

1 CURBING RELIGIOUS EXTREMISM OF BOKO HARAM INSURGENCY IN NIGERIA: JUDICIAL INTERVENTIONISM AND HUMAN RIGHTS ABSOLUTISM

Wahab O. Egbewole¹
Hanafi A. Hammed²

INTRODUCTION

The violent activities of the extremist Islamic sect Boko Haram have made Nigeria a ruptured state, eliciting security concern for the international community and heightened fears among the populace. The consequence led to decline in internal security, high rate poverty, bad governance among political office holders and reactions precipitated from the state raised questions about the effectiveness of governance and security agencies in Nigeria. These were demonstrated in the declining capacity of its institutions to deliver public goods, such as safety, transportation, water, medical care, electricity power supply and education.³ Key human development sectors like education, health, economy, judiciary and security agencies are poorly funded or underperforming.⁴ In the north, millions of *almajiri* students are sent to Quranic schools, far from their parents and required to beg for alms or work as domestic helpers to pay for their upkeep.⁵ The people involved in the *almajiri* system are often imagined to oppose modern developments and even as the quintessential challenge to a modern Nigeria.⁶ Many take the fact that the *almajirai* do not conform to blueprints of modern childhood as a sure indication of

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- 1 Professor of Jurisprudence & International Law, Former Dean, Faculty of Law, Director, General Studies, University of Ilorin, Nigeria.
 - 2 Senior Lecturer, HOD, Public & International Law, Al-Hikmah University, Ilorin, Nigeria.
 - 3 International Crisis Group. 2014. "Curbing Violence in Nigeria (III): The Boko Haram Insurgency", Report No. 216, 3 April, 8.
 - 4 In Gombe, Borno, Kebbi, Niger and Kwara States, UBE funds are being funnelled into pockets of multiple contractors. "How UBE Money Becomes Slush Fund", *Daily Trust*, 16 October 2011.
 - 5 *Almajiri* is the Hausa derivative of Arabic *al-Muhajirin*, the emigrants, which refers to those who followed the Prophet Mohammed's migration from Mecca to Medina. Sending children to Islamic teachers is a longstanding practice, especially of fathers with many children. Many parents prefer sending their children to imams who teach them the Quran and Arabic rather than Western-style schools they believe have "corrupting" influences.
 - 6 Hoechner H. 2014. "Traditional Islamic Students (Almajirai) in Nigeria: Fair Game for Unfair Accusations?", in Perouse de Montclos M-A (ed): *Boko Haram: Islamism, Politics, Security and the State in Nigeria*. Leiden: African Studies Centre, West African Politics and Society Series, 2:63.

their potential for violence and inability to become functional members of society. In a context of urbanisation, this practice is open to abuse and criminality.⁷

The eruption of the Boko Haram insurgency in July 2009 stands out unique because of nebulous nature of their demands, the mystery surrounding their agenda and the faceless features of the perpetrators.⁸ Boko Haram got involved in dirty politics immediately Mohammed Yusuf became popular and was potentially able to bring votes to the then governor of Borno State. Poverty and bad governance in Borno state helped Mohammed Yusuf to become popular and politicised his struggle.⁹ A series of clashes between Boko Haram members and police escalated into an armed insurrection in 2009, with soldier troops crushed the rebellion, killing hundreds of followers and destruction of their principal mosque. Mohammed Yusuf was captured, handed over to the police and shortly thereafter extrajudicially executed.¹⁰

Boko Haram is one of the several profound security threats to Nigeria's stability and has quickly grown to be a challenge because it taps into wide discontent with bad governance, corruption and official impunity. Though, the security agencies claimed that they have subdued the insurgent, but reality must be faced, they are still much on ground and continuing to wreak havoc on daily basis. Within January to March 2017, eight different attacks have been launched. The last one was on 1 March 2017, at the NNPC depot in Maiduguri. No doubt, the capacity of Boko Haram has been seriously reduced, but there is still a lot to be done.

Boko Haram insurgency in Nigeria requires policy makers to look beyond Western security templates of Islamic terrorism to grasp the underlining causes of what is primarily a Nigerian conflict. This policy should examine the four explanatory factors behind the insurgency: Economic marginalisation, governance failure, extremist operations and security failures. Economic causes are traced to poverty, unemployment and extreme inequality among citizenry, while governance failures relate to national religious polarisation, political brinksmanship among religious elite and rampant corruption in the face of mass poverty. Recommendations for international policy interventions focus on four areas of constructive engagement.

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- 7 Last M. 1991. "Adolescent in a Muslim City: The Cultural Context of Danger and Risk", *Kano Studies*. Special Issue. Kano: Bayero University, Kano.19. According to a former Education Minister, Ruqayyatu Ahmed Rufai, Nigeria had an estimated 10.5 million out-of-school children in 2012, 3.6 million or more than in 2000 and 42% of the primary school age-population. "Nigeria: Declining Enrolment in primary Education in Nigeria – Who Bears the Responsibility?", *Premium Times*, 4 April 2013.
 - 8 Uzoigwe JC. n.d. "The Constraints of Government Security Agencies in Tackling Terrorism in Nigeria – A Case of Boko Haram". Online at: http://www.academia.edu/4210854/The_constraints_of_Government_security_agencies_in_tackling_terrorism_-_A_case_Study_of_Boko_Haram
 - 9 See Perouse Montclos M-A. 2014. "Boko Haram and Politics: From Insurgency to Terrorism", in Perouse Montclos (ed). *Boko Haram: Islamism, Politics, Security and the State in Nigeria*, 2.
 - 10 International Crisis Group, "Curbing Violence in Nigeria (III)", 6.

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These include diplomatic pressure on the Nigerian government to demonstrate adequate political will to address the insurgency and to provide human rights training and appropriate equipment for the military.¹¹ This chapter examines the evolution of Boko Haram, human rights abuses by Boko Haram and soldiers troops, and how judicial intervention can be the best mechanism to curb religious extremism (Boko Haram) insurgency in Nigeria. The chapter also assesses negotiation as political alternative measure to halt Boko Haram atrocities in Nigeria and s finally highlighted humanitarian consequences of Boko Haram insurgency.

EVOLUTION OF BOKO HARAM INSURGENCY IN NIGERIA

The menace of insurgency is not novel in Nigeria. The first known insurgency attempt in Nigeria was the movement to liberate the Niger Delta people led by Major Isaac Jasper Adaka Boro. On 23 February 1966, he declared the Niger Delta Republic and rebelled against the Federal Government. Their anger was on perceived exploitation and total disregard of the Niger Delta region.¹² Another case of insurgency in Nigeria was the Biafrans' attempt to secede from Nigeria because of perceived marginalisation. The group, led by late Colonel Odimegwu Chukwuemeka Ojukwu, declared the Republic of Biafra on 27 May 1967. This action led to Nigerian Civil War, known as the Biafran War, which was one of the most brutal wars witnessed on the African continent.¹³ More than thirty years after the demise of Major Isaac Adaka Boro, there was a resurgence of armed protest against both the federal government and the multinational companies conducting oil exploration in the Niger Delta in the early 1990s. This insurgency, led by a human rights activist, Ken Saro-Wiwa, was decidedly unfocused as it targeted oil companies, the government and even the chieftains and their middlemen. The killing of Ken Saro-Wiwa led to a fully-fledged insurgency that claimed many lives and wanton destruction of properties. The insurgency lasted for months before then Nigerian President, Rtd Gen Olusegun Obasanjo, used military force to silence majority of them. Finally, late president Umaru Musa Yar'adua employed dialogue and granted amnesty to the militants to arrest the situation.

The most recent and appalling insurgency in Nigeria is the *Jama'atu Ahlil Sunna Lida'wati Wal Jihad*, popularly known as Boko Haram. It is, without doubt, the most sophisticated and complex insurgency that Nigeria has ever experienced. In describing it, Mohammed Yusuf said that the first open challenge to government authority in this area was a tiny group of people who withdrew from the urban

11 Meagher K. 2014. "Beyond Terror: Addressing the Boko Haram Challenge in Nigeria". NOREF Norwegian Centre for Conflict Resolution Policy Brief, 11 November.

12 Ngozi G, Egbue NG, Nwankwo IU and Alichie BO. 2015. "Curbing Boko Haram Terrorist Insurgence in Nigeria: Imperatives of Quadruple Action Package of Limited Military Response, Improved Social Services, Conflict Resolution Initiatives and Modified Pacifism", *British Journal of Arts and Social Sciences* 20(1):18.

13 Egbue et al., "Curbing Boko Haram Terrorist Insurgence in Nigeria".

landscape of Maiduguri to the rural Kanama in the Yunusari local government area of Yobe State in the North-Eastern Nigeria in December 2003. They referred to themselves as the Nigerian Taliban.¹⁴ The militants launched attacks on police stations, government buildings and generally wreaked havoc on the Yunusari, Tarmuwa, Bosari, Geidam and Damaturu local government areas of Yobe State between 21 December 2003 and 1 January 2004.¹⁵ Members of this group were mostly young people in their twenties. This was a very diverse group, which also included females assigned domestic chores such as cooking and fetching fire wood and water. Some of them were children of notable public figures, including a nephew of the then governor of Yobe State, a son of the secretary to Borno State government and five children of a local wealthy contractor.¹⁶

The primary internal causes of radicalisation leading to violent conflicts in the Northern Nigeria were the retreating state and declining economic fortunes of the 1980s consequent upon Structural Adjustment Programmes, which pauperised Nigerians.¹⁷ These conditions and the mismanagement of the limited resources and crass display of wealth by the ruling class in the midst of widespread poverty are all conducive to anger and frustration, which were expressed in religious terms.¹⁸ Frustrations caused by poverty and unemployment played a critical role in making some youths fall victim to the appeals of violent extremist ideologies.¹⁹ Boko Haram mobilised and radicalised unemployed, unskilled and poverty-stricken youths to join its cause and dislodge the secular, Boko-controlled state in Nigeria. The sect believed that the solution was to overthrow the secular Nigerian state and introduce strict application of *sharia* as moral societal cleanser to effectuate the creation of an Islamic state devoid of corruption.²⁰

14 Interview with anonymous security officer who took part in the investigations at Kanama, Nigeria, 11 April 2010.

15 Kyari M. 2012. "The Message and Methods of Boko Haram", in Perouse Montclos M-A (ed). *Boko Haram: Islamism, Politics, Security and the State in Nigeria*, 12. Online at: <https://openaccess.leidenuniv.nl/bitstream/handle/1887/23853/ASC-075287668-3441-01.pdf?sequence=1>

16 Nephew to Bukar Abba Ibrahim, Governor of Yobe State (1999–2007), now a serving Senator; son of Abba Gana Terab, Secretary to the Borno State government; and five sons of Alhaji Kamar Adam. Interview with anonymous security officer who took part in the investigation at Kamar, on 11 April 2010.

17 Adamu SH and Abba A. 2000. *The Living Conditions of the Talakawa and Sharia in the Northern Nigeria*. Zaria, CEDDERT.

18 Adamu and Abba, *The Living Conditions of the Talakawa and Sharia in the Northern Nigeria*.

19 Isa MK. 2010. "Militant Islamic Groups in Northern Nigeria", in Okumu W and Ikelebe A (eds). *Militias, Rebels and Islamist Militants: Human Security and State Crises in Africa*. Pretoria: Institute of Security Studies, 313–340.

20 Onuoha F. 2012. "Boko Haram and the Evolving of Salafi Jihadist, Threat in Nigeria", in Onuoha CF (ed). *Boko Haram: Nigeria's Extremist Islamic Sect*. Doha: Al-Jazeera Centre for Studies, 182.

JUDICIAL INTERVENTIONISM AND CONFLICT MANAGEMENT

Conflict resolution can be conceptualised as the method and process employed in facilitating the peaceful ending of conflict situations and retribution as the essence and goal of the judiciary in any society including Nigeria.²¹ The issue to be interrogated is whether the judicial intervention is imperative and whether the intervention is being explored to curb religious extremism. It should be appreciated that every conflict has a specific context, history and background which deserves to be acknowledged in resolving the conflict situation.²² Often times, conflict resolution aims at finding a “win-win” solution or mutually satisfying standpoint for everyone involved.²³ Nonetheless, achieving such compromise can be very difficult. Even more so, direct communication between conflicting parties that overtly addresses issues at stake in the conflict can be perceived as very rude, making the conflict worsen and delaying resolution. Involving religious, tribal or community leaders, communicating indirectly through a third party and making suggestions through stories are some useful options in conflict resolution.

In contemplating solutions to terrorism, terrorists have been divided into absolute and traditional categories. In the absolute type, parties are not willing to enter into political discourse. Their demands are immediate, unconditional and universal, often using suicide attacks to draw attention to their issues like Boko Haram. In contrast, traditional terrorists focus mostly on ethnic and ideological courses, such as changing a specific political structure in a particular location.²⁴

Notwithstanding that Boko Haram terrorist insurgency in Nigeria is a typical example of absolute terrorism with hidden leaders and unclear objectives, it must be emphasised that the effective appropriate strategy should be non-violent. Absolute reliance on the use of force is a less reliable approach to subdue terrorists.²⁵ It is in the light of the foregoing that the prospects of resolving Boko Haram terrorist insurgency in Nigeria are bright, provided that an appropriate, effective and broader set of conflict resolution strategies is applied. Such conflict resolution options will stimulate much desired peace and put Nigeria back on the path of socio-economic development.²⁶ In our view, one such mechanisms is to establish justice through the instrumentality of the law, judicialism and constitutionalism.

21 Constitution of the Federal Republic of Nigeria, 1999, sec 6(6) provides for the powers of the judiciary in the resolution of disputes.

22 Obiajulu AO. 2011. “Social Conflicts: Determinants and Resolution Methods”, in Ezeah PC (ed). *Fundamental Issues in Sociological Studies*. Akwa: Fab Anieh.

23 Ury F and Rodger F. 1981. *Getting a Yes: Negotiating Agreement without Giving*. New York: Penguin Group.

24 Hayes RE, Kaminski Stacey RB and Steven M. 2003. “Negotiating the nonnegotiable: Dealing with Absolutist Terrorist”, *International Negotiation* 8(3):9-24.

25 Post JM, Ruby KG and Shaw ED. 2002. “The Radical Group in Context: Identification of Critical Elements in the Analysis of Risk for terrorism by radical Group Type”, *Studies in Conflict and Terrorism* 55:101-126.

26 Egbue et al., “Curbing Boko Haram Terrorist Insurgence in Nigeria”, 23.

Judicial interventionism

The judicial system is central to the settlement of disputes, enthronement of justice and protection of human rights and freedoms in Nigeria. Courts play major role in ensuring that victims and potential victims of human rights abuses obtain effective remedies and protection. As a corollary, the justice system ensures that the perpetrators of crimes are brought to justice in accordance with the rule of law. The judicial system is an essential check and balance on the other branches of government. It should ensure that laws of the legislative and the acts of the executive agents comply with international human rights and the rule of law.²⁷

Judicial interventionism refers to the adjudicatory method of resolving conflict. Adjudication involves the use of courts and other litigation processes. Parties to a dispute are usually represented by their counsels. The court is usually informed by the counsel of the parties in dispute. Evidence is usually taken which are important in determining the facts of the conflict. Court rulings on the issue(s) in dispute are binding on parties. Appeals can be made to a higher court. Judicial decisions are usually enforced. Although Boko Haram leaders and membership have remained faceless and unknown, making it difficult for the group to be summoned, arbitration is still a relevant tool. In these cases, members of Boko Haram arrested for their involvement in the nefarious activities should be charged to courts and allowed access to counsel of their choice. In this way, some of their grievances, demands and possible pacifiers may be uncovered. Furthermore, public enlightenment on the need to take matters against the government to law courts for adjudication should be stepped up, while costs of litigation are minimised.²⁸ The present state of affairs, in which individuals are arrested, detained and not brought before the court, is unacceptable and totally against international norms and best practices.

Human rights group claimed that many Boko Harm have been held in overcrowded, unsanitary condition in military detention facilities without access to lawyers or ever having appeared in court.²⁹ There have been questions about the ability of the Nigeria's judicial system to handle many cases at once and even of simple procedural details such as whether defendant will be tried on their own or together; whether judiciary has the capacity to give so many people charged with very serious offences a fair trial; whether judiciary has taken into account the fact that a lot of those who committed violence for Boko Haram did so under duress. All these are red flags and very concerning in terms of broader statement.³⁰ Lack of evidence means that investigation will largely have to rely upon defendant's confessions.

27 International Commission of Jurists. 2007. "International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors". Practitioners Guide No.1. Second Edition. Geneva: International Commission of Jurists, 3. Online at: <http://www.refworld.org/pdfid/4a7837af2.pdf>

28 Obiajulu, "Social Conflicts: Determinants and Resolution Methods."

29 Agence France Press. 2017. "Nigeria Court Remand 300 Boko Haram Suspects", *News 24*, 11 October.

30 Burke J. 2017. "Boko Haram Suspects to Start in Nigeria", *Guardian News*, 9 October.

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From experience, violence is often employed in such instances in order to get the accused to talk. Tola said: "I have had the cases in which there were blood stains on signed confessions. Torture was clearly used to get people confessions."³¹

In 2011, Nigeria enacted the Prevention of Terrorism Act (amended in 2013) which punishing the crime of terrorism as well as offences of supporting, financing, encouraging and supplying materials to terrorists. The Act is strong in criminalising support to Boko Haram but it is weak as a tool to attack terrorism because it has very broad definitions of elements of the offence it created. Thus, apart from the conviction and sentence to life imprisonment of Kabiru Sokoto and his co-accused, who masterminded the 2013 Christmas day bombing near Abuja, no other notable terrorist has been successfully prosecuted and convicted under Prevention of Terrorism Act.³²

A Federal High Court Sitting in Kainji, Niger State, Nigeria has convicted and sentenced 45 Boko Haram members to between 3 and 31 years imprisonment following the conclusion of the first phase of the trial during which 575 Boko Haram suspects were arraigned. The court ordered that the 468 discharged persons should undergo deradicalisation and rehabilitation programme before they are handed over to their respective states government. Apart from this, 205 people have been convicted on charges related to their involvement with militant Islamist group Boko Haram. The justice said that the conviction of 205 people in mass trials marked the conclusion of the second stage of the country's biggest challenge of Boko Haram which began an insurgency in 2009 aimed at creating an Islamic state in the Northern Nigeria. Most of them were convicted for confessing to belong to the terrorist group, or concealing information about the group which they knew or believed to be of material assistance that could lead to the arrest, prosecution or conviction of Boko Haram members.³³

Also, over 2,300 suspected Islamist militants appeared in court in October 2017 in an unprecedented series of mass trials that local authorities hope will be seen as evidence of progress in fight against Boko Haram. All the defendants have been detained since Boko Haram launched its campaign in 2009.³⁴ The trials have been held in secret and only four judges are handling all the cases with one hundred cases each. This raises concerns and could undermine the fight against the group and amount to justice delay and abuse of rights of the defendants. In October 2017,

31 Scholz JP. 2017. "Trial of Boko Haram in Nigeria Poses Legal Nightmare", *Deutsche Welle*, 10 October.

32 Ohino O. 2017. "Judicial and Institutional Development in Nigeria against Atrocity Crimes and the Protection of Victims", Nigerian Coalition on the ICC, 13 March. Online at: <http://ledapnigeria.org/judicial-and-institutional-developments-in-nigeria-against-atrocity-crimes-and-the-protection-of-victims>

33 "Nigeria Convicts 295 Boko Haram Suspects in Mass Trials", *Voice of America*, 18 February 2018.

34 Burke J. 2017. "Secret Trials of Thousands of Boko Haram suspects to Start in Nigeria", *The Guardian*, 9 October.

over 400 suspects were released with just 45 jailed for their involvement in the Boko Haram insurgency which has killed more than 20,000 people and displaced millions of others.³⁵

Negotiation/mediation and conflict resolution

Negotiation is a direct process of dialogue and discussion taking place between at least two parties who are faced with a conflict situation or dispute. The aim is for the two parties to reach an agreement on the sources of conflict between them.³⁶ It is a solving process in which two or more people voluntarily discuss their differences and attempt to reach a joint decision on common concern.³⁷ Many prominent Nigerian leaders have attempted to initiate peace between government of Nigeria and the Boko Haram. Among them were General Abdulsalami Abubakar who called upon the Government to engage in dialogue with the group to end the insecurity in the Northern regions.³⁸ Another indication of serious attached to peace option through dialogue was the peace initiative under the leadership of Ahmed Datti who was appointed as the mediator between the government and members of Boko Haram group. Some members of the group opposed the peace move as they perceived the committee to be political tool that would be used against the wish of the sect.

Negotiation is a political alternative measure to resolve crisis between Boko Haram and the government. For the approach to yield result, the governors of the affected states should come into the process by sincerely setting up reconciliatory committees in their respective states to reach out to the sect. This view is against the backdrop of the yet-to-be assuaged feeling among the members of the sect that giving the extrajudicial killing of their leader in 2009 and the demolishing of their houses and places of worship in some states in the North East as well as what they considered as indiscriminate arrest of their members on the orders of some states governors, they may not want to agree to listen to any agents from any state governor without an intermediary.³⁹

Therefore, government should first appoint a contact committee to reach the sect and prepare them for the dialogue which should include suspension of all attacks as the arrangement goes on. Then, dialogue committee should be appointed to meet with the representatives of the sect for final resolution.⁴⁰

35 "Nigerian Boko Haram Crisis: Court Freed 475 Suspects", *BBC News*, 19 February 2017.

36 Obiajulu AO. 2011. "Social Conflicts: Determinants and Resolution Methods", 23.

37 Agbebaku PE. 2014. "Tackling Nigeria's Security Challenges: Negotiation or What with Boko Haram?", *Journal of Global Initiative: Policy, Pedagogy, Perspective* 9(2):74.

38 Kieran EU. 2014. "Peace Talks Initiative between the Boko Haram and the Nigerian Government", *International Journal of Business and Social Science* 6(1):132.

39 Ajani J. 2012. "Boko Haram: Yar'Adua bitter experience threatens peace proposal", *Vanguard*, 4 November.

40 Ajibola B. 2012. "Boko Haram: Solving the Problem", *Nigeria Village Square*, 2 June.

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Dialogue not only provides opportunity to fully understand the basis of the terrorism, but also conveys a sense of achievement on the part of the terrorist groups that they have successfully drawn attention of the state to their plight. The news that Boko Haram group in Nigeria asked the government to exchange members of Boko Haram in detention with Chibok girls that they have abducted was an indication that they were ready for negotiation. Therefore, negotiation should be considered as a mechanism to resolving contending issues.⁴¹ In fact, negotiation appears to be yielding results, as indicated by the 2016 release of 21 of the abducted Chibok girls, on 6 May 2017, another 82 Chibok girls were released and the released of three lecturers of University of Maiduguri in February 2018.

HUMAN RIGHTS ABUSES IN CURBING BOKO HARAM

Security failure to tactically subdue Boko Haram in a timely manner led to human rights abuses on the part of both insurgents and the Nigerian security forces. Therefore, heavy-handed military tactics that failed to deal with the roots of the problem have proved counterproductive. The terrorist shift of Boko Haram began with extrajudicial killing by the police of the first Boko Haram leader, Mohammed Yusuf and the destruction of its main mosque, Izala. The continuing abuses, such as arrest of the families of the Boko Haram members and the destruction of their homes or the random arrest and killing of young northern men in security raid, undermined cooperation with the military, foster radicalisation and bitterness against the state. The formation of the Civilian Joint Task Force (CJTF) that has helped to combat Boko Haram in the Borno State capital of Maiduguri emerged as an effort by civilians to protect themselves from the excess of the military by rooting out and handing over Boko Haram members, at great personal cost to many civilians involved. In the process, CJTF has posed new problems of inadequate training and human rights violations.⁴²

Government security forces were implicated in various human rights violations with regard to the Boko Haram insurgency. The large number of troops deployed to enforce the state of emergency declared at the most three affected northern states of Nigeria, Borno, Yobe and Adamawa engaged in indiscriminate arrest, detention, rape, torture and extrajudicial killings of those suspected to be supporters or members of the Islamist group. Security forces razed and burned houses and properties in communities thought to be harbouring Boko Haram fighters. The

41 Ngozi GE, Nwankwo IU and Alichie BO. 2015. "Curbing Boko Haram Terrorist Insurgence in Nigeria: Imperatives of Quadruple Action Package of Limited Military Response, Improved Social Services, Conflict Resolution Initiatives and Modified Pacifism", *British Journal of Arts and Social Sciences* 20(1):18.

42 Sanda J. 2014. "The Effect of Security Measures on Youth Radicalisation". Paper presented at the Meeting on Radicalisation, Counter Radicalisation and De-radicalisation in Nigeria, Nigeria Security and Reconciliation Programme, Abuja, 14-16 September, 3.

security agencies successively mismanaged the crisis from the beginning and in the process, pushed the movement to the extreme end of the gamut.

The first step in this process was the setting up of the Joint Military Operations, named "Operation Flush II" which tried to draw Boko Haram out for a fight by harassing members going to or returning from *darwah*, as they called their preaching activities. Restriction of movement of motorcycles at night and the attempt to enforce the use of crash helmets were all aimed at achieving this. The mandatory use of crash helmets by motorcycle riders, although a national policy was not enforced in other places with the same zeal.⁴³ The second step was the attack on Boko Haram by Operation Flush II and the shooting of its members at the Gwange cemetery in June 2009, which precipitated the violence at Maiduguri. Security agents shot and wounded 17 Boko Haram members when they were going to bury their members who were involved in a fatal car crash. They were further provoked by being refused access to their wounded members in hospital. This action was seen by Boko Haram as a declaration of war against them.⁴⁴ The third step involved the massive offensive attacks on the sect and the extrajudicial killing of the sect leadership, including Mohammed Yusuf and other members, further radicalised the group. These extrajudicial killings, and the widespread dissemination of the video footage locally and its broadcast by the Al-Jazeera cable satellites network further infuriated members.⁴⁵

The state compelled traditional rulers not to conceal Boko Haram members in their domains and, in the process, many were identified and handed over to security agencies. However, lack of confidentiality within the security system and Boko Haram's intelligence network ensured that they identified who gave information about them to state authorities. The first of resurgence was marked by targeted killing of ward and village heads who had collaborated with state security agents and prison officials, prominent politicians of the ruling All Nigeria Peoples party (ANPP), government of Borno State and all other security officials.

There were numerous cases of documented atrocities by the CJTF, including extrajudicial killings, arbitrary dragnet arrests, illegal and arbitrary detentions and arson, rape, seizing money and stealing cellphones.⁴⁶ The following incidents illustrate the pattern of military responses in Maiduguri. Adamu Abdullahi, a staff

43 The use of motorcycles has been banned in a number of urban areas, including Maiduguri since June 2010. This is because of the ease with which Boko Haram used motorcycles as gateway vehicles after targeted assassinations or in planting IEDs.

44 See Yusuf M. 2009. "Budediyyar Wasika ga Gwamnatin Taraya". Open Letter to the Federal Republic of Nigeria, Recorded on VCD and broadcast by the Nigerian Television Authority on 11 June.

45 Kyari M. 2012. "The Message and Methods of Boko Haram".

46 The Atrocities of both Boko Haram and the CJTF have been documented. See Amnesty International. 2012. "Nigeria: Trapped in a cycle of violence", 1 November; Human Rights Watch. 2012. "Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria", 11 October.

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member of the University of Maiduguri was killed in the Kaleri incident in spite of his having identified himself to security officials.⁴⁷

The Borno Elders and Leaders of Thought pressure group condemned these excesses and called for the withdrawal of troops from Maiduguri. They accused the CJTF of killing innocent young men and raping married and unmarried women and young girls.⁴⁸ CJTF, through its spokesman, Colonel Victor Ebhalome, resorted to cheap blackmail by accusing all those alleging of gross violations against them as sponsors, sympathisers and members of the sect aimed at discrediting the task force so as to have a field day to operate.⁴⁹ The atrocities committed by the members of CJTF became obvious and unbearable to the extent that the Chairman of the Borno State branch of the Nigerian Bar Association, Aminu Sani condemned the killings and called on the federal government to set up a judicial commission of inquiry to probe the genocide and extrajudicial killings of innocent civilians. He further called for withdrawal of the troops.⁵⁰ Kashim Zannah, Chief Judge of Borno State, also condemned the extrajudicial killings and all attempts to infringe on people's rights by the security officials, no matter the temptation. He believed that peace could not be restored by means of injustices, through departure from the rule of law and breach of due process. He concluded, prophetically, that justice is the only route to ending peace and security because injustice breeds insecurity.⁵¹

In January 2012, the Federal Government declared a state of emergency in 15 local government areas of the three affected states, which gave security officials extra powers without legal encumbrances. These emergency powers further emboldened the CJTF, which had been accused of serious human rights abuses. An unintended effect of the new military strategy of amassing troops in the urban areas was the export and escalation of the violence to rural areas where military presence is low. Local government functionaries have all abandoned their duty posts and taken refuge in the state capital owing to insecurity in the outlying provinces.⁵² Before the advent of the present administration in May 2015, Boko Haram had some toehold in ten local government areas of Borno State, far from any government presence.⁵³

47 At least four Professors of University of Maiduguri have been killed by Boko Haram in the last two years: Murtala Mohammed Aliyu was killed on 4 November 2011 in Damaturu, Adamu Abdullahi was killed on 9 July 2011, Mohammed Shettima Larduma was killed on 28 November 2011 and Mohammed Murta was killed on 31 March 2013 in Maiduguri. Dr Abba Kagu was abducted on 26 February 2013 and Dr Mohammed Mai was abducted on 20 April 2013 and both have been held hostage presumably by Boko Haram.

48 Kyari, "The Message and Methods of Boko Haram", 27.

49 Kyari, "The Message and Methods of Boko Haram".

50 Kyari, "The Message and Methods of Boko Haram".

51 Kyari, "The Message and Methods of Boko Haram" (citing a speech delivered by the Chief Judge of Borno State, the Honorable Justice Kashim Zannah in 14 February on the occasion of the ushering in of the new legal year and commencement of appeal session for the year 2011).

52 "Boko Haram Taking Over Northern Borno", *Weekly Trust*, 20 April 2013.

53 The ten local government areas are: Marte, Magumeri, Mobbar, Gubio, Guzamala, Abadam, Kukawa, Kaza, Nganzai and Monguno.

The security agencies have completely lost the hearts and minds war through high-handedness and brutality. The sentiment of the residents of Maiduguri and its environs was echoed by 60 years old Adamu Mohammed of Bulum-Kuttu, who said "We don't have problem with Boko Haram; our problem was the police and the military that harassed and killed our innocent people. They called every Muslim, Boko Haram members."⁵⁴ From May 2015, the military operation was rejigged and Boko Haram completely routed out of all the local governments in the North East, prompting resort to bombing soft targets in some vulnerable places using innocent youths.

Human rights abuses and the Islamic Movement of Nigeria (IMN)

As corollary of the events described above another form of insurgency was unwittingly created in Nigeria with the detention of the leader of the Islamic Movement of Nigeria (IMN), Ibrahim El-Zakzaky on 15 December 2015 after the clash between the members of IMN and the Chief of Armed Staff convoy. On 12 December 2015, armed soldiers clashed with members of a Shi'ite sect at Zaria, Kaduna State, after the latter allegedly blocked the passage of the convoy of the Chief of Army Staff General Buratai. The soldiers returned the following day to unleash more violence on the sect members. Over three hundred sect members were believed to have been killed in the attack, which the army initially described as an attempt to assassinate General Buratai. In January 2016, the IMN said that El-Zakzaky and his wife were recuperating from the gunshot wounds at an undisclosed location in Abuja.⁵⁵ As a result of this maltreatment, El-Zakzaky brought the Federal Government, the Nigerian Army, Chief of Army Staff, Lt Gen. Tukur Buratai, Director General, Department of State Security, Inspector General of Police and the Attorney General of the Federation before an Abuja Federal High Court over his continued detention, alleging that his continued detention is an abuse of his fundamental right to fair hearing, as well as his right to personal liberty.⁵⁶

The grounds on which El-Zakzaky sought the enforcement of his human rights were several. First, El-Zakzaky argued that his arrest and continued detention since 14 December 2015 is unconstitutional and a violation of his right to personal liberty as enshrined in Section 35 of the Constitution of the Federal Republic of Nigeria, 1999. Second, he argued that his arrest and detention without arraignment before any court of law is unconstitutional and a violation of Section 36 of the Nigerian Constitution. Third, he argued that his detention without access to a medical doctor was in violation of his fundamental right to health and association as enshrined

54 Kyari, "The Message and Methods of Boko Haram", 28.

55 Ezeamalu BF. 2016. "Detained Shi'ite Leader, El-Zakzaky now half blind – Femi Falana", *Premium Times*, 5 April.

56 See generally Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

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in Article 16 of the African Charter on Human and Peoples' Rights.⁵⁷ Finally, he argued that his detention without access to his family should be declared as unconstitutional and a violation of his right to freedom of association as set forth in the Nigerian Constitution.⁵⁸

Furthermore, El-Zakzaky sought a declaration that violent invasion of his private residence at Zaria in Kaduna State on 14 December 2015, was a flagrant abuse of his fundamental rights to privacy and private property as guaranteed by the Nigerian Constitution. As for specific remedies, El-Zakzaky first sought a declaration that his shooting by the armed soldiers who are the members of the first responder group at his residence was illegal and unconstitutional. Second, he sought a declaration that cruel, inhuman and degrading treatment meted out to the applicant by the armed forces was a flagrant violation of his fundamental right to dignity of human person as guaranteed by the constitution. Third, he sought declaration that the extrajudicial killing of his three children, namely, Hameed Ibrahim (18 years), Ali Haidar Ibrahim (16 years) and Humid Ibrahim (14 years) by the armed soldiers, the Hussainiya Baqiyyatulah, (an Islamic organisation) formed by El-Zakzaky and several other members of the IMN on the night of 14 December 2015 was illegal and unconstitutional, as it violated the fundamental right of the deceased to life. El-Zakzaky further sought a declaration that his arrest without warrant of arrest was a violation of his fundamental right to privacy and property. Finally, he sought a declaration that his detention without access to members of his family and the IMN was illegal and unconstitutional.⁵⁹

While El-Zakzaky is still in detention, his team of counsel have approached the Federal High Court, Abuja to seek for his unconditional release from detention, an order of the court to compel the Federal Government, the Nigerian Army, Chief of Army Staff, Lt Gen. Tukur Buratai, Director General, Department of State Security, Inspector General of Police and the Attorney General of the Federation, jointly and severally to pay him the sum three billion naira as general damages for illegal violation of his fundamental right to life, dignity of his person, fair hearing, privacy and private property. However, counsel to the Directorate of State Security (DSS) have denied the allegations of human rights abuses against El-Zakzaky, saying he was being held at his own will and for his benefit. The counsel was of the opinion that El-Zakzaky is in Nigeria and in the custody of DSS and that El-Zakzaky did not need to give his consent before being detained. The DSS viewed that he remains vulnerable and is under protective custody, since the job of DSS is to protect every Nigerian.⁶⁰

57 African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986.

58 Opejobi S 2016. "El-Zakzaky Drags Federal Government to Court over Continued Detention", *Daily Post*, 23 May.

59 Soniyi T. 2016. "El-Zakzaky Demands Three Billion Naira Compensation for Illegal Detention", *This Day*, 23 May.

60 "Al-Zakzaky Being Detained in his own Interest, DSS Says", *Sahara Reporters*, 16 June 2016.

HUMANITARIAN CONSEQUENCES OF THE BOKO HARAM INSURGENCY

Apart from the Nigerian Civil War (1967–1970), no other occurrence of multifaceted tragedy in the country has been as unbearable as the Boko Haram uprising in terms of humanitarian impacts and national security threat. It is conceded that the Niger Delta crisis (1999–2009) presented terrible consequences that threatened the national security of Nigeria; nevertheless, its humanitarian effects could not be compared with that of the Boko Haram insurgency in terms of range, degree and assortment.⁶¹ In fact, since the 2003 clashes between the followers of Mohammed Yusuf with Mohammed Ali and the Nigerian security forces, there has been continuous cycle of brutal repression and violent revenge. Some of these humanitarian consequences of the insurgency have had implications for Nigeria's national security.

Public insecurity and living conditions

The Boko Haram insurgency in the North East Nigeria since 2009 has made the lives of the people in the region miserable and bestial. Intermittent suicide and car bombings have become part of their daily lives. Hate-filled adherents of Boko Haram and other criminals assuming their identity and wielding semi-automatic rifles speed through streets at intervals to shoot down randomly at their ever-widening targets.⁶² The aftermath of the violent attacks by Boko Haram and the government's response on the living conditions of the affected states has been ruinous. Due to the precariousness of these states, usual creative, agricultural and commercial activities have been paralysed. The imposition of curfews and declaration of state of emergency in the affected states has restricted movement and communications in a manner that hampered economic activities.⁶³ Counterinsurgency measures, such as the ban on the use of motorcycles, particularly, at night, have occasioned the loss of means of livelihood and subsistence for some households. The massive destruction of infrastructure, the destruction of telecommunication facilities, frequent attacks on markets and businesses and limitations on business hours have forced many to relocate to other safer parts of the country, bringing down incomes and increasing poverty levels.⁶⁴

Population displacement and refugee disaster

The Boko Haram insurgency has led to the displacement of great numbers of people in the affected states. Available information suggests that the number of internally displaced persons and refugees associated with the insurgency is enormous. The

61 Okoli AC and Ioryer P. 2014. "Terrorism and Humanitarian Crisis in Nigeria: Insights from Boko Haram Insurgency", *Global Journal of Human-Social Science: Political Science* 14(1):44.

62 Salkia A. 2012. "Counting the Cost of Boko Haram Crisis", *Sahara Reporter*, 4 November.

63 See Constitution of the Federal Republic of Nigeria, 1999 (as amended), sec 308.

64 Okoli and Ioryer, "Terrorism and Humanitarian Crisis in Nigeria", 38-50, 44-45.

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United Nations High Commissioner for Refugees (UNHCR) has counted over 5 million people to have been displaced in the North East region of Nigeria as a consequence of the violent insurgency. The UN Refugee Agency further revealed that over 10,000 Nigerians have also escaped to neighbouring countries like Cameroon, Chad and Niger Republic.⁶⁵ The dilemma of these displaced people in their various places of asylum is grave, because they have been separated from their families and bases of social capital. Figures from the National Emergency Management Agency (NEMA) indicates that 16,470 Nigerians were displaced with conflicts, ethno-religious crises and emerging terrorism constituting the main sources.⁶⁶

National security

The Boko Haram rebellion threatens Nigeria's national security. This observation is a truism considering the destructive and destabilising impacts of terrorism in Nigeria over the recent years. The activities of the Boko Haram sect have created an atmosphere of siege and desolation in the North East of Nigeria, until recently when reprieve and normalcy returned to the region. The resultant public security volatility in the region has been an impediment to trade and investment and to peaceful coexistence and stability, as well as to sustainable livelihood and development. This scenario has since complicated and accentuated the plight of the region as a developmentally challenged section of Nigeria.⁶⁷

In deference of the effects of terrorist activities for the wider polity of Nigeria, there is no doubt that the Boko Haram insurgency has created negative discernment about Nigeria as an unsafe country by the international community. In fact, it was reported on many Nigerian national newspapers on 4 and 5 August 2016 that the United States government declared twenty states in Nigeria to unsafe and warned its citizens to stay away from them.⁶⁸ This has damaged Nigeria's profile as a favourable international destination for investment, travel, tourism, scholarship and migration. This is appalling for the sustenance of the country's national security and sustainable development.

CONCLUSION

Despite the fact that various measures have been taken by the Nigerian government to reduce the capacity of Boko Haram, it continues to demonstrate resilience and to modify its modus operandi. In the last seven years, the sect has evolved into

65 Adebowale S. 2013. "Boko Haram Security, Humanitarian Conditions Deteriorating UNHCR", para 7, cited in Okoli and Ioryer, "Terrorism and Humanitarian Crisis in Nigeria".

66 Alkassim B. 2013. "NEMA: 16 Nigerians in displaced persons camps", *Daily Trust*, 17 December, 10.

67 Okoli and Ioryer, "Terrorism and Humanitarian Crisis in Nigeria", 47.

68 Uche A. 2016. "The United States of America Declares Twenty States in Nigeria Unsafe", *The Sun News*, 5 August.

more flexible, dynamic and decentralised organisation, capable of changing and combining tactics, as well as expanding and reordering its target selection. This situation has prompted debates concerning Boko Haram's ability to remain a potent force, despite the losses it has incurred from the state security forces.⁶⁹ However, respite has somehow returned to the affected states, and what we have now is the remnant of the group.

The Boko Haram terrorist insurgency in Nigeria has wreaked colossal havoc in its seven years of violent attacks. The atrocities include loss of lives, destruction of public and private properties, burning of churches, mosques, police stations, prisons and UN buildings and failure of sustainable development initiatives by well-meaning Nigerians, government and foreign investors. There is need for collaborative effort with international organisations like the United Nations, European Union and International Civil Aviation Organisations as well as nations such as the United States, France, South Korea and Israel to ensure that terrorist organisations do not establish strong footholds in Nigeria and to increase Nigeria's capacity to combat the Boko Haram threat.

In order bring insurgency Nigeria to an end, there is need for initiation of robust economic, political and religious reforms. Political reforms would target strengthening governance processes and institutions to ensure transparency, accountability and responsive ways that would increase the legitimacy of government at all levels in Nigeria. Economic reforms entail rolling out robust interventions that will drastically reduce poverty, unemployment and social destitution in Northern Nigeria, which extremist ideologues have exploited in their recruitment and radicalisation drives. The religious aspect requires a national project by the government to counter ideological support for extremism and terrorism, focusing on monitoring religious sermons, supporting moderate Islamic scholars to deliver enlightenment programmes, scrutinising foreign aid for religious underpinning and encouraging the teaching of comparative religion in Nigerian schools at all levels. Concerted efforts must be made to defeat the Boko Haram menace. Otherwise, the tendency for a different violent sect to emerge in the future is foreseeable even if Nigeria succeed in surmounting the fight against Boko Haram.⁷⁰

Security should be everybody's duty. The movement towards community policing has gained momentum in recent years as police and community leaders search for more effective mechanisms to promote public safety and to enhance the quality of life in their neighbourhoods. Community policing should be embraced in Nigeria as an essential mechanism of policing a multicultural society.

Our political elites must be ready to provide quality and good governance as magic potion for the insecurity challenge in Nigeria. War against insecurity could be won by raising governance standard by cultivating the culture of good governance where the government is responsible and accountable to the people. Security arrangement

69 Onuoha, "Boko Haram and Evolving Salafi Jihadist Threat in Nigeria", 176-177.

70 Onuoha, "Boko Haram and Evolving Salafi Jihadist Threat in Nigeria", 186.

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cannot be separated from good governance. The general opinion is that peace and security is determined by good governance.

As a critical good governance model, the concept and operationalisation of the *almajiri* system must not only be revisited, it ought to be eliminated completely. The governments in the Northern region must put in place reform in both its conceptualisation and operation. The Nigerian government should take drastic effort to eradicate poverty and social injustice. There is need to pay attention on the causes of the crisis and improve living condition of citizens in Nigeria and in Northern Nigeria in particular, instead of focusing on military repression. There is need for sustainable development, mass economic empowerment, skills acquisition and effective administration. As well, the Nigerian government should organise a robust education system to take care of young or school-age children who are currently in different IDPs camps, so that they will grow up in a different environment that knows peace, rather than grow up in such appalling environments.

Conclusively, it is our view that if the leader of the sect, Mohammed Yusuf, had not been extra judicially executed or if the people involved in his extrajudicial killing have been brought to justice to the knowledge of all, the likelihood is that, the problem will not fester as we presently have it. Therefore, the justice system needs to be overhauled to ensure that, the system is made more effective and efficient in terms of time and quality of justice rendered. It should be according to the rule of law. Extrajudicial killings must not only be condemned, they must also be seen to be condemned. The faith in the administration of justice must be restored such that anybody found involved in any form of extrajudicial killing would be brought to book promptly.