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Imperatives of Human Right Conservation in the Complacent Fights Against Insurgency in Nigeria

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Abstract

Insurgency is a major problem devilling Nigeria right now, it is a fight that government has been fighting for decades owing to its responsibility in accordance to section 14(2)(b) of the Nigeria Constitution of 1999 (as amended) in providing for the welfare and safety of her people. Regrettably this scourge has hindered a lot of developments in terms of socio-economic enterprises across all geopolitical zones in the country. The more the governments fight against this menace, the more galvanized they become in their daily operations. The Northern part of the country has recorded activities of groups such as Boko-Haram, Islamic State of West Africa Province ISWAP, Fulani killer Herdsmen, kidnapping etc. In the Eastern part of the country, there exists notorious sect like Independent People of Biafra IPOB, Eastern Security Network (ESN) and the unknown gunmen. The Western part of the country recently started gathering momentum in the name known as Yoruba Nation agitators etc. It is germane to say that, not all of these groups sees themselves as insurgency, rather they see themselves as freedom fighters. In the doctrinal research method as well as the field research, adopted in this work, it is discovered that the only major weapon that the Nigerian government is known for in fighting insurgency is the armory, and in using this military method, in bringing insurgency to bay, more humanitarian crisis is usually created, and human right suffers the more. Nigeria being a party to numerous organizations which include the code of conduct for law enforcement officials 1979, International Covenant on Civil and Political Right (ICCPR) and International Covenant on Economic, Social and Cultural Right (ICESR) 1966, as well as the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment 1984 etc. Nigeria is directly bound by the provisions in the covenant to protect lives and properties when fighting insurgency in the country. It is the recommendation of this paper that, alternative means that would mitigate the sufferings of civilians be adopted as a right that belongs to them. Therefore the use of arms as the only means to ward off rebellion should be discouraged as it would adversely create more problems for the citizens. Better options to the menace include, Dialogue, Negotiation, Rehabilitation and Reconstruction and a 'one to one' discussion with the aggrieved would avoid escalation of violence and human right violation in Nigeria.

Keywords: Insurgency; Human right; Escalation ICCPR; ICESR

1. Introduction

A comprehensive examination of all attacks on government buildings, towns and villages, civilian populations, military installations, and so on demonstrates that no one is immune to the threat posed by insurgency.² Insurgent attacks are associated with grave violations of human rights, including the right to life, freedom of movement, freedom of thought, conscience, and religion, the right to personal liberty, the dignity of the human person, private and family life, and peaceful assembly and association, all of which are guaranteed by the Federal Republic of Nigeria Constitution 1999 (as amended).³ These breached rights are also safeguarded under regional and international human rights documents such as the African Charter on Human and Peoples' Rights 1981 and the Protocol to the African Charter on Human and

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Peoples' Rights. Rights of Women in Africa 2003; United Nations Universal Declaration of Human Rights 1948; International Covenant on Civil and Political Rights (ICCPR) 1966; International Covenant on Economic, Social, and Cultural Rights (ICESR) 1966, and so on. Human rights in general, and the right to life in particular, are sacred rights that are inalienable in society. Their essential and sacred essence resulted in recognition in many laws.⁴

Insurgency as it is widely known, is a serious threat to any nation hence no nation would stay aloof and allowed to be swept away by this evils. Therefore government would always initiate counter-insurgency to stop the terrorism. Government usually put in place all necessary apparatus to save the nation from collapse. The Police and the Military are given marching orders to check the activities of insurgency and to create a peaceful environment for its citizens to strive and to also defend the nation from all sort of aggression; whether local or external. Of a particular concern in Nigeria are the activities of Boko-Haram since 1999 founded by Mohammed Yusuf was killed by the police force, thinking that killing him would put insurgency to rest.

The Nigerian government has relied on regular deployment of Joint Task Forces (JTFs) which are military-dominated for internal security functions throughout the country. The government has also put up several other security and military task forces with the core mandate of insurgency operations throughout Nigeria.⁵ The Nigeria Army, Air Force, Navy, Police and other paramilitary bodies are also deployed on regular basis for the performance of the roles of internal security in the country.

Regrettably, all these pattern of response to insurgent activities by Nigeria security agents has resulted in high casualties among the innocent and civilians, a lot of communities has been razed down in Nigeria by the military in the guise of fighting terrorism.

The method of combating insurgency have eroded the intendment of the provision of section 14(2)(b) of the CFRN 1999 which provides that the primary purpose of the government of Nigeria shall be the security and welfare of the people. Therefore, it is ironical that the security agents who are to protect and preserve human rights of Nigerians are indicted in the violation of these rights.⁶ Unfortunately terrorism cannot be fought by absolute military forces or excessive use of ammunition as often exuberated by the Nigerian military. A fact yet to be recognized by the nation's security architects.

The Nigerian security agents has been criticized for violating human rights with high rates of innocent lives casualties in Odi massacre in 1999 in Bayelsa State, also at the Okuama massacre in Ughelli in 2024 and the Mangu killings in Plateau State. The style of combating insurgency is uncivilized for the country. Nigeria being a signatory to many International covenants that protects the rights of the living cannot claim ignorance of the laid down principles of wars or arm-conflict. Though the provision of section 33(2) of the Constitution of the Federal Republic of Nigeria 1999 permits derogation from the right to life, one of the grounds for such derogation is where a person's life is lost in the course of suppression of insurrection, a riot or mutiny. This provision is regularly misplaced and misused by Nigerian security agents when combating insurgency. Therefore, it is worrisome to think whether constitutional provision promotes human rights for Nigerians, or the vulnerable in the face of insurgency.

The trigger-happy attitudes of Nigerian security agencies in fighting terrorism calls for redress. Otherwise where is the sense of proportionality in combating insurgency? Is proportionate rules of engagements no longer necessary in armed conflict?

In combating insurgency in Nigeria, the need to engage other models that mitigates sufferings for the reasons of human rights conservation is the thrust of this paper.

2. Legal Framework on Human Rights in Nigeria

There are numerous organs of human rights domicile in different instruments in favour of Nigeria citizens. The Constitution of the Federal Republic of Nigeria 1999 (as amended) is a good instrument though municipal.

Human right protection is sacrosanct in the Constitution of the Federal Republic of Nigeria (CFRN) 1999. These rights are guaranteed under Chapter IV of the constitution. These rights are inalienable and must be well protected, respected and preserved by all and at all times, whether the conflicts are internal or external armed conflicts, caution must be applied by security agents in combating insurgence. The people's right must be preserved against violation by applying some degree of professionalism in the discharge of duties.

It is important to stress that the CFRN 1999 permits derogation from the strict observance and protection of these rights⁷ through section 37, 38, 39, 40 and 41 but not at the expense of the innocent or vulnerable citizens. These provisions deal with the right to private and family life, freedom of thought, conscience and religion, freedom of expression and the press. Peaceful assembly, association and freedom of movement. Though derogation is in the interest of defence, public order and so on. It will be counter-productive if it becomes a yardstick for devaluation of human right when fighting insurgency in Nigeria. The rights to life, and personal liberty must not be circumscribed even during periods of emergency.⁸ It is argued that security agents engaged in combating insurgency in Nigeria should operate on the basic rules of engagement and distinguish between combatants and the civilian populations during hostilities in spite of constitutional provisions of derogations. Although, section 33(1) of the CFRN 1999 permits the taking away of one's life intentionally if done in execution of a sentence of a court, in the defence of a person from unlawful violence, in defending property,⁹ in the course of effecting an arrest provided such arrest is lawful or in the prevention of the escape of a person from lawful custody¹⁰ or for the suppression of mutiny, a riot or insurrection.¹¹ These are no licence for security agency to become a law to themselves to violate lay down rules. The Nigerian Supreme Court affirmed the legality of death as a permissible ground for taking one's life in the case of *Kalu v. State*¹² per Uwais JSC.

3. Administration of Criminal Justice Act 2015

The ACJA provides for the recognition and respect of human dignity and directs every suspect be accorded with humane treatment and also prohibits the subjection of a suspect to any kind of cruel, torture, inhuman or degrading treatment.¹³ Torture is prohibited by the ACJA. By this statutory provision, a suspected insurgent ought to be treated humanely by the security agents involved in combating insurgency when captured, he must be subjected to psychological surveillance. The main purposes of the ACJA is to protect the rights of suspects, defendants and other victims in Nigeria.¹⁴ Law enforcement and agencies, the courts as well as other agency of criminal justice administration are to ensure the proper realization of this purpose.¹⁵

3.1. Police Act 2020

The Nigeria Police is empowered under the relevant provisions of the enabling Act to prevent and detect crime, apprehend offenders, preserve law and order, protect lives and properties and enforce every law with which they are charged, and to perform every other duties happening within as well as outside the republic of Nigeria as assigned.

The Nigeria Police Force has reiterated its full commitment to be fully involved in the fight against insurgency and to do that in collaboration with the military and to check insurgency and other crisis in Nigeria in general.¹⁶ This type of deployment is in line with the provisions of section 4 of the Police Act and Regulations specifying the general duties of the Nigeria Police Force.¹⁷ The Act also serves as a support to the military in the fight against insurgency.

The extra-judicial killing of suspects in police custody by authorities and the enforced disappearance of persons as well as the killing of civilians in the course of counter-insurgency are all indications that, the men of the Nigeria Police are involved in the violations of human rights in Nigeria¹⁸ and a failure of this Act to adequately protect the vulnerable when fighting insurgency.

3.2. Anti-Torture Act 2017

The enactment of the Anti-Torture Act in 2017 was in conformity with Nigeria's obligations under the United Nations Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment of 1984 which encourages all State Parties to ensure that every act of torture are treated and classified as offence under each criminal legislation. All State Parties are also encouraged to make the offences relating to torture punishable through appropriate penalties, taking into account the grave nature of such offences.¹⁹

Therefore, the Anti-Torture Act 2017 criminalized the act of torture in Nigeria. It is a penal legislation prohibiting every act of torture and other cruel, inhuman as well as degrading treatment. The judiciary also frown at the act of torture. One of such instances was the decision of Denton-West JCA in the case of *Adewale Adedara v. The State*²⁰ where the learned justice condemned the torture of the appellant as well as his co-suspect at a police station, an act that led to the death of one of them. Therefore, drastic punishment of perpetrators of torture was advocated in the decision of the appellate court.

Anti-torture act vehemently goes against the rights of detainees, suspect or prisoners as well as those persons undergoing the process of investigation in one way or the other, they must not be subjected to physical harm, threat or intimidation, under any guise. The Act prohibits all sort of torture based on the provision of the CFRN and several other international instruments that Nigeria is a State Party.²¹

Therefore in interrogating any suspect the act of torture must be excluded. Torture violates human rights. The security agents must be mindful in the application of force that would be counterproductive wherever insurgency is detected.

The Act provides a list of acts that constitutes torture to include:

- Acts like systematic beatings, Punching, Head-banging,
- Striking with rifle butts,
- Kicking, and jumping on the stomach,
- Deprivation of food or forcible feeding with spoiled food, animal or human excreta or other food which are not normally eaten, Cigarette burning, electric shocks, burning by electric heated rods, acid, hot oil,
- By the rubbing of pepper or other chemical substance on mucous membranes, the submersion of head in water or water polluted with excrement,
- Or acids or spices directly on the wound, vomit,
- urine or blow, blindfolding,
- Threatening a person or such persons related to or known to him with bodily harm,
- Other forms of inhuman or degrading treatment, and so on.

Absolute prohibition of torture as well as other cruel, inhuman or degrading treatment or punishments is a category of non-derogable rights under international law. That is, derogation from this rights is not permitted under any circumstances and states are not allowed to set aside this obligation – even in times of war or other emergency threatening the peace and security of the nation such as insurgency. No exceptional circumstance is provided for the application of torture even at any time of war or internal political crisis or other public emergency.²³

3.3. Armed Forces Act 2004

The Act provides member of the Nigerian Armed Forces with the responsibility of defending the Federal Republic of Nigeria by land, Air and Sea and to perform such other functions from time to time as may be conferred by the National Assembly. And they must be humane with activities so as not to contradict the purpose for which the Act was enacted.

Gross Human right violation even during war with insurgents is prohibited by the Armed forces Act of 2004. The Act recognized the provisions that the armed forces must obey during any conflicts or wars against enemies. Soft targets and civilian concentrated areas must be avoided during escalation etc. The incidence in Baga massacre in Bornu State in Nigeria where, the killing of a soldier by suspected Boko Haram insurgents, led the Nigerian troops on a reprisal attacked, on civilians population, Private buildings were set on fire, many other houses razed down.²⁴ In another occasion in 2024 the military razed down a complete community in Okuama in Delta State because of the killings of 17 soldiers who were on a peace keeping mission, a claim which the youth however disputed and alleged that the assassinated soldiers were said to be part of an ill-fated oil bunkering deals. However the real facts remained unknown till date.

3.4. African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 2004

The African Charter on Human and Peoples' Rights²⁵ was adopted in 1981, the charter is unique in introducing the concept of people and peoples' rights and man's duties in realizing the reality of human rights within international law.

The charter stands a top in calling for proper recognition of the existence of the African people in their own right, and for the effective eradication of policies or practices that would be capable of denying the rights and duties of African people, and to promote their rights in line with the United Nations Charter and the Universal Declaration of Human Rights as adopted in 1945 and 1948 respectively.²⁶

The charter and its provisions was domesticated in Nigeria in 1986 on the codification of Nigerian laws in 2004. This effort on the part of the Nigerian legislation is in response to the corresponding duty on the country as State Party to the Charter in putting legislative measure in place for the protection and recognition of the rights, duties and freedom as recognized and, giving effect to them.²⁷ Everyone is entitled to the enjoyment of the rights recognized in the present legal instrument without any form of distinction on ground of Race, Colour, Ethnicity, Sex, Religion or Political Opinion, Language, Birth, Fortune, Social or National origin and so on.²⁸ It recognizes the equal status of everyone with regards to their protection under the law.²⁹ Thus, the Act recognizes many of the basic human rights that are usually violated by the security agents when combating insurgency in Nigeria.

Human beings as described early is inviolable in the Act. Everyone is entitled to respect of his or her life as well as integrity of his or her person hence, no one is expected to be deprived of this right in arbitrarily manner. Arbitrarily

killing of civilians by the security agents combating insurgency in Nigeria contravenes this provision of the Act. The act of torture and inhuman treatment on civilians usually carried by the security agents combating insurgency in Nigeria also violates the provision of the Act.³⁰ The liberty and security of an individual are well guaranteed that no individual is to be deprived of such freedom or arbitrarily detained or arrested by the security agents saddled with the responsibility of fighting insurgency in Nigeria. An arrest or detention of a person by the security agents must be in accordance with the procedure laid down by law. This instrument is totally opposed to discrimination of any kind and treats the individual as well as other peoples in society as equal human beings. It thus grants the State and everybody in it including the security agents the duty to respect, protect and promote rights and values of the citizens when combating insurgency in Nigeria.

3.5. Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman and Degrading Treatment or Punishment in Africa (Robben Island Guideline) 2002

The above resolution was adopted at the 32nd ordinary session of the African commission on Human and Peoples' Rights held from 17th – 23rd days of October, 2002 after considerations of the provisions, article 5 of the ACHPR 1984 prohibiting every form of degradation of man with particular reference to torture, cruel, inhuman or any form of degrading treatment and punishment; article 45(1) mandating the African Commission to formulate rules and principles for solving of legal problems concerning human rights; articles 3 and 4 of the constitutive Act of the African Union 2000 encouraging States Parties to take actions aimed at promoting and respecting the sanctity of human life, good governance, rule of law and democratic principles.³¹

Every act constituting torture as described in Article 1 of the 1984 UN Convention against torture, is to be categorized as offences within national legal systems of States. States are to pay particular attention to the prevention and prohibition of gender-related torture and ill-treatment of young persons.³² Though insurgency in Nigeria persists, it is no grounds for the violations of human rights. Internal political instability, threat of war, state of war or any other form of emergency circumstances shall not be considered a justification of human rights violations or any other types of degrading punishment or treatment to anyone.³³

3.6. United Nations Universal Declaration of Human Rights 1948

All the contents as contain in this document demonstrates absolute regard to the fundamentals of human right. World over, human rights are to be honoured in very high esteem, human right is unique, inalienable and sacred, hence the sanctity of human protection across the globe. The Declaration make provisions for the basic human rights enjoyable by everyone irrespective of sex, race, religion, or political opinion. Amongst the basic rights recognized in the Declaration is the inherent dignity of everyone.³⁴ this buttresses the fact that fighting insurgency cannot be used as a justification for human rights abuse. Those who reside near the theatre of military operations must be protected against adverse effect of the operation. It is unfortunate to note that sometimes, some joint taskforce members assigned to areas of operations sabotages efforts that would alleviate the sufferings of civilians by unnecessary torture, cruel, inhuman and degrading punishment or treatment, for their selfish ends. Many internal displaced persons camps (IDPS) are targeted for these onslaught. Raping of women and girls and confiscation of relief materials by those errant officers of joint taskforces are cases for concerns in Nigeria.

3.7. United Nations Code of Conduct for Law Enforcement Officials 1979

By the provision of the Code of Conduct, every law enforcement official is expected to fulfill their legal duties as imposed upon them by law in ensuring that life is to be protected against arbitrary punishments in the course of duty.³⁵

The officials are not allowed to inflict, instigate or tolerate any act of torture, cruelty or degrading inhuman punishment or treatment on any suspected offender.³⁶ They are encouraged to respect the laudable provisions of the Code of Conduct in order to respect human rights and suspected offenders they are to be more professional in the discharge of their functions.³⁷ War prisoners' rights ought to be secured by high professional standards too.

3.8. International Covenant on Civil and Political Rights 1966

The International Covenant on Civil and Political Rights 1966 (ICCPR) recognizes the fact that all the rights recognized in the instrument originated from the inherent dignity of the human person and there is need for conditions to be established for the enjoyment of civil and political rights by every person.³⁸ The ICCPR states that every signatory to the instrument undertakes to ensure that measures should be put in place as a way of remedying violation of those human rights recognized in it even where it is very visible that the violation in question is caused by persons acting in a official capacity.³⁹ Security agents in Nigeria are ban from relying on insecurity as justification for the violations of human rights of the people. It is incumbent on the security agents to critically study the regime of rights recognized in this Covenant

as well as respect for proper observance of human rights and to also avoid their violations which would otherwise be sacrilege on the covenants' provisions of rights to life against any form of torture in any circumstance.

4. The fight against Insurgency in Nigeria and the Challenges

The rate at which proliferation of small arms and weapons litters every nook and cranny in Nigeria is alarming, with this, armed bandits in every part of Nigeria are well equipped to launch deadly attacks on public and private installations. This manifestation is ongoing in many states of the federation with feeble resistance on the side of Nigeria's armed forces. The Northern Nigeria is worst in the attack, with many homes and families devastated and homeless. Their aim is to take over the government and as it is usual, no government would allow insurgency to take over his country. Hence the employment of all her 'Military Might' to redeem its image through counter warfare, by targeting the bandit's hideouts through the use of drones and other armaments, then the innocents, vulnerable, Public and sacred properties etc. are usually adversely affected in the shelling of perceived enemies territories.

Insurgency undoubtedly has posed grave security challenges to Nigeria as well as to foreign investments, hindering economic growth in the country and social problems presently affecting her image. Activities of insurgents and bandits attacking government properties, are distractive forces that sternly challenge nation building. Act of terrorism and kidnapping as perpetrated by insurgents operating as Boko Haram sect in several parts of the North-East and other sect, known as indigenous people of Biafra (IPOB) in the South-East of Nigeria has cripple social and economic development⁴⁰ in the country, and other groups are also coming up to join the onslaught,(every Mondays of the week is regarded as lock down in the South Eastern states of the country and a day recognized for civil disobedient to Nigerian government in protest by IPOB unknown Gunmen terrorists) thus aggravating challenges to national security.⁴¹ The result of which remains that the continuing insurgency in the country over the years unabated has raised serious questions about the efficiency and effectiveness of the state as well as its institutions in managing armed conflicts. Can insurgency be effectively fought through military counter-insurgency method? The answer to the question remained dicey. It is clear somewhat that the state use of armament and other military has significantly not hindered the proliferation of bandits and other evil elements from gaining momentum in various part of the nation.

It is reiterated that the resurgence of banditry in the North-west and other geopolitical zones in northern part of Nigeria since the fourth republic has taken a dreaded dimension, launching several unsuspecting attacks on villages and killing of villagers and destruction of their properties. This has posed a further security challenge to the people and the Federal Government of Nigeria, and her security agencies.⁴² The response of the country security agents has also not help as it is usually associated with grave violations of the people's human rights. Fighting insurgency and at the same time preserving the people's human right is a big challenge for the nation.

In recent times, violent clashes between farmers and the herders have become a daily occurrence in the country in spite of a new type of security concern to the government of Nigeria.⁴³ The government is crueless in the fight against this evil, casualties from this terrible menace is daily increasing in Nigeria. The Fulani herdsmen is also implicated in launching massive offensives on communities over communal rejection of their ingress into their communities for fear of land grabbing and other Islamic Jihadist ideology, with which they are notorious for. Therefore, there is the likelihood of more cases of unrests and insurgencies in the country if the governments continue to fail in its obligations in ensuring the provision of good governance to the people.⁴⁴

There has been several impacts of insurgencies on the security of Nigeria since the return to democratic rule in May, 1999, Boko Haram insurgency operating in the northern part of Nigeria and the herdsmen activities which has proliferated every part of the country has progressed aggressively and antagonistic as well as dangerous threat to the security operatives and citizens in Nigeria, the other Islamic terrorist organization operating in Nigeria known as Islamic State West Africa Province (ISWAP) has not only pose a great threat to human rights and dignities, properties, lives and democratic values, but it has also proved to challenge the existence of the country's foundation . Irrespective of the fact that the insurgency is operating in the northern part of the country, the activities of the sect has over the years be of great negative effects to the nation in general. Their systematic ways of operation, in terms of kidnappings and violence often undermined the professionalism of the Nigerian Security system.

The activities of the Boko Haram and ISWAP sect seems to be unabated in spite of the efforts of the government to counter insurgency. In recent years, the strategic intent of the government of Nigeria is to militarily degrade the activities of these insurgents in the short and long term, regrettably, this has proved to be hard to actualize in view of the method chosen by the Nation to fight the scourge. The inability of Government in Nigeria to defeat insurgency may not be unconnected with the increased and astounding sophistication of the insurgent group.⁴⁵

It is maintained that insurgency in Nigeria cannot be defeated by the Nigerian security forces. Absolute military efforts cannot bring the long lasting peace in the nation with insurgency. There is hardly a nation that can defeat insurgency with merely military operations. The military operations are always counter-productive, it hardly bring good results, for example, the military operations against the Niger-Delta oil rebels in the South-South of Nigeria did not bring peace to the region not until the government addressed the grievances of the disaffected rebels. The released of the 137 Nigerian school children adopted in Kaduna on March 7th, 2024 by kidnappers in northern Nigeria was not through military operation, the release of the 17 other school children in Sokoto on same day did not also involve military operation Military might in the fight against insurgency must not be the major option in the fight against terrorism in any nation, rather the state should device a method of addressing the complaints of the aggrieved persons or sect.

5. Human Rights Violation

Counter-insurgency is usually counterproductive because of the likelihood of abridgement of human rights during operations. It is often a common practice for State to declare a state of emergency, especially in the areas infested with insurgents. Many northern States among which are Borno, Yobe and Adamawa have had a series of directives and deployment of troops to arrest and detain suspected terrorist and to also take actual possession and control all facilities used by insurgents, and other necessary steps on areas of operation by the insurgents, such as conduct searches, and apprehend every person in possession of illegal weapons etc. Did all these actions stop the evil from occurring and re-occurring? No!

A number of measures put in place by Nigerian government to counter terrorism, has not only failed woefully in achieving its aims, but has also degenerated into causing untold hardship on the innocent citizens who are always at the receiving end of hostilities resulting in Human rights abuses as well as the violations of International Humanitarian Law (IHL). The killings of civilians has been identified as one form of human rights violations commonly committed by the government security agents during counter-insurgency operations in Nigeria. Violation of the right of Nigerian to life, in all areas of conflicts has been a major feature of the onslaught of the government in the combat against insurgency. The Office of the High Commissioner on Human Rights (OHCHR) of the UN noted that attacks by the security agents causing many civilian casualties have been a common practice in Nigeria since April 2013, it was reported that many civilians were shot by the security forces and many other people displaced in Baga in Borno State. Investigations into the Baga incident determined that there were cases of extrajudicial activities as well as summary executions, arbitrary detention, torture, rape and enforced disappearance committed by security agents of Nigeria. The OHCHR also reported other allegations, such as prolonged incommunicado and enforced disappearance of citizens in the name of battling terrorism in Nigeria and detainees being starved and equally held without water in the overcrowded cells in army barrack, leading to the death of many.

The extra-judicial killings of many suspected terrorist and Fulani Herdsmen in Nigeria, and other suspected criminals without proper investigation calumniated to the present dilemma of insurgency in the country, and this has further promoted insecurity in almost every region in Nigeria. The cluelessness of some security agents in Nigeria by way of reprisal attack at places where they had been beating the previous day, believing that both young and old living in the conflict ridden part were potential terrorists that must be wiped out. This was usually done with impunity. Some people were mistaken for bandits and were arrested and detained by the security agents and made to face ill-treatments and dehumanizing conditions in detention, and torture which has led to death of many.⁴⁶ The security forces involved in fighting insurgency in Nigeria are problematised and negatively construed by the people, because of their modus operandi. The employment of excessive force in order to create fears clearly falls within the operational strategies of the Nigerian security forces.

The prevention of counter-insurgency operations are not to be expected to lead to widespread human rights violation in Nigeria, unfortunately, the more the counter-insurgency operations, the more the abuse of Human right in Nigeria and the more terrorism wax stronger.

The experiences of victims of counter-insurgency in the country can attest to the facts of the mediocracy and nonchalance of security officers in the country. Some displaced women practice sex for basic sustenance as part of the coping strategies based on the aftermath of insurgency. Some officials charged with the responsibility of providing security in the IDP camps end up using their positions of authority and gifts of food as well as other items to have unsolicited sex with the women. The women succumb to such advances by the security officials as last resorts in despondency.⁴⁷

It was noted that some of the women in the IDP camps falls to the advances and tricks of the security officials in order to feed their children as they now turn breadwinners of their families as a result of the death of their spouses due to the

insurgency. This position is in consonance with the views that violent conflicts such like insurgency often lead to an increase in the number of female-headed households.⁴⁸ This is part of the challenges confronting the vulnerable households as a result of insurgency.

Commenting on this, the Amnesty International (AI) noted that the girls and women are forced to succumb to rape and sexual exploitation just to avoid hunger or starvation since the security officials in charge of the camps will deny them the right to food where they turn down their sexual advances. Accordingly, the AI stated that:

Scores of women described how soldiers and Civilian JTF members have used force and threats to rape women in satellite camps, including by taking advantage of hunger to coerce women to become their girlfriends, which involved being available for sex on an ongoing basis.⁴⁹

The bitter experience of women in the hand of counter-insurgency forces has further reinforced the fact that military operations in checking insurgency in Nigeria often lead to human rights violations by the security agents and this leads to high loss of human lives.

6. Accountability

It is a popular opinion that the Nigeria government must be held accountable for indiscriminate loss of lives and property to insurgency. It is the responsibility of a nation to ascertain the adequate protection of lives and other appurtenances of her citizens in line with constitutional provision of the 1999 constitution of the country and government has failed in this regard.

The effect of government non-challant attitude to secure the vulnerable from the theatre of military operations is an omen of a failed state and this is unpardonable. Therefore in ascertaining accountability, the security officers' disciplinary control of the service commanders must be prioritized irrespective of his attachment. It is regrettable that a supervising officer of any of the counter-forces cannot effectively exercise disciplinary control over personnel from other services posted to work under them during joint operations to counter insurgency, thereby, leading to the abuse of human rights by these unfettered services. It is also a challenge that over the years, members of the armed forces have been trained on how to defend the country against insurgency in the midst of the civilian population in defiance to adequate knowledge of civil law and consequent observation of human rights.

7. Conclusion

The proper way of ending human rights violations while combating insurgency in Nigeria is through preventive method. Insurgency can be prevented with provisions of necessary palliatives to the aggrieved. Insurgence is in most cases occasioned as a result of dissatisfactions with government policies, hunger, and frustration on every part of a system that picking of arms against a sitting government becomes optional to criminals. Preventing insurgency cannot be achieved by fighting insurgents through the use of arms. There are better ways in fighting this scourge. Arms brandishing by government security forces create impetus for advancement of terrorist act in any nation.

It is very keen that government should consider the need for the provision of good governance, though the formulation of good policies; a people oriented policies for the general population of the country to ease cases of internal rebellion. The Nigerian government quest for more ammunition at the instance of insurgency is ridiculous as no such measure can ever stop its occurrence in a country like Nigeria where the rich and aristocrats dominates the corridor of power and continue to enrich themselves, their families and friends at the detriments of the poor. Can a government eradicate insurgency when the rate of joblessness and poverty keep soaring in a nation blessed with abundance of mineral resources that cannot be accessed by the needy. No! In fixing a nation free from terrorist attack let the poor be provided with 'oxygen' so that they can breathe. Occasions of Terrorism, Banditry, Kidnapping and other vices cannot abates in a nation that rigs elections for the highest bidders, a nation with lots of resources catered away to far jurisdiction by those who are on top of affairs and to the detriment of the entire nation, a nation where leaders are only concern of self-egoism and tussle with each other for the spoil of corrupt practices, a nation where the poor are daily denied of justices at the temple of justices, a nation where materialism is daily practice and worship by the citizens ,a nation where National honours and chieftaincy titles are daily bestowed on treasury looters by 'Alter ego' would think that arming the military is the best measures to check insurgency is not only deceiving itself by heading for doom. Nigeria is heading for doom if reliance on her military might is considered the only option to fight insurgence.

There can be no amount of legislation that would be sufficient in combating the menace unless the grassroots cause is addressed, to keep Nigeria from insurgency, the economic, political and social problems must be given attention at the grassroots level, this is by way of giving proper accountability to the citizens and be empathic with the less privileged. There is the need to recognize the rights to life and comfort of citizens when fighting insurgency, and usually not the best fights when it is through the barren of the gun.

Recommendations

The following proposals are recommended for the protection of human lives against violation:

- In addressing insurgency in Nigeria, government must remind herself that total victory through the barren of the gun is not possible, prioritizing her military strength against banditry is a wasted effort.
- Curbing banditry and other act of insurgency in Nigerian, government must evolve a people's friendly policies through the needed negotiations and consultations with the aggrieved members of insurgent for amicable resolutions..
- Other alternative dispute resolutions mechanism must be employed where necessary to end hostility, and the granting of amnesty to affected and willing criminals should be allowed and encouraged
- Reconciliation, Rehabilitation and reconstructions of affected areas should be put in place at the end of insurgency by government.
- Through the above recommendations there is the likelihood that human rights for the vulnerable and the innocents would be guaranteed at all times in Nigeria.

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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