

# The Counter-Insurgency Operations of the Joint Task Force and Human Rights Abuses in Northern Nigeria, 2011–2013

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## Abstract

*Nigeria has witnessed sustained and often co-ordinated attacks on innocent lives, valuable properties, government institutions, etc. by the Boko Haram sect since 2009. The iconoclastic and subversive activities of the sect has led to the deployment of the special Joint Task Force (JTF) comprising the military, police and intelligence personnel by the Nigerian government. Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria, other laws established under it and several binding international human rights treaties clearly delineate the fundamental rights of the citizens. Ironically, these rights have come under severe abuse by members of the JTF drafted to restore public order in the terror-riddled states in northern Nigeria. This paper, therefore, analyzes the grossly under-reported role of the JTF, whose counter-insurgency operation in the preservation of national security largely contravenes the fundamental human rights of the citizens. Utilizing the Marxist theory of the state, the paper establishes that the counter-insurgency operation of the JTF is implicated in the wanton abuse of human rights in northern Nigeria. It concludes that the incidence of human rights violation in the region can only be eradicated through sustained rights advocacy and good governance.*

**Keywords:** Boko Haram, Joint Task Force, Counter-Insurgency, Operation, Human Rights Abuses

## 1. Introduction

As the international community continues to grapple with global terrorism, Nigeria is bedevilled by the notoriously subversive activities of the home-grown sect, dubbed Boko Haram. The exact number of casualties credited to the sect is relatively unknown due to the dearth of information on the group. However, the large number of people who have died on account of the insurgency is cause for concern. Since July 2009, suspected members of Boko Haram, an armed Islamic group, have killed at least 1,500 people in northern and central Nigeria (Human Rights Watch, 2012:5). Similarly, the jihadists have been responsible for roughly 10,000 deaths since its founding in 2001 (Allen, 2013).

The sect's attacks have primarily targeted innocent citizens, government institutions, security formations, religious organizations, educational institutions, media houses, beer halls, etc. So far, the government has concentrated its efforts at resolving the security challenge with the establishment and deployment of the Joint Task Force (JTF) to the terror-riddled states in what has become one of the largest peace time military operations in Nigeria. The deployment has not stopped the bombings but rather increased resentment in the local community where the force is located. The Nigerian government through the counter-insurgency operations of the JTF has killed hundreds of Boko Haram suspects and random members of communities where attacks occurred. The JTF has engaged in excessive use of force, physical abuse, secret detentions, extortions,

burning of houses, stealing of money during raids and extra-judicial killings of suspects (Human Rights Watch, 2012; Amnesty International, 2012).

These counter-insurgency operations of the JTF have contravened the Force's Rules of Engagement which according to the Code of Conduct for Nigerian Armed Forces Personnel on Internal Security & Aid to Civil Power Operations quoted in The National Human Rights Commission Report (2013:36) states *inter alia* that:

In enforcing domestic law and order, members of the Nigerian Armed Forces shall use firearms as a last resort with maximum restraint, and respect for the principle of minimum force even in situations of self-defence. Force may only be used when absolutely necessary and to the extent required to perform their duty.

Moreover, the activities of the force in the northern region have not only eroded the spirit of Section 14 (2) (b) of the 1999 Constitution of the Federal Republic of Nigeria which makes the security and welfare of the people the primary purpose of government but also undermined the fundamental human rights of the citizenry as enshrined in Chapter Four of the document. They have equally negated other relevant laws established under the constitution as well as several international human rights treaties which the government has, at one time or the other, ratified. It is therefore ironical that the security agents who are statutorily responsible for the protection and preservation of the fundamental rights of the nationals are increasingly being indicted in the infraction of these rights.

The abusive tactics of the JTF have strengthened the Islamist sect's argument that it is battling government's brutality. Indeed, the extra-judicial execution of the sect's leader, Mohammed Yusuf, and dozens of other suspected members of the sect in July 2009 became a rallying cry for the group's subsequent violent campaigns. Similarly, community members whose rights are frequently violated by the JTF are often unwilling to co-operate with security personnel and provide useful information about the insurgents. This impedes effective responses to the nefarious activities of the Islamist militants.

The causative factors that instigated the origination and escalation of the Boko Haram insurgency have become a subject of intense disputation amongst scholars in the literature (see Nwanegbo & Odigbo, 2013; Copeland, 2013; Manni, 2012; Thomson, 2012; Ogundiya & Amzat, 2008; Roman, 2012 and Adetoro, 2012). The insurgency has been associated with the perennial neglect of the socio-political and economic architecture of the country by successive administrations in Nigeria. The failure of leadership to transparently use public resources to ameliorate poverty and prevent all forms of socio-economic and political exclusions in the country underlies the insurgency. It is essentially fuelled by perennial failure of the political leadership to fight corruption, provide public services, create economic opportunities and establish accountable and effective security institutions. Accordingly, Clinton (2009:1) affirms that the most immediate source of disconnect between Nigeria's wealth and its poverty is the failure of governance at the federal, state and local levels.

Beyond econo-religious explanations however, Boko Haram is a terrorist group that romances with some desperate politicians in Northern Nigeria. The sect enjoys effective support from some well-to-do individuals, religious leaders, allies, admirers of their ideology and highly placed politicians in the North who claim to be Nigerians but are clandestinely working against the state (Nwanegbo & Odigbo, 2013:289). The group has transformed from a sect of Islamic fanatics to one with the overwhelming support of disgruntled politicians and other paid thugs who find the sect's ideology appealing. It is now widely accepted as a destructive political tool with a cosmetic pretension to religiosity. The sect has provided a safe haven for disgruntled, deprived, desperate, frustrated and opportunistic politicians who were dislocated in the political configuration within the terror-infested states and the country at large. They hide under its umbrella, therefore, to perpetrate subversive acts with the ultimate goal of discrediting the President Goodluck Jonathan's administration as fundamentally incapable of preserving the sovereign integrity of the nation. This largely explains the underlying reason behind the resurgence and escalation of Boko Haram

insurgence after the 2011 general election.

From the extant literature, however, no work has substantially and systematically analyzed the implication of the grossly under-reported counter-insurgence operation of the JTF on human rights in Nigeria. The literature is rather replete with reports of occasional violations of the fundamental rights of the citizenry by the members of the JTF. Arising from the foregoing, therefore, this paper seeks to analyze and answer the question: *does the wanton abuse of human rights by members of the JTF implicate the counter-insurgence operation in Northern Nigeria?* It found that the operations of the security agents drafted to the hotbed of Boko Haram in Northern Nigeria have not only violated the rights of the citizenry but also intensified the insurgence. The paper which is divided into introduction, theoretical framework, the historical development of Boko Haram insurgence in Nigeria, the counter-insurgence operations of the JTF and human rights abuses in Nigeria, and conclusion and recommendation covers the counter-insurgence operation of the JTF between 12th June 2011 when the Force was established and the eve of the emergency rule of 14th May 2013 in Adamawa, Borno and Yobe States.

## 2. Theoretical Framework

In analyzing the phenomenon of human rights violation by members of the JTF in Northern Nigeria, the paper employs the Marxist theory of the state. The theory arises as a reaction to the Western liberal theory of the state which holds that the state is an independent force and a neutral observer that caters for the main interest of every member of the society. According to the Marxist theory, the state is a product and a manifestation of the irreconcilability of class contradictions. It arises where, when and to the extent that class contradictions objectively cannot be reconciled (Lenin, 1976:9). Thus, Engels cited in Lenin (1976:9) notes that:

The state is, therefore, by no means a power forced on society from without...it is a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it has split into irreconcilable opposites which it is powerless to conjure away. But in order that these opposites, classes with conflicting economic interests, might not consume themselves and society in fruitless struggle, it became necessary to have a power seemingly standing above society that would moderate the conflict and keep it within the bounds of 'order'; and this power, arisen out of society but placing itself above it, and alienating itself more and more from it, is the state.

The state does not represent the general interest but the particular interest of the dominant ruling class. This state, which arose from the conflict between classes, is as a rule, the state of the most powerful, economically dominant class, which by this means also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakubowski 1973:41). Accordingly, Marx and Engels (1973:35) aver that the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie. The state autonomy in the class society is therefore more apparent than real because the state remains the instrument of the dominant classes for exploiting and suppressing the subordinate classes.

Meanwhile, the classical Marxist theory of the state has been further developed to take into consideration the peculiarity of the post-colonial states. For instance, Alavi (1973:146) contends that the classical Marxist view of the state is not fully applicable to the post-colonial states. This peculiar attribute of the post-colonial states can be traced to the colonial era. In order to secure their economic interests, the colonial government discouraged the emergence of a strong indigenous capitalist class. Worse still, the new indigenous bourgeoisie that inherited control over the post-colonial state apparatuses had a very weak economic base, and hence relied on this control for its own capital accumulation. Consequently, the state and its apparatuses, including members of the JTF have become the main instruments for the perpetuation and self-reproduction of the class interest. The states in peripheral social formations are considered inchoate and thus thrive on low autonomy. The persistence of deficient and brutal security personnel is largely a

product of low level of autonomy of the post-colonial states and indeed, the character of the Nigerian state. This low autonomization made it possible for the political leadership to use the JTF and other security agents to commit acts of criminality such as wanton abuse of the fundamental rights of the nationals.

The role perception of the Nigerian security agents is inevitably shaped by its historical evolution as a colonial bequest. As a colonial force, the role of the security forces was largely to suppress, aggress, repress and oppress those opposed to the imposed authority of the colonialists. Consequently, it is widely accepted that even after over five decades of independence, the Nigerian security personnel still operates like an occupational force. This has culminated in a state of permanent hostility between the security agents and the citizenry. Correspondingly, the Nigerian state is used by the dominant ruling class to suppress the agitation, grievances and revolt from below—the lower classes. If there is no class to be suppressed by the ruling class, then state is not needed. Therefore, the use of state terror (state terrorism) is an offshoot of class society orchestrated by the dominant class to suppress the other classes. Although the official attempt to enforce the law necessarily carries with it certain coercive and punitive procedures which are, in the main, at variance with the guarantees stipulated in favour of the citizens by the constitution, the JTF's penchant for brute and unbridled force is quite alarming.

The establishment and deployment of the Force with the mandate of restoring law and order in the North-Eastern parts of Nigeria and Borno State in particular has heightened the incidents of rights violation in the region. The counter-insurgency operation of the JTF in the Boko Haram hotbed has not only intensified the militant activities of the sect but also seriously implicated human rights violations. Although this ignoble disposition of members of the force is rather ironical and contradictory to the internationally recognised and time-honoured responsibility of the security agencies in the protection and preservation of the rights of the citizenry, the practice however corresponds with the overall nature and character of the Nigerian state. The prevailing warped understanding of national security in the country which is usually elevated above the security of the nationals has become the greatest threat to the fundamental rights of the citizenry. It is therefore within the context of the specific character and nature of the post-colonial state of Nigeria that one can best understand and analyze the ugly incidents of human rights abuses by members of the JTF in terrorism-infested North-Eastern Nigeria.

### **3. The Historical Development of Boko Haram Insurgency in Nigeria**

Boko Haram is an Islamist sect that came into the limelight in 2002 after co-ordinated attacks in Kanama (Yobe State) and Gwoza (Borno State). The sect founded by Ustadh Mohammed Yusuf in the North-Eastern part of Nigeria is officially recognised by its members as Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, meaning "People committed to the propagation of the Prophet's teachings and Jihad." The Hausa appellation "Boko Haram" is derived from its ideological orientation which forbids Western education and cultural practices. Thus, the sect advocates abolition of democratic governance and any man-made laws.

According to Copeland (2013:1), some reports link the insurgency with earlier iterations of Islamist groups that opposed the Nigerian state but lacked the international notoriety of the current organization. The group has also been associated with small resistance groups composed of young men that began to congregate in the mid-1990s, led initially by Mallam Abubakar Lawan and later by the pseudonymous Aminu Tashen-Ilimi (Copeland, 2013; Roman, 2012). However, a coherent group identity could not be established until Mohammed Yusuf, a charismatic Islamic cleric, gained prominence among local youths in Maiduguri, the Borno State capital. By 2003, Yusuf led a movement espousing a conservative theology that mimicked Saudi-style salafism and opposed Nigeria's secular state which it considered corrupt and un-Islamic (Copeland, 2013:2). Over time, the sect demanded more economic and political reforms. The introduction of Islamic law (shar'a) in the twelve northern Nigerian states since 1999 was deemed insufficient by Yusuf and his followers,

who argued that the country's ruling class as a whole was marred by corruption and even Muslim northern leaders were irredeemably tainted by "Western-style" ambitions (Pham, 2012:2).

In a statement credited to Abu Qaqa in Daily Trust of April 25, 2011, the Islamist sect stated inter alia:

We want to reiterate that we are warriors who are carrying out jihad (religious war) in Nigeria and our struggle is based on the traditions of the holy prophet. We will never accept any system of government apart from the one stipulated by Islam because that is the only way that the Muslims can be liberated. We do not believe in any system of government, be it traditional or orthodox except the Islamic system and that is why we will keep on fighting against democracy, capitalism, socialism and whatever. We will not allow the Nigerian Constitution to replace the laws that have been enshrined in the Holy Qur'an, we will not allow adulterated conventional education (Boko) to replace Islamic teachings. We will not respect the Nigerian Government because it is illegal. We will continue to fight its military and the police because they are not protecting Islam. We do not believe in the Nigerian judicial system and we will fight anyone who assists the government in perpetrating illegalities.

It is expressly deducible from the above citation that Boko Haram is an Islamist fundamentalist sect. The sect could be arguably described as a 'home-grown' terrorist group that is headquartered in North-Eastern Nigeria. It is considered home-grown essentially because it arose from the neglect of the socio-political and economic architecture of the country by successive administrations. The leadership has failed to transparently use public resources to ameliorate poverty and prevent all forms of socio-economic and political exclusions in the country. The insurgency is primarily the result of the perennial failure of the political leadership to fight corruption, provide public services, create economic opportunities and establish accountable and effective security institutions. Accordingly, Clinton (2009:1) affirms that the most immediate source of disconnect between Nigeria's wealth and its poverty is the failure of governance at the federal, state and local levels. Nonetheless, it is pertinent to note that domestic terrorism is not strictly separated from international terrorism because they are interwoven. Terrorist groups whose political agenda become localized to a certain political or national context tend to increasingly internationalize some of their logistics, fund raising as well as planning and other propaganda activities (Akpan, *et al*, 2012:70). The Nigerian case perfectly blends into this connectivity and the country has been on the throes of daring suicide bombers masquerading as Islamist Boko Haram adherents.

However, Boko Haram is a terrorist group that romances with some desperate politicians in Northern Nigeria. It appears that the sect enjoys effective support from some well-to-do individuals, religious leaders, allies, admirers of their ideology and highly placed politicians in the North who claim to be Nigerians but are clandestinely working against the state (Nwanegbo & Odigbo, 2013:289). The group has transformed from a sect of Islamic fanatics to one with the overwhelming support of disgruntled politicians and other paid thugs who find the sect's ideology appealing. It is now widely accepted as a destructive political tool with a cosmetic pretension to religiosity.

The July 2009 uprising in Northern Nigeria marked a tipping point in the conflict between the sect and the government authorities. The brazen execution-style killings by both sides left more than 800 people dead in Borno, Bauchi, Yobe and Kano States (Human Rights Watch, 2012:32). From 2009 till date, the sect has engaged in arson, bombing, shooting and stabbing with disdain and impunity. The insurgents have attacked some strategic and high profile places/persons like the Nigeria Police Headquarters in Abuja on June 16, 2011; the UN House in Abuja on August 26, 2011; St. Theresa Catholic Church, Madalla on December 25, 2011; This Day and The Sun Newspapers' Offices in Abuja and Kaduna on April 26, 2012; the massacre of nine construction workers at the Shehu of Borno Central Mosque, Maiduguri on July 1, 2012; and the assassination of a respected elder statesman, Maj. Gen. Muhammadu Shuwa and his guest, Sagir Musa, on November 2, 2012 in Maiduguri. The activities of the insurgents have caused Nigeria an

irredeemable image crisis in the international community as well as engendered unprecedented humanitarian and economic catastrophe in the deeply affected states in Northern Nigeria. It is one of the greatest threats to the attraction of foreign direct investment (FDI), sustenance of economic development and the actualization of the Nigeria Vision 20:2020 agenda. Accordingly, Adagba *et al* cited in Nwanegbo & Odigbo (2013: 289) assert that between July 27, 2009 and February 17, 2013, Boko Haram has launched fifty three (53) attacks in which 1,157 people were killed and hundreds of people injured in Northern Nigeria. Table I below is a tabular representation of the chronological list of major Boko Haram attacks and the attendant consequences in Nigeria since 2009.

**Table I:** Chronology of Major Boko Haram Attacks

S/N	Date	Activities	Consequences
1	Between July 28 and August 1, 2009	5 days of clashes between Boko Haram and government security forces in Borno, Bauchi, Kano and Yobe States	More than 800 people died, including the sect's leader, Mohammed Yusuf, who was summarily executed
2	July 2010	Boko Haram began a campaign of increasingly deadly violence	Assassination of police officers and Muslim critics in North-Eastern Nigeria
3	September 7, 2010	Boko Haram raided a prison in the city of Bauchi	Freeing of more than 700 prisoners, including at least 100 members of the sect
4	December 24, 2010	Gun attacks on Christmas Eve on 2 churches in Maiduguri and series of explosions in Christian neighbourhoods in Jos, Plateau State	Death of a Christian cleric and 5 other Christians in Maiduguri. 33 people died in Jos, sparking a month of sectarian bloodletting which left another 200 dead—both Muslims and Christians
5	December 31, 2010	An explosion at an out-door beer garden on New Year's Eve next to a military barracks in Abuja	It killed at least 4 people
6	April 8, 2011	A bomb exploded at the office of the Independent National Electoral Commission (INEC) in Suleja, Niger State	It killed 16 people
7	June 16, 2011	A Boko Haram suicide car bomber detonated a car bomb in the parking lot of the police headquarters, Abuja	At least 2 persons were killed
8	August 26, 2011	A Boko Haram suicide car bomber attacked the United Nations House in Abuja	25 persons were killed while more than 100 persons were injured
9	November 4, 2011	Boko Haram attacked government security targets, banks, and churches in Damaturu, Yobe State	More than 100 people were left dead
10	December 25, 2011	A Christmas day suicide bomber detonated a car bomb outside St. Theresa Catholic Church Madalla, Niger State	26 worshippers and 17 bystanders were killed
11	January 20, 2012	Boko Haram launched co-ordinated attacks on police facilities in the city of Kano	The attacks left 185 people dead
12	February 16, 2012	Boko Haram prison break in Lokoja, Kogi State	119 prisoners released and 1 warder killed
13	March 8, 2012	A British rescue mission against Boko Haram hostages, Franco Lamolinara and Christopher McManus failed	The 2 foreign hostages were killed
14	April 8, 2012	A suicide car bomber detonated a bomb on Easter Day along a busy street in the city of Kaduna	At least 41 people were killed
15	April 26, 2012	A suicide car bomber detonated a bomb at the This Day Newspaper Offices in Abuja and Kaduna	At least 7 people were killed

16	April 29, 2012	Gunmen attacked two churches at Bayero University, Kano	At least 19 people were killed, including 2 professors
17	September 2012	Boko Haram members carried out series of attacks on more than 24 mobile telephone towers in at least 7 northern states	Severing of telecoms services in the states
18	October 3, 2012	Boko Haram members attacked the town of Mubi in Adamawa State during a night-time raid	46 people were killed
19	January 2, 2013	Boko Haram attacked a police station in Song town of Adamawa State	2 policemen and 2 civilians were killed
20	January 19, 2013	A bomb attack on a contingent of Mali-bound Nigerian troops in Kogi State by Boko Haram splinter group, Ansaru	2 soldiers were killed while 5 others were seriously injured
21	January 19, 2013	Boko Haram attack on the convoy of the Emir of Kano, Ado Bayero in Kano	5 people were killed
22	February 8, 2013	Gunmen carried out 2 separate attacks on 2 clinics in Kano	10 polio immunization workers were killed while 3 others were injured
23	February 16, 2013	An attack on a construction firm in Jama'are, Bauchi State by Boko Haram splinter group, Ansaru	7 expatriate construction workers were kidnapped
24	February 21, 2013	A suicide blast targeting a military patrol vehicle in Maiduguri	A section of a market and adjoining shops as well as a petrol station were burnt
25	April 16, 2013	Attack of JTF personnel, Lance Corporal Olomoja, in a local convenience in the Bulabulin Ward of Baga town	The death of Lance Corporal Olomoja
26	April 25, 2013	Attack on Bama town by suspected Boko Haram insurgents	Death of 21 suspected Boko Haram members, 6 policemen, 14 prison officials, 2 soldiers, and four civilians comprising three children and a woman, etc.

**Sources:** Authors' Fieldwork; Human Rights Watch (2012); and [www.en.wikipedia.org/wiki/boko\\_haram-200k](http://www.en.wikipedia.org/wiki/boko_haram-200k)

#### 4. The Counter-Insurgency Operations of the JTF and Human Rights Abuses in Nigeria

The unprecedented nefarious and inhumane activities orchestrated by the Boko Haram fundamentalist Islamist sect have attracted the forceful response of the Federal Government of Nigeria. This is made possible through the establishment and deployment of the Joint Task Force code-named JTF Operation Restore Order I on 12th June 2011. According to Mohammed (2012:28), the JTF comprises personnel from the Nigerian Armed Forces, Nigeria Police Force (NPF), the Department of State Security (DSS), Nigerian Customs Service (NCS), Nigeria Immigration Service (NIS), and the Defence Intelligence Agency (DIA). The force was founded with the mandate of restoring law and order in the North-Eastern parts of Nigeria and Borno State in particular. Prior to the founding and deployment of the JTF, the Federal Government had established a Multi-National Joint Task Force (MNJTF) made up of military personnel from Chad, Niger, and Nigeria. The MNJTF came as a direct response to the problem of cross-border crimes and arms in-flow orchestrated by illegal aliens and often exacerbated by our porous borders. In 2012, the three countries extended the mandate of the MNJTF to cover counter-terrorism operations. The MNJTF co-exists with the JTF in Borno and other North-Eastern States. Similarly, the security situation in Borno State was administered by the state-owned Operation Flush Out prior to the establishment of the JTF. It was however later integrated into the JTF.

As noted earlier, the counter-insurgency operations of the JTF in the Boko Haram infested states have intensified the militant activities of the sect, nay, implicated human rights abuses. By human rights, the paper refers to the benefits and privileges which an individual is entitled. According to Nweke (2004:54), the expression 'human rights' can generally be defined as those

rights which are inherent in our nature, and without which we cannot live as human beings, and without which no society is viable and able to function in the long run. They are rights that a man is entitled to for the mere reason that he is a human. These rights are inalienable and fundamental to his being and existence; nobody or authority has the right to deny him of such rights. Some of these rights are the right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of expression and the press, right to peaceful assembly and association, etc.

The ignoble disposition of the members of the JTF contradicts the internationally recognised and time-honoured responsibility of the security agencies in the protection and preservation of the rights of the citizenry. The Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria and other laws established under it recognize the fundamental rights of the nationals as sacred and inalienable. For instance, Sections 33 and 35 of the Constitution guarantee that every person has the right to life and personal liberty and shall not be arbitrarily deprived of these rights. The Constitution also provides that every citizen is entitled to respect for the dignity of his person, including the right not to be subjected to torture. Similarly, Nigeria is a party to several international human rights treaties. These include the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights which prohibit arbitrary deprivation of the right to life, torture and arbitrary arrest and detention. Others are the UN Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment which requires signatories to investigate and prosecute those who commit torture and compensate those who suffer it; the UN Standard Minimum Rules for the Treatment of Prisoners which outlines the minimum standards for the registration of detainees, detention conditions, visitation rights and external inspection of the detention facilities.

The foregoing provisions notwithstanding, the members of the JTF deployed to the North-East have become infamously enmeshed in an orgy of human rights abuses. The Nigerian security agents have a long record of human rights abuses, including extra-judicial killings of criminal suspects in custody (Amnesty International, 2009; Human Rights Watch, 2005). This is typified in the recurrent incidents of human rights violations credited to the JTF. The force has been implicated in detention-related abuses, extra-judicial killings and torture. Accordingly, the Human Rights Watch (2012:58) reports that:

during raids in communities, often in the aftermath of Boko Haram attacks, members of the security forces have executed men in front of their families; arbitrarily arrested or beaten members of the community; burned houses, shops, and cars; stolen money while searching homes; and...raped women. Government security agencies routinely hold suspects incommunicado without charge or trial in secret detention facilities and have subjected detainees to torture or other physical abuse.

The above report has also been corroborated by the National Human Rights Commission (2013) and the Amnesty International (2012).

The reports by these credible human rights organizations are very weighty. At the outset of the uprising in July 2009, the police and soldiers carried out scores of extra-judicial killings of detainees. The most typical case was the extra-judicial execution of the erstwhile sect leader, Mohammed Yusuf, and other suspected key members of the group during the July 2009 uprising. As noted earlier, this practice has exacerbated the attacks of the insurgents on security formations. It has ostensibly justified the sect's claim that they kill security agents in retaliation for the summary execution of Mohammed Yusuf and other members of the sect, alleged police abuses like arbitrary arrest and torture, as well as the prosecution of its members. Consequently, the Human Rights Watch (2012:41) notes that:

Since 2009, government security services —especially police— have been a primary target of Boko Haram. The group has shot and killed police officers on active duty at police stations, roadblocks, government buildings, and churches, and has targeted unarmed off-duty officers in the street, in barracks, and while drinking in bars. Boko Haram has claimed responsibility for bombing

police facilities using improvised explosive devices and suicide bombers. The group has also struck at military bases, checkpoints, and vehicles, especially those of the Joint Military Task Force (JTF) in Maiduguri.

Besides extra-judicial execution of suspected Boko Haram members, the JTF has also been implicated in other forms of human rights abuses. During raids into communities, soldiers have set fire to houses, shops, and cars, randomly arrested men from the neighbourhood, and in some cases executed them in front of their shops or houses (Human Rights Watch, 2012:59). One of the consequences of this wanton violation of human rights in the region is the growing resentment in communities. This has made community members more reluctant to provide information that could help curtail the insurgency. Similarly, the alienation of the ordinary people has created more distance between the people and the government. This has fundamentally made the whole situation dicey. It is virtually impossible to stop the insurgency without being friendly to the host community.

Moreover, the JTF has been associated with detention-related abuses. Many suspected members of the sect have been held for months and even years without charge or trial. These detainees are often denied the right to communicate with their family and lawyers. Most of them have had no charges publicly brought against them. Lengthy pre-trial detention remains a serious problem in Nigeria's criminal justice system. As at the end of 2011, approximately 70 per cent of the 48,000 detainees in Nigeria's prisons had not been tried— many of them had been held for years without trial (<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186229>). The authorities' failure to respect these due process rights has left detainees particularly vulnerable to abuses in police or military custody.

The most recent incidence of human rights violations in the sub-region is exemplified in the counter-insurgency operations of the JTF in Baga town on 16th April, 2013. Baga is a town in Borno State, near Nigeria's north-eastern border with Lake Chad. The incident started, following the death of military personnel of the JTF who was ingesting some beverages in a local convenience in the Bulabulin Ward in Baga. He was shot dead by a projectile suspected to be a bullet discharged by unknown assailants, presumed to be or associated with the Boko Haram sect. The fallen soldier was identified as Lance Corporal Olomoja. This is one of many acts of provocation with fatal consequences attributed to the sect which apparently inspired or invited a firm response by the military deployed to the town. A reinforcement of soldiers from the MNJTF returned to the town later in the day and, according to the Police Incident Report cited in The National Human Rights Commission (2013:18), the MNJTF started shooting indiscriminately at anybody in sight including domestic animals.

This reaction resulted in loss of lives and massive destruction of properties. The number of persons killed or injured became the subject of intense dispute. According to the senator representing the zone in the House of Senate, Senator Maina Maaji, up to 228 persons were killed in the encounter (<http://www.vanguardngr.com/2013/baga-mayhem-we-are-still-picking-corpses-of-women>). There are also conflicting claims about the extent of destruction of property. According to the Senator, up to 4,000 houses were destroyed mostly by fire. Human Rights Watch (2013:1) reports that based on its analysis of geospatial images of the community after the encounter, the destruction covered an area of about 80,000 square metres, with at least 2,275 houses destroyed and another 125 houses severely damaged. Conversely, the Nigeria's National Space Research and Development Agency (NASRDA), using the same image sets generated by Human Rights Watch as well as images from Nigeria's own NigeriaSat-2 Satellite concluded that the affected area measured not more than 54,000 square metres, with an active zone of destruction measured at about 11,000 square metres (NASRDA, 2013:3). NASRDA therefore concludes from the image overlay analysis that the affected area cannot logically house 2,400 damaged buildings claimed to be identified in the study by Human Rights Watch. On its part, the Police Incident Report cited in The National Human Rights Commission Report (2013:18) notes that:

At least five wards, namely, Bulabulin, Bayan Tasha, Panpan Gajagaja, Adam Kolo and

Bagadaza were completely razed down by the soldiers while properties worth millions of Naira were lost through fire which burnt over thirty (30) vehicles, fifty-seven (57) motorcycles, one hundred bags of beans/maize.

The National Emergency Management Agency (NEMA), in its initial assessment, reports that it had recorded at least 642 internally displaced persons in its facilities (National Human Rights Commission, 2013:19). The competing claims about the incident in Baga have largely focused on the casualty count. Similar rights violations also characterized the counter-insurgency operations of the force in Bama town on 25th April, 2013 (<http://www.sunnewsonline.com/new/cover/bama-massacre-army-confirms-47-d-108k->). Table II below shows a tabular representation of the chronological list of some victims of human rights abuses orchestrated by the security agents in their counter-insurgency operations since 2009.

**Table II:** Chronology of some Human Rights Abuses by the Security Agents

S/N	Date	Place/Event	Victim(s)
1	June 11, 2009	Boko Haram funeral procession in Maiduguri	Shooting of 17 suspected members of Boko Haram over their refusal to use motorcycle crash helmet
2	Between July 28 and August 1, 2009	Borno, Bauchi, Kano and Yobe States	Extra-judicial execution of the sect's leader, Mohammed Yusuf and 24 other suspected members of the sect
3	July 31, 2009	His farm settlement outside Maiduguri	Execution of Buji Foi, a former commissioner in Borno State over alleged sponsorship of the sect
4	July 31, 2009	The Borno State Police Command	Execution of Baba Fugu Mohammed, the 72-year old father-in-law of Mohammed Yusuf
5	January 26, 2012	Raiding of the Gidan-Yashi neighbourhood of Maiduguri	Execution of 3 brothers— Dala, Mallam Tijani and Mallam Mohammed Mustapher
6	March 9, 2012	Kano	Soldiers gunned down Ali Sadiq, a graduate of Bayero University who got married 5 days before the incident
7	May 13, 2012	Pre-dawn raid of Dorayi neighbourhood in the city of Kano	Soldiers went from house to house, broke down doors, ransacked homes, and in some cases, stole money
8	March 28, 2012	Disobedience to court order	Mallam Aliyu Tasheku, a suspected Boko Haram member who was granted bail by the court but the police defied the order
9	April 16, 2013	The Baga Massacre	There are conflicting reports from Sen. Maina, Human Rights Watch, National Human Rights Commission, NASRDA, and NEMA. But generally over 200 people died, 642 persons were internally displaced, while 2,000 houses, 62 motor vehicles and 486 motorcycles were destroyed
10	April 25, 2013	The Bama Massacre	17 persons killed, over 200 houses and shopping malls burnt

**Source:** Authors' Fieldwork

## 5. Conclusion and Recommendations

The Boko Haram insurgency and the consequent counter-insurgency operations of the JTF have vitiated the enjoyment of human rights in the region. The insurrection of the nefarious sect constitutes grave human rights violations, nay, crimes against humanity. However, more worrisome are the counter-insurgency operations of the JTF deployed to the affected states. These operations have been accompanied by serious human rights abuses. The undue attention paid to the activities of the JTF is essentially because one person's atrocity does not excuse another's. As a special component of the Nigerian security apparatus, the JTF is expected to be on the vanguard of protecting and promoting human rights in the country. Conversely, the paper finds that the Force has not only deviated from its Rules of Engagement but rather become a by-word for the infraction of the fundamental rights of nationals. The counter-attacks of the force have culminated in the escalation of the insurgency. Despite a continuous and brutal government crackdown aimed at the insurgents, civilian casualties and arrests that have further bolstered the insurgency have not

abated. Similarly, the extra-judicial killings, arbitrary arrests and detentions, torture, burning down of houses, shops, cars, and even rape, etc. during raids have engendered mutual suspicion and distrust between the JTF and the affected communities. This growing animosity has widened the gap between the force and the communities. It has also made the people more reluctant to provide relevant information that could facilitate the apprehension of the sect members.

Arising from the above findings therefore, the following recommendations are proffered: In the first place, the government should take urgent measures to address factors that have fuelled the insurgency in Nigeria. Particular attention should be paid to the socio-political and economic architecture which have been perennially neglected by successive administrations in the country. Public resources must be transparently committed to the alleviation of poverty, hunger as well as prevention of other forms of socio-economic and political exclusions in the country. Concerted efforts should therefore be made to reconcile the paradox of poverty in plenty. In a nutshell, the fundamental tenets of good governance that had been hitherto neglected should be imbibed. The relevant institutions within the polity should formulate and effectively implement populist policies that are capable of addressing the general wellbeing and security of the nationals. Any solution that fails to address the underlying primal *casus belli* in the region and the polity generally will be superficial or cosmetic.

However, in the short-run, the following measures should be implemented in order to at least reduce the recurrent cases of rights violations arising from the counter-insurgency operations of the JTF in the terrorism-infested states.

- ❖ The government should conduct prompt and thorough investigations into allegations of serious crimes committed by government security personnel in violation of the provisions of the Nigerian Constitution and international human rights treaties. These include arbitrary detention, use of torture, enforced disappearances, deaths in custody, extra-judicial killings, physical abuse, stealing of property, and burning of homes, shops and vehicles. The relevant authorities must prosecute without delay and in accordance with international fair trial standards all security personnel implicated in any of the abuses.
- ❖ The National Assembly should enact legislation that criminalizes torture under domestic law according to international standards, including the Convention against Torture.
- ❖ The government should protect the due process rights of all the detainees. This could be achieved by compiling and making available to those who need it, including detention centre inspectors and family members, a list of detention facilities and detainees in custody.
- ❖ Detained suspects should be promptly brought to a public civil court and ensure that they are either charged with a recognizable crime or released.
- ❖ The government should immediately order security forces to stop all harassment, abuse of citizens and the destruction of property, in line with domestic law and international human rights standards.
- ❖ Although the Nigerian government has a responsibility to protect its citizens from violence, it also has to respect the provisions of Chapter IV of the 1999 Constitution and other international human rights treaties. It is therefore incumbent on the government to respect the laws especially those that deal with the use of force by its security forces, treatment of detainees, prohibition of torture, and the obligation to hold speedy and open trials.
- ❖ Lastly, the government should remain undaunted in exploring all possible ways of dialoguing with the sect. This is essential because conflicts are hardly resolved at the battle field but at the negotiation table. In this regard, the 36-man Presidential Committee on Dialogue and Peaceful Resolution of Security Challenges in the North led by the Minister for Special Duties, Alhaji Kabiru Turaki, should be encouraged and supported to work with genuine Boko Haram members who are willing to renounce militancy.

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