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# INDIVIDUAL RIGHTS, TERRORISM AND NATIONAL SECURITY IN NIGERIA: ISSUES AND CHALLENGES

**By**

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## Abstract

*Terrorism poses a major threat to the enjoyment of fundamental human rights of individuals and national security, which is the foundation for growth, development and stability of every nation. The reality therefore requires that any state desirous of real growth, development and stability must go all out to combat terrorism and foster national security. Nigeria like most nations have responded to the menace called terrorism through the establishment of counter terrorism measures. However, the counter terrorism measures so far adopted have posed serious challenges to the enjoyment of fundamental rights by citizens. Should the fight against terrorism impede the enjoyment of fundamental rights of citizens? Is it possible to effectively combat terrorism without the protection and promotion of fundamental human rights? These therefore are the focus of this paper. This paper therefore examines the concepts of Individual Rights, Terrorism and National Security, focusing on the conflict between national security and individual rights in Nigeria. The doctrinal method of research was adopted in this paper, derived from primary sources which include national, foreign, regional and international legal instruments as well as local and foreign judicial decisions and secondary sources which include textbooks, journal publications, newspaper publications and online sources. Generally, it is the findings of this paper the legal framework for combating terrorism and other counter terrorism measures adopted by the Nigerian government rather than resolving the conflict between individual rights and national security in Nigeria further drive a wedge between the two conflicts and that the constant violation of human rights in the name of national security is Nigeria is the major reason for the unprogressive attempt to effectively combat terrorism in Nigeria. It is recommended amongst other things that changes be made in the counter terrorism measures in Nigeria to ensure the respect and protection of fundamental human rights while countering terrorism and that the issue of state terrorism or state sponsored terrorism should be addressed by a legal framework in Nigeria.*

## Introduction

Terrorism and national security are intertwined and the presence or absence of each has telling consequences on the enjoyment of fundamental rights in every society. Either of these two concepts determines the enjoyment of human rights by citizens of a state. Where there is terrorism, issues of human right violations come up, on the other hand, national security create the enabling atmosphere for the enjoyment of human rights. The immediate and very visible cost of terrorism its negative effect on the enjoyment of fundamental rights of citizens.

Terrorism defies all respect for human rights; it clashes violently with the natural dictates of human rights principles. Terrorist acts can destabilize governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these have a direct impact on the enjoyment of fundamental human rights. National security is the foundation for growth, development and stability of every nation and provides the right atmosphere for the enjoyment of individual rights. The effects of these acts of terrorism are in addition to individual cost, the threats they pose to national security, peace, unity, stability, and economic development of the country. Terrorism constitutes a bane in the wheel of development in Africa, especially with the loss of manpower, economic resources, and internal displacement and so on. Whether socially, economically, politically, terrorism uproots the seed of development sown in an area and distorts whatever progress already achieved.

Nigeria like most countries of the world has been and is still being confronted with rising incidence of terrorism, perpetrated by individuals, groups and even the state. Individuals, groups and even states carry out acts of terrorism one way or the other, whether directly or indirectly. Terrorism does not occur in a vacuum just as terrorists do not operate in complete isolation. Most terrorists operate within existing national and international links supporting them with finances, weapons, military, para-military and other forms of training. All acts of terrorism, in all forms and manifestations by whoever or wherever are condemnable, there is no justification for terrorism.[1] By whatever means it is carried out, acts of terrorism most times do not affect the enemy directly, rather innocent victims are made to pay the unsolicited price for terrorist attacks.

The importance of individual rights which are often described as fundamental or inalienable cannot be overemphasized. In *Ransome-Kuti v The Attorney General of the Federation*,[2] the Supreme Court stated that by its nature, fundamental rights stand above the ordinary laws of the land and is in fact antecedent to the political society itself. The court continued further to state that the rights are a primary condition to a civilized existence, thus without the existence, recognition and protection of fundamental rights, man cannot lay claim to civilization. Without fundamental rights, society will be analogous to what Hobbes described as a state of nature where life was solitary, nasty, brutish, and short; a state of man's inhumanity to man and a war of every man against every man.[3]

The reality requires that any state laying claim to civilization and is desirous of real growth, development and stability must put in place effective mechanisms to combat terrorism and foster national security to forestall a situation where the nation's economy will run aground owing to in incessant acts of terrorism, causing insecurity, more so to fulfil the primary purpose of government which is the security and welfare of the people.

Nigeria like most states have responded to the menace called terrorism through the establishment of various counter terrorism legal frameworks, policies, and strategies. However, there is yet the challenge of how to balance national security and the protection of human rights. However, the counter terrorism measures like terrorism in themselves pose serious challenges to the protection and promotion of human rights both for the alleged perpetrators and the citizens at large. The mechanisms put in place to combat terrorism and maintain national security like the Nigerian Terrorism (Prevention) Act 2011, have to a large extent failed to take into consideration, the fundamental rights of not just the citizens but also suspects of terrorism, innocent lives have been unnecessarily sacrificed in the name of national security, properties lost, the carnage activities of the Nigerian government in recent times in the name of national security has made it even more difficult for citizens to exercise their fundamental rights. National security has become an instrument in the hands of the successive governments to suppress and eliminate the masses opposition to unfriendly policies and actions of government.

To effectively combat terrorism and foster national security, the government must first of all balance the conflict between national security and fundamental rights in Nigeria the foundation of which is ensuring the protection of human rights while countering terrorism. It is against this backdrop that this paper therefore seeks to examine the concept of individual rights, terrorism and national security in Nigeria, drawing out the issues and challenges there from while focusing on the conflict between national security and human rights in Nigeria and how to resolve the said conflict.

### 2.1 Conceptual Clarification

The following concepts will be clarified: Terrorism, National Security, Individual Rights, Counter Terrorism and Anti-Terrorism.

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[1] OAU Convention on Prevention and Combating of Terrorism 1999, Article 3(2)

[2] (1985) 2 NWLR (6) 211

[3] M D A Freeman, *Introduction to Jurisprudence* (8th edn Sweet & Maxwell 2008) 108

### 2.1.1 Terrorism

Etymologically, terrorism comes from the Latin and French words *terrere*, and *terrorisme*, meaning 'to frighten' and 'state rule by terror' respectively.[4]

Terrorism is an emotive term that defiled a universally accepted definition. It cannot be defined by one-word, various official documents on terrorism explain it, express it emotively, polemically, to arouse our emotion rather than exercise our intelligence.[5] The definitional problems usually revolve around two major issues, to wit: nature of the act and persons who can commit the act. Do the perpetrators include States or State-actors or is it only non-State actors? Does it refer to only politically motivated acts or also to non-politically motivated acts? Are acts of resistance or protests acts of terror? What are acts of resistance and what are acts of terror.[6] According to former UN Secretary-General, Kofi Annan, the protracted debate about what is terrorism is whether States can be guilty of it as well as non-State groups and whether it includes acts of resistance against foreign occupation‖.

The Black's Law Dictionary defines terrorism as the use or threat of violence to intimidate or cause panic especially as a means of affecting political conduct.[7]

Schmid and Jongman explained terrorism as,

> An anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, state actors, for idiosyncratic, criminal, or political reasons, whereby - in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violent-based communication processes between terrorist organization, imperilled victims, and main targets are used to manipulate the main target (audience(s), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.[8]

The UN Convention defines terrorism as terrorism as any act intended to cause death or serious bodily injury to a civilian or any person not taking an active part in the hostilities in a situation of armed conflict when the purpose of such act by its nature or context is to intimidate a population to do or abstain from doing any act.[9]

The National Terrorism (Prevention) Act defines terrorism as 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 an act; or
   ii. seriously intimidate a population; or
   iii. seriously destabilize or destroy the fundamental political, constitutional, economic, or social structures of a country of an international organization; or

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[4] T S Akinyetun, 'Economic Consequences of Terrorism in Nigeria: Implications for National Development cum National Security' [2017](1)(1) *Global Journal of Economics and Finance* 15

[5] G Mohammed and M Abdullahi, 'Terrorism and National Security Issues in Nigeria '<www.unimaid.edu.ng>terrorism-national...> accessed 15th February 2023

[6] S. Nwatu and C. Ogbuabor, 'National Security, Terrorism and Development in Nigeria' <https//www.researchgate.net/publication/282506974> accessed 20 January 2023

[7] B A Garner, *Black's Law Dictionary* (8th Edn, West Publishing Co 2004)

[8] A P Schmidt and A Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Themes and Literature* (Amsterdam, Transaction Books 1988) 28

[9] International Convention for the Suppression of the Financing of Terrorism, Article 2

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 a 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 purposes in paragraph (b)(iv) of this subsection;

v. the manufacture, possession, acquisition, transport, supply orb use of weapons explosives or of nuclear, biological and chemical weapons without lawful authority;

vi. the release of dangerous substance or causing of fire, explosions or floods, the effect of which is to endanger human life;

vii. interference with or disruption of the supply of water, power or any other fundamental natural resources, the effect of which is to endanger human life;

d. An act or omission in or outside Nigeria which constitute an offence with the scope a counter terrorism protocols and conventions duly ratified by Nigeria.

**Elements of Terrorism**

From the definition of terrorism as provided under the Nigerian Terrorism (Prevention) Act above, the elements of terrorism would usually include;

i. Nature of the act
ii. Parties to the act
iii. Motive or intention
iv. Target

**Acts of Terrorism**

Direct acts of terrorism range from degree of threats and casualties inflicted. Popular among such acts are; bombings, hostage taking/kidnapping, sabotage, hijacking, arson, cyber terrorism, murder and generally creation of an air of insecurity.

### 2.1.2 National Security

Like other concepts dealing with human conditions, national security is not amenable to any specific definition. It has been pressed to service by oppressors and the oppressed. It has become a convenient term to explain the inexplicable and rationalize the illogical. Indeed, it has become mystical, mythical, and even mysterious in the minds of many people.[10] Security in an objective sense can be measured by the absence of threat, anxiety or danger. However, and more importantly, security has a subjective sense, which can be measured by the absence of fear that threat, anxiety or danger will materialize. In other words, it is a value associated with confidence in physical safety and other most cherished values‖.[11]

National security is the ability of the government of a state to protect its citizen's safety, economic welfare and social institutions from threat of attack by foreign or domestic invaders; it is characterized by absence of fear caused by threat or danger. It is the survival and pursuit of freedom from threats and the ability to maintain a nation's independence, identity and functional integrity against forces of change that are seen as hostile.

### 2.1.3 Fundamental Human Rights

Human rights have been defined as the freedoms, immunities, and benefits that, according to modern values all human beings should be able to claim as a matter of right in the society in which they live.[12]it

[10] O Nnoli, *National Security in Africa: A Radical Perspective* (SNAAP Press Ltd 2006) 16

[11] n25

[12] B A Garner, *Black's Law Dictionary* (8th Edn, West Publishing Co 2004)

incorporates the body of entitlements which humans enjoy or should enjoy by no other reason that they are human beings.[13]

In *Uzoukwu v Ezeonu*[14] the court in distinguishing human rights from fundamental human rights state thus;

> Due to the development of constitutional law in this field, distinct difference has emerged between fundamental rights and human rights. It may be recalled that human rights were derived from and out of the wider concept of natural rights. They are rights which every civilized society must accept as belonging to each person as a human being… They are fundamental because they have been guaranteed by the fundamental law of the country; that is by Constitution.

**2.1.4 Counter Terrorism and Anti-Terrorism**

Counter terrorism encompasses tactics, laws, policies, strategies and measures that are employed to counter or fight terrorism. Counter terrorism may take the form of legislations, strategic and institutional measures which are designed to combat terrorist attacks.[15] It includes offensive measures taken to prevent, deter, pre-empt, and respond to terrorism.

Anti-Terrorism refers to defensive measures which are meant to reduce attack of terrorism or to reduce the possibility of mass casualty resulting from terrorist attack.

**2.1.5 Legality**- Strict adherence to law' prescription, or doctrine; the quality of being legal.[16]

**2.1.6 Proportionality**- The principle that the use of force should be in proportion to the threat or grievance provoking the force.[17]

**2.1.7Necessity**- A principle of warfare allowing coercive force to achieve a desired end as long as the force used is not more that is called for by the situation. It is justification defense for a person who acts in an emergency that he did not create and who commits a harm that is less severe that the harm that would have occurred but for the person's action.[18]

## 3. Fundamental Rights and the Fight against Terrorism in Nigeria

### 3.1 Scope of Protected Rights in Nigeria

Protected rights in Nigeria are enshrined under chapter IV of the CFRN 1999 (as amended). These rights include:

**3.1.1Right of Life**

The right to life is protected under S 33(1) of the CFRN 1999 (as amended).

The Constitution protects every human being from intentional deprivation of life.

The right to life imposes on individuals and the State, the obligation not to deprive another intentionally of his right to life except within the permissible circumstances by law. In the case of *Olanrewaju Oni v The State,* the appellant administered acid chemical on his daughter which resulted in severe burns of the mouth and the lungs which eventually led to the girl's death. He was charged and tried for the murder of his daughter. The court found him guilty and sentenced him to death.

**3.1.2 Right to Dignity of Human Person**

This right is guaranteed under Section 34 of the CFRN 1999 (as amended).

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[13] R J Vincent, *Human Rights and International Relations* (Cambridge University Press 1986)

[14] (1991) 6 NWLR (200) 708

[15] United Nations, 'UN Global Strategy to Counter Terrorism <http://www.un.org/en/terrorism/ctitf/pdfs/> accessed 21 March 2023

[16] B A Garner, *Black's Law Dictionary* (8th Edn, West Publishing Co 2004)

[17] ibid

[18] ibid

The dignity of human person is essentially an obligation which enjoins that the human person be treated with respect and consideration and forbids acts which demean the human person.[19]
The basis of dignity can be said to lie in the autonomy of self and self-worth that is reflected in every human being's right to individual self-determination.[20]

The right to dignity of human person under the CFRN 1999 (as amended) prohibits all forms of torture or any inhuman or degrading treatment, Slavery, or servitude, Forced or compulsory labour. It is a peremptory norm or a norm of *jus cogens* and is non-derogable even in states of emergency under international and regional human rights treaties.[21]

**3.1.3Right to Personal Liberty**
The right to personal liberty is guaranteed under section 35 of the CFRN 1999 (as amended).
The right to personal liberty is the right not to be subjected to imprisonment, arrest and any other physical coercion in any manner that does not admit of legal justification.[22]

The court in *Adewole v Jakande*[23] held that the closure of private schools by the Lagos State government is a violation of the personal liberty of the parents to train where and how they deem fit. It stated that;

> Personal liberty means privileges, immunities, or rights enjoyed by prescription of by grant. It denotes not merely freedom from bodily restraint, but rights to contact, to have an occupation, to acquire knowledge, to marry, have a home, children, to worship, enjoy and have privileges recognized at law for happiness of free men.

Thus, the right to physical liberty goes beyond physical restraint against an individual, it includes denial of access to privileges recognized at law.

**3.1.4 Right to Fair Hearing**
This right is guaranteed under section 36 of the CFRN 1999 (as amended). In *Adeyinka v Agbakwuru & Ors*[24]the court stated thus;

> The right to fair hearing is sacred, sacrosanct and fundamental, as it is entrenched in the grund norm that is in section 36 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). At its core, the principle of fair hearing entails giving both sides to a dispute or matter before a court of law the opportunity to be heard before a decision that would bind them is reached.

Right of fearing hearing entails the following;

a. Court or tribunal proceeding to be held in public.
b. Hearing and adjudication of matters within reasonable time by a court or tribunal.
c. Right to presumption of innocence until proved guilty.
d. Right to be informed promptly of the offence against him in the language he understands.
e. Right to adequate time and facility for the preparation of his defence.
f. Right to defend himself in person or by a legal practitioner of his choice.
g. Right to examine in person or by his legal practitioner the witnesses called by the prosecution.
h. Right to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence.
i. Right to obtain copies of judgment in his case within seven days of the conclusion of the case.

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[19] S Doron, 'Human Dignity: Functions and Meanings'[2003](3)(1) *Global Jurists* 1
[20] Okene and others, 'Human Dignity and Human Rights: The Nigerian Question'[2019](17) *Maiduguri Law Journal 196*
[21] Art 7 and 4(2) International Covenant on Civil and Political Rights; Art 5 African Charter on Human and Peoples' Rights
[22] Oba Gabriel Orogie v AG Ondo State (1982) 3 NCLR 349
[23] (1981) 1 NCLR 262 at 278
[24] (2019) LPELR 46824

j. Right not held guilty or punished for an act or omission which at the time of the offence did not constitute an offence or imposed a penalty heavier than the penalty in force at the time the offence was committed.
k. Right against double jeopardy
l. Right not to be compelled to give evidence at trial.
m. Right not to be convicted of an offence not defined and penalty not prescribed in a written.

**3.1.5 Right to Private and Family Life**
This right is guaranteed under section 37 of the CFRN 1999 (as amended). It covers the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications. The scope of this right also provides for the privacy of a citizen in his physical and moral activities.

**3.1.6 Right to Freedom of Thought, Conscience and Religion**
Section 38(1) of the CFRN 1999 (as amended). The freedom of religion guaranteed under the CFRN 1999 is not a solitary right to hold a religion but rather a compound right embracing other freedoms that define religion. It is guaranteed alongside freedom of thought and conscience.

In *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo*[25] Ayoola JSC states:

> The right to freedom of thought, conscience and religion implies a right not to be prevented without lawful justification from choosing the course of one's life, fashioned on what one believes in, and a right not to coerce into acting contrary to one's religious belief. The limits of these freedoms, as in all cases, are when they impinge on the rights of others or where they put the welfare of society or public health in jeopardy.

**3.1.7 The Right to Freedom of Expression and Press**
This is guaranteed under section 39 of the CFRN 1999 (as amended). It represents right of a person to have perspective of the world, the circumstances around him and the people he interacts with.[26] The right limits the government and individuals from preventing a person from receiving and sharing information and ideas.

**3.1.7 Right to Peaceful Assembly and Association**

**3.1.8** This right is guaranteed under section 40 of the CFRN 1999 (as amended).

**3.1.9 Right to Freedom of Movement**
This right is guaranteed under section 41 of the CFRN 1999 (as amended). It is an important extension of the right to personal liberty and one of the most jealously guarded rights regarded as the hallmark of the citizenship of any country.[27] The right to freedom of movement in Nigeria covers movement within the Nigeria, movement in and out of Nigeria, right not to be expelled from Nigeria and the right to reside in any part of Nigeria.

In *Saidu v State*[28] the Supreme Court, per Obaseki JSC (Rtd.) held thus:

> It does not give the court joy to see offenders escape the penalty they rightly deserve but until they are proven guilty under the appropriate law in a court of law, they are entitled to walk about in our street and thread the Nigerian soil and breathe the Nigerian air as innocent men and women.

In case of The Director of *SSS v Agbakoba*,[29] the Applicant/Respondent Olisa Agbakoba, a legal practitioner, brought a motion on notice in the High Court of Lagos State for the breach of his

[25](2001) 10 WRN 1 SC at 41
[26]E Odike, *Human Rights Law and Practice* (Chenglo Ltd, 2005)
[27]Kehinde Mmowoe, Constitutional Law in Nigeria (Malthouse Press Ltd, 2008)
[28](19820 SC 41
[29](1999) 3 NWLR (595) 314

fundamental right. A brief fact of the case is that; the appellant's passport was seized by the officers of the State Security Service. The Supreme Court held that the seizure of the passport by the officers of the State Security Service is illegal and unconstitutional and an infringement of the respondent's right to freedom of movement.

### 3.1.10Right to Freedom from Discrimination

This right is guaranteed under section 42 of the CFRN 1999 (as amended). It is further reinforced under the 'Fundamental Objectives of Directive Principles of State Policy' covered by chapter 2 of the CFRN 1999 (as amended). Discrimination based on religion whether by an individual, state or federation is also prohibited.

### 4.1.11 Right to Acquire and Own Immoveable Property

This right is guaranteed under sections 43-44 of the CFRN 1999(as amended).
In *Alhaji Tsoho Amale & Ors. v Sokoto Local Government*,[30] the court held that the compulsory acquisition of land by the Local Government for the purposes of expanding the cattle market was legal and within the contemplation of the provisions of the Constitution. While in *Ibofon Company Ltd v Nigerian Ports Authority*,[31] the court held that held that compulsory acquisition of land for public purpose and subsequent allocation of the land to private individuals for private business is unconstitutional, null and void.

### 3.2 Limits of Protected Rights in Nigeria

The term 'limit' in this context refers to the lawful extent to which a right beneficiary can enjoy his right; beyond which there may be lawful deprivation. In *Odogu v A.G Federation*,[32] it was held that 'fundamental right is a right guaranteed in the Nigerian Constitution, and it is a right which every person is entitled to when he is not subject to the disabilities enumerated in the Constitution.' Disabilities here refer to the constitutional limitations to protected rights.

### 4.2.1 Limits to Right to Life

Under the s 33 (2) CFRN 1999, the following are the limitations to the right of life in Nigeria:

i Death Penalty
ii. Defence of any person from unlawful violence of for the defence of property
iii. To effect a lawful arrest or prevent the escape of a person lawfully detained.
iv. Suppressing a riot, insurrection or mutiny

### 4.2.2 Limits of the Right to Dignity of Human Person

This is one right that cannot be derogated from both under the CFRN 1999 and under international and regional instruments, not even under a state of emergency.

### 4.2.3 Limits to the Right to Personal Liberty

Under section 34 CFRN 1999 (as amended), the circumstances under which a person can be derived of his right to personal liberty are: in the execution of the sentence or order of court, for failure to comply with an order of a court or to secure the fulfilment of any obligation imposed on him by the law, for the purpose of bringing him before a court in the execution of the of an order of a court or upon reasonable suspicion of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence, in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare, n the case of a person suffering from infectious or contagious diseases, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community, and for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.

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[30](2012) LCN 3930 SC
[31](2000) 3PLR 122 CA
[32] (2002) 2 HRLR 82 at 86

### 4.2.4 Limits to the Right to Fair Hearing

The first limit to the right of fair hearing is in the extent of the right. Fair hearing does not mean that a person must be heard at all cost, it is limited to giving the person the opportunity to be heard.

In Pam v Mohammed,[33] Oguntade JSC stated thus:

> The question of fair hearing is not just an issue of dogma. Whether or not a party has been denied of his right to fair hearing is to be judged by the nature and circumstances surrounding a particular case; the crucial determinant is the necessity to afford the parties equal opportunity to put their case before the court before the court gives judgment.

Furthermore, though right to fair hearing entails hearing by a court or tribunal in public, a court or tribunal may exclude from its proceedings other than the parties and their legal representatives in the interest of defence, public safety, public morality, public order or for the welfare of person who have not attained the age of 18 years , the protection of the private lives of such parties or to such extent as it may consider necessary by reason of special circumstances in which publicity will be contrary to the interest of justice.[34]

### 4.2.5 Limits to Right to Private and Family Life

Are subject to derogations under section 45 of the CFRN 1999

### 4.2.6 Limits to the Right to Freedom of Thought, Conscience and Religion

This right does not entitle any person to form, take part in the activity or be a member of a secret society.[35]

### 4.2.7 Limits to the Freedom of Expression and Press

The first limit under the Constitution is that only the Federal Government, State Government and persons/bodies authorised by the President on the fulfilment of certain laid down conditions by an Act of the National Assembly can own, establish, or operate a television or wireless broadcasting station.[36]

### 4.2.8 Limits to the Right to Peaceful Assembly and Association

Under section 40 of the CFRN 1999 (as amended), The freedom to form political party in Nigeria is limited to the right of the Independent National Commission with respect to political parties which the Commission does not accord recognition**.**

### 4.2.9 Limits to the Right to Freedom of Movement

The constitutional limit to the right to freedom of movement is contained in section 41(2) of the CFRN 1999 (as amended) which is to the effect that: Nothing shall invalidate any law that is reasonably justifiable in a society-

a. Imposing restrictions on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria; or
b. Provide for the removal of any person Nigeria to any other country to:
    i. To be tried outside Nigeria for any criminal offence, or
    ii. Undergo imprisonment outside Nigeria in execution of a court to flaw in respect of a criminal offence of which he has been found guilty.

### 4.2.10 Limits to the Right to Freedom from Discrimination

The constitutional limit to the right to freedom from discrimination is contained in section 42(3) CFRN 1999 (as amended), which is to the effect that laws can be made imposing restrictions with respect to the appointment of any person to any office under the state or as a member of the armed forces of the

[33] (2008) 16 NWLR (1112) 48
[34] CFRN 1999 S 36(4)
[35] CFRN 1999 (as amended) s 38(4)
[36] Ibid S39(2)

Federation or a member of the Nigerian Police Force or to any office in the service of a body corporate established directly by any law in force in Nigeria.

### 4.2.11 Limit to the Right to Acquire and Own Immoveable Property in Nigeria

The limit to the right to acquire and own immoveable property in Nigeria is contained in section 44 of the CFRN 1999 (as amended). These limitations are majorly Compulsory acquisition of a person's land by the government upon payment of compensation for overriding public interest, imposition or enforcement of any tax, rate, or duty, imposition of penalties or forfeiture for breach of any law whether under civil process or after conviction of an offence, execution of judgment or order of court, taking possession of properties in dangerous state or is injurious to the health of human beings, plants, and animals.

### 3.2.12 General Limits to Fundamental Rights Under Section 45 of the CFRN 1999 (as amended)

The Constitution under section 45 can take away, derogate, or limit the exercise of fundamental rights in the interest of the state by laws which are reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality, public health and/or for the purposes of protecting the rights of others. Rights that can be taken away or restricted for these reasons are right to private and family life, right to freedom of thought conscience and religion, right to freedom of expression and press, right to peaceful assembly or association, and right to freedom of movement.

On another leg, Section 45 of the also permits the restriction or derogation of the fundamental right of life, and right to personal liberty in a state of emergency.

## 3.3 Specific Rights Affected by the Fight Against Terrorism

In a paradox, just as terrorism makes the enjoyment of any of the above protected rights impossible, Nigeria's counter terrorism measures have also made the enjoyment of the above rights almost impossible especially in the terrorism infected regions. The UN General Assembly to which Nigeria belong has emphasized that "Member States must ensure that any measures taken to counter terrorism respect and protect fundamental rights and rule of law.
This section therefore discusses the fundamental rights mostly affected by the fight against terrorism.

### 3.3.1 The Right to Life

Measures like 'deliberate' or 'targeted killings' to eliminate specific individuals as an alternative to arresting them and bringing them to justice and in some cases the 'shoot at sight' order often handed down by our military chiefs to their subordinates in some cases of terrorism or other violent crimes often violate the right to life of not just alleged terrorists but also falsely accused terrorists and innocent citizens. In some cases, there are such orders as 'shoot first and ask questions later'. These orders form the gravest danger to the lives of individuals in any state where they exist. They are used to imply a new approach and to suggest that it is futile to operate within the confines of the law in countering terrorism.

One of such was that of a top government official in the kaduna State Government, late Pastor Isuwa Kiforo who was shot on Monday 13th February 2012 on his way to the Government House by security men who claimed they mistook him for a Boko Haram sect attacker.[37]

In April 2013, the Military Joint Task Force (JTF) haven been frustrated by the uncooperating attitude of members of the community in exposing members of the Boko Haram sect that launched attack on a Military patrol, killing a soldier and injuring five others, raided Baga, a fishing community in Borno State of Nigeria, with a view to fishing out members of the group who retreated to the community after unleashing violence on them. Over 183 civilians were killed, many of them were burnt to death in the homes of members of the community perceived to be harbouring the fleeing members of the Boko Haram, about 2000 homes burnt.[38] This is just one of many similar cases.

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[37] Sunday Isuwa, 'Isuwa Kiforo: The Story of a Kaduna Director Who Was Killed in Error' *Daily Trust* (Kaduna 26th February 2012)
[38] Human Rights Watch, 'Nigeria: Massive Destruction, Deaths from Military Raid'

Human Rights Watch stated that between 2000 to 2007, the Nigerian Police has killed over 10000 people.[39] This figure may seem exaggerated but only to those who have deliberately decided to fane ignorant of the continuous killings of citizens by police, at police check points, during police raids, extra judicially, everywhere, reported, and unreported cases in the name of fighting terrorism.

### 3.3.2 Right to Dignity of Human Person

Despite the fact that this right cannot be derogated from, not even in a state of emergency, the practice however is different, states have adopted policies and methods to confront terrorism that circumvent and undermine this absolute prohibition. In Nigeria, the use of torture and abuse of human dignity by security agencies in their fight against terrorism especially in obtaining confessional statements is the norm rather than the exception.

Security agents often violate this right by beating and hanging their suspects, tear gassing their suspects, shocking the suspects with electric baton, starving the suspect of food, insertion of pin in the penis of the suspects, insertion of broomstick into the urethra of the suspect's penis, inserting baton into a female suspect's vagina, rubbing pepper into suspect's eyes.[40]

Whatever the nature of the torture, the courts have never taken it lightly with the police as evidence obtained by such means have always been held to be inadmissible in evidence.[41] In *Obiodozo v Federal Republic of Nigeria*,[42] the court held that any confessional statement obtained through torture and oppression is irrelevant and inadmissible in evidence.

### 3.3.3 Right to Personal Liberty

Security agents in Nigeria have been known to violate the liberty of citizens through the following ways; by detaining people on unreasonable suspicion that they were found to be keeping lates nights or during raids, they detain people beyond the constitutional limit of detention without charging them to court, some detainees are refused police bail or even made to pay a ridiculously high amount for bail that is said to be free. Another aspect of the right to liberty that grossly violated in Nigeria is the right to remain silent or avoid answering questions until after consultation with a legal practitioner or any other person his choice.

### 3.3.4 Right to Fair Hearing

A gross violation of this right especially the aspect of presumption of innocence until proven guilty is what has often led to extra judicial killings by security agents. Suspects in custody are treated like criminals especially when they are there on the allegation of terrorism even when there has not been a hearing of their matter in accordance with the provisions of the law. Some of them are tortured to death in the process of getting them to admit and confess to the crime, some are deliberately killed.

In the Sount-East, the military has been reportedly killing citizens on the pretext of waging war against the Indigenous People of Biafra. In has been reported in August 2021, that 115 people were killed extrajudicially in four months by security operatives across Imo, Anambra, and Abia states. Another gory report detailed how corpses of victims of extrajudicial killings were piled on each other at the morgue of the Federal Medical Centre, Owerri, Imo State.[43]

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<https://www.hrw.org>2013/05/01> accessed 18th September 2023

[39] (n283)

[40] I. O. Nwauzi and Paddy Ogon, 'A Jurisprudential Overview of the Conflict Between Fundamental Human Rights and the Exercise of Police Powers in Nigeria' [2018] (8)(1) *The Journal of Property Law and Contemporary Issues*, 77

[41] Evidence Act, s 28

[42] (1987) 4 NWLR (67) 748

[43] Punch Editorial Board, 'Alarming Rate of Extrajudicial Killings' <https://punchng.com/alarming-rate-of-extraljudicial-Killing> accessed 19th September 2023

### 3.3.5 Right to Private and Family Life

This right is frequently abuse under the 'stop and search' approach of the Security Agencies in Nigeria. Meeting young men being harassed in the name of search, including their phones and bags have now become a regular and normal sight at check points and roadblocks. Cases abound, reported and unreported, where victims of these indiscriminate search have been dispossessed of the monies in their accounts by security operatives, the recent case of the dismissed police sergeant Ekpo Shimuyere, attached to the Shogunle division who collected the phone of his victim and transferred N98,000 out of N100,000 in the young man's account through a POS operator is a typical example.[44]

There was a very notable case of a gross violation of this right by security agents in 2012. In December 2012, in Wuse Zone 2 Abuja, four soldiers attached to the Guards Brigade of the Nigerian Army arrested some ladies they claimed were prostitutes, drove them to a black spot where they were extorted, beaten, and repeatedly raped. They were dismissed by the Nigerian Army after they were investigated, tried, and found guilty.[45]

### 3.3.6 Right to Peaceful Assembly and Association

Most sections of the Public Order Act 1979, primarily concerned with the regulation of assemblies and protests in Nigeria have been abolished by the court. Despite this abolition, this right is still being violated by security agencies in the pretext of fighting terrorism or maintaining public safety. The ENDSARS protest that led to killing of so many Nigerian youth is a typical example.

### 3.4.7 The Right to Freedom of Movement

This right is mostly being violated by placing of curfew, most times dusk to dawn curfew, limiting the movement of people especially in areas affected by terrorism. This affects not just perceived terrorists but also innocent citizens going about their activities. The South-Eastern part of Nigeria is currently facing this challenge.

### 3.4.8 The Right to Freedom of Discrimination

In recent times in Nigeria, there is a trend by security agencies of tagging every long bearded and especially dark youth in Nigeria especially terrorism volatile areas as terrorist. Majority of the youths in Niger Delta especially those who leave around the Creek or who deal on petroleum products are seen as militants and summarily executed by the joint task force team.[46] Majority of the youths from the South-Eastern parts of Nigeria as seen as IPOB. This has often led security agents to clamp down on some persons. There has been an allegation particularly in the North-Eastern and South-Easter part of the country against the security agents that most of the people killed or detained as terrorists are innocent people.

### 3.3.9 Right to Acquire and Own Immoveable Property anywhere in Nigeria.

Raids carried out by security agents in the name of fighting terrorism has often led to the destruction of houses. This is a violation of this right.

These gross violations of human rights in Nigeria are carried out under the guise of fighting terrorism. It has become normal to hear security agents especially police at check points threaten to shoot citizens and label them terrorists.

## 4. The Interaction between National Security and Individual Rights in Nigeria.

### 4.1 Conflict between National Security and Individual Rights in Nigeria

There is a continuing tension between national security and respect for human rights. While human rights and rule of law are concerned with limitation of state power, national security by contrast is intertwined with assertion of state power. The result is the marginalization of human rights in the name

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[44] Sahara Reporters, 'Nigerian Police Dismiss Sergeant for Extorting N98,000 from Resident in Lagos' <https://saharareporters.com/2023/05/31/nigerian-> accessed 18th September 2023

[45] Wale Odunsi, 'Alleged Rape and Extortion: Army Dismiss Four Soldiers' <https://dailypost.ng/2013/01/24/alleged-rape-and-extortion> accessed 19th September 2023

[46] A Six, 'Fury Over JTF Killing of Suspected Sea Pirates' The Nation (July 5 2012) < www.thenationonlineng.net> accessed 7th May, 2023

of national security by successive governments. The conflict is even more pronounced in Nigeria, national security has been a weapon of successive governments to justify gross violation of the fundamental rights of citizens and to suppress democratic freedoms. The subordination of human rights to national security have been a permanent feature in Nigeria's political history.

In *Dokubo Asari v Federal Republic of Nigeria*,[47] the Supreme Court recognized the priority of national security over the personal liberty of individuals responsible for threats to national security. In this case, Asari Dokubo was arrested by the police and taken to court on a five-count charge conspiracy, treasonable felony, forming, managing, and assisting in managing an unlawful society, publishing of false statement and being a member of an unlawful society. His application for bail pending trial was refused by the trial court and the Court of Appeal.

> On Issue 2, he argued that a mere allegation of threat to national security cannot automatically suspend the provisions of chapter IV of the 1999 Constitution of the Federal Republic of Nigeria which includes section 35 thereof on the right to bail. He argued that the only time human rights can take a second place is not when a mere charge relating to national security is brought against anyone, but when a formal declaration of a State of Emergency is proclaimed in line with the provisions of the Constitution. He argued further that 'threat to national security' is not to be taken as a factor to consider in the grant or refusal of bail. Even it is, it does not preclude altogether the consideration of that right to bail as enshrined in the Constitution.

The Supreme Court per Tanko Muhammed JSC, held against the argument of the counsel to the defendant's argument that s 35 can only be derogated from in a state of emergency, that where national security is threatened or there is likelihood of it being threatened human rights or individual rights must be suspended until national security can be protected as well as taken care of. The court further stated that the corporate existence of Nigeria as united, harmonious, indivisible, and indissoluble sovereign nation is certainly greater than any citizen's liberty or right. Once the security of this nation is in jeopardy and it survives in pieces rather than in peace, the individual's liberty or right may not even exist. Finally. The court held that the provision of section 35 of the Constitution is not absolute.

While the decision of the apex court may be argued against, because to my mind, it is not the true reflection or import of s 35 and 45 of the CFRN as it relates to right to liberty, but being the decision of the apex court, it is the law for the time being until the apex court over rules itself. Though it relates to right of alleged perpetrators, it has since formed the justification for continuous violation of human rights in the name of national security.

The former president of Nigeria, President Mohammadu Buhari at 59th Nigerian Bar Association (NBA) Annual General Conference (AGC) 2018 in his speech stressed that individual right must be subject to the supremacy of the nation's security ad national interest. According to him, 'our apex court has had cause to adopt a position on this issue in this regard and it is now a matter of judicial recognition that where national security and public interest are threatened or there is likelihood of their being threatened, the individual rights of those allegedly responsible must take second place in favour of the greater good of the society.[48] Though misconceived, this has been the attitude of successive governments in Nigeria.

### 4.2 **Conflict between National Security and Individual Rights in Nigeria: Propelling Factors**

4.2.1. **Broad and Ambiguous Derogations under the CFRN 1999**-the derogations and restrictions to fundamental human rights under the CFRN 1999 are not just broad, but also ambiguous, and susceptible to manipulations by public officials and security agents who always find a way to justify or sweep issues of gross violations of human rights under the carpet bringing these acts under the constitutional derogations and restrictions. It is not uncommon in Nigeria hear security agents at check points specially

[47] (2009) NSCQR (37) 1184

[48] Thisday, 'Rule of Law Superior to National Security, Interest, Lawyers Tell Buhari' <https://thisdaylive.com> accessed 10th August, 2023

make statements like 'I will waste you here and tell the world that you were an escaping terrorist' or similar statements.

4.2.2. **The Inability of the Legal Framework to Address the Issue of State Terrorism or State Sponsored Terrorism**- states conducts acts of terrorism whether directly or indirectly. The Nigerian government often carry out gruesome acts in the name of national security, which can be likened to terrorism. Successive governments have been guilty of this. In 1999, President Olusegun Obasanjo deployed the military to Odi, a small village of about 15000 people in Kolokuma/Opokuma LGA of Bayelsa State for what has been equated with genocide in retaliation of the killing by Militants of 12 police men and ambush of the soldiers by a Militia that used the civilian population of Odi as its cover.[49]In 2001, Zaki Biam, a town in Benue State suffered the same fate for similar reasons.[50] There is also the incidence of the Zaria Massacre under the administration of President Buhari, which was carried out against Shiites Muslims for allegedly attacking the convoy of the Chief of Army Staff in Zaria, in an assassination attempt.[51]

These acts of government can justifiable be equated with terrorism and should be condemned the same way terrorist acts are condemned. Failure of the NTPA 2011 or any other legal framework in Nigeria to address this issue is a serious challenge and is the major factor fuelling the conflict between national security and human rights in Nigeria. Any law purporting to deal adequately with issues of terrorism must deal with state terrorism, otherwise it may amount to a hypocritical exercise in futility.

4.2.3. **Executive Rascality**- executive rascality here is cumulated in disobedience to court orders and harassment of members of the public to instil fear. Under the CFRN 1999 (as amended) the executive cannot sit in judgment over court orders while hiding under national security. An example of this is the former President Buhari's refusal to release Sheikh Ibraheem El-Zakzaky, the leader of the Islamic Movement of Nigeria after fulfilling his bail conditions.[52] Also, the government's alleged refusal to release Sheikh El-Zakzaky and wife's international passport after they have been discharged and acquitted by the court, which led to a protest by the members of the Islamic Movement of Nigeria.[53]The incidence of the End SARS protest massacre of 20th October 2020 under the administration of President Mohammadu Buhari is still fresh in our minds, where very many Nigerian youths lost their lives in the hands of the Nigerian Army, deployed by the President on innocent and peaceful protesters.

4.2.4 **Inadequate Provisions or Framework for the Protection of Fundamental Fights while Countering Terrorism**- thee NTPA 2011, does not make express provision for the protection of human rights while countering terrorism and does not also make adequate provisions for procedures that will ensure the protection of human rights while countering terrorism. There is also no other legal framework for the protection of human rights while countering terrorism in Nigeria. Though there are international and regional legal instruments on the subject, unless those instruments are ratified, they are only of persuasive effect and therefore cannot serve the purpose.

4.3 **Consequence of the Conflict between National Security and Individual Rights in Nigeria**
It has been opined by some social contract theorists that the primary purpose of government is to maintain law and order so that law abiding citizens will be able to engage themselves freely and

[49] D. Ola and a. Oluwafemi, 'A Blanket of Silence Images of Genocide Nigeria: Environmental Rights Action Friends of Earth' (2002) *International Journal of Business and Research* 74

[50]Human Rights Watch, <https://www.hrw.orgnews>2001/10/25>nigeria-so...> accessed 10th October 2023

[51] Oassandra Vinograd, 'Zaria Massacre: U.S Joins Calls for Investigation into Deaths in Kaduna State' NBC News https://www.nbcnews.comnews>world>zaria-mas...>

[52] Eniola Akinkuotu, ' Why Court Orders on El-Zakzakky's Release was not Obeyed-Presidency' *Punch* https://punchng.comwhy-court-order-on-el-zakzakky...> accesses 10 October 2023

[53] Sahara Reporters, 'Islamic Movement Members Protest in Abuja Over Refusal by Nigerian Government to Release El-Zakzaky, Wife's Passports' https://saharareporters.com2022/04/12>islamic-mo...> accessed 10 October 2023

unmolested in their respective endeavour.[54] This view stems from the argument that the continuous observance and protection of individual rights by collective government and its apparatus will necessarily promote good governance.

It is a consensus among analysts that only a society built on respect for human rights and rule of law can effectively counter terrorism.[55] The group further noted that suppressing democratic freedoms as expedient to achieving national security will only weaken security further b radicalizing and isolating certain populations, which in turn will contribute to these populations' perceived grievances and thereby increase the impetus to violence.

The result of the continuous violation of human rights in the name of national security is the pronounced failure of the government to effectively counter or even suppress terrorism in Nigeria and the colossal lost and damages that comes with it, to the people first and to the economy of the nation. The preponderance of terrorists' activities in recent times especially those conducted by the Niger Delta Militants and the IPOB are in response to acts of terrorism conducted directly or indirectly by the government and its functionaries at all levels, whose responsibility it is to protect the fundamental rights of citizens.

Human rights are the basic building blocks that governments must cultivate in order to have an effective relationship with the citizens. The extent that these rights are guaranteed signifies the democratic strength of a country. Having a relationship of trust with the populace is key to countering terrorism in Nigeria, especially in the area of providing the security agents with information about the terrorists. This can only happen where and when the people trust the government to cater for their security and welfare.

Respect for human rights and rule of law must be the bedrock of the fight against terrorism in Nigeria if we must succeed.

## 5. Resolving the Conflict between National Security and Human Rights in Nigeria

One crucial question to answer is if there can be national security without the protection of human rights. It is pertinent to note that without the observance of human rights and rule of law generally it will be impossible to effectively combat terrorism and ensure national security.

In adopting its fundamental 'Global Counter-Terrorism Strategy', the UN General Assembly reaffirmed that 'the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counterterrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism.[56] To the same effect, the UN General Assembly in its resolution on 'Protection of Human Rights and Fundamental Freedoms while Countering Terrorism' stressed the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law .It also stressed that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and is an essential part of a successful counter-terrorism effort.[57]

The key resolving the conflict between fundamental human rights and national security in Nigeria is not to call for the balancing of fundamental human right and national security or to suggest that fundamental rights be sacrificed for national security but to achieve a synergy between the two by considering protection of human rights as an integral element of national security strategies. A way to achieve this synergy may be to take into consideration the following concepts and factor them into Counter Terrorism measures in Nigeria.

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[54] C C Wigwe, *Jurisprudence and Legal Theories* (Readwide Publishers 2011) 208

[55] Woodrow Wilson International Centre for Scholars, 'National Security and Human Rights' www.wisoncenter.org/kennan accessed 10th July 2023

[56] United Nations, 'Global Counter Terrorism Strategy 2006' <https://www.un.org>counterterrorism>un-global-co...>

[57] UNGA Resolution 60/158, 2009

1. **Legality**- all counter terrorism measures adopted at every given circumstance must be in strict adherence to the to the provisions of the legal framework on the protection of human rights while countering terrorism and every procedure adopted must be in strict compliance with the prescription of the law.

   It therefore entails that express provisions must be made by law for the protection of human rights while countering terrorism, not just this, procedures must be provided by the same law that will ensure the protection of human rights while countering terrorism. Such laws should prohibit arbitrariness and discretion because the executive cannot be trusted to use such powers judiciously. Where there is provision for restriction of human right, it must be defined as precisely as possible.

   Thos will not only curtail the excesses of the government and its security agents but will make it easier to hold them accountable and give the citizens the legal right to approach the court for the enforcement of their rights in the circumstance.
2. **Necessity**- the use of force especially where the victims of terrorism will be affected must be absolutely necessary in this circumstance and inevitable, must be to avert a greater evil and where there is no better way of averting the evil. Killing almost an entire village in retaliation for the killing of 19 military men by terrorists as in the case of the Odi massacre is certainly not a necessity, going on a killing spree in Zaria because the convoy of the Chief of Army Staff was attacked as in the case of the Zaria massacre is certainly not also a necessity.
3. **Proportionality**- his should be factored in to ensure that whenever force is used, it should be proportional to the threat or nuisance it is intended to eliminate. The situation most times in Nigeria is like 'killing an ant with a sledgehammer'. To end a peaceful protest by innocent and harmless youth at the Lekki toll gate, the Nigerian government under the Mohammadu Buhari administration resorted to killing innocent youths even with the Nigerian flags they were flying.
4. **Supervision**- strict supervision of counter terrorism measures to ensure it does not violate fundamental rights is a factor that must necessarily be considered. where there is no supervision, it becomes difficult to curb excesses and hold erring officers or government accountable.

**Conclusion**

Individual rights, terrorism and national security are not mutually exclusive, they are interwoven as the presence or absence of one has direct impact on the other. Terrorism impacts negatively on negatively on the people and economy of every nation, the colossal lost that comes with it is borne by the people, government and the nation. Hence, every responsible government in ensuring not just the security and welfare of the people but also the growth and development of the nation must go all out to counter terrorism and ensure national security.

However, this all-out fight against terrorism must ensure the protection of human right to succeed. This is because combating terrorism will not succeed if the means to secure national security are not consistent with human right standards. Protection of human right must be the core of every counter terrorism strategy. It must be understood that national security and individual rights are complementary, achieving a synergy between both is key to effectively countering terrorism. The government of Nigeria must therefore depart from the present and work towards achieving the synergy beginning from eliminating the factors that propel or fuel the conflict in Nigeria.

**Recommendations**

1. An Act for the protection of fundamental rights while countering terrorism should be enacted.
2. The NTPA 2011 should be amended to address the issue of state terrorism or state sponsored terrorism.
3. International and Regional Instruments on the protection of human rights while countering terrorism should be ratified.
4. A supervisory body should be established to see to it that counter terrorism measures protect and respect human rights.
5. The ambit of permissible derogations under the CFRN 1999 (as amended) should be trimmed down and be clearly and precisely defined.