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INTERNATIONAL AND NATIONAL LEGAL COUNTER TERRORISM MEASURES IN NIGERIA

Abstract. One of the major aspects of the globalization era is the emergence of religious fundamentalism and terrorism. Islam is a way of life, inspired by the holy Quran, which prone peace. Its necessary to out pin that, not all Muslims are terrorist, but some are usually misled by radical teachings or religious order (fatwa) from radical leaders with no conscience. In their duty to establish a self-proclaimed caliphate, under the banner of Islam, such groups and individuals claim religious beliefs as source of legitimacy for jihadists tendencies.

According to Sun Tzu, “You need not fear the results of a hundred battles”. This rule applies to counter terrorism strategy, for this paper explores national and international legal instruments implemented by the Nigerian government to combat terrorism, but first point the origin of Boko Haram. In essence, this paper evaluates the tenacity and challenges facing the mutations of terrorist activities on national security from a legal perspective.

Keywords: *Terrorism, Boko Haram, Counter Terrorism, Law, Nigeria*

Introduction. Religion is not the cause of religious conflict; rather for many... it frequently supplies the fault line along which intergroup identity and resource competition occurs (Seul, 1999, p. 58).

Analysis of recent research and publications. The Federal Republic of Nigeria is made of 36 states, and considered as the United States of America in Africa, because of its political configuration. The country is known because of several military coups, though the country has succeeded to keep most of her formal statesmen from international prosecutions. Leadership in the country is rotatory (the electoral pattern is termed zoning), with maximum of two mandates, with over 250 ethnic groups, the country is faced with several challenges; ethno-regional, religious and resource capture with Biafra and terrorism by criminal sect Boko Haram. However, her “federal character” is enshrined in the 1999 constitution, with reflection on cultural diversity and assertion in to state duties. In 2011, the country almost engaged in socio-politic “game” because of frustrated expectations that a northerner would retain the presidency after the death of former statesman (President Umaru Yar’Adua).

The purpose of this work is to study international and national legal counter terrorism measures in Nigeria.

Formulation of the main material.

History of jihad in Nigeria

Boko Haram draws inspiration from the Islamic empire of Usman Dan Fodio’s Sokoto Caliphate of the 19th century, which institutionalized Islam in northern Nigeria. The Sokoto Caliphate consisted of Sharia-based emirates led by local emirs (commanders), which existed after the British colonial powers

integrated part of Nigerian territory. The sultan of the Sokoto caliphate is considered as the religious leader of Nigeria's more than 70 million Muslims (Kastfelt, 2015), though considered as infidels by Boko Haram. Boko Haram denies the authority of the secular state; they do not acknowledge the sultan of Sokoto as the ruler of Muslims (Solomon, 2015).

The emergence of Boko Haram is traceable to radical Islamic reform movement inspired by Wahhabism and Salafism that flourished in northern Nigeria in the 1980th. groups which paved the way for Boko Haram, included but not limited to anti-modern and violent Maitatsine movement (AA, 2012, p. 120) and Izala movement, founded scholars, following their academic parkour in the 1980th in Nigeria and abroad, drawn from Arabic teaching and community-led projects as well as providing scholarships for university students to study in Saudi Arabia.

The radicalism and religious extremism began in northern Nigeria following the return of members of the Izala movement from Saudi Arabia in the 1990s. Flag bearers of the Izala movement, were eager to spread new ideas contrary to the older generation of Islamic intellectuals who did not wish to give them space, voice and power in the religious arena (AA, 2012, p. 121). Hence, creation of a new Salafiya youth group, which subsequently followed by violent contestations and splinter cells aspiring to establish a caliphate from the recruitment of local and foreign fighters for jihadist tendencies. The proliferation of new theology led to the emergence of more ultra-radical groups like Boko Haram, with the leader Mohammed Yusuf (Kastfelt, 2015). According to AA (2012) and Mohammed (2014), the rejection of Western democracy by Mohammed Yusuf was fashioned by his readings and interpretations of Saudi based scholars. Radical Islamic interpretations were, is translation of 19th century religious clerics to contemporary ethno-religious tendencies in northern Nigeria, in the process of which new flag bearers are recruited.

Origin of Boko Haram

Boko Haram is a terrorist Islamic sect, based in Nigeria, a major menace to states of Borno, Yobe, and Adamawa, as well as to Cameroon and Chad. Its originate from a Sahaba Islamic group, formed in 1995 and led by Abubakar Lawan, who focus on proselytization on orthodox Islamic doctrine. When Lawan departure to University of Medina, paved the way for Malam Mohammed Yusuf, to leadership of Boko Haram.

Yusuf a brilliant and favorite student of Sheik Jafar Mohammed, a Maiduguri based Islamic cleric, who was assassinated in Kano in 2007, while leading an early morning prayer with his adherents in mosque. Though exposed to orthodox Islamic teachings of Sheik Mohammed, Yusuf faith was primordially radical doctrine of the Islamic jihad. During his leadership orthodox Islamic doctrine was canceled and radical doctrine, which abhorred Western education and support of jihadist tendencies were major issues.

Emerging as one of the historical society built on Islamic tradition, with a legacy of Islamic warfare in the 19th century, Boko Haram drew inspiration from visions of Usman Dan fodio, for a return to the old Islamic order in northeastern Nigeria. The strength and audacity of Boko Haram, is linked to the radical Islamic ideology of jihad, sharia, and contemporary socio-economic problems of poverty, inequality, and unemployment. The support from AQIM, ISIS, and al Qaeda, have given the group global recognition, and jihadist tendencies in the Sahel region are similar to that of ISIS in Europe. Boko Haram is a major menace to Nigeria, and countries of CEMAC region.

Boko Haram's particularity in Nigeria is not its criminality but the sectarian agenda, which is distinct from the dynamics of resource-driven localized violent conflicts between different ethnic groups in Plateau state, or the ethnic claims of insurgent groups such as the O'odua People's Congress (OPC), the Movement for the Emancipation of the Niger Delta (MEND) and the Movement for the Actualization of the Sovereign State of Biafra (MASSOB).

Based in Nigeria's semi-arid northeast, Boko Haram does not have access to the economic leverage to pressure the government. Boko Haram adopted some of the tactics of foreign jihadist movements, suicide attacks on schools, diplomatic structures and even security officers, which had never before been seen in Nigeria. Meanwhile, its extreme nature of violence against children, prompt international community, as well as other countries to engage in the security response to the "game".

The National Counterterrorism Center of the U.S. government analysis on the Nigerian terrorist sect and other terrorist groups, pose that "Boko Haram", means "Western education is forbidden". Foluso Ajibulu, a contributing writer for the Vanguard, articulates that, "Boko in Hausa language means book and Haram abomination, which translate book is abomination".

Murray Last argues that, jihadist tendencies by Boko Haram, are not new phenomenon and will definitely not be the last in relation to international and national security issues. Meanwhile, Olojo (2013) is of the opinion that terrorism is sectarian in nature, out pin two aspects of the group which inter-relates; brainwash and misinterpretation of Quranic verse which lead to radicalization and jihadist tendencies.

Shabayany (2012, p. 33) out pin that terrorism "is a fanatical war waged by a puritan few against the massive army of innocent people who belong to different religious beliefs and faiths, including people who belong to different classes and gender". The modus operandi is a major issues, as it consist of surprise aggression, clandestine attacks and guerrilla warfare, which is usually considered as being asymmetric in nature. In terms of possessing an organized strategy for jihadist tendencies, terrorist groups engage in suicide bombings, the use of improvised explosives, hostage taking and kidnapping, propaganda and media advocacy, recruitment of combatants (Okoli & Iortyer, 2014), below are some national and international legal instruments use to combat terrorism in Nigeria.

International and national laws in combatting terrorism

The 11 of September attacks in the united states of America led to the promulgation of UN Security Council (UNSC) resolution 1373, which appeals for all states to pass comprehensive counter-terrorism laws and measures, as well as ratify various international instruments and complying with legally binding UNSC resolutions. The global response is focused on national legal instruments, with aim to effectively prevent and counter terrorist activities. The international instruments provide legitimate measures for the development of national laws and a basis for international legal cooperation.

The 2006 UN Global Counter-Terrorism Strategy and the altered political climate since 2009 may allow internal African realities and priorities to shape counter-terrorism responses, albeit within the global framework. The globalization era provides several opportunities for African states, with the need to re-examine counter-terrorism, and address contemporary issues shaping criminal justice system. Moreover, African narrative on the various UNSC resolutions on terrorism are strategic, particularly resolution 1373 requesting for wider ratification of counter-terrorism instruments. The UNSC in resolutions 1267 (1999), 1373 (2001) and 1624 (2004) prescribe obligations on states to implement its decisions through their national criminal justice systems.

International counter-terrorism legal instruments

International terrorism is not a new phenomenon and from the onset international responses have highlighted the role of national measures. Since 1963, through the UN and its various specialized agencies, the international community has promulgated a comprehensive set of universal legal instruments to provide legal basis for all states, who become parties to them, to act, to prevent and prosecute terrorist acts.

1973 Convention on the Prevention and Punishment of Crimes Against

Internationally Protected Persons (Diplomatic Agents Convention).

This convention provide internationally protection to statesmen (president of a country, representative or official of a State and international organization), special protection in a foreign State, and their family. The convention equally requires parties to criminalise and make punishable to deviant behaviors such as; intentional murder, kidnapping or attack on internationally protected person, and a violent attack upon the official premises.

1979 International Convention Against the Taking of Hostages (Hostages Convention). The 1979 convention provides that, any person “who seizes or detains and menace to kill, and aspire to detain an individual or group of persons, a state, an international or intergovernmental organisation, compel them to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this convention.

1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Airport Protocol).

The 2009 Abdumutallab Farouk’s case, is a proper example which validates the 1988 protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, supplementary to the convention for the suppression of unlawful acts against the safety of civil aviation. United States of America policing approach was updated, following the 9/11 attacks and Farouk’s December, 2009 fail attack on U.S soil after boarding a flight to the states without being identify by intelligence agency. However, the Montreal Convention and the 2005 Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation out pin strategic sanctions, such as; activities carryout with the use of a ship; and transportation of various materials intending to cause death or serious injury or damage.

1999 International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention) the fragmentation of states, jihadist tendencies and the emergence of financial dynamics are strategic issues for regional, national and international security. Terrorist financing remains a major menace for the world, whether direct or indirect. The 1999 convention is a major legal tool to parties to combat terrorist financing. The convention provides that, those who finance terrorism are criminally, civilly and administratively liable for such acts. It equally out pins that, when identified, account should be freeze and funds seized, as well as bank must adhere to security protocols of states, to avoid national and regional terrorist financing and threats.

National counter terrorism laws

Nigeria has reconfigured counter terrorism strategy to fit modern challenges, due to different types sophistication of the globalization era. Terrorist attacks are increasingly perpetrated with, guns, bombs, knives, with the use of airplanes, and now the use of improvised Explosive Devices (IEDS). The will for massive casualties and media coverage has made terrorists to incorporate the use of Internet and high digital technology in coordinating attacks. With focus on Nigeria, is necessary to point out that, the impact of terrorists attacks usually expose untold stories. In the case of KARUMI v. FRN33, the Court of Appeal in relation to the gravity of the offence of terrorism pose that:

“The gravity of the offence of terrorism which involves the use of violence or force to achieve something, be it political or religious, is a grave affront to the peace of society with attendant unsalutary psychological effect on innocent and peaceful members of the society who may be forced to live in perpetual fear. It is an offence that may even threaten the stability of the state. The sophisticated planning and execution of the acts of terrorism show it is an offence that requires premeditated cold-blooded organisation. The circumstances under which such a crime is organised calls for appropriate sentencing to deter its recurrence by

potential or prospective offenders”.

A person may be considered a terrorist or jihadist to state, but seen as defender of the right and cultural heritage of a given community. Though no standard definition for defining terrorism exist, in as much as there are several, the legislations, codes and laws regulating to the issue, it's easier to identify what constitute terrorist acts. It goes to state that terrorism could be defined by drawing inferences from the acts that have been said to be terrorist acts.

The 1999 Nigerian Constitution guarantees the right of defendants to adequate time and facilities to prepare for defense in relation to Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa. It was in the case of *FRN v. Osahon* (2006) 5 NWLR (Pt. 973) 361 at p. 406, that the Supreme Court held that “Police authority can, by virtue of the aforementioned provisions of Section 174 (1) of the Constitution prosecute any criminal suit either through his legally qualified officers or through any counsel they may engage for the purpose”.

Nigeria legal system is well structured, as any legal authority can institute criminal prosecution. Thereby limiting the power of the Attorney-General of the Federation, to be the only prosecutor. However, the Attorney General can take over, as well as discontinue by way of *nolle prosequi* the prosecution from any such legal authority. For example, in 2007 in *FRN v. Adewunmi* (2007) 10 NWLR (Pt 1042) 399 at, the legal bench focused on constitutional provisions, Section 174 and 211 of the current Constitution: “There is no doubt at all that the power to institute criminal proceedings against any person in the 1999 Constitution lies on the Attorney-General of the State of the Federation as the case may be, but such power may be exercised by the Attorney General himself or through any officers in his department”. Attorney General’s legal stance is not required for the officer to initiate criminal proceedings, but presumed that already working in the department of the Attorney General’s office, officer trained for such duty and unless proven otherwise. However, controversy may emerge in relation to a decision, in the case of *AG Kaduna State v. Hassan* (1985) 2 NWLR (Pt. 8) 483, there was no incumbent Attorney General who could have donated the power to discontinue criminal prosecution. The Terrorism (Prevention) (Amendment) Act, 2013 in Section 2 (1) simply provides that “All acts of terrorism and financing of terrorism are hereby prohibited”.

Section 2 (2) of the Terrorism (Prevention) (Amendment) Act, 2013 in creating offences provides that a person or body corporate who knowingly in or outside Nigeria directly or indirectly willingly

- (a) does, attempts or threatens any act of terrorism,
- (b) commits an act preparatory to or in furtherance of an act of terrorism,
- (c) omits to do anything that is reasonably necessary to prevent an act of terrorism,
- (d) assists or facilitates the activities of persons engaged in an act of terrorism or is an accessory to any offence under this Act,
- (e) participates as an accomplice in or contributes to the commission of any act of terrorism or offences under this Act,
- (j) assists, facilitates, organizes or directs the activities of persons or organizations engaged in any act of terrorism,
- (g) is an accessory to any act of terrorism, or
- (h) incites, promises or induces any other person by any means whatsoever to commit any act of terrorism or any of the offences referred to in this Act, commits an offence under this Act and is liable on conviction to maximum of death sentence.

It is pertinent to know what constitute “act of terrorism” considering its feature in Section 2 (2). The Principal Act – Terrorism (Prevention) Act, 2011, had defined acts which, constitute “act of terrorism in Section 1 (2). According to the Section, “act of terrorism” means an act which is deliberately done with malice, aforethought and which:

(a) may seriously harm or damage a country or an international organization;
(b) is intended or can reasonably be regarded as having been intended to (i) unduly compel a government or international organization to perform or abstain from performing any act; (ii) seriously intimidate a population; (iii) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization; or (iv) otherwise influence such government or international organization by intimidation or coercion; and

(c) involves or causes, as the case may be: (i) an attack upon a person's life which may cause serious bodily harm or death; (ii) kidnapping of a person; (iii) destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss; (iv) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (b) (iv) of this subsection;

(d) an act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.

Offences against internationally protected persons

Section 3 of the TPAA, 2013 provides for offences against internationally protected persons. Any person who intentionally murders, kidnaps or commits other attacks on the person or liberty of an internationally protected person; carries out a violent attack on the official premises, private accommodation or means of transport of an internationally protected person in a manner likely to endanger his person or liberty, or; threatens to commit any such attack, commits an offence and is liable to conviction to life imprisonment.

Prohibition of terrorist meetings

Terrorist meetings is prohibited as section 4 of the TPAA, 2013 provides that any person who:

(a) arranges, manages, assists in arranging or managing, participates in a meeting or an activity, which in his knowledge is concerned or connected with an act of terrorism or terrorist group,

(b) collects, or provides logistics, equipment, information, articles or facilities for a meeting or an activity, which in his knowledge is concerned or connected with an act of terrorism or terrorist group, or

(c) attends a meeting, which in his knowledge is to support a proscribed organisation or to further the objectives of a proscribed organization, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

Prohibition of soliciting and giving support to terrorist group

Section 5 of the TPAA, 2013 prohibits soliciting and giving support to terrorist groups. Any person who knowingly, in any manner, directly or indirectly, solicits or renders support

(a) for the commission or an act of terrorism, or

(b) to a terrorist group, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

Support has been defined in Section 5 (2) of the Act, to include:

(a) incitement to commit a terrorist act through the internet, or any electronic means or through the use of printed materials or through the dissemination of terrorist information;

(b) receipt or provision of material assistance, weapons including biological, chemical or nuclear weapons, explosives, training, transportation, false documentation or identification to terrorists or terrorist groups;

(c) receipt or provision of information or moral assistance, including invitation to adhere to a terrorist or terrorist group;

(d) entering or remaining in a country for the benefit of, or at the direction of

or in association with a terrorist group; or

(e) the provision of, or making available, such financial or other related services prohibited under this Act or as may be prescribed by Regulations made pursuant to this Act.

Notwithstanding the provision of the Terrorism (Prevention) (Amendment) Act (TPAA), 2013 that expanded the institutions charged with the responsibility of investigating terrorism, the Police stands as the traditional driver of ensuring internal security of Nigeria. Section 4 of the Police Act 5 provides thus:

“The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act”.

The Court of Appeal held in *IKPE & ANOR v. MR. EFFIONG (I.P.O.) Nigeria Police Force, Onna division Ndon Eyo, Onna LGA & ORS6 (2014) LPELR-23036(CA)* that the police are employed to investigate any criminal allegation and may take any action they deem fit to take upon investigation. They may arrest, detain, and prosecute an alleged offender by virtue of Section 4 of the Police Act, Section 35 (1) (c) of the 1999 Constitution of the Federal Republic of Nigeria (As amended); various substantive and procedural laws regulating criminal prosecution in Nigeria: Penal Code of various States in the northern part of Nigeria, Criminal Code of the various States of the Southern part of Nigeria, Administration of Criminal Justice Act, and Administration of Criminal Justice Law of various States.

The role of law enforcement agencies under the Terrorism (Prevention) (Amendment) Act, 2013.

As earlier stated in the introductory part of this work, Section 40 of the Terrorism (Prevention) Act, 2011, defines “law enforcement agencies” with the Terrorism (Prevention) (Amendment) Act, 2013 adding to the list. Section 1 A(3) of the Terrorism (Prevention) (Amendment) Act, 2013 provides that the law enforcement and security agencies is responsible for the gathering of intelligence and investigation of the offences provided under the Act. The Act in subsection 4, further provides that the law enforcement agencies shall have the powers to:

- (a) enforce all laws and regulations on counter-terrorism in Nigeria;
- (b) adopt measures to prevent and combat acts of terrorism in Nigeria;
- (c) facilitate the detection and investigation of acts of terrorism in Nigeria;
- (d) establish, maintain and secure communications, both domestic and international, to facilitate the rapid exchange of information concerning acts that constitute terrorism;
- (e) conduct research with the aim of improving preventive measures to efficiently and effectively combat terrorism in Nigeria;
- (f) partner with Civil Society Organizations and the Nigerian public to provide necessary education, support, information, awareness and sensitization towards the prevention and elimination of acts of terrorism.

The TPAA, 2013 in Section 29 has provided a wide range of powers to an investigator of the crime of terrorism. A relevant law enforcement agency with the approval of the Attorney-General of the Federation may, with the approval of the Coordinator on National Security for the purpose of the prevention of terrorist acts or to enhance the detection of offences related to the preparation of a terrorist act or the prosecution of offenders under the Act, apply ex-parte to a judge for an interception of communication order. The Judge in approving the application may make an order to:

- (a) require a communication service provider to intercept and retain a specified communication or communications of a specified description received or transmitted or about to be received or transmitted by that communications service provider;

(b) authorize the relevant law enforcement agency to enter any premises and to install in such premises, any device for the interception and retention of a communication or communications or specified description and to remove and retain such a device for the purpose of intelligence gathering; and

(c) authorize the relevant law enforcement agency to execute covert operations in relation to an identified or suspected terrorist group or persons for the purpose of gathering intelligence.

Such an order by the Judge shall specify the maximum period for which a communications service provider may be required to retain communications data. Subsection 4 of Section 29 of the TPAA, 2013 provides that, any information contained in a communication intercepted and retained pursuant to an order, or intercepted and retained in a foreign state in accordance with the law of that foreign state and certified by a judge or that foreign state to have been so intercepted and retained, shall be admissible in a proceeding for an offence under the Act, as evidence of the truth of its content.

It is important to note that a “communications service provider” has been defined in subsection 5 of same Section 29, to mean a person who provides postal, information or communication services, including telecommunications services; and “data” means information generated, sent, received or stored that can be retrieved by electronic, magnetic, optical or any similar means.

Terrorism is a crime that has globally preoccupied the 21st Century. Nations must continue to enact laws, shape policies and adequately build the capacity of investigators and prosecutors in the fight against the rising scourge. With the extant legislations in Nigeria – the Terrorism (Prevention) (Amendment) Act, 2013, Administration of Criminal Justice Act, 2015, Administration of Criminal Justice Law of various State, various Penal Code and Criminal Code laws of States, international protocols Nigeria has acceded to, etc., terrorism can be contained with where the spirit of the laws are given effect. The enforcement and security agencies must be well equipped and trained towards ensuring efficient investigation and effective prosecution of terrorism offences. Equally, the office of the National Security Adviser and that of the Attorney-General of the Federation must position itself in coordinating and ensuring the effective investigation and prosecution of terrorism offences.

Conclusions. President Trump’s phone call to President Buhari in 2017 was his first to any sub-Saharan African leader, due to intense security issues in Nigeria. In April 2018, Buhari was received by President Trump at the White House, for the Assistant Secretary of State for African Affairs Tibor Nagy expressed interest in seeing Nigeria play active role in peacekeeping and democracy promotion in Africa, and as well extend U.S. interest in the region. A country engulfed with religious militancy, and historical conflicts, tackling terrorism requires force rather than dialogue. The sovereignty of Nigeria cannot be negotiated with any individual, nor religious extremist group, not even Boko Haram. Mark Gabriel’s out pin that “a religiously motivated terrorist is not going to negotiate, and he’s not going to be satisfied with partial concessions”. Thus, national and regional counter terrorism strategy against Boko Haram is suitable for lasting peace to be restored. However, Boko Haram is a symptom of the increasing failure of the global leadership to address fundamental conflict that had remained potent since the 20th century. Thus, the Boko Haram is a challenge not only to Nigeria but a global menace, following its allegiance to other terrorist groups like ISIS.

Conflict of Interest and other Ethics Statements

The author declare no conflict of interest.

References

- AA (2012). The Popular Discourses of Salafi Radicalism and Salafi Counter-radicalism in Nigeria: A Case Study of Boko Haram. *Journal of Religion in Africa*, 42, 118-144.
- Abdullahi, Y. (2016). Reflection on the Intellectual Legacy of the Sokoto Jihad. *World Scientific News*, 32, 95-105.
- Ajayi, J.F.A., (1965). "West Africa states at the beginning of the Ninetieth Century". In J.F.A. Ajayi, & E. Ian, (eds.). A thousand years of West African History (253-266). Ibadan: Ibadan University Press.
- Basil, Momodu (2013). *Law, Rules and Procedures of Criminal Investigation in Nigeria*.
- Barnabas, C. Okoro (2013). *The Police, Law and Your Right*.
- Elntib, S. et al. (2018). Is the public willing to help the Nigerian police during the Boko Haram crisis? A look at moderating factor. *Journal of Police and Criminal Psychology*, 33(1), 55-62.
- Human Rights Watch* (HRW), (2011). Nigeria: Post-Election Violence Killed 800.
- Demarest, L., Langer, A., & Ukiwo, U. (2020). Nigeria's Federal Character Commission (FCC): a critical appraisal. *Oxford Development Studies*, 48(4), 315-328, <https://doi.org/10.1080/13600818.2020.1727427>.
- Implementation of the "federal character" remains uneven* (2020). L. Demarest, A. Langer, & U. Ukiwo, "Nigeria's Federal Character Commission (FCC): a critical appraisal". *Oxford Development Studies*.
- Ogunye, J. (2005). *Criminal Justice System in Nigeria: The Imperative of Plea Bargaining' in Lawyers' League for Human Rights*. Grafix & Images.
- Kastfelt, N. (2015). Hvad vil Boko Haram? *R.R.SON* 50-53.
- Ishaku, M. (2013). *Investigation and prosecution of terrorism under the terrorism (prevention) (amendment) act*, <https://ssrn.com/abstract=3496666>.
- Kyari, M. (2014). The Message and Methods of Boko Haram. In Marc-Antoine Perouse de Montclos (Ed.) *Boko Haram. Islamism, politics, security and the state in Nigeria* (9-32). Leiden, Netherlands: African Studies Centre.
- Nigeria: Current Issues and U.S. Policy*. *Congressional Research Service*, <https://crsreports.congress.gov>.
- Okoli, A. & Iortyer, P. (2014). Terrorism and humanitarian crisis in Nigeria: Insights from Boko Haram insurgency. *Global Journal of Human Social Science*, 14(1).
- Olojo, A. (2013). *Nigeria's troubled north: Interrogating the drivers of public support for Boko Haram*. The Hague: The International Centre for Counter-Terrorism, <http://www.icct.nl/download/file/ICCT-OlojoNigerias-Troubled-North-October-2013.pdf>.
- Myren, R. & Garcia, C. (1989). *Investigation for Determination of Fact: As Primer on Proof*. Pacific Grove, CA: Brooks/Cole Publishing Company.
- Shabayany, B. (2012). New waves of terrorism in Nigeria not true expression of Islam. *Jos Studies*, 20, 33-47.
- Solomon, H. (2012). Counter-terrorism in Nigeria: responding to Boko Haram. *RUSI Journal*, 157, 6-11.
- Solomon, H. (2015). Terrorism and Counter-Terrorism in Africa: Fighting Insurgency from Al Shabaab, Ansar Dine and Boko Haram. In Stuart Croft (Ed.). *New Security Challenges*. London: Palgrave Macmillan.
- Ike, T. (2018). Reconceptualising the Role of Law in Countering Terrorism: A Case Study of Boko Haram in Nigeria. *Journal of Law and Criminal Justice*, 6(1), 107-112.
- Legal instruments in Nigeria:
The 1999 Constitution of the Federal Republic of Nigeria (As amended).
Terrorism (Prevention) Act, (2011).
Terrorism (Prevention) (Amendment) Act, (2013).
Administration of Criminal Justice Act, (2015).

Сарон Мессембе Обіа

МІЖНАРОДНІ ТА НАЦІОНАЛЬНІ ПРАВОВІ ЗАХОДИ
ПРОТИДІЇ ТЕРОРИЗМУ В НІГЕРІЇ

Анотація. Одним із головних аспектів епохи глобалізації є поява релігійного фундаменталізму та тероризму. Іслам – це спосіб життя, натхненний священним Кораном, який схильний до миру. Необхідно пояснити, що не всі мусульмани є терористами, але деякі зазвичай вводяться в оману радикальними вченнями або релігійними наказами (фетвами) радикальних лідерів без совісті. У своєму обов'язку

створити самопроголошений халіфат під прапором ісламу, такі групи та окремі особи заявляють, що релігійні переконання є джерелом легітимності тенденцій джихадистів. За словами Сунь Цзи, “Не треба боятися результатів ста битв”. Це правило стосується стратегії боротьби з тероризмом, оскільки в цій статті досліджуються національні та міжнародні правові інструменти, які впроваджує уряд Нігерії для боротьби з тероризмом, але спочатку вказується на походження Боко Харам. По суті, ця стаття оцінює стійкість та виклики, з якими стикаються зміни терористичної діяльності щодо національної безпеки з правової точки зору.

Телефонний дзвінок президента Трампа до президента Бухарі у 2017 році був його першою розмовою з лідером країн Африки через серйозні проблеми безпеки в Нігерії. У квітні 2018 року Бухарі був прийнятий президентом Трампом у Білому домі, оскільки помічник держсекретаря США з питань Африки Тібор Надь висловив зацікавленість у тому, щоб Нігерія відіграла активну роль у підтриманні миру та просуванні демократії в Африці.

Країна, охоплена релігійною войовничістю та історичними конфліктами, боротьба з тероризмом вимагає сили, а не діалогу. Про суверенітет Нігерії не можна домовитися ні з якою особою, ні з релігійною екстремістською групою, навіть з Боко Харам. Марк Габріель зазначає, що “релігійно мотивований терорист не збирається вести переговори, і він не буде задоволений частковими поступками”. Таким чином, національна та регіональна стратегія боротьби з тероризмом проти Боко Харам підходить для відновлення міцного миру. Однак “Боко Харам” є симптомом зростаючої неспроможності світового керівництва вирішити фундаментальний конфлікт, який залишається потужним з 20-го століття. Таким чином, “Боко Харам” є викликом не тільки Нігерії, але й глобальною загрозою, оскільки вона віддана іншим терористичним групам, наприклад, таким, як ІДІЛ.

Ключові слова: тероризм, Боко Харам, боротьба з тероризмом, закон, Нігерія

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