

CHALLENGES OF COUNTER-TERRORISM STRATEGIES AND HUMAN RIGHTS IN NIGERIA

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Abstract

This paper examined the political costs and consequences of counterterrorism strategies; x-rayed the challenges democratic governments face in confronting terrorism; examined the experiences of Nigerian counter-terrorism laws, policies and practices. The paper using secondary data established that counterterrorist policies have the potential to undermine the democratic principles, institutions, and processes they seek to preserve. This demonstrates the effects of hastily drawn policies on civil liberties and constitutional norms. It concluded that preventing and countering terrorism is now a key policy priority for many liberal democratic states; and the political costs of confronting terrorism if not properly verified in most cases overshadows the main objective of countering terrorism. This is because both terrorist acts and counterterrorist strategies are political actions. The paper noted that terrorist designation lists are now more wide-spread internationally than ever before.

Keywords; counterterrorism; democratic; Norms; strategies and; terrorism

Introduction

Democratic nations have long histories of confronting both international and domestic terrorism. Some have undertaken progressively more stringent counterterrorist measures in the name of national security and the safety of citizens. The need to understand the impact of counter-terrorism laws, policies and practices is critical, as counter-terrorism measures may be counterproductive, especially if they fail to protect human rights, discriminate, increase repression, or stigmatize and alienate certain groups. This can undermine the trust and confidence needed for effective cooperation and may, in itself, bolster the terrorist's narrative.

Thus, there has been concern regarding the compliance of counter-terrorism laws and policies with human rights, and their potential discriminatory impact on specific communities. Since the terrorist attacks of 9/11 there has been a raft of legislation and policies specifically designed to counter terrorism. Many of these legislations have departed from the usual criminal justice or other policy and practice and have been subject to criticism and concern and courts have found some measures to be non-compliant with human rights.

Terrorism is not a new phenomenon, but recent events in the world have changed the actions taken by governments from a domestic to an international approach. On the other hand, the entire twentieth century - especially from the decade after the end of the Cold War was

deeply marked by terrorist actions. It has always been argued that terrorism is a weapon of the weak against the strong, this being the principle of the asymmetric war. Thus, there is the belief that terrorists show different types of operations. As there are variations of operations of terrorism so also there are variations of counterterrorism strategies. Tilly (2006) observed that "Asia and Africa each suffered far more attacks and casualties than the entire rest of the world put together".

Counterterrorism and antiterrorism are sets of tactics, techniques and strategies used by organizations to prevent or mitigate terrorist acts. Counterterrorism is not specific to any one field or organization; rather, it involves entities from all parts of society. Government agencies have an obvious concern. Hence, increasingly counterterrorism, antiterrorism, and counterinsurgency are considered different complementary doctrines. Counterterrorism is "enemy-centric" and tries to eliminate terrorists and their support networks. Counterinsurgency regards terrorism as one tactic in an insurgency, and is "population-centric", focusing on both protecting civilians from the terrorists, but also changing civilian attitudes such that they will not participate in support networks (Ikedinma, 2014).

The Theory of Counter-insurgency (COIN)

Control of the strategic weights or centers of gravity in any war, large or small, limited or unlimited, is a basic advantage that should be sought by any strategist (Morevac 2010). It is the fundamental key to conduct of warfare. Both Wylie and Clausewitz agree that any strategy shall aim at such significant concentrations of decisive moments. Furthermore, the concept of the centers of gravity becomes a valuable analytical tool while judging the actual chances of any strategy for success. Therefore, the assessment of strategic choice of both actors is crucial for identification of such centers of gravity and their subsequent evaluation (Callwell, 1996).

Through the theory of counterinsurgency (COIN), the respective strategies of actors shall be assessed and subsequently the centers of gravity identified. As Clausewitz advised, the aim should be to trace a single center of gravity of the war. This paper offers such an option, although within such a multifaceted environment, such as irregular war, there may be more strategic weights that influence the outcome, than solely one (Ce-tung, 1966 in Moravec, 2010).

The concept of politico-military insurgency may be relatively new, but many of the techniques involved, particularly that of guerrilla warfare, are merely adaptations of traditional rebel tactics. As in any other war or armed struggle, the famous thought of Carl von Clausewitz – that "all use of armed force is political and serving a political end" – is valid in this case. In particular, the political nature of irregular conflict is decisive and more influential in the choice of strategy (Jean Paul, 2001).

In 400 BC, Sun Tzu claimed that the essence of war is to break the will of the foe. The use of physical force is then one of the means to achieve such an end. In this sense, the guerrilla, terrorism or conventional warfare are simply different tactics of reaching rational, political goals. The use of violence shall therefore serve only one purpose, which is to break the will of the adversary to defend him or fight back – to give up the political cause. In this light, terrorism and counterterrorism is a clash of the will of opposition group to continue fighting and the will of the state to resist (Moravec, 2010).

Terrorism is political in its very core, because the fighters live amongst local communities, dress in civilian clothes, hide in populated areas, and use armed force unconventionally and inseparable from civilians. This type of conflict differs from conventional warlike operations, because the enemy operates clandestinely, among indigenous population (Robert, 2004). The weakness with regard to the military power is then major point of departure for such enemy. Their tactics aim at the vulnerabilities not appreciated by the targets, or capitalize on the victims' limited preparations against the threat. Such vulnerabilities, although affected by military or violent tactics, may still remain political in their nature. Thus, the aim of the waged opposition is political, while the means of winning or losing are mainly non-military (Ernesto, 2009).

In the situation of clear military disadvantage, those who wish to challenge the presence of counter forces sought to offset the conventional superiority of their enemies and opted for only logic tactics; they blended together elements of insurgency- guerrilla and terrorism. In fact, the essential ingredient of COIN is inflicting serious military setback on the insurgents and thus limiting their ability to endanger the security and promote the sense of authority of central government and its allies in the contested territory (Moravec, 2010).

The tool for fighting an irregular opponent using guerrilla and terrorism tactics is well known, but not used. The role of "hearts and minds" is overestimated and the role of sharp end combat operations is subsequently underestimated due to political choice. Virtually, there is no lack of skills or capabilities; there is simply the lack of will - the will to deploy them or even to use them. Unfortunately, this lack of will is caused by successful employment of a violent strategy by the adversary.

Understanding Counterterrorism

Counter-Terrorism refers to the techniques and strategies employed by the government or its agencies, to combat terrorist threats. When counter-terrorism is part of a broader insurgency, counter-terrorism may form part of a counter-insurgency doctrine. However, political, economic and other measures focus more on the insurgency than the specific acts of terror. Counter-terrorism includes both the detection of potential acts and the response to related events (wikipedia, the free encyclopedia).

Most counter-terrorism strategies involve an increase in standard Police and domestic intelligence. The major activities are the traditional interception of communications and the tracking of persons. New technology has however, expanded the range of military and law enforcement operations. Domestic intelligence is often directed at specific groups, defined on the basis of origin or religion. While Foreign Internal Defenses (FID) is programs either to suppress insurgency, or reduce the conditions under which insurgency could develop. However, home grown terrorists are often hard to detect because of their citizenship or legal alien status and ability to stay under the radar.

In counter-terrorism strategy, the appropriate government organizations need to understand the source, motivations, methods of preparation, and tactics of terrorist groups in order to select the effective action when terrorism appears to be more of an isolated event. Good intelligence is at the heart of such preparation as well as political and social understanding of any grievances that might be solved. Usually, getting information from inside the groups is very difficult because operational terrorist cells are often small, with all members known to

one another and at-times even related. Counter-intelligence is a great challenge with the security cell-based systems since the target is to obtain a clandestine source within the cell which is usually impossible. Financial tracking can play a role like communication interception; however, these approaches need to be balanced against legitimate expectation of privacy (Ikedinma, 2014).

The concept of anti-terrorism emerges from a thorough examination of the concept of terrorism as well as an attempt to understand and articulate what constitutes terrorism. It must be remembered that in military contexts, terrorism is a tactic, not an ideology. Terrorism may be a tactic in a war between nation-states, in a civil war, or in an insurgency. Counter-terrorism refers to offensive strategies intended to prevent a belligerent, in a broader conflict, from using the tactic of terrorism. The U.S. military definition, compatible with the definitions used by NATO and many other militaries, is "Operations that include the offensive measures taken to prevent, deter, preempt, and respond to terrorism" (Feiler, 2007).

In other words, counter-terrorism is a set of techniques for denying an opponent the use of terrorism-based tactics, just as counter-air is a set of techniques for denying the opponent the use of attack against aircraft. Anti-terrorism is defensive, intended to reduce the chance of an attack using terrorist tactics at specific points, or to reduce the vulnerability of possible targets to such tactics. Defensive measures used to reduce the vulnerability of individuals and property to terrorist acts, to include limited response and containment by local military and civilian forces (Us Department of Defense 2007)

Counter-terrorist policies have been unable to grasp the more insidious political effects of counter-terrorism policies based on the active participation and involvement of citizens. Counter-terrorist policies produce and reinforce a government of society in discrete and divided ethno-religious groups. Such policed multiculturalism is understood as the recognition and the management of diversity through a security perspective that has an important consequence; in that it removes fundamental questions about pluralism from political debate, casting them instead in a depoliticized language of security.

Modes of Counterterrorism Strategies

Understanding the behavior of a terrorist group is a complex phenomenon because of the uncertainty in strategies and tactics used by terrorists. Current literature suggests that terrorism has an evolutionary nature and terrorist groups change behavior according to a government's counter-terrorism policies.

Thus, there is the need for good intelligence as well as political and social understanding of any grievances that might be solved. Although, to get information from inside the group is a very difficult challenge because operational terrorist cells are often small, with all members known to one another, perhaps even related. Counterintelligence is a great challenge with the security of cell-based systems, since the ideal, but nearly impossible, goal is to obtain a clandestine human source within the cell. However, intelligence is expedient for every mode of counterterrorism strategy. Financial tracking can play a role, as can communication intercepts, but both of these approaches need to be balanced against legitimate expectations of privacy (Feiler, 2007).

Building a counterterrorism plan involves all segments of a society or many government agencies. In dealing with foreign terrorists, the lead responsibility is usually at the national level. A comprehensive program of counterterrorism requires not merely the recognition of terrorists and indications of impending attacks, but also an understanding of motivations and sources of support. Also relevant are the motivations of the individual terrorist and the clandestine cell system used by non-national terrorist groups.

Strategic counterterrorism is another acceptable mode of counterterrorism strategy. This will deny resources, such as finances or base areas, to the terrorists. It will capture, kill, or convert terrorist leaders. There are United Nations and national procedures for freezing terrorist assets found through financial intelligence; such assets are not only in the international financial system, but in informal value transfer systems and fungible goods such as illicit recreational drugs and blood diamonds. Some sophisticated terrorist groups, and countries using terrorism, have sophisticated clandestine purchasing organizations (Ikedinma, 2014).

Tactical and operational counterterrorism is another effective and acceptable counterterrorism strategy. Today, many countries have special units designated to handle terrorist threats. Besides various security agencies, there are elite tactical units, also known as special mission units, whose role is to directly engage terrorists and prevent terrorist attacks. Such units perform both in preventive actions, hostage rescue and responding to on-going attacks.

Most of these measures deal with terrorist attacks that affect an area, or threat to do so. It is far harder to deal with assassination, or even reprisals on individuals, due to the short (if any) warning time and the quick infiltration of the assassins (Stathis, 2004). Moreover, if the assassination is done by a suicide bomber, infiltration becomes moot. In some countries, the military may be called in as a last resort. However, this is obtainable for countries whose military are legally permitted to conduct police operations, and such counter-terrorism operations are conducted by their military.

Nigerian Counter-Terrorism Strategies

The Nigerian government has always been an active player in championing ant-terrorism, both nationally; within the African geographical region and internationally. The war against terrorism has been in the top agenda of the Nigerian government. The government declared a “zero tolerance policy towards all forms of terrorism and terrorism acts” and these attempts culminated into the passage of the Nigerian Terrorism Prevention Act 2011 and the Terrorism Proscription Order 2013.

The Terrorism (Prevention) Act 2011 provides measures for the prevention, prohibition and combating of acts of terrorism, funding of terrorism in Nigeria and for the effective implementation of the Conventions on the prevention, suppression of financing of international terrorism and combating of terrorism. The Act also prescribes penalties for violating any of its provisions. The Act is divided into 8 parts and has 41 sections and a schedule. Some of the essential provisions of the Act are examined herein.

Section (1) 1 of the Act prohibits acts of terrorism, by providing that any person who knowingly does, attempts or threatens to do an act preparatory to or in furtherance of an act of terrorism, or does anything that is reasonably necessary to promote an act of terrorism or assists or facilitates the activities of persons engaged in an act of terrorism is guilty of an

offence under the Act. Sub-section (2) of the section defines “act of terrorism” as an act which is deliberately done with malice, which may seriously harm or damage a country or an international organization or is intended to unduly compel a government or international organization to perform or abstain from performing any act or involves or causes an attack upon a person’s life which may result to serious bodily harm or death. Thus, what constitutes terrorist acts is expressly stated in sub-section 1 of the Act.

Section 2 of the Act proscribes organizations which engage in or participate in an act of terrorism, promoting, encouraging or exhorting others to commit an act of terrorism. Sub-section (3) paragraph (i) provides for a maximum term of 20 years imprisonment to any person who belongs or professes to belong to a proscribed organization.

Section 3 of the Act deals with terrorist meetings by providing that any person who arranges, manages or assists in arranging or managing or participating in a meeting or activity which he knows is connected with an act of terrorism or provides logistics, equipment or facilities for a meeting, or an activity which he knows is connected with an act of terrorism, or attends a meeting which he knows is to support a proscribed organization or to further the objectives of a proscribed organization is guilty of an offence under this act and shall be liable on conviction to a maximum term of 10 years imprisonment.

Section 4 of the Acts provides against any person who renders support for an act of terrorism or a proscribed organization or an internationally suspected terrorist group. The punishment is imprisonment for a maximum term of 20 years. Sub-section 3 of the section defines “support” to include incitement to commit a terrorist act, offer of material assistance, such as weapons, chemicals, explosives, training, transportation, etc. Offer of moral assistance, provision of finance.

Section 5 of the Act provides that any person whether or not in the armed services who harbours, conceals or causes to be harboured or concealed a person whom he knew to have committed, or to have been convicted of an act of terrorism or against whom he know that a warrant of arrest or imprisonment for such an act had been issued commits an offence under this Act, and shall be liable on conviction for a maximum term of 10 years imprisonment.

Section 6 of the Act provides that any person who knowingly agrees to provide training or instruction in the making or use of any explosive or other lethal device or in carrying out a terrorist act, to a member of a terrorist group or a person engaging in, or preparing to engage in the commission of a terrorist act is guilty of an offence and should on conviction, be liable to imprisonment for a maximum term of 10 years.

Under section 9 of the Act, the President may, on the recommendation of the National Security Adviser or Inspector General of Police declare a person to be a suspected international terrorist, if he reasonably suspects that the person is or has been involved in the commission, preparation or instigation of acts of international terrorism or is a member of or belongs to an international terrorist group or is listed as a person involved in terrorist acts by the United Nations Security Council or by the African Union and Economic Community of West African States and the person is considered as a person involved in terrorist acts by such states or other organization.

By virtue of such-section (3) of section 9 of the Act, where a person is declared as a suspected international terrorist possesses the Nigerian citizenship other than by birth, such a person shall be deprived of his Nigerian citizenship in accordance with the constitution. The President can also on the recommendation of the National Security Adviser or the Inspector General of Police, declare a group to be an international terrorist group. Sub-section (8) of this section, defines “act of international terrorism” to mean an act of terrorism involving a non-citizen; a person possessing dual citizenship; groups or individuals whose terrorist activities are foreign based or directed by the countries or groups outside Nigeria or whose activities transcend national boundaries. Penalty of a maximum term of 5 years imprisonment is also provided under sub-section 6, paragraph (d) of section 9 for any person who contravenes any of the regulations.

Section 10 of the Act provides against collecting funds for financing international terrorism. The penalty under this sub-section is a maximum term of 10 years imprisonment on conviction.

The fore-goings are the major provisions of the Act, which if well implemented to the letter will no doubt prevent and combat the acts of terrorism in Nigeria.

In keeping with the Act, the Federal Government declared the activities of some groups including the Boko Haram and “Jama’atu Ansarul Muslimina Fi Biladis Sudan” as terrorism and illegal thereby proscribing their existence and restraining any person or group of persons from participating in any manner whatsoever in any of their activities (Ikedinma 2014).

Policy Action against the Act of Terrorism in Nigeria

Nigerian government is taken several steps in an attempt to counter terrorism in the country. The government outlined a “three-pronged approach to address the menace of terrorism namely; strengthening of counter-terrorism cooperation with neighbouring countries and international partners, openness to political dialogue with groups and individuals involved in acts of terror, and economic inclusion targeted at the disadvantaged and unemployed in Nigerian society especially in the North East. Other attempts to stop terrorism by government include the enactment of the Terrorism Prevention Act 2011, Terrorism Proscription Oder 2013, deployment of Joint Task Forces, creating special joint military task force, temporary closure of borders, capacity building, equipment of security forces, installing numerous closed circuit television.

Other steps include external collaborations with the establishments of multilateral and bilateral engagements. The government is working with counter-terrorism experts from several countries including the United States (U.S.) and the United Kingdom (U.K.) in an attempt to neutralize the threat posed by Boko Haram amid fears that they could worsen instability across West and Central Africa. Also in a bid to bring an end to the deadly activities of the sect in the country, the Nigerian Army graduated a 277 man anti-Boko Haram and Terrorism Special Force in 2012 (Pogeson, 2013).

Nigerian has also supported the decision of the International Criminal Court (ICC) to arrest, prosecute and try the members of Boko Haram. Furthermore, in 2007, the government formed the National Focal Point on Terrorism, an inter-agency task force that includes the

Department of Security Service (DSS), Nigerian Customs Service, Ministry of Foreign Affairs (MFA), Immigration and the Local Vigilantes which include local hunters.

Historically, government's responses to militancy have relied almost entirely on military strategies that have had short-term successes and long-term unintended consequences including fueling a vicious cycle of violence. For example, according to Onah (2013) the killing of Mohammed Marwa, the spiritual leader of the maitatsine movement, during the 1980 Kano riots resulted in a more intense violence and its subsequent spread to other cities. He further reiterated that the intensification of the Boko Haram violence is a direct consequence of the extrajudicial execution of its leader, Utaz Mohammed Yusuf. Thus, the carrot and stick approach of present Nigerian government which combines the use of heavy military force, support for victims of terrorist acts and state pardon for terrorist suspects (Ikedinma 2014).

Challenges to Nigeria's Counter-Terrorism Efforts

Nigeria is one of the countries in Africa to comply with all established and existing Conventions, Resolutions, Protocols and other laws regarding the regulation and combating of international terrorism, combating of the financing of terrorism and anti-money laundering (CFT/AMT) and other related criminal acts specified under those laws. Notwithstanding, the measures taken to be a compliant state among the comity of nations, Onah (2013) pointed out that Nigeria lacks the political will to enforce and implement the laws so far approved or passed relating to acts of terrorism or financing of terrorism in Nigeria.

Generally, the problems confronting the government in combating terrorism are enormous. In spite of the actions put in place for suppressing terrorism, the menace seems to be over stressing the government. The fact is that most of the government efforts have been mere peripheral window dressing as they do not actually address the issues that brought about terrorism. For instance, while the government actions in the Niger Delta were merely settling the militants and their leaders, the general lack of infrastructural development in the Zone has remained unsolved.

Another major challenge is lack of skilled manpower and training. At the peak of the kidnapping crisis in the South-East, following the kidnapping of the four Journalists at Aba, Abia State, it was reported that security experts were imported from Israel to help in tracking the whereabouts of the kidnappers and their hideouts (Eke, 2013). Similarly, experts were flown from Britain and America to take samples of the pieces of bomb blasts recovered at the scene of incident of the bomb blast of October 2010 at Abuja. Moreover the imported cache of guns and ammunition discovered at Apapa Wharf sometime in 2010 was also sent to America to determine where the items were made. These buttress the fact that Nigeria lacks the expertise in terms of manpower skill and training to deal with terrorism.

Consequently, Lee and Perl (2002) as cited in Eke, (2013) pointed out that Nigeria's security agencies take only pictures and finger prints of criminals arrested in connection with terrorism or criminal acts. They lack the skill to carry out forensic or DNA examinations. It is quite absurd that after about eighty eight years of the emergence of the Nigerian Police Force (1930 – 2021), all it could achieve is mere picture taking and finger printing investigation. It

cannot delve into the rigorous aspect of investigation by utilizing competent forensic technology.

Another dilemma confronting the country in the fight against terrorism is that terrorism in Nigeria is religiously or ideologically motivated. The challenge associated with this kind of terrorism is how to condemn and combat such terrorist activity or extremism and violent ideology of specific radical groups without appearing to be Anti-Islamic or anti-religious in general. On the other hand, at the international level, a desire to punish a State for supporting international terrorism or harbouring terrorists may conflict with other foreign policy involving the country. However, it is important that government must prioritize its national internal security interest with that of any group and understand that the unity and strength of the state is far greater than the interest of any religion or culture. When the state is guided by this principle, that the whole is greater than any of its component parts, then sentiment will be cast aside for the interest of the whole (Ikedinma, 2014).

The Department of Security Service (DSS) and the Nigerian Army have blamed the ineffectiveness of the counter-terrorism efforts in Nigeria on the lack of collaboration among the various security agencies. According to the two agencies, surmounting the prevailing security challenges require the active collaboration of all stake holders. Representatives of the two security outfits stated this at a workshop organized by the Nigeria Security and Defense Corps College of Security Management for the security agencies in Ogun state. The Director of the Department of Security Service (DSS) in the state in a paper titled 'National Security: Question for all Security Agencies' argued that since the role of the various security agencies in maintaining security was complementary, it would be impossible for any arm to arrogate the successful execution of the task to itself alone (Ikedinma, 2014).

Challenges to Counterterrorism Strategies

Terrorism is a complex phenomenon with high uncertainties in user strategy. Uncertain nature of terrorism is a main challenge in the design of counter-terrorism policy. Government agencies cannot always use social media and telecommunication to capture the intentions of terrorists because terrorists are very careful in the use of these environments to plan and prepare attacks.

One of the most relevant consequences of the fight against terrorism is the social claim for short-termed and urgent measures. In this context, some states' interventions might be equivocally considered adequate, even if they clearly violate the most fundamental human rights. This is particularly observed when it comes to the detention of persons captured or arrested because of suspected involvement with terrorism without an appropriate legal framework and full respect to relevant procedural safeguards, many people are deprived of dignity.

The question of whether the "global war on terror" is really a war becomes fundamental because it's possible conclusions affect directly how the conflict is seen as an armed one, which implies legal obligations to the parties involved or not. In this regard, the Geneva Conventions, which are not totally adapted to global terrorism and its repression, are applied only to certain specified circumstances. The common claim that the Geneva Conventions do not protect terrorists might mean either that the Conventions do not apply at all to military

operations directed against terrorist organizations or that individual terrorists do not fall into one of the categories of protected persons (Jinks, 2006).

There have been several abuses inflicted upon men and women held in the context of terrorism; interrogation techniques including hooding, stripping detainees naked, subjecting them to extremes of heat, cold, noise and light, and deprivation of sleep while incarcerated, configuring a routine that exposes people to pain and humiliation and eventually results in deaths under questionable circumstances (Human Rights Watch, 2008). The presence of military forces that sometimes have no formation on the principles of law in prisons increases the chances of inappropriate actions, especially when using intelligence-gathering methods, including aggressive interrogation.

The way interrogatories are conducted is fundamental to the "War on Terror"; for some governments, this war is to be won with the localization of terrorists and the discovery of information that could help in preventing future attacks (Hersh, 2004). For this reason, some states started to defend that cruel, inhuman or degrading treatment or punishment should not be completely prohibited, as in some exceptional circumstances they may be justified and even necessary. The fundamental point is that counterterrorism should not impose a different treatment to prisoners; those incarcerated for terrorist activities cannot be submitted to restrictions that are more severe than those applied to civil prisoners, despite the difficulty states face in protecting their communities from terrorist violence.

Closely related to the treatment dedicated to detainees is the right of any person to a fair trial. Although this is an internationally recognized fundamental right, after the intensification of the fight against terrorism and, mostly, since this struggle has been defined as "War on Terror" - there has been intention on some parts to compromise this principle in the name of security. But should fair trial standards be sacrificed to prosecute terrorism?

The right to a fair trial is guaranteed by both the International Covenant on Civil and Political Rights and the Geneva Conventions for the Protection of Victims of Armed Conflict. Other provisions of the Covenant are the protection of the defendant's right to be presumed innocent; right to be informed promptly of the charges; to be tried without undue delay; to be tried in his presence; to defend himself in person or through legal assistance; to communicate with counsel; to examine, or have examined, the witnesses against him; not to be compelled to testify against himself or to confess guilt; and to have any conviction and sentence reviewed by a higher tribunal according to law (Weissbrodt, 2008).

In other words, every detainee, in the context of terrorism, must receive all the judicial guarantees which are recognized as indispensable by the United Nations, once principles of legality and the rule of law require the respect of a fair trial; all human rights bodies must pay attention to the violation of a number of these guarantees.

The relevance of the issue of compatibility between counterterrorism and human rights is patent. The Security Council Resolution 1373 was adopted on September 28th, 2001, establishing the Counterterrorism Committee. The document affirms the importance of states to take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts (United Nations, 2001).

When employing counterterrorism measures, many states commit basic human rights abuses, including frequent invocation of exceptional powers and limitations that are not always justified. Some aspects need special attention such as the respect for private life, deeply affected by the investigation methods that interfere with the privacy and the use of a person's data by the state; the restriction of freedom of expression and access to information and the state interference on the media; the restriction to the right to own private property and the indefinite detention without charge of foreign nationals suspected of involvement in terrorism.

Generally, many countries face significant challenges in protecting their citizens against the threat of terrorism and, consequently, disobey the relevant legal framework regarding persons who are suspects of involvement with terrorist acts. Thus, there is the inauguration of a new kind of criminal process that has "increasingly displaced traditional methods of investigating, prosecuting, and punishing people who have engaged in conduct that is subject to criminal penalties whether or not that conduct is considered terrorism" (Parry, 2007).

There should be no contradiction between effective counterterrorism measures and protection of human rights. It must be assumed, then, that the dignity of all the people must be protected even in urgent events, especially avoiding injustice to a specific group. When fighting terrorism, states should pay further attention to the effects of the adopted counterterrorism measures and to the risk of damage to the rule of law.

Conclusion

Terrorism has long been associated with unprecedented, sustained and continued violent attacks, loss of lives and destruction of property. The actions and activities of terrorists impact on safety and security of the population, infrastructure and installations. Terrorism and related operations have been responsible for the mass commission of crimes including forced settlements, mass transfer of the population, persecution and murders among other vices. Countries experiencing terrorism related actions have not been able to register any growth in the economic, social, political and technological spheres and in the process are unable to discharge their primary responsibilities. Due to its negative consequences, terrorism needs to be countered through the adoption of the most effective mechanisms.

One of the major challenges of implementing effective counter-terrorism strategies is the warning by civil liberty groups and individual privacy that such strategies often entail abuses for the citizens and those detained by states attempting to counter terror. At times measures designed to tighten security have been seen as abuses of power or even violations of human rights. An example is the adoption of security measures that restrain the rights or freedoms of citizens and breach of principles of non- discrimination (Human rights news, 2004).

References

- Callwell, Charles (1996). *Small Wars: Their Principles and Practice*; Lincoln; NE; University of Nebraska Press

African Journal of Politics and Administrative Studies (AJPAS) Volume 14, Issue 1 (June, 2021)
e-ISSN: 2787-0359, p-ISSN: 2787-0367 www.ajpasebsu.org.ng

E-TUNG, Mao (1966). *Selected Military Writings of Mao Tse-Tung*; Peking; Foreign Languages Press,

Feiler, G (2007), *The Globalization Terror Funding*; Bar-Ilan University; Begin-Sadat Center for Strategic Studies; Mideast Security and Policy Studies No. 74

Guevara, Ernesto (2009). *Guerrilla Warfare*; London; Harper Perennial

High Level Conference on Counterterrorism at New York in June 28-29, 2017,
www.un.org/counterterrorism/HLC Beam Beam Letter Signup.

Ikedinma (2014) *Impact of Political Conflict and Terrorism on Nigerian National Security*; Ph.D. thesis submitted to the Department of Political Science, Obafemi Awolowo University Ile-Ife

Jean Paul (2001). *Evolution of Special Forces in Counter-Terrorism: The British and American Experiences*; London; Praeger Institute

Jinks, Derek (2006) *The Applicability of the Geneva Conventions to the Global War on Terrorism*; In Virginia Journal of International Law, Vol. 46, Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=897591

Mohammad, Khasawneh, Tutun (2015) *Understanding Patterns or Relations of the Terrorist Attacks to Prevent Future Threat* <https://www.researchgate.net/project/Networked-Pattern-Recognition-NEPAR-Frameworks-for-Understanding-and-Detecting-Future-Terrorism-Threats>

Moravec (2010) *The Afghan Mission: The Other Side of the COIN (Defense & Strategy)* ISSN 1802-7199 (on-line) University of Defense.

Naseer H. Aruri and John J. Carroll (1985), "U.S. Policy and Terrorism," *American – Arab Affairs*, Vol. 14, 59, 30
<http://search.proquest.com.proxy.library.georgetown.edu/docview/219491821/13D7E8BD9696EBF2847/18?accountid=11091>

Onah (2013) in Ikedinma (2014) *Impact of Political Conflict and Terrorism on Nigerian National Security*; Ph.D. thesis submitted to the Department of Political Science, Obafemi Awolowo University Ile-Ife

Parry, J. (2007) *Terrorism and the New Criminal Processes*; in William & Mary; Bill of Rights Journal, Vol. 15, Available at: <http://ssrn.com/abstract=938179>

Press Release: Security Council Unanimously Adopts Wide-Ranging Anti-Terrorist Resolution; calls for suppressing financing, improving international cooperation; Resolution 1373 (2001) Also Creates Committee to Monitor Implementation, United Nations Security Council, 28 September 2001, SC/7158

Stathis N. Kalyvas (2004). "The Paradox of Terrorism in Civil Wars" *Journal of Ethics* 8 (1): 97-138.

Tilly, C (2006) *The Politics of Collective Violence*; New York; Cambridge University Press

United Nations Resolution 1373 2001 Available at:
<http://daccessdds.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>.

US Department of Defense (12 July 2007), Joint Publication 1-02 Department of Defense Dictionary of Military and Associated Terms

WEISSBRODT, David. Fair Trials and Terrorism Available at:
http://www.amnestyusa.org/The_Right_to_a_Fair_Trial/David_Weissbrodt/page.do?id=1104761&n1=3&n2=35&n3=835

Wijk, Robert (2004). *The Art of Military Coercion: Why the West's Military Superiority Scarcely Matters*; Amsterdam; Mets & Schilt.