the action of the Nigerian security forces have considerably instigated or fuelling the ember of the Boko Haram terrorism in the country. That suppression of the group has followed by mass execution, extra-judicial killings and arrests without trial distances the communities and the security forces (Pérouse De Montclos, 2014).

Consequently, Boko Haram carries out series of indiscriminate attacks, mostly targeting civilians and security agents. The group engages in guerilla fighting, hitting police stations, military formations and other government institutions. Boko Haram fighters indiscriminately attack several churches and mosques leading to mass casualties. It has been estimated that more than 15, 000 people kill by Boko Haram insurgent groups, including more than 6, 000 in 2015 alone. Many people have been forcibly displaced from their homes either within or out the border of the Nigeria. At least about 2.8 million people have been displaced as a result of Boko Haram insurgency (Congressional Research Service, 2016). These activities of the Boko Haram pose significant threat to Nigerian human security and stability. Therefore, Nigerian government finds it necessary to adopt a counterterrorism strategy to deal with Boko Haram. Consequently, the state of emergency has been declared in the most affected North-eastern states of Borno, Adamawa and Yobe (Falode, 2016).

In relation to this, the Nigerian government has created a Special Joint Military Task Force is popularly known as a Joint Task Force (JTF). It is the combination of Nigerian Army, Nigerian Air Force, Nigerian Navy, State Security Service (SSS) and the Nigerian Police. They have been mandated to counterbalance the activities of Boko Haram in the North-eastern Nigeria. Since then Nigeria has been trapped in a vicious circle of terrorism and counterterrorism between the Nigerian JTF and Boko Haram group. Ironically, the JTF who is supposed to protect the civilians engage in violating their fundamental human rights, contrary to the Nigerian Constitution and international human rights law. There are series of allegations against JTF concerning issues of extra-judicial killing, rape, demolition of houses, harassment and intimidation of the civilians. In line with this, Amnesty International has

reported many cases of extra judicial and summary killing, forced evictions, burning houses, unlawful arrests, denied access to lawyers, denied the right of fair hearing, unlawful detention, delayed prosecution and other abuses against civilians (Amnesty International, 2012; Akinyemi & Akinrefon 2012). For this reason Nigerian security agents describe as:

In fact, the Nigerian state itself often acts like a terrorist entity. For years, the term “unknown soldiers” was a euphemism for terror as dispensed by uniformed, anonymous and, therefore, untouchable servants of the state...When agents of the state act with impunity, as is too often the Nigerian case, they lend credence to the extremists’ narratives which portray the state as degenerate, reprobate and unjust...In time, the impunity of the powerful finds a fatal coefficient in the impunity of the powerless. Thus, the age of the unknown soldiers bred the age of the “unknown gunmen” variously described as terrorists, militants and insurgents (Ngwodo, 2015:1).

The report of the Amnesty International and Nigerian newspapers report many cases of human rights violations by the Nigerian military. For instance, on 9 July 2011, in retaliation of killing of their members in a car explosion by the Boko Haram, the military abducted 18 people in Kaleri area of Maiduguri from their homes and eventually shot them to death. Likewise, on 27 December 2011, at Kawar Maila area of Maiduguri JTF arrested about 9 people suspected to be the members of Boko Haram. The arrested people were found dead and their corpses left at the University of Maiduguri General Hospital. Also, on 25 April 2012, the military got provoked by explosion claimed to be planted by Boko Haram, and that resulted the killing of 1 person and burning of 4 houses by the military in Kawar Maila, Maiduguri (Sampson, 2015).

Other incidents include that, on 8 October 2012, the military JTF burnt 50 houses, 50 vehicles and killed about 70 people (both civilians and suspected terrorists) in Gwange area of Maiduguri. This was done in retaliation for killing of JTF members by Boko Haram. Again, on 17 October 2012, JTF killed 6 people in Gamboru and Monday Market area of Maiduguri, in retaliation the killing of their colleague through explosion allegedly planted by Boko Haram. Additionally, on 21 October 2012, senator Zanna accuses the JTF of killing 15 boys playing football in Maiduguri (Sampson, 2015). Similarly, Human Rights Watch reports that, on 17 January 2017, Nigerian Air Force bombed IDP camp in Rann, Borno State, killing at least 234 people according to the local official. The report maintains that, the people killed include about 9 workers and 100 people seriously injured. Although the military claimed that the bombing of the IDP camp was a mistake (Human Rights Watch, 2018).

Furthermore, Amnesty International reports that, military unlawfully has arrested and detained many people, including children in the military detained centre. The detainees have deprived from getting access to lawyers and family members. Accordingly, in April 2017, the military has discharged 593 detainees and 760 in October 2017. It also reports that, more than 4,900 people have been detained in the military detaining centre of Giwa Barrack. The detaining centre has been awfully overcrowded and that has resulted the death of about 340 detainees due to various diseases, dehydration and hunger. Also, about 200 children below the age of 6 have been detained in that overcrowded and unhygienic place. Some women have given birth in detention. The report continues that, many women have been arbitrarily

detained without trial, suspecting to be related to the Boko Haram members (Amnesty International Report, 2018). Recently, one of the Nigerian newspaper report that, manager of Amnesty International Nigeria, Isa Sanusi discloses that Nigerian military separates women from their husband and take them to isolated “satellite camps” where they have been raping them, sometime in exchange of food (Vanguard News, 2018).

## **COUNTER TERRORISM IMPLEMENTATION TASK FORCE (CTITF) AND HUMAN RIGHT PROTECTION**

The United Nations Counter Terrorism Implementation Task Force (CTITF) establishes in 2005 by the Secretary General of the United Nations. It aims to achieve general coordination and increase coherency in the counterterrorism efforts of the UN system. CTITF seeks to ensure development of the UN Global Counterterrorism Strategy and full implementation. The Task Force comprises 36 UN entities across the UN system and all the UN member states. The UN entities include INTERPOL, UNODC, UNESCO, CTED and others. The UN Global Counter Terrorism Strategy focuses on four pillars including (1) Tackling the condition encouraging the spread of terrorism, (2) measures to prevent and combat terrorism, (3) Building state capacity to prevent and combat terrorism and reinforces the role of the United Nations, and (4) To ensure respect for human rights for all and the rule of law as the fundamental basis for counterterrorism (Adebayo, 2015; Fink, 2014).

The role of the CTITF is to supplement and enhance member states’ actions taken at countering terrorism. The Task force brings together the individual actions of different UN bodies in an effort to counter terrorism. Through Working Group and other schemes, CTITF focuses on the following functions:

- a) Helping the member states to implement strategy in an integrated way.
- b) Creates an avenue to deal with political and economic exclusion among youth.
- c) Improving technical assistance, assessment.
- d) Preventing the Use of the Internet for Terrorist Purposes.
- e) Preventing financing of terrorism.
- f) Protecting human rights while fighting terrorism.

The establishment of the Counter Terrorism Implementation Task Force (CTITF) provides an essential global body to manage terrorism and other related activities of 34 entities. However, in West Africa, the CTITF work within the framework of Integrated Assistance of Countering Terrorism (I-ACT). Currently, Nigeria works within the framework of Integrated Assistance of Countering Terrorism (I-ACT). The framework aims to provide Nigeria with a holistic and integral approach to apply UN Global Counter Terrorism Strategy. On 24 January 2012, CTITF launches three projects in Nigeria under the I-ACT in Abuja, Nigeria. It has been initiated with the aim to support the Nigerian government effort in combating terrorism. By virtue of the complexity of the security situation in Nigeria, the CTITF projects particularly plan to “build community resilience against terrorism, enhance cooperation among law enforcement agencies and strengthen judicial institutions” (The Beam, 2012).

The CTITF Working Group on Promoting and Protection Human Rights and Rule of Law while Countering Terrorism has been created to support member states’ efforts to guarantee

and protect human rights and the rule of law while countering terrorism. It seeks to ensure the implementation of the United Nations Global Counter Terrorism Strategy by incorporating human rights and the rule of law into the pillars of the strategy. In line with this, on 16-18 July 2015, the workshop training organises in Abuja, Nigeria by the CTITF Working Group on Promoting and Protection Human Rights and Rule of Law while Countering Terrorism. Nigerian security officials as well as OHCHR representatives participate in the workshop. The purpose of the workshop focuses on three areas developed by the CTITF Working Group, including international legal framework, protecting human right while countering terrorism and legal restriction on the use of force. Furthermore, it aims to help Nigerian security on how to respond to the Boko Haram threat and at the same time protect the rights of the civilians (The Beam, 2015).

On the other hand, the Office of the High Commissioner for Human Rights (OHCHR) as one the active members of the CTITF have been promoting human rights protection in all the activities of the CTITF. OHCHR operates as a co-chair of the Working Group on Promoting and Protection Human Rights and Rule of Law while Countering Terrorism. It has been drawing the attention of the CTITF and its entities to respect human rights and the rule law as the cardinal principles of countering terrorism (OHCHR, 2018). OHCHR has been clamouring human rights as the basis of counterterrorism policies through “technical assistance and capacity-building initiatives, as well as monitoring, advocacy for and reporting on human rights-compliance in the counterterrorism context” (FIDH, 2017: 79).

## CONCLUSION

The Nigerian government implements counterterrorism task force to curtail the human rights violation against civilians by the security agents. However, experience shows that the task forced does not make any significant change as far as violation of human rights is concerned. The military harassing and intimidating civilians remain unabated as the cases of human rights violation has been reporting. The human rights violations have not been adequately addressed. The human rights should be the basis of counterterrorism and for that to be successful, there is needed for monitoring and reporting advocacy for ensuring human rights compliance. Furthermore, there is a need to incorporate “soft power” in counterterrorism for it to be effective and successful. The soft power approach is population-centric approach that will make government to get people support in fighting terrorism.

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