

## TERRORISM, GLOBAL INSECURITY, AND HUMAN RIGHTS: A COMPARATIVE ANALYSIS OF NIGERIA AND THE UNITED STATES

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### Abstract

In an interconnected world, terrorism poses a significant threat to global security and human rights. This paper examines the terrorism threats in Nigeria and the United States, the responses of Nigeria and the United States to terrorism, and the impact of such responses on human rights within each country. Crucially, the impact on human rights is scrutinized through a comparative lens. In Nigeria, counterterrorism efforts have sometimes led to extrajudicial killings, arbitrary detention, and violations of freedoms, particularly in regions affected by insurgency. Conversely, the United States has faced criticisms for practices such as indefinite detention at Guantanamo Bay, targeted drone strikes, and mass surveillance programs, raising concerns about due process and privacy rights. This analysis concludes by identifying key lessons and recommendations for policymakers in both countries and the international community. It emphasizes the importance of adopting comprehensive, rights-respecting approaches to counterterrorism that address root causes, strengthen the rule of law, promote inclusive governance, and uphold human rights principles.

**Keywords:** Terrorism, Global Insecurity, Human Rights, Counterterrorism, Freedoms

### 1.0 Introduction

Human rights are directly and seriously impacted by terrorism, and victims' ability to enjoy their right to life, liberty, and physical integrity can be severely damaged as a result. Apart from these particular expenses, terrorism has the potential to topple governments, erode civil society, endanger safety and security, and impede social and economic advancement. The actual impact of each of them on the exercise of human rights is also significant. Individual security is a fundamental human right, and as such, government protection of persons is an essential duty of states. States are therefore required to protect the human rights of both their citizens and other people by taking proactive steps to shield them from the prospect of terrorist attacks and by holding those responsible for such acts accountable.

But in recent years, counterterrorism measures taken by States have themselves frequently presented grave threats to human rights and the rule of law; some have resorted to torture and other forms of ill-treatment in the name of combating terrorism, while practical and legal safeguards against torture like independent, frequent monitoring of detention facilities have been routinely disregarded; still others have sent people suspected of being terrorists back to nations where they face the risk of torture or other serious human rights abuse violating the international legal obligation of non-recoupment.

### 2.0 Threats of Terrorism

Terrorism has become a major conundrum both nationally and internationally with terrorist groups causing mayhem in recent times. Nigeria, a nation plagued by insurgent groups like Boko Haram, faces complex challenges in balancing security imperatives with the protection of human rights.

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Conversely, the United States, despite its robust counterterrorism measures, grapples with issues of civil liberties and privacy concerns in the aftermath of events such as 9/11. The analysis begins by exploring the terrorism threats in both countries, tracing the evolution of terrorist threats and government responses

## 2.1 Threats of Terrorism in Nigeria

Nigeria has one of the highest terrorism threat levels globally. Although there has been a general decline in terror-related fatalities, the nation recently registered the second-highest number of terrorist attack deaths globally, after Myanmar. In Nigeria, several militant organizations carry out operations against both military and civilian targets. The deadliest group is by far Boko Haram, which is primarily present in the nation's north. Conflicts between other herdsman, farmers, and ethnic groups have resulted in extra violent outcomes, and some killings have also been linked to Fulani extremists.<sup>1</sup> Attacks by Boko Haram have surged in recent times. It is a group of jihadist fundamentalists that want to create an Islamic state in Nigeria and free the nation from Western education. But thousands of deaths have been caused by Boko Haram in Nigeria, Cameroon, Chad, and Niger, among other places. The northern Nigerian state of Borno, where the group is primarily concentrated, is the area hardest hit by the violence of Boko Haram. The 2014 abduction of 276 female students from a secondary school in Chibok, Borno, was one of the attacks that made headlines throughout the world. Boko Haram divided into two factions in 2016. These organizations consider themselves to be part of the Islamic State of Iraq and the Levant, or ISIS (Islamic State of Iraq and Syria).<sup>2</sup>

Also, the nomadic Fulani herdsmen has caused carnage in Nigeria. About 25% of all terror-related fatalities in the country in 2019 were caused by Fulani extremists. Extremist Fulani people don't make up a single terrorist organization. The use of terrorist attacks as a tactic in the continuous confrontations between famers and the nomadic Fulani people has really been linked to multiple deaths. In recent years, thousands of Christians have also been killed by Fulani herders who support jihad. Over 10,000 Christians have been killed in Nigeria by robbers, highway kidnappers, jihadist Fulani herders, and Boko Haram. Terrorist groups and the State are facing serious clashes as a result of political, economic, and social instability. These confrontations with Boko Haram resulted in nearly 22,000 fatalities between 2011 and 2023. The enormous economic cost of terrorism is one thing to keep in mind. It accounts for just 2.4% of Nigeria's GDP, which is just less than the amount spent by the government on healthcare. It is the biggest economic impact ever recorded in a single African nation, costing 142 billion US dollars between 2007 and 2019. In the Niger Delta, there have been cases of militant groups claiming to be fighting social and political injustice. These organizations carried out several kidnappings and attacks, primarily targeting workers and oil installations in the area, including pipelines. As a result, oil prices dropped. Despite having oil riches, this region is incredibly impoverished because the wealth produced there hardly makes it to the Nigerian people. Ultimately, a court ordered Shell Oil Company to reimburse Nigerian farmers for oil spills on their land in the Niger Delta region in January 2021.<sup>3</sup>

Nigeria faces significant terrorism threats, particularly from groups like Boko Haram and its offshoots, as well as splinter factions such as the Islamic State in West Africa Province (ISWAP). Boko Haram, founded in northeastern Nigeria, has been responsible for numerous attacks, including

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<sup>1</sup>S.D.Dokua, 'Terrorism in Nigeria - statistics & facts' 2023 statista<<https://www.statista.com/topics/7396/terrorism-in-nigeria/#topicOverview>> Accessed 23 April 2024.

<sup>2</sup> *Ibid.*

<sup>3</sup> Measuring the economic impact of violent extremism leading to terrorism in Africa' 2019<[https://www.undp.org/sites/g/files/zskgke326/files/publications/undp-rh-addis\\_Measuring\\_the\\_Economic\\_Impact\\_of\\_Violent\\_Extremism\\_Leading\\_to\\_Terrorism\\_in\\_Africa.pdf](https://www.undp.org/sites/g/files/zskgke326/files/publications/undp-rh-addis_Measuring_the_Economic_Impact_of_Violent_Extremism_Leading_to_Terrorism_in_Africa.pdf)> Accessed 24 April 15, 2024

bombings, kidnappings, and raids targeting civilians, security forces, and infrastructure. The group's activities have resulted in widespread violence, displacement of populations, and humanitarian crises, particularly in the northeastern regions of Nigeria and to other states within that region. In addition to Boko Haram, Nigeria also contends with other security challenges, including communal violence, banditry, and conflict over resources.<sup>4</sup>

## 2.2 Threats of Terrorism in the United States:

The United States faces diverse terrorism threats from both domestic and international sources. Domestic extremist groups, including white supremacists, anti-government militias, and radical fringe movements, pose significant security concerns. Internationally, the U.S. confronts threats from terrorist organizations such as al-Qaeda, ISIS, and their affiliates, which have targeted U.S. interests abroad and attempted to inspire or carry out attacks on American soil. While the U.S. has implemented stringent security measures to prevent large-scale terrorist attacks since 9/11, the evolving nature of terrorism, including online radicalization and lone-actor plots, presents ongoing challenges.<sup>5</sup> Given the widespread availability of firearms, political polarization, and other factors coupled with the power of social media and online communication, it is best to understand the main terrorist threat facing the United States today as originating from across the political spectrum. This has resulted in a complex and varied threat from terrorist organizations that defy conventional understandings and cross ideological boundaries. There has only been one instance of a jihadist foreign terrorist organization planning or carrying out a lethal attack within the United States in the nearly 20 years since 9/11. This incident involves Mohammed Al-Shamrani's shooting attack at the Naval Air Station Pensacola on December 6, 2019, which resulted in the deaths of three individuals. The attack was claimed by Al Qaeda in the Arabian Peninsula, and the FBI claims that evidence from Al-Shamrani's phone shows that he was in contact with an AQAP militant and AQAP before coming to the United States and that AQAP continued through the attack. It also shows that the will that AQAP presented in their video claim was sent to them by Al-Shamrani. It's still unclear how exactly and to what extent Al-Shamrani and AQAP interacted.<sup>6</sup>

Inside the US, terrorists have claimed the lives of 107 people since 9/11. This death toll is comparable to that of far-right terrorism, which has claimed 134 lives and included acts of violence against the government, militia, white supremacists, and abortion rights. Recent years have also seen attacks in the United States motivated by misogynistic and black separatist/nationalist ideologies. 13 to 17 people have been killed by those driven by these ideologies, respectively, while one person has been killed by those holding Far-Left ideas. Today's terrorism issue in America is domestic and not the exclusive domain of any certain faction or point of view.<sup>7</sup>

## 3.0 Responses of Government on Terrorism

Counterterrorism measures implemented by governments can have significant implications for human rights, as they often involve measures that may restrict individual freedoms, undermine due process rights, and lead to abuses. Nigeria's approach often involves militarized responses, which have been criticized for human rights abuses and lack of accountability. Meanwhile, the United

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<sup>4</sup> Violent Extremism in the Sahel' Center for Preventive Action 2024, global conflict trafficker <<https://www.cfr.org/global-conflict-tracker/conflict/violent-extremism-sahel>> Accessed April 15, 2024

<sup>5</sup> P. Bąkowski, 'United States: Domestic violent extremism on the rise' European Parliamentary Research Service 2023<[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754561/EPRS\\_BRI\(2023\)754561\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754561/EPRS_BRI(2023)754561_EN.pdf)> Accessed April 15, 2024.

<sup>6</sup> 'What is the Threat to the United States Today' New America <<https://www.newamerica.org/future-security/reports/terrorism-in-america/what-is-the-threat-to-the-united-states-today/>> Accessed April 15, 2024.

<sup>7</sup> *Ibid*

States has employed a mix of military interventions, intelligence operations, and legislative measures, raising debates over the balance between security and civil liberties

### **3.1 Responses of Government on Terrorism in Nigeria:**

The Nigerian government has been grappling with terrorism for years, particularly from groups like Boko Haram and the Islamic State West Africa Province (ISWAP). To counter this menace, various strategies have been employed, encompassing military operations, diplomatic efforts, socio-economic initiatives, and legislative measures. A counterinsurgency strategy aimed at not only defeating terrorist groups militarily but also addressing the underlying grievances and socio-economic factors driving recruitment into these groups. This strategy involves a combination of military pressure, community engagement, deradicalization programs, and efforts to promote good governance and socio-economic development in affected regions. Here, I'll outline some of the key steps taken by the Nigerian government to counter-terrorism:

#### **3.1.1 Military Operations**

Nigeria has conducted numerous military operations aimed at rooting out terrorist groups from their strongholds. Operations like Lafiya Dole and Operation Safe Corridor have been launched to combat Boko Haram and ISWAP insurgents. These operations involve joint efforts by the Nigerian Army, Air Force, Navy, and other security agencies to neutralize terrorists and reclaim territories under their control.<sup>8</sup> The Government aim to combat Boko Haram and other terrorist groups through offensive operations, raids, and airstrikes targeting insurgent strongholds. The Nigerian government also collaborates with neighboring countries, such as Chad, Cameroon, and Niger, to address cross-border threats and disrupt terrorist networks operating in the region.

#### **3.1.2 Deradicalization and Rehabilitation Programs**

The government has established deradicalization and rehabilitation programs to reintegrate former terrorists into society. These programs provide counseling, vocational training, education, and psychosocial support to individuals who have renounced violence and disengaged from terrorist groups. The aim is to prevent recidivism and promote reconciliation and peacebuilding in affected communities.<sup>9</sup>

#### **3.1.3 Community Engagement and Support**

Recognizing the importance of community support in countering terrorism, the Nigerian government has engaged in dialogue with local communities, religious leaders, traditional rulers, and other stakeholders to build trust, gather intelligence, and mobilize support against terrorist groups. Community-based initiatives such as neighborhood watch groups and vigilante networks have been encouraged to complement security forces' efforts in detecting and preventing terrorist activities.

#### **3.1.4 Legislative Measures**

Nigeria has enacted laws and implemented legal frameworks to enhance its counterterrorism capabilities. The Terrorism (Prevention) Act criminalizes terrorist activities and provides a legal basis for prosecuting individuals involved in terrorism-related offenses. Additionally, the government has strengthened border security, improved intelligence gathering and analysis

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<sup>8</sup> 'Northeast Nigeria' Security, <<https://statehouse.gov.ng/policy/security/>> accessed April 24, 2024

<sup>9</sup>S. Brechenmacher, 'Achieving Peace in Northeast Nigeria: The Reintegration Challenge' Carnegie endowment for international peace, <<https://carnegieendowment.org/2018/09/05/achieving-peace-in-northeast-nigeria-reintegration-challenge-pub-77177>> Accessed April 16, 2024.

capabilities, and enhanced coordination among law enforcement agencies to disrupt terrorist networks and prevent attacks.<sup>10</sup>

### 3.1.5 Socio-Economic Development

Addressing the root causes of terrorism requires addressing underlying socio-economic grievances and disparities. The Nigerian government has launched various initiatives aimed at promoting economic development, job creation, education, and poverty alleviation in marginalized and conflict-affected areas. These initiatives seek to address the grievances that terrorists exploit for recruitment and support, thereby undermining the appeal of extremist ideologies.

### 3.1.6 Human Rights and Rule of Law

Upholding human rights and the rule of law is essential in the fight against terrorism to prevent abuses, maintain public trust, and deny terrorist groups propaganda fodder. The Nigerian government has committed to respecting human rights standards in its counterterrorism operations, including ensuring accountability for security forces' misconduct and providing avenues for redress for victims of terrorism.

### 3.1.7 International Cooperation

Recognizing the transnational nature of terrorism, Nigeria has engaged in partnerships with neighboring countries and international organizations to combat terrorism. Joint military operations, intelligence sharing, and capacity-building initiatives have been pursued with countries like Chad, Cameroon, Niger, and regional bodies such as the African Union and the Economic Community of West African States (ECOWAS).<sup>11</sup> Nigeria is a member of the Intergovernmental Action Group Against Money Laundering in West Africa (GIABA), an ECOWAS regional body and affiliate of the Financial Action Task Force. Nigeria largely prefers intelligence, military, and law enforcement responses to terrorism, as opposed to methods that counter-terrorist financing. Nigeria is seeking Financial Action Task Force (FATF) membership and is working toward meeting its requirements. Nigeria's Financial Intelligence Unit (NFIU) was readmitted to the Egmont Group in 2018 after the NFIU became an independent agency, a change intended to make the NFIU more effective at combating money laundering and corruption.<sup>12</sup>

These are just some of the steps taken by the Nigerian government to counter terrorism, reflecting a multifaceted approach that combines military, diplomatic, socio-economic, and legal measures. Despite significant challenges and setbacks, Nigeria remains committed to addressing the threat of terrorism and restoring peace and stability to affected regions.

## 3.2 Government Responses in the United States:

The United States employs a range of measures to counter terrorism, including law enforcement, intelligence gathering, military operations, and cooperation with international partners. The U.S. has enacted legislation such as the USA PATRIOT Act and established agencies like the Department of Homeland Security to enhance counterterrorism capabilities and protect national security. Law enforcement agencies, including the FBI, play a crucial role in investigating and disrupting terrorist plots, while intelligence agencies like the CIA focus on gathering intelligence to identify and thwart threats. To combat terrorist threats on a worldwide scale, the United States also participates in

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<sup>10</sup> Country Reports on Terrorism 2021: Nigeria, bureau of counterterrorism, US department of state<<https://www.state.gov/reports/country-reports-on-terrorism-2021/nigeria/>>Accessed April 26 2024

<sup>11</sup> UN Security Council Speakers Warn Security Council Terrorism Spreading across Africa at Alarming Rate, Call for Greater Support, Enhanced International, Regional Cooperation <<https://press.un.org/en/2023/sc15245.doc.htm>> Accessed March 30, 2024.

<sup>12</sup> Country Reports on Terrorism 2021: Nigeria, bureau of counterterrorism, US department of state<<https://www.state.gov/reports/country-reports-on-terrorism-2021/nigeria/>>Accessed April 26 2024.

international collaboration through military alliances, intelligence sharing, and diplomatic initiatives. Following the 9/11 attacks, President Bush put into effect an all-encompassing and innovative foreign policy against international terrorism after the 9/11 attack. The world was made aware by the President's stance that any country that harbors or encourages terrorists would be seen as a hostile nation. Here are some of the counter-terrorism measures deployed by the United States:

### 3.2.1 Diplomacy

The US formed an international alliance to combat terrorism. Following the September 11 attacks, more than 80 countries suffered losses; 136 nations provided a range of military support; 46 multilateral organizations expressed their support; and, with international assistance and U.S. leadership, the Afghan people overcame long-standing ethnic and political divisions to establish a new, representative government.<sup>13</sup> The diplomatic engagement of the United States to combat terrorism is multifaceted and dynamic, evolving in response to global threats and geopolitical dynamics. Here are several key aspects of US diplomatic efforts in combating terrorism. The US actively engages with international organizations such as the United Nations, NATO, and the G7/G20 to coordinate efforts and formulate strategies to counter terrorism. Multilateral cooperation enhances information sharing, capacity building, and the implementation of joint counterterrorism measures.<sup>14</sup> The US establishes bilateral partnerships with other nations to strengthen intelligence sharing, law enforcement cooperation, and joint military operations against terrorist organizations. These partnerships are often tailored to specific regional contexts and mutual interests. The US uses diplomatic channels to pressure states that support or harbor terrorist groups, urging them to crack down on terrorist financing, dismantle safe havens, and extradite suspected terrorists. This includes both public statements and behind-the-scenes negotiations. The US provides training, equipment, and technical assistance to partner nations to enhance their counterterrorism capabilities. This assistance may include support for border security, intelligence gathering, law enforcement, and judicial reforms. Addressing the root causes of terrorism often involves promoting good governance, rule of law, and respect for human rights.<sup>15</sup> The US works with partner countries to strengthen their institutions, promote inclusive governance, and address socioeconomic grievances that can fuel extremism. Diplomatic efforts also focus on preventing radicalization and recruitment to terrorist organizations through CVE programs. These initiatives involve engaging with communities, religious leaders, and civil society to counter extremist narratives and promote alternative pathways for at-risk individuals. Diplomatic efforts are complemented by financial measures, including sanctions and targeted financial actions, to disrupt terrorist financing networks and prevent the flow of funds to extremist groups.<sup>16</sup> The US works to strengthen international legal frameworks and norms related to counterterrorism, including through initiatives to prevent the proliferation of weapons of mass destruction and to combat the use of cyberspace for terrorist purposes.<sup>17</sup>

The diplomatic engagement of the US in combating terrorism is characterized by a comprehensive approach that combines diplomatic, military, law enforcement, and development tools to address the multifaceted challenges posed by terrorist threats.

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<sup>13</sup> The Global War on Terrorism: The First 100 Days, US department of state Archive, 2009 <<https://2001-2009.state.gov/s/ct/rls/wh/6947.htm>> Accessed April 20 2024

<sup>14</sup> North Atlantic treaty organization, 'Countering terrorism', (2023), <[https://www.nato.int/cps/en/natohq/topics\\_77646.htm](https://www.nato.int/cps/en/natohq/topics_77646.htm)> Accessed April 30 2024

<sup>15</sup> *Ibid*

<sup>16</sup> Department of State & USAID Joint Strategy on Countering Violent Extremism, (2016) Department of State <<https://2009-2017.state.gov/documents/organization/257913.pdf>> Accessed April 30 2024

<sup>17</sup> North Atlantic treaty organization, 'Countering terrorism', (2023), <[https://www.nato.int/cps/en/natohq/topics\\_77646.htm](https://www.nato.int/cps/en/natohq/topics_77646.htm)> Accessed April 30 2024.

### 3.2.2 Terrorist Finances

By seizing financial assets and cutting off the terrorists' sources of funding, the United States initiated the war on terrorism. The international banking community took action to cut off the terrorists' source of funding. 196 nations backed the financial war on terror; 142 nations took action to seize terrorist assets; 153 identified terrorists, terrorist groups, and terrorist financial hubs had their assets frozen in the United States alone; and significant terrorist financial networks were shut down.<sup>18</sup>

### 3.2.3 The Military Campaign

Commencing on October 7, 2001, Operation Enduring Freedom had the backing of several nations, including the UK, Australia, and Japan. Major cities were forcefully taken from the Taliban. Thirty-nine Taliban command and control centers as well as 11 terrorist training camps were leveled by the troops. And militants affiliated with al-Qaeda were either killed, captured, or fled.<sup>19</sup>

### 3.2.4 Law Enforcement

The US President then moved to defend the country from more terrorist attacks by approving \$20 billion for homeland security, stepping up intelligence gathering, establishing the Office of Homeland Security and the Homeland Security Council, putting strict new airline security regulations into place, and taking action to safeguard US mail.<sup>20</sup> The United States has spearheaded an international effort to apprehend terrorists and deter future acts of terrorism. This includes establishing the Foreign Terrorist Tracking Task Force to stop terrorists from entering the country, apprehending and prosecuting known terrorists, enhancing the exchange of law enforcement data across borders, and enacting stringent new anti-terrorism legislation.<sup>21</sup>

### 3.2.5 Humanitarian Aid

Since October 2001, the United States has been Afghanistan's top humanitarian donor, sending \$187 million in aid to the country's citizens, including food, shelter, blankets, and medical supplies. Additionally, the United States established the America's Fund for Afghan Children, which in its first year of operation raised over \$1.5 million for the benefit of the Afghan children. This step also tried addressing the socio-economic theory of theory of terrorism which is one of the reasons terrorists are recruited. Helping the Survivors of September 11, The American people responded with overwhelming compassion for the families of the victims of September 11, donating at least \$1.3 billion to charities.<sup>22</sup>

### 3.2.6 Respecting Islam

Almost immediately after the attacks, the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the "Friendship Through Education" initiative to bring American and Muslim children closer together.<sup>23</sup>

Conclusively, Terrorist organizations that plan attacks against the United States such as ISIS, al-Qaeda, and Hizballah. The Department of State seeks to forge an international alliance to weaken and destroy these enemies as the threats posed by these groups keep changing. The Department

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<sup>18</sup> The Global War on Terrorism: The First 100 Days, US department of state Archive, 2009 <<https://2001-2009.state.gov/s/ct/rls/wh/6947.htm>> Accessed April 20 2024.

<sup>19</sup> *Ibid*

<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> *Ibid*.

<sup>23</sup> *Ibid*.

works with foreign government partners to develop the capacities required to prevent, degrade, identify, and respond to terrorist threats through a combination of diplomatic engagement and foreign assistance. This includes initiatives to improve crisis response, counter violent extremism, increase international information sharing, strengthen law enforcement and judicial capacities, and expand border and aviation security. The State Department helps countries develop counterterrorism capabilities in their respective regions and advocates for increased burden sharing to combat terrorist threats through its global involvement. Additionally, the State Department leads an integrated, whole-of-government strategy for international counterterrorism in close collaboration with the Departments of Defense, Homeland Security, Justice, Treasury, and the Intelligence Community.<sup>24</sup> In summary, both Nigeria and the United States face significant terrorism threats but employ distinct approaches in responding to these challenges. While Nigeria focuses on military operations, multinational cooperation, and community engagement, the United States emphasizes law enforcement, intelligence gathering, and international partnerships to combat terrorism.

#### **4.0 Human Rights Implications of Counterterrorism Measures: A Comparative Assessment of Counterterrorism Measures.**

Actions taken by the US and Nigeria to defend their countries have an impact on human rights. States therefore need to implement strong counterterrorism policies. Even though States and other parties may face difficult and complex obstacles in their fight against terrorism, international human rights law is adaptable enough to deal with them. This subtopic will concentrate on the implication of counter-terrorism measures on human rights, and the connection between human rights and counterterrorism, specifically looking at the States' duty to make sure that all counterterrorism measures adhere to human rights norms and the legal framework's ability to accommodate exceptional situations.

#### **4.1 Human Rights Implications of Counterterrorism Measures in Nigeria**

##### **4.1.1 Extrajudicial Killings**

Reports of extrajudicial killings by security forces during counterterrorism operations have raised concerns about violations of the right to life and due process rights. Suspects may be subjected to summary executions or arbitrary killings without proper legal proceedings.<sup>25</sup>

##### **4.1.2 Arbitrary Arrests and Detentions**

Security forces in Nigeria have been accused of engaging in arbitrary arrests and prolonged detention without trial, violating the rights to liberty and fair trial. Suspects may be held in custody for extended periods without access to legal representation or judicial review.<sup>26</sup> A typical example being in the case of *Sikuru v Alade* was held in pretrial custody for more than nine years without being tried. The Community Court of Justice of the Economic Community of West African States (ECOWAS) found that this violated the prohibition on of arbitrary detention in the African Charter on Human and Peoples' Rights.<sup>27</sup>

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<sup>24</sup> US Department of state, countering terrorism <<https://www.state.gov/policy-issues/countering-terrorism/#:~:text=This%20includes%20efforts%20to%20strengthen,response%2C%20and%20counter%20violent%20extremism.>> Accessed April 16, 2024.

<sup>25</sup> A. Abdulrasheed 'Counter-Terrorism Activities and Human Rights Violation in Nigeria's Fourth Republic' *Lapai International Journal of Administration Volume 3 Number 4 June, (2021)* <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3881649](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3881649)> Accessed March 31, 2024.

<sup>26</sup> 2022 Country Reports on Human Rights Practices: Nigeria, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR <<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nigeria/>> accessed March 31, 2024.

<sup>27</sup> *Alade v. the Federal Republic of Nigeria*



#### 4.1.3 Torture and Ill-Treatment

There have been allegations of torture and ill-treatment of individuals suspected of involvement in terrorism-related activities. Security forces may use torture as a means of extracting information or confessions, in violation of the absolute prohibition against torture under international law.<sup>28</sup>

#### 4.1.4 Restrictions on Freedom of Expression and Assembly

The Nigerian government has imposed restrictions on freedom of expression and assembly in the name of counterterrorism, including censorship of media outlets and crackdowns on peaceful protests. These measures limit individuals' rights to freedom of speech and association.<sup>29</sup>

### 4.2 Human Rights Implications of Counterterrorism Measures in the United States:

#### 4.2.1 Mass Surveillance

Counterterrorism measures in the United States have involved extensive surveillance programs targeting communications, internet activities, and financial transactions of individuals suspected of involvement in terrorism. Mass surveillance raises concerns about violations of the right to privacy and freedom from arbitrary interference.<sup>30</sup>

#### 4.2.2 Targeted Killings

The United States has conducted targeted killings of suspected terrorists, including drone strikes in countries like Afghanistan, Pakistan, Yemen, and Somalia. These targeted killings raise legal and ethical questions about the right to life and due process rights, particularly when conducted outside of traditional battlefields.<sup>31</sup>

#### 4.2.3 Racial and Religious Profiling

Counterterrorism efforts in the United States have been criticized for engaging in racial and religious profiling, particularly targeting Muslim and Arab communities. Profiling based on ethnicity or religion violates the principles of non-discrimination and equality before the law.<sup>32</sup>

#### 4.2.5 Detention Without Trial

The detention of individuals suspected of involvement in terrorism-related activities, including indefinite detention at Guantanamo Bay, raises concerns about the right to a fair trial and habeas corpus rights. Suspects may be held without charge or trial for extended periods, without adequate judicial review.<sup>33</sup>

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<sup>28</sup> Amnesty international 'Welcome to hell fire' Torture and other ill-treatment in Nigeria' <<https://www.amnesty.org/en/wp-content/uploads/2021/07/afr440112014en.pdf>> Accessed march 31 2024.

<sup>29</sup> *Ibid*

<sup>30</sup> Office of the United Nations High Commissioner for Human Rights' Human Rights, Terrorism and Counter-terrorism' <<https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet32EN.pdf>> Accessed march 25 2024.

<sup>31</sup> Parliamentary Assembly 'Drones and targeted killings: the need to uphold human rights and international law' Resolution 2051 (2015) <<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21746>> Accessed march 30 2024.

<sup>32</sup> Office of the United Nations High Commissioner for Human Rights' Human Rights, Terrorism and Counter-terrorism' <<https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet32EN.pdf>> Accessed march 25 2024.

<sup>33</sup> A. De Zayas 'Human rights and indefinite detention' international review of the Red cross, Volume 87 Number 857 March 2005 <[https://international-review.icrc.org/sites/default/files/irrc\\_857\\_2.pdf](https://international-review.icrc.org/sites/default/files/irrc_857_2.pdf)> Accessed march 30 2024.

### 4.3 Evaluation:

Counterterrorism measures in both Nigeria and the United States have led to human rights violations, including extrajudicial killings, arbitrary arrests, torture, surveillance, and restrictions on freedom of expression and assembly. These violations undermine the rule of law, erode public trust in government institutions, and may fuel grievances that contribute to radicalization and extremism. Balancing security imperatives with respect for human rights is essential for effective counterterrorism strategies that uphold the principles of democracy, justice, and human dignity. Overall, addressing the human rights implications of counterterrorism measures requires a commitment to accountability, transparency, and respect for the rule of law. By ensuring that counterterrorism efforts comply with international human rights standards and principles, governments can enhance their legitimacy and effectiveness in combating terrorism while upholding fundamental freedoms and human rights.

### 5.0 Protection and Promotion of Human Rights in Counter-terrorism

As previously mentioned, terrorism seriously affects some fundamental human rights, States have a duty as well as a right to take effective counterterrorism measures. The protection of human rights and effective counterterrorism measures are complementary and mutually reinforcing goals that must be pursued in tandem as part of States' duties to protect individuals within their jurisdiction. Accordingly, counterterrorism measures can have an impact on human rights and the functioning of society. Following the terrorist attacks on September 11, 2001, the Security Council moved quickly to strengthen the legal framework for international cooperation and common approaches to countering the threat of terrorism. These measures included preventing terrorist financing, lowering the likelihood that terrorists would obtain weapons of mass destruction, and enhancing cross-border information sharing by law enforcement authorities. The Counter-Terrorism Committee was established as a monitoring body to oversee the implementation of these measures. The African Union, the Council of Europe, the European Union, the League of Arab States, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the South Asian Association for Regional Cooperation, and other organizations have all served as contexts for the development of regional approaches.<sup>34</sup> Since the passage of Security Council resolution 1373 (2001),<sup>35</sup> security and counterterrorism laws and policies have proliferated globally, with many affecting the exercise of human rights. Most nations have negatively impacted core human rights and civil liberties as a result of hastily passing legislation and practical steps to fulfill their counterterrorism duties. The following will outline the most important human rights issues that States need to be mindful of to make sure that any action they take to fight terrorism conforms with their legal commitments;

### 6.0 Conclusion and Recommendations

Based on the comparative analysis of terrorism, global insecurity, and human rights in Nigeria and the United States, several policy implications and recommendations emerge:

**6.1 Upholding Human Rights and Rule of Law:** Both Nigeria and the United States should prioritize human rights and rule of law in their counterterrorism strategies, ensuring that security measures are conducted in accordance with international human rights standards and legal safeguards. Policy recommendations include strengthening legal frameworks, oversight

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<sup>34</sup> Office of the United Nations High Commissioner for Human Rights, 'Human Rights, Terrorism and Counter-terrorism' <<https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet32EN.pdf>> Accessed April 24 2024.

<sup>35</sup> UN Security Council resolution S/RES/1373 (2001) <<https://www.refworld.org/legal/resolution/unsc/2001/en/12519>> Accessed April 24 2024

mechanisms, and accountability mechanisms to prevent human rights abuses by security forces and promote justice for victims of terrorism.

**6.2 Addressing Root Causes and Grievances:** Both countries should address the root causes of terrorism, including socio-economic disparities, political marginalization, and ethno-religious tensions, through inclusive governance, poverty reduction, and conflict resolution efforts. Policy recommendations include investing in education, job creation, and community development programs to address underlying grievances and promote social cohesion and resilience.

**6.3 Promoting Community Engagement and Empowerment:** Nigeria and the United States should prioritize community engagement and empowerment in designing and implementing counterterrorism strategies, fostering trust, dialogue, and cooperation between communities and security forces. Policy recommendations include supporting grassroots initiatives, civil society organizations, and community-led interventions that promote resilience, prevent radicalization, and address local grievances.

**6.4 Enhancing International Cooperation:** Both countries should strengthen international cooperation and coordination in addressing transnational terrorism threats, including information sharing, capacity-building, and joint law enforcement operations. Policy recommendations include supporting regional and international mechanisms for counterterrorism cooperation, promoting adherence to international human rights standards, and addressing the root causes of terrorism through diplomatic and development efforts.

**6.5 Investing in Preventive Measures:** Nigeria and the United States should invest in preventive measures that promote dialogue, reconciliation, and social cohesion, including countering violent extremism (CVE) programs, community policing initiatives, and efforts to address radicalization and recruitment. Policy recommendations include supporting community-based prevention programs, providing psychosocial support to victims of terrorism, and promoting positive alternatives to violence through education and economic empowerment.

**6.6 Strengthening Legal and Judicial Systems:** Both countries should strengthen their legal and judicial systems to ensure accountability, transparency, and access to justice in counterterrorism cases.

**6.7 Implementation of Policy Recommendations:** Policy recommendations include providing training and capacity-building for judges, prosecutors, and law enforcement officials, enhancing due process rights for suspects, and promoting judicial independence and impartiality. By implementing these policy recommendations, Nigeria and the United States can enhance the effectiveness, legitimacy, and accountability of their counterterrorism efforts while upholding human rights, rule of law, and democratic values. This comparative analysis provides a framework for informed decision-making and policy development to address the complex challenges of terrorism, global insecurity, and human rights violations.