

RESPONDING TO THE EMERGING TRENDS OF TERRORISM IN NIGERIA

CONFERENCE PROCEEDINGS



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The mission of CLEEN Foundation is to promote public safety, security and accessible justice through empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

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Finally, this forum was made organised by the painstaking effort of CLEEN Foundation team from the Abuja office particularly Ms. Chigozirim Okoro, Linda Asuquo, Juliet Eboh, Dupe Taiwo, Messers Simon Sylvester and Ethelbert Obasi. Their effort is acknowledged and appreciated.

Preface

The growing conflict between the Nigeria state and various ethnic or religious groups such as the Odua Peoples' Congress (OPC), Movement for the Emancipation of the Niger Delta (MEND), *Jama'atu Ahlus Sunnah Lidda'awati wal- Jibad* (People Committed to the Prophet's Teachings and Jihad) popularly referred to as Boko Haram, has exacted a devastating effect on the safety and security of Nigerians. Since January 2009, there have been various attacks by these groups which has led to the deaths of dozens of people and large scale destruction of property. Examples of some of the attacks are the 1st of October 2010 bomb blast at the Eagle Square, Abuja, the 31st of December 2010 bombing of the Mammy market of the Mogadishu Barracks in Abuja, the INEC office bombing in Niger State before the 2011 general elections, the bombings at the Nigeria Police Force Headquarters (Louis Edet House) and the United Nations House, Abuja.

The Federal Government has taken some steps to address these emerging trends of violence and bombings in the country. One of such step taken was the setting up of a presidential committee which was tasked with the responsibility of investigating the security challenges in the North Eastern part of the country. The committee was tasked with finding a lasting solution to the security challenges in the North East particularly Borno State. Among the findings of the Committee on the root cause of terror attacks in the country is the killing of Mohammed Yusuf, founder/former leader of the Boko Haram Sect indicting the Nigeria Police Force for his killing. Other findings of the Committee include militarization of security in the region by the government and increase in the number of persons killed by the hard security approach of security personnel to the problem. This unleashed more terror to the people, a feeling of dissatisfaction and insecurity. This situation has attracted the attention of various stakeholders, particularly civil society organizations, which have condemned the strategies employed by security agencies in their attempt to restore order in the region.

It was against this backdrop that the 5th Policing Executive Forum on “Responding to the Emerging Trends of Terrorism in Nigeria” was organised by the Ministry of Police Affairs, the Nigeria Police Force and CLEEN Foundation, with support from the MacArthur Foundation. It brought together stakeholders in policing, public safety and security to deliberate extensively and proffer solutions to the problem. The forum had in attendance representatives from the office of the National Security Adviser, Ministry of Police Affairs, the Police Service Commission, non-governmental/faith based organisations, professional associations, media and international development partners.

This publication is divided into three parts. The opening remarks which set the tone and provide the background for the discussions at the forum are reproduced in part one. Part two contains the paper presentations. The first paper titled “Understanding the Emerging Trends of Terrorism in Nigeria: A Case study of Boko Haram and Similar Groups” is presented by Dr. Abubakar Mu’azu, Department of Mass Communication and Centre for Peace and Development Studies (CPDS), University of Maiduguri. The second paper titled “Engaging Critical Stakeholders in Response to Terrorism in Nigeria” is by Mr. Olatunbosun Abolarinwa, Managing Director, Phoenixview Consulting. The third part of this publication contains the Communiqué, the report of the conference and the Anti-terrorism legislation..

Mrs Chigozirim Okoro
Programme Officer
CLEEN Foundation

Part One

Opening Remarks

Welcome Remarks

by

Mr. Innocent Chukwuma

Executive Director, CLEEN Foundation

Introduction

On behalf of the CLEEN Foundation I warmly welcome you all to the fifth edition of the Policing Executive Forum (PEF), being organized by CLEEN Foundation in collaboration with the Ministry of Police Affairs and the Nigeria Police Force.

This edition of the forum focuses on reviewing the activities of extreme groups in Nigeria; state responses to them and more importantly facilitating wider stakeholder participation in finding sustainable solution to the problems they pose.

Background

Since the September 11, 2011 terror attacks in United States, the need to prevent or respond to acts of terror has radically transformed the policing and security landscape of countries. This is often marked by the enactment of new legislation, creation of new security agencies or departments, fostering inter-agency intelligence sharing and technology provision of new resources, development of technologies, and intensification of bilateral and multi-lateral cooperation on policing and security.

In many jurisdiction however, these measures have been taken at the expense of cultivating the citizenry and communities in affected regions whose support and partnerships are crucial in acquiring actionable intelligence against terrorist threats and responding effectively to the menace. Nigeria is unfortunately no exception.

The sustained and growing conflict between the state and extremist groups such as Boko Haram has exacted a devastating cost on the human rights of

citizens. Since January 2009, attacks by these groups have grown exponentially, leading to deaths of dozens of people and large scale destruction of property. The response of the state, have on occasions, equally been high-handed leading to scores of death and have been used lately as an excuse for intensification of attacks by these groups.

It would seem that Boko Haram and other extreme groups in Nigeria clearly understand that a heavy handed state response to their acts of terror will result in a sharp deterioration in human rights, which stimulates recruitment of new members. Predictably despite their violence, local leaders from the affected region have taken the unusual step of calling for withdrawal of the military as according to them “their abuses have made things worse”

While it is clear that security response is a critical part of any counter insurgency, it must be pursued as part of a wider political solution. Without an informed debate on the conflict at the regional and national levels the current discourse will retain the language of ‘the ‘war on terror’, which can be used to justify a response strategy that invariably targets and alienates the civilian population.

Experience in Iraq, Afghanistan and other terror destinations in the world have demonstrated that the citizenry, through civil society groups, academia, communities, faith-based organizations, households etc., remain central to long-term and sustainable solutions to terror conflicts. The constructive engagement, integration and participation of civil society are central to invaluable intelligence gathering and analysis; defeat of terrorism and rebuilding affected communities.

This edition of Policing Executive Forum (PEF) is designed to kick-start the process of engagement and building a mutually beneficial partnership between law enforcement and security agencies and civil society in the fight against extreme groups, restoring order in affected communities and giving them hope that the state is capable of protecting them and restoring their rights. The partnership, in a structured way, operationalizes official pronouncements affirming the cooperative role of the citizenry in counter-terrorism.

Structure of Forum

The forum is divided into three thematic sessions designed to provide participants ample opportunities to contribute in the discussion. After this opening, the first session will focus on “**Understanding the Emergence of Terrorism in Nigeria: A Case study of Boko Haram and Similar Groups**”, which is aimed at improving our understanding of these groups.

The second session examines strategies and approaches that have been used so far by security agencies in responding to these groups under the theme “**Analysis of Security Responses and its Effectiveness in Curbing Terrorism in Nigeria**”.

The final session and I believe the most forward-looking focuses on **Strategies for Engaging Critical Stakeholders in the Fight Against Terrorism in Nigeria**. This is where the contribution of all of us will help in bringing to the table constituencies and groups that have been left out in the conversation. These include victims and their families, community leaders, academia, civil society groups, the media, retired security officials and others whose voices and experiences have not been heard and mainstreamed in finding solutions to the existential challenges we currently face as a nation.

Expectations

Our hope and expectation are that at the end of this forum, we would come up with a set of actionable recommendations and strategies that would not only feed into the current efforts of government in finding a solution to terrorist challenges but also widen the constituency of participants in the efforts. We also hope that we would pledge our commitment to working together to see it through.

Compliments

We thank you all for coming and hope that you would find this forum useful as we have done over the these past two and half years of the organizing it on a biannual basis with the generous support of MacArthur Foundation.

Opening Remarks

by
Brig General Andrew Azazi (Rtd)
National Security Adviser

The ability of government to deter, defeat and respond decisively to terrorist attacks is one of the most challenging priorities facing nations today. Nigeria is no exception to this situation as terrorism, a hitherto alien phenomenon in Nigeria, recently emerged as the leading national security issue, attracting many and varied comments in contemporary national discourse, terrorist attacks recorded in the country include drive-by-shootings, bombings, use of Improved Explosive Devices (IEDs) as well as suicide attacks. In response, a number of measures, both passive and active, have been instituted by government to defeat this threat. For instance in 2010, shortcomings in the country's statutes relating to terrorism were addressed when the National Assembly passed a bill criminalizing terrorism. The Anti-Terrorism Act essentially covered acts of terrorism and related offences, terrorism funding and terrorist properties, mutual assistance and extradition, investigation and prosecution.

The propagation and dissemination of information in any form calculated to cause panic, evoke violence, or intimidate a government, person or group of persons, all fall within activities criminalized by the Act. Other measures include:

- ♦ Installation of CCTV cameras in many parts of the capital, Abuja, to enhance surveillance as well as investigation of terrorism related offences;
- ♦ Heightened physical security measures around the country aimed at deterring or disrupting potential attacks;
- ♦ Strengthening by security agencies of on-going application of global best practice in security and intelligence methodology;
- ♦ Development and broadcast of security tips in mass media;

- ◆ In addition, there are numerous strategies put in place to tackle terrorism whose disclosure, at this forum, would be inappropriate as doing so will jeopardize their effectiveness.

Role of Communities in Deterring or Disrupting Terrorist Attacks

It is important to note that preventing terrorism can be significantly aided by the cooperation of local communities. This is because citizens know their communities better and any report (s) of suspicious behaviour or activity could lead to actionable intelligence leading to disruption of attacks.

Keynote Speech

by

Capt. Caleb Olubode (Rtd)

Honourable Minister, Ministry of Police Affairs

I am highly delighted and honoured to be invited by the organizers of this forum to give keynote speech to this august gathering on a very topical issue of concern currently engaging the attention of the nation.

As you are aware, “Terrorism which is the use of violent action in order to achieve political aims or to force a government to act” is now a global challenge that has to be given all the necessary attention by all and sundry.

Terrorism and its attendant consequences affect negatively economic development and stability of a nation. This is why the global community, United Nations and other regional organizations have been making efforts at minimizing the impact of this canker.

On our part, government has stepped up inter-agency cooperation which is very critical in combating terrorism and other criminal tendencies. This is evident in the collaboration and partnership between the police and other security agencies which is impacting positively on joint operations and important national assignments. With the renewed vigour, I am assured of the commitment of the security and intelligence community in discharging the onerous responsibility of providing adequate security in the country.

The police have also redoubled its efforts at meeting new challenges by being exposed to training and retraining in various areas useful to their quality service delivery. As part of solution to this problem, the National Assembly and the Judiciary have been engaging in various measures to support government efforts. Please be reminded that security is everybody’s’ business and should not be left to the security agencies alone.

At this juncture, I wish to thank the organizers of this forum CLEEN Foundation for all the efforts put in to make it a huge success. This and other initiatives will complement the efforts of government to proffer adequate response to the emerging trends of terrorism in Nigeria. I urge you to continue with your commitment to matters of national interest which has been the hallmark of your activities.

Part Two

Paper Presentations

Understanding the Emerging Trends of Terrorism in Nigeria: A Case study of Boko Haram and Similar Groups

by
Dr. Abubakar Mu'azu¹

Introduction

Terrorism is a concept that is fluid and a subject of contestations. It is also a concept that can generate hot emotional exchanges because of differing perspectives and different understanding of its causes. One way of provoking emotional response is to suggest that terrorism exists across Nigeria, at various times, but more importantly became more forceful after the return to civil rule in 1999. The activities of ethnic militia groups that unleashed terror and attacks against the security forces, particularly the police and police stations by the Oodu'a People's Congress (OPC); the sabotage of oil production through pipeline vandalism, kidnapping of foreign oil workers, detonation of bombs to disrupt governmental functions such as the independence day bombing in Abuja by militants in the Niger Delta; the kidnapping of citizens in the East appearing as a spill over effect to the kidnappings in the Niger Delta; and, the killing of security personnel, mainly the police, soldiers and warders, the bombing of the Police Headquarters and the United Nations building in Abuja claimed by Boko Haram², had the elements of terror in them. It is debatable whether the use of terror by these groups qualifies all of them to be referred to as terrorists.

¹ Department of Mass Communication and Centre for Peace and Development Studies (CPDS), University of Maiduguri

² Boko Haram is a label popularised by the media and has gained currency in public discourse. But the name of the group is Jama'atu Ahlus Sunnah Lidda'awati wal Jihad (People Committed to the Teachings of the Prophet and Jihad). The group also sometimes addresses itself as Yusufiyya Sect after the name of its founder Muhammad Yusuf, who has killed by police personnel at the Borno State Headquarters in Maiduguri in 2009.

It is the contention in this paper that the factors influencing the emergence of groups challenging the State's monopoly of the use of arsenals of violence and waging attacks against fellow citizens, who may be innocent, arise from the manner that the operators of the Nigerian State handle national issues.

The paper discusses some of the factors that led citizens to take up arms against the State and uses the activities of ethnic militia groups as an example of the use of violence and terror to address their grievance. The Nigerian State demonstrates through its responses to groups such as the Niger Delta ethnic militants in the South South, Odu'a People's Congress (OPC) in the South West, Bakassi Boys and Movement for the Sovereign State of Biafra (MASSOB) in the South East that its approach is to unleash force to maintain order. It was only in the case of the militants that a more useful approach was adopted that has succeeded in containing the violence. But it is instructive that it was violent attacks against symbols of the State and its interests that led to granting the people in the Niger Delta what they justly deserve as citizens. The discussion also brings up the case of the group Jama'atul Ahlus Sunnah Lidda'awati wal Jihad, popularly referred to as Boko Haram. All these groups emerge because of the failure of governance, a complacent security regime and absence of strong culture that enables citizens to make effective demands from their rulers.

Confronting the Nigerian State

It can be argued that the environment in which Nigerians live and their experiences of governance practices could be contributory factors to the emergence of terrorism. It is this that gives groups the initiative to take on the Nigerian State because of its perception as unjust, demeaning to the citizen, without guarantees of individual safety and security and exploitative. There is a widespread disenchantment with the Nigerian State arising from its failure to meet its obligations to the people and the perception that State policies are implemented to advance private interests for personal accumulation. There is widespread perception and evidences to suggest that the citizens are not

getting ‘a good deal’ from the State³. The language that has gained currency and describes the disenchantment of the majority of the people with the State is marginalisation. That is the people are made to feel like outsiders, without rights or claims on the Nigerian State.

It is important to recognise that there are both civil and uncivil challenges to the Nigerian State by citizens. While civil society groups acting largely to reclaim and advance civil liberties emerged to confront military rule and forced a return to civil rule, a different version emerged to lay attacks on the State to force their being recognised and included in national affairs. The activities of civil liberties or human

rights and pro-democracy non-governmental organisations are examples of organisations that used a civil approach: litigation, demonstrations, petitions, press conferences, press releases, researches, political education and marches to achieve their objective. These groups did suffer from the brutality of the operators of the Nigerian State⁴. Other groups that did not want to subject themselves to the containment approach of the State decided to confront it. This is evident in the emergence and activities of ethnic militia groups in different parts of the country: the South South, South West and South East. The recent phenomenon popularly called Boko Haram also fits into the realm of dissatisfaction with the way and manner the affairs of the Nigerian State are being handled.

Depending on one’s perspective and understanding of the motivations of each group, there is a tendency to define the groups using different terms: self

³ The various United Nations Reports: human development, poverty and gender indices including the report of National Programme on Poverty Eradication (NAPEP) show that the number of the poor continues to rise. The number of people living in poverty has increased from 54 million at the inception of civilian rule to 77 million at present.

⁴ See CLO Reports on the State of Human Rights in Nigeria and Campaign for Democracy. See also Habu Mohammed (2009) “Human Rights NGOs and Human Rights Advocacy in Post Military Nigeria” in Attahiru M. Jega, Haruna Wakili and Ismail M. Zango (eds) *Consolidation of Democracy in Nigeria: Challenges and Prospects* Kano: Mambayya House for a discussion of the civil approach by civil society

determination groups, nationalists, guerrilla fighters, rebels, urban youth gangs or terrorists. The ethnic militia groups in the Niger Delta, OPC in the South West and MASSOB in the South East are seen as self-determination groups. Agbaje,⁵ observes that:

... The OPC, MASSOB and Egbesu clearly pursue an agenda against perceived marginalisation and self-determination that is often difficult to separate from succession for the groups they claim to represent....

These groups have emerged under different historical circumstances, but are also bound by a common factor of deep dissatisfaction with the Nigerian State. Boko Haram, which operates largely in Borno State with occasional forays into Bauchi State and of recent Abuja, is pursuing a cause couched in religious terms. It is also dissatisfied with the Nigerian State and the arrangements put in place to run it. It claims to be fighting a system that perpetrates and perpetuates injustice. The reaction of the Nigerian State towards such groups is predictable: use force, excessive or not, to suppress them. But the response, in most cases, had been brutal suppression of all forms of dissent.

The resort to suppression using the State's stock of arsenal of violence often sends the wrong signal to groups that have grievances that civil approach was unworkable⁶. Some scholars have observed that the security services, especially the Police and the State Security Services (SSS), are employed to oppress, rather than protect, the citizen. In relation to the emergence of ethnic militia groups Menegbon⁷ observes that

The emergence of the ethnic militias, (if and where they exist) private security and other movements in the country is an obvious expression of frustration. The frustration reflects the feelings that as in other spheres

⁵ Agbaje, A. (2003) in Tunde Babawale

⁶ One of the spokespersons of Boko Haram expressed the view on Radio Deutsch Welle, at one time, that the Federal Government started talking dialogue after noting the ferocity of their attack and commitment to the group's mission to bring about change.

⁷ Menegbon, Deeka (2003) "Movement for the Survival of Ogoni People (MOSOP) and the Struggle for Democracy in Nigeria" in Tunde Babawale (ed) *Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria* Ibadan: Malthouse Press pp 125-129

of government those in charge of security do not reflect the needs of the communities, and provide a sense of justice or security.

Thus the emergence of groups resorting to the use of terror and challenging the State over the monopoly of the use of the arsenals of violence, attacking State targets and instilling fear in the minds of citizens is not a historical accident. The various groups that emerged and are using terror as an avenue to be heard arose from their own direct experiences of how the Nigerian State has been treating the people and addressing issues that affect them. They may appear to exist in specific locations and settings across the country and seem to be disparate. However, their emergence is a call for the State to revise itself and take urgent steps to act in a more just and more equitable manner. It is the persistent feeling of the failure to do so that has led to the emergence of groups that resort to terror, constitute a security challenge and even raise the question of the sustainability of Nigeria as one country.

The Cases of Use of Terror as a Language of Dissent

It is apparent from the foregoing discussion that terror⁸ had been used, and is being used, as a language of dissent. In discussing the emergence of terrorism in Nigeria it is important to factor in the activities of these groups whether they are terrorist groups or not. The reason for discussing these groups is because their agitations, in whatever cause they believed in and pursue, had elements of terror and violence leading to damages to property, loss of life and constituting a threat to the security and safety of persons. All these groups had mounted attacks against the State either by directly attacking the representations of the state such as the security personnel or its economic vein by paralysing oil exports through pipeline vandalism or kidnapping foreigners or engaged the military in battle. Their activities and tactics demonstrate that there is a goal they want to achieve; it is not just violence for its own sake. It is means to get a chance to be heard and get whatever grievances they hold to be addressed.

⁸ See R Ruby, C. L. (2002) "The Definition of Terrorism" *Analysis of Social Issues and Public Policy* Vol 2, No. 1 pp 9-14 and Tilly, C. (2007) "Terror, Terrorism, Terrorists" *Sociological Theory* Vol. 22, No. 1 Theories of Terrorism: A Symposium March pp 5-13 for nuanced discussions of terror and related concepts

Militants in the Niger Delta

The militants in the Niger Delta have had to resort to the use of terror because the very problem confronting that part of Nigeria was left unaddressed by the operators of the Nigerian State. The peaceful approach of Ken Saro Wiwa was not having the desired effect. Instead he became a victim of State sanctioned violence. It is rather unfortunate that many years after Ken was killed the position that he campaigned for has been upheld by the United Nations. But the failure to listen to him and his supporters led to the emergence of several groups that confronted the State. The latest action on the part of some of the militants was the October 1, 2010 bombing in Abuja. It is strange how MEND was able to penetrate the security network in the Federal Capital City, Abuja and detonate a bomb without detection. MEND also claimed responsibility for the attack⁹. It took sustained sabotage actions by the militants to get the federal government to resort to dialogue and put up a programme for the rehabilitation of the militants. The programme is going on successfully. The militants may not have been referred to as terrorists, but they use terror to achieve their objective.

Oodu'a People's Congress

The OPC operates in the South West to advance Yoruba people's interest and to bring all Yoruba under one umbrella. In its bid to achieve that OPC¹⁰ had battles with other ethnic groups and also had confrontations with the police. Whenever their members were arrested, they made strenuous efforts to secure the release of their members. This effort includes mounting attacks against police officers and attack police stations by, in some cases, burning them. At one time, it was described as an organisation that was going to unleash guerrilla war.

Boko Haram

The activities of the group known as the *Jama'atu Ablus Sunnah Lidda'awati wal- Jihad* (People Committed to the Prophet's Teachings and Jihad), labelled

⁹ The bomb attack drew an immediate response from President Goodluck Jonathan that MEND was not responsible for the attack, but to this day his regime has not been able to tell Nigerians who did it. However, the mastermind of the attack is being tried in South Africa.

¹⁰ OPC acts of violence were associated mostly with the faction led by Ganiyu Adams.

and popularly referred to as Boko Haram, has generated remarkable interest across Nigeria and abroad because of the series of targeted attacks on individuals and bombings that its members have been claiming to be responsible for across mainly the states in the Northern parts of Nigeria. There is clear national concern on the activities of the Boko Haram and widespread fear among people concerning their safety and security. Though the group seems to organise and direct its attacks against specific individuals and specific targets, not directed at everyone, there is the fear that innocent people may fall victims for being at the wrong place and at the wrong time. There is the fear that a stray bullet could hit and hurt or kill an innocent person or a bomb detonated could also maim or kill people who were not meant to be harmed.

In the case of Boko Haram this had been done several times including hitting supposedly the most secure of places: the Police Headquarters and United Nations Building in Abuja. The ability to hit at individuals and targets through careful planning and execution raises a number of concerns, among which are: how safe are we? Can the security forces cope and guarantee the much needed safety and security of innocent citizens/residents? How is the government responding to this national security challenge to ensure the safety and security of everyone?

The founder of the group, now also referred to as a sect, Muhammad Yusuf, initiated the group arising from the concerns of some Muslim families about Western thought, dress and politics and their impact on the Nigerian society. It was felt that Western ideas, mode of dressing and style of politics were impacting negatively on the society. In his desire to halt the negative impact of all these on the society he built a school and a mosque to inculcate Islamic religious moral values covering private/personal and public actions of individuals in society. The group rejected Western culture and ethos in individual and public life. The group was said to have started operating in 2002 as a traditional Qur'anic Islamic school.

It is important to note that the way the group's name is bandied in the press and in public discussions as Boko Haram does not convey the full impact of the meaning and activities of the group. The usual translation that seemed to

have gained currency and acceptability is Boko Haram meaning 'Western education is a sin.' However, the word Boko Haram stands simply for 'Western Culture/Ethos'. The word 'boko' in Hausa means 'Western' and 'Haram' means 'sin'. The term for school in Hausa is 'makaranta' and education is 'ilimi'. A person who attends Western style school is said to be in 'makarantan boko' and a person who imbibes Western culture and values is described as either 'yar boko' or 'dan boko', that is in reference to the female and male gender respectively. So for Boko Haram western cultural values, norms and traditions are a sin. It is used in reference to the totality of Western way of doing things that appear to breed a carefree society where norms, values and mores tend to corrupt individuals and society. The group prefers to be referred to as Yusufiyya sect, after the name of its founder/leader Muhammad Yusuf.

The group came to prominence in the year 2009 when there was a strong military and police action against the members of the group in which the leader, Mohammed Yusuf was caught. The army officer, Col. Ahanotu, that arrested Mohammed Yusuf handed him over to the Borno State Police Command. It is instructive to note that journalists saw him and even were allowed to interview him at the State headquarters of the Police. They asked him questions about the group and his alleged misleading of his followers including why they were fighting. He answered their questions including how he got injured. The interview session with Mohammed Yusuf was recorded on handsets and was circulated to members of the public. But shortly thereafter information filtered that the leader of Boko Harm had been killed at the Police state headquarters. The initially version that the Police gave about his death was that he was killed during exchange of gun fire. Unfortunately for the Police officers, the Colonel that arrested him disputed the story and was corroborated by journalists who were at the Police state headquarters. The video of the interview with Mohammed Yusuf conducted in Hausa was put on YouTube.

Prior to this incident, one of the followers of Mohammed Yusuf died. His followers set out to bury the dead at the Gwange burial ground. On their way, some of their members riding a motorcycle were accosted by members of the special security outfit tagged 'Operation Flush' for not abiding by the law that

made it mandatory for all motorcyclists to wear helmet. There was a misunderstanding between them and the security personnel that resulted in the shooting of one of their members. The followers of Mohammed Yusuf did not react, but proceeded to bury their dead. At the time of this incident, Mohammed Yusuf was not around. Upon his return he vowed that his group would respond to the unprovoked attack by the security. The recording of the statement he made to avenge was also making the rounds. It was statement that led to the government taking action against the group. With the killing of their leader and the attack on their base, created a situation in which some of them escaped and have since that time regrouped. The group, however, does not operate in the open.

Since the reappearance of the group, the group succeeded in eliminating its selected targets comprising politicians, Islamic scholars and individuals that were considered to oppose them or took actions against them. It is important to note that Boko Haram never attacked those who mind their own business. But as it is in the nature of the resort to terror attacks, there were cases in which innocent persons became victims of the exchanges between the group and security forces or from bomb blasts. The increased attacks and the fear it generated led to the deployment of the regular Police, Mobile Police and soldiers. This was to result in increase in the number of persons killed because of the way the security personnel approached the situation. Their approach and handling of the situation unleashed more terror that made the people to feel insecure and unsafe. There were loud outcries against the tactics and strategies employed by the security to restore order. However, the security personnel denied the charges of high handedness, the inhuman and degrading treatment meted out to people, the rampant shooting of persons and extortion. But when the intensity became ferocious, many people advisedly fled their homes and the Borno Elders and human rights organisations rose against the security approach to the situation.

The causes of the activities of Boko Haram has been summarised on the blog of Shehu Sani¹¹ thus:

¹¹ Shehu Sani (2011) 'Causes of Boko Haram' Nigeria's Boko Haram: The Way Forward <http://shehusani.blogspot.com/2011/06/nigeria-boko-haram-way-forward.html> (accessed: 19th Sept. 2011)

1. Repressive attack against the religious group by the Government in 2009
2. The extra judicial killings of their Leader Muhammad Yusuf and others in 2009
1. Exclusion of members of the Group by mainstream Islamic groups
2. Failure of Governance in Borno and Bauchi states
3. Federal government policy of appeasing militancy
4. Inspiration from the success of the armed struggle in the Niger Delta
5. Abject poverty and high rate of unemployment in the northern states
6. Proliferation of arms in the north east
7. Chadian civil war and illegal immigration
8. Disconnect between elected and appointed leaders and the people
9. Absence of data and intelligence about individuals and organizational links with foreign groups
10. Absence of a rehabilitation program for religious fundamentalists
11. Indolence and negligence of the northern states governors
12. Misuse of security votes by states Governors
13. The standoff in Somalia
14. Unresolved Arab Israeli crisis
15. Lack of true federalism
16. Resistance of the political establishment to a national conference
17. The collapse of public schools
18. Active involvement of traditional leaders in politics
19. Federal government increasing reliance on foreign security agencies

Each of these groups has a different historical reason for its emergence. It is true that the economic crisis of the 1980s, which seems to have persisted to date, denuded the ability of the Nigerian State to meet its obligations to the citizens. The response to the economic crisis led to the adoption of policies that visited hardships on the people: jobs became scarce, retrenchment of workers also referred to as right sizing followed, social services became difficult to access. The ruling authorities imported neo-liberal solutions that demanded sacrifice from citizens urging them to adopt belt tightening measures because

in the slogan of one of the regimes ‘things have to get worse before they get better’¹² It is true that the economic crisis of the 1980s could be a factor in the weakened ability of the State to meet its social and other obligations to the citizens. But it is also true that the accumulative tendencies of State actors, politicians in power, bureaucrats or security personnel contributed to the pauperisation of the citizens, breeding despair, uncertainty and lack of faith in the Nigerian State. The conspicuous consumption of the ruling elite, the culture of impunity that reigns across the land and the unconscionable recruitment of the youth into violent gangs serving as political thugs, with the active backing of those in power, contribute to the security challenges Nigeria is going through. The people in power have continued to demonstrate a crisis of commitment and narrowness of vision in addressing critical issues that will address the critical challenges of existence that confronts a majority of the citizens.

The Way Forward

It is very clear that acts of terror are not the exclusive preserve of any group. The State itself could provoke reactions that could lead citizens to take up arms against it. When that happens then there is a questioning of the way the affairs of the country is run and requires taking new and creative steps to address the security challenge. The solutions are implicated in the causes of Boko Haram identified by Sani. It is important for the security services to review the existing security architecture that privileges protection for persons with power to the exclusion of the majority the people. Security is more than soldiers, policies and arsenals of violence. It is to be found in the legitimacy that those who exercise power enjoy and the satisfaction of the needs of the citizens. The security services need to cultivate a proactive approach to security matters by paying attention to global developments in relation to security. Waiting for security issues to arise before responding to them is unhealthy. For instance, the September 11 attacks occurred in 2011, with cases of use of terror in Kenya and Uganda following in Africa should have

¹² This was the slogan under the General Ibrahim Babangida regime after introducing the International Monetary Fund’s (IMF) prescribed Structural Adjustment Programme (SAP); a similar call was made earlier under the regimes of then Head of State, General Olusegun Obasanjo and President Shehu Usman Aliyu Shagari, which was called ‘austerity measures’.

received the attention of Nigeria's security forces. There is the need to build strong collaboration with researchers vastly knowledgeable in the area of security studies including civil society organisations that are working in the security sector. Consideration should also be given to restoring community power to monitor its own security and develop a strong liaison with the security services. Inter-security cooperation and intelligence sharing are critical to the success of the security forces. They need to also find solution to the unnecessary sense of superiority and rivalry that affects the effective collaboration among the army, navy, air force, the police, civil defence corps, customs, immigration and prisons. There is also the need to organise orientation for security personnel to realise and practice citizen protection as against the regime protection that is in practice. Nigeria must take necessary steps to achieve all these for our collective safety and security, the stability of our country and its unity.

Engaging Critical Stakeholders in Response to Terrorism In Nigeria

by

Mr. Olatunbosun Abolarinwa

Managing Director, Phoenixview Consulting

Introduction

As stakeholders in the fight against Terrorism in Nigeria and the world at large which underscores the importance of collectiveness and inclusiveness in responding to the problem, there is need for us to be informed with our expectations for the desired result to be met. Considering the trends of terrorism in Nigeria now, nobody knows who next will be either a victim or dead as a result of terror attack. This paper calls for sober reflection and reminds us as stakeholders in policing, public safety and security of our roles, responsibilities and expectations in curbing terrorism in Nigeria.

Terrorism: Definition of a Global Phenomenon

Terrorism has established itself as a world phenomenon before 1648, providing a definite definition for it has been accorded with series of controversies. Etymologically, the term emanates from Latin, “terrere”, meaning “to frighten” via the French word terrorisme, which is often associated with the regime de la terreur, the Reign of Terror of the revolutionary government in France from 1793 to 1794. The Committee of Public Safety agents that enforced the policies of “The Terror” were referred to as “ Terrorists”.

The English word “terrorism” was first recorded in English dictionaries in 1798 as meaning “systematic use of terror as a policy”. The Oxford English Dictionary still records a definition of terrorism as “Government by intimidation carried out by the party in power in France between 1789-1794.

The controversial issue is that the vocabulary of terrorism has become the successor to that of anarchy and communism the catch-all label opprobrium,

exploited accordingly by media and politicians. The difficulty in constructing a definition which eliminates any just cause for terrorism is that history provides too many precedents of organizations and their leaders branded as terrorist but who eventually evolved into respected government. This has applied particularly to national liberation movements fighting colonial or oppressive regimes, engaging in violence within their countries often as a last resort. Jomo Kenyatta of Kenya spent years of his life lobbying the British government before his involvement with the Mau Mau rebellion. Nelson Mandela, a hero in his continent and beyond, is another convicted “terrorist” belonging to this class.

Before making a valid point, it is important to say that this piece would like to consider further statements and criticisms on the issue and recognized that there are other valid arguments on these controversial issues. However, they are not within premises of this paper.

Arriving at a universally accepted definition of terrorism which narrows down to a specific method of conducting violence instead of “all its forms and manifestations” or which makes it possible to refer terrorist acts to an international court, as for genocide and other war crimes or which makes it impossible for individual countries to outlaw activities they choose to classify as terrorism perhaps for their own political interest is a great challenge in the study of terrorism.

While the United Nations has not yet accepted a definition of terrorism, the UN’s “academic consensus definition,” has been put forth for consideration. And they are available for public evaluation.

In final analysis, although, it is not clear the actual number of definitions of terrorism; but it is clear that terrorism does not have respect for human lives and values. It has claimed thousands of lives of innocent souls, rendered millions of people homeless and economically handicapped. Alas, it is clearer that terrorism has turned our world into a place conducive for its existence and spread.

Brief Historical Background of Terrorism

It is pertinent to recall that forms of society and governments in the past differ from what they are today, when describing the history of terrorism and the use of terror through time. Not until 1648 (Treaty of Westphalia), there was nothing like modern nation-states. More recent is the state's monopoly on warfare or interstate-violence. The absence of central authority gave many more players opportunity to participate in the game of warfare. However, this did not make the use of terror a method of affecting a political change. In contrast to the modern era, where only nations go to war, the involvement of players such as religious leaders, mercenaries, mercantile companies, national armies and many more was considered to be lawful and normal. Terrorist acts or the threat of such action have been in existence for millennia. So, in narrating the history of terrorism, it is important to talk about the various types of terrorism

Types of Terrorism: There are several types of terrorism as captured below

- o Political terrorism
- o Sub-state terrorism
- o Social revolutionary terrorism
- o Nationalist-separatist terrorist
- o Religious extremist terrorism
- o Religious fundamentalist terrorism
- o New religions terrorism
- o Right-wing terrorism
- o Left-wing terrorism
- o Single-issue terrorism
- o State-sponsored terrorism
- o Regime or state terrorism
- o Criminal terrorism
- o Pathological terrorism

Summary of the History of Terrorism

Ancient World:

Sicarii Zealots

Political scientists see the radical Sicarii offshoot of the Jewish Zealots as one of the earliest forerunners of modern terrorism. Like modern terrorists, they intended their actions to suggest a message to a wider target audience: in this instance, the Roman imperial officials and all pro-Roman and collaborationists

Al-Assassin

The Hashshashin (also Hashishin, Hashshiyin or Assassins) were an offshoot of the Ismaili sect of the Shiite Muslims. After a quarrel about the succession of leadership in the ruling Fatimide dynasty in Cairo around the year 1090, the losing Nizariyya faction was driven from Egypt. They established a number of fortified settlements in present day Iran, Iraq, Syria and Lebanon under the charismatic leader Hasan I Sabbah. Persecuted as infidel by the dominant Sunni sect in the Muslim world; they sent dedicated suicide murderers to eliminate prominent Sunni leaders whom they considered “impious usurpers.” The sect was decimated by the invading Mongols, their last stronghold being flattened by Hulegu Khan in the year 1272. Many scholars believe the term Hashshashin, a name given to them by their enemies was derived from the Arabic “hassasin (hashish user), which they are alleged to have ingested prior to their attacks, but this etymology is disputed. The sects referred to themselves as al-da-wa al-jadida, which means the new doctrine, and were known within the organization as Fedayeen.

Seventeenth Century

Gunpowder Plot (1605)

On November 5, 1605 a group of conspirators, led by Guy Fawkes, attempted to destroy the English Parliament on the State Opening, by detonating a large quantity of gunpowder secretly placed beneath the building. The design was to kill King James I and the members of both houses of parliament. In the resulting anarchy, the conspirators planned to implement a coup and restore the Catholic faith to England. However the plan was betrayed and then thwarted.

Eighteenth Century

1. Sons of Liberty

The Sons of Liberty were an underground group opposed to British Rule in the colonies, who committed several attacks, most famous among these was the Boston Tea Party. No one was killed or seriously injured by any action that was taken.

2. The Terror (1793-1794)

The Reign of Terror (September 5 1793- July 28 1794) or simply The Terror (French: la Terreur) was a period of about eleven months during the French Revolution when struggles between rival factions led to mutual radicalization which took on a violent character with mass executions by guillotine.

The victims of the Reign of Terror totaled approximately 40,000. Among people who are condemned by the revolutionary tribunals, about 8 percent were aristocrats, 6 percent clergy 14 percent middle class, and 70 percent were workers or peasants accused of hoarding, evading the draft, desertion, rebellion, and other purported crimes.

Nineteenth Century

1. Anarchism

Anarchists was the most prolific terrorists of the 19th century, with the terroristic tendencies of both nationalism and political movements of Communism or fascism still in there infancy. The disjointed attacks of various anarchists groups lead to the assassination of Russian Tsars and American Presidents but had little real political impact.

2. Tsarist Russia

In Russia, by the mid-19th century, the intelligentsia grew impatient with the slow pace of Tsarist reforms, which had slowed considerably after the attempted assassination of Alexander II of Russia. Radicals then sought instead to transform peasant discontent into open revolution. Anarchists like Mikhail

Bakunin maintained that progress was impossible without destruction. With the development of sufficiently powerful, stable, and affordable explosives, the gap closed between the firepower of the state and the means available to dissidents. The main group responsible for the resulting campaign of terror- 'Narodnaya Volya' (people's will) (1878-81) - used the word 'terrorist' proudly. They believed in the targeted killing of the 'leaders of oppression'; they were convinced that the developing technologies of the age- symbolized by bombs and bullets- enabled them to strike directly and discriminately." People's Will", possessing only 30 members, attempted several assassination attempts upon Tsa, culminating in the assassination of Tsar Alexander II on 13 March 1881, killing the Tsar as he was traveling by train.

3. Irish Republican Brotherhood

In 1867, the Irish Republican Brotherhood, a revolutionary nationalist group with support from Irish-Americans, carried out attacks in England. These were the first acts of "republican terrorism", which became a recurrent feature of British history, and these Fenians were the precursor of the Irish Republican Army. The ideology of the group was Irish nationalism.

4. Nationalist Terrorism

The Fenians/IRA and the IMRO may be considered the prototype of all 'nationalist terrorism', and equally illustrate the (itself controversial) expression that "one man's terrorist is another man's freedom fighter". At least one of these groups achieve its goal: an independent Ireland came into being. So did an independent Macedonia, but original IMRO probably contributed little to this outcome. Some groups resorted to the use of dynamite, as did Catalan nationalists such as La Reixa and Bandera Negra.

5. John Brown

John Brown was an abolitionist who advocated armed opposition to slavery. He committed several terrorist attacks and was also involved in an illegal smuggling of slaves. His most famous attack was upon the armory at Harpers Ferry, though the local forces would soon recapture the fort and Brown, trying and executing him for treason. His death would make him a martyr to the

abolitionist cause, one of the origins of American Civil War, and a hero to the Union forces that fought in it.

6. Ku Klux Klan (1865)

The original Ku Klux Klan (KKK) was created after the end of the American Civil War on December 24, 1865, by six educated middle-class confederate veterans from Pulaski, Tennessee. It soon spread into nearly every southern state of the United States. The Klan has advocated for what is generally perceived as white supremacy, anti-Semitism, racism, anti-Catholicism, homophobia, and nativism. They have often used terrorism, violence and acts of intimidation such as cross burning to oppress African Americans and other groups. The name 'Ku Klux Klan' has been used by many different unrelated groups, but they all seem to center on the belief of white supremacy. From its creation to the present day, the number of members and influence has varied greatly. However, there is little doubt that, especially in the southern United States, it has at times wielded much political influence and generated great fear among African Americans and their supporters. At one time KKK controlled the governments of Tennessee, Indiana, Oklahoma and Oregon, in addition to some of the southern U.S legislatures.

Twentieth Century

Suffragette, Assassination of Archduke Ferdinand (1914), KKK(1915),Irgun (1936-1948), World War II, Nationalism and the End of Empire,Cold War proxies,,IRA,,ETA, Aum Shinrikyo (1984-1995), AchilleLauro Hijacking (1985), Lockerbie bombing (1988), Umkhonto we Sizwe (South Africa 1961-1990), PLO (1964-c.1988), Columbian terrorist groups, Munich Massacre (1972),Matsumoto incident(1994), Sarin gas attack on Tokyo subway(1995),and Oklahoma City bombing (1995) are types of terrorism and individual terrorists and groups that operated in the twentieth century.**Twenty-**

First Centuries

The well-celebrated September 11 (2002) attack and the Beslan school siege are recent terrorist attacks of the twenty-first century.

Identifying Critical Stakeholders in Curbing Terrorism in Nigeria

Identifying the critical stakeholders in curbing terrorism is not far fetch in any way or form as it starts from stakeholders in policing, public safety and security and ends with the terrorist themselves. There are three major groups to be considered as critical stakeholders in this context namely:

- ◆ Organization Stakeholders
- ◆ General Public stakeholders
- ◆ Personal Stakeholders.

Engaging Critical Stakeholders in Curbing Terrorism Threat

In order to successfully engage the critical stakeholders identified above, the following approach is highly recommended for adoption to achieve a robust and sustainable success.

Organizational Critical Stakeholders

Under the organizational approach, The Government via Ministry of Police Affairs will use the Nigeria Police Force which has the widest representation across 776 Local Government Authority (LGAs) in Nigeria as a media to drive forward the safety and security awareness initiative. The NPF is chosen because of her existing coverage; a critical stakeholder in the internal security of the nation. Under the organizational approach, the following objectives will be met:

- a) To run a short; apt and effective Terrorism Awareness Programme for ALL public servants;
- b) To deploy a world class health and safety training across public institutions.
- c) To deploy initiatives to make the interior/ exterior of public institutions safer.
- d) To deploy and encourage ALL critical stakeholders to adopt technological based security media to boost security at all location of interest.

- e) To engage with the member of the public and terrorist alike in various capacity.

General Public Critical Stakeholders

The General Public approach encompasses both the Organizational Approach earlier mentioned and Personal Approach which will be highlighted later. The Ministry of Police Affairs while being a member of the General public views members of the public as critical stakeholders in her efforts in the fight against threat to lives and properties. The General Public is the only and major reason for all National Endeavour and there could be no Government without them. Therefore, the General public is viewed as a major tool/asset for curbing and curtailing any threat to security in Nigeria. Every direct and indirect implication of threat to security adversely affects the General Public and could make the efforts of the Government fruitless. The following objectives will be actualized under the General Public Approach:

- a) To engage ALL critical stakeholders in the efforts to combat threat to National security.
- b) To gain the TRUST; CONFIDENCE and COOPERATION **(TCC.)** of the General public via well coordinated programmes such as mobilization, adverts and Inclusions projects.
- c) To implement and promote community based policing across the federation.
- d) To create and implement sustainable awareness, response and communication project across the country via the NPF. 776 LGA. Infrastructures.
- e) Engaging all social, religious and voluntary organizations via simple and sustainable educational projects.
- f) Implementation of safety initiatives in all Public and Government Buildings.

Personal Critical Stakeholders

This approach is the most important of all as it covers all the elements of the two initial approaches (Organizational & General Public). The Personal Approach narrows the initiatives down to Individual therefore engaging every citizen of Nigeria in her efforts to stem threats to lives and properties. Everybody in the society is an individual whose existence depends highly on a peaceful, secure and threat-free environment. The Personal Approach is designed to TASK /ENGAGE every individual, young or old to see him or herself as critical stakeholders in therefore ensuring that his or her immediate living, working and studying environment is safe from risk and threat to lives and properties. This will be achievable via the following objectives:

- a) Promoting far reaching adverts and jingles through our media outlets constantly reminding citizens to watch out for SIGNS and INDICATIONS of threats.
- b) Designing of eye catching literature and distributing it nationwide. (Just like we did during the General Election) carrying detailed warning of threat to live and security and offering advice on what citizen must do.
- c) Initiating a Neighborhood Watch projects in our communities with the help of Community Policing and Community/Religious Leaders.

Engaging Critical Stakeholders in Response to this Global Threat

Terrorism is an ideology which has its power in the shadow of anonymities and surprise attacks. I belong to the school of thoughts where using the same tactic in fighting it could be sustained. The decision of any terrorist group begins with a thought, believe and radical action that results in mayhem, pandemic and fear. Also, the fight to stem, curb and eradicating it can be sustained via the same approach. The terrorist group is a minority while the populace and the government remains a majority. The only difference here is that of ideologies and intents.

Naturally, it is very tempting to want to fight terrorism with cannon and artilleries hardware. Also, engaging the terrorist group in communication and

dialogue does not stop the use of the former. A very good example is Iraq, Afghanistan and the old Israel and Palestinian War. In all these three conflicts, the tactic of terrorism and counter-terrorism is still being deployed, so also does the avenue for communication and dialogue remains opened, while the best way to gather knowledge and sustainable intelligence is through engaging the subjects in sustainable dialogue.

All the parties involved in conflicts know that it will expire one day; the only missing link is who will initiate the beginning of the end. The responsibility lays with both parties, especially the most legitimate one- the Government.

Another important aspect of engaging the critical stakeholders in the fight against terrorism is to active guide the general public in taking a unified stance in the push against the odds, that is, helping the general public to know if we and countering terrorism or taking anti-terrorism stance or both.

This can be sustained via running of random workshops across the country in our entire institutions highlight what must be known and done before terrorist attacks, during the attack and after the attacks.

Conclusion

It is an established fact that terrorism is a global threat, our approach to curbing it and ensuring a secure, safe and peaceful society must be collective. It is worth noting that world leaders, followers and stakeholders have specific roles to play in its realization.

For world leaders and stakeholders, these roles transcend attending or organizing world summit, conferences, seminars, workshops etc on the topic, and consenting to Global strategy to counter terrorism on papers. They need to commit more resources, at all levels, to the cause, be more sincere and objective in their judgments, more pro-active in their approach, and create enabling environments conducive for justice, conflict resolutions, human right protection, equality, stability, unity, prosperity, tolerance, peace and security. Above all, they need to promote and support ultimately because that have respect for human lives and values.

For other stakeholders, we need to ensure that the message is disseminated beyond organizing conferences, seminars, workshops etc. We need collective, inclusive engagement in one- to -one education or group discussions enlightening ourselves on the devastating and destructive effects of terrorism on our lives and values, and emphasizing that terrorism is not an effective way of championing a cause, whether political, religious or otherwise. We must recognize that peace is the most precious need of humanity.

Part Three

Appendix

Communiqué Issued at the End of the 5th Policing Executive Forum on “Responding to the Emerging Trends of Terrorism in Nigeria” Organized by the Ministry of Police Affairs, the Nigeria Police Force, and the CLEEN Foundation at Denls Hotel, Abuja, on Thursday, September 22, 2011

Introduction

The fifth national Policing Executive Forum was held in Abuja on the 22nd day of September 2011 on the theme “Responding to the Emerging Trends of Terrorism in Nigeria”. The CLEEN Foundation (with support from MacArthur Foundation) in collaboration with the Ministry of Police Affairs and the Nigeria Police Force organised the Forum. The Forum reviewed state responses to the activities of extreme groups in Nigeria and discussed wider stakeholder participation in finding sustainable solution to problems of terrorism.

Participants in the meeting were the Nigeria Police Force, the Ministry of Police Affairs, the Police Service Commission, office of the National Security Adviser, the State Security Services, National Human Rights Commission, civil society organisations such as BOCODEP Borno, and Alliance for Credible Elections, the academia, serving and retired senior police officers, and development partners such as the MacArthur Foundation, Justice for All, European Union, Fredrich Ebert Stiftung, Open Society Initiative for West Africa and the Open Society Justice Initiative.

Background

The Forum considered the keynote address by the Minister of Police Affairs and paper presentations by experts, and observed the following:

1. The various security measures being put in place in response to the various security challenges being experienced around the country, evolved from antiterrorism to counter-terrorism;
2. Intelligence is key to preventing acts of terror;

3. The problem of street urchins and destitute poses a challenge to stemming the tide of recruitment of volunteers for terrorism;
4. The rise of terror groups and subsequent ease of recruitment of followers is directly related to the neglect of social infrastructure provision for the populace;
5. Governments in the north east were particularly noted as having the most immediate task of working to instill confidence in the people to release information to the security agencies;
6. Security challenges reflect a failure of the security governance structures across all levels.

Recommendations

After rigorous deliberations, participants at the 5th Policing Executive Forum resolved as follows:

1. The Federal Government should develop a long-term framework for security architecture to ease efforts at combating terrorism beyond lawmaking to encompass human capital, technology, intelligence, and related resources;
2. De-radicalisation efforts should be consolidated by engaging more religious leaders to interact with potential and identified members of radical Islamic sects such as Jama'atu Ahlus Sunnah Lidda'awati wal Jihad (People Committed to the Teachings of the Prophet and Jihad) also known as Boko Haram;
3. A National Security Policy of which a National Defence Policy will be a subset should be developed. This policy will help in effective security planning and coordination;
4. There is need for interagency collaboration among security agencies as well as the involvement of more groups beyond uniformed forces, with the adoption of the community policing philosophy and respect for human rights;

5. Research groups and credible civil society organisations can be engaged to study trends and make projections;
6. Improved funding and welfare of the police and other security personnel must be given priority to boost their morale;
7. Improvement in welfare of Nigerians, especially young people who are excluded from meaningful education and employment;
8. Government should deemphasize deployment of the military to quell civil unrests as they lack the nuanced approach to managing such situations;
9. Security is a collective responsibility but the security organizations led by the police should be reoriented to see the public as their ally in information gathering. Security awareness and sensitisation programmes should be embarked upon for public to buy into the government's new resolve.

Participants commended the organizers of the Forum and called for the continuity of the medium as a platform for improving safety and security in the country.

Signed:

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CLEEN Foundation

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Ministry of Police Affairs

FINAL REPORT OF THE 5TH POLICING EXECUTIVE FORUM

INTRODUCTION

The 5th Policing Executive Forum organised by the Ministry of Police Affairs, the Nigeria Police Force and CLEEN Foundation, with the support from the MacArthur Foundation, was held on 22th September 2011 at the Denis Hotel, Abuja. The theme of the Forum was “Responding to the Emerging Trends of Terrorism in Nigeria.”

The Forum participants cut across government agencies, office of the National Security Adviser, Ministry of Police Affairs, the Police Service Commission, and donor agencies including the MacArthur Foundation.

WELCOME REMARKS

Executive Director of CLEEN Foundation, Mr Innocent Chukwuma

The Executive Director of CLEEN Foundation, Mr Innocent Chukwuma, on behalf of the organisation, warmly welcomed all the participants to the fifth edition of the Policing Executive Forum (PEF). He said this edition of the Forum would focus on reviewing the activities of extreme groups in Nigeria, state responses to them and facilitating wider stakeholder participation in finding sustainable solution to the problems they pose.

He reiterated the need to respond to acts of terror that has radically transformed policing and security landscape of countries since the September 11, 2001 terror attacks in the United States. He said this transformation was marked by the enactment of new legislation, creation of new security agencies or departments, fostering inter-agency intelligence sharing and cooperation, provision of new resources, development of new technologies, and intensification of bilateral and multilateral cooperation on policing and security.

He emphasised that a heavy-handed state response to acts of terror has resulted in a sharp deterioration in human rights, which stimulates recruitment of new

members. He noted that armed response, though a critical part of any counterinsurgency must be pursued as part of a wider political solution. Giving example on Iraq, Afghanistan and other terror destinations in the world, he argued that the citizenry, through civil society groups, academia, communities, faith-based organisations, households, etc, have demonstrated that they remain central to long-term and sustainable solutions to terror conflicts. The constructive engagement, integration and participation of civil society are central to invaluable intelligence gathering and analysis; defeat of terrorism and rebuilding affected communities.

Mr. Chukwuma expressed optimism that at the end of the Forum there would be actionable recommendations and strategies that would not only feed into the current efforts of government in finding solution to terrorist challenges but also widen the constituency of participants in the efforts. He also hoped for commitment to working together to see the recommendations of the forum through.

The Executive Director, Africa Office Macarthur Foundation, Dr Kole Shettima Represented By Mr Godwin Odo, Programme Officer

He thanked participants for making out time from their busy schedules to be at the forum and introduced the MacArthur Foundation as a private organisation with its Headquarters in Chicago, United States of America and offices in four countries of the world— Russia, Mexico, India and Nigeria— though operating in sixty countries across the world. He disclosed that in Nigeria the Foundation has three key programmes: support for higher education and reproductive health issues, human rights and international justice. He said MacArthur’s support for CLEEN Foundation over the years in its quest to ensure that public security in the country is promoted and protected.

He corroborated Mr Chukwuma’s comment that security challenges in the light of activities of groups like Boko Haram and the growing acts of terror in the country is worrisome and requires the efforts of all in finding a lasting solution to the problem. In spite of the challenges, security agencies are to ensure that public safety and security are maintained in line with national and

international human rights instruments to which Nigeria is signatory to. The idea of the forum is to build critical mass of stake holders in responding to the security challenges particularly terrorism.

The FCT Commissioner of Police Represented By Ame Amadasu Deputy Commissioner of Police (Anti-Terrorism)

He apologised on behalf of the FCT, Commissioner of Police for not being able to be present at the forum. He expressed gratitude to been asked to represent his boss and for the presence of the calibre of personalities at the forum particularly stakeholders in policing and security such as civil society organisations and development partners. He recalled the threat of Boko Haram and how security agencies are stepping up efforts in their response to the problem. He thanked the organizers of the forum and the participants for participating at the forum and for their genuine interests in promoting public safety and security in Nigeria.

The Chairman Police Service Commission, Represented By Director Recruitment, Mr Ben Iwambe

He expressed gratitude and appreciation on behalf of the Chairman of the Commission Mr. Parry Osayande and wished the organisers/participants a fruitful deliberation. He expressed the Commission's dissatisfaction watching the police and other security agencies bear the burden of acts of terrorism in the country. He reiterated the Commission's readiness to assist the police and other security agencies in combating security lapses in the country.

Conclusively, he reminded participants that security is the responsibility of everyone and not just the security agencies alone pointing out that something urgently needs to be done to forestall Nigerians from the harassment at the

increasingly widespread military checkpoints. “Intelligence gathering is of every one,” he enthused.

Brig Gen Andrew Azazi, Represented By Umar Bashir, Asst. Director Policy and Strategy, Office of the National Security Adviser

He thanked the organisers of the forum particularly CLEEN foundation on behalf of the National Security Adviser, Brig. Gen. Andrew Azazi, for the invitation extended to their agency.

He underscored the government’s ability to deter, defeat and respond decisively to terrorist attacks as the most challenging priorities facing most nations today and highlighted the terrorist attacks recorded in the country which include bombings, use of improvised explosive devices and now suicide bombings and attacks. In response, a number of measures, both active and passive have been instituted by government to defeat this threat. For instance, he said in 2010, the National Assembly passed a terrorism bill into act, covering acts of terror and related offences, terrorism funding, mutual assistance between countries, extradition, investigation and persecution.

Other governmental responses to the problem includes: the installation of CCTV cameras in many parts of the capital to enhance surveillance as well as investigate the activities of terrorist related offences. There are also physical security measures around the country aimed at deterring or thwarting potential attacks, particularly important assets like maritime, aviation and security gathering infrastructure in the country.

He pointed out that on the part of the security agencies; there is an ongoing application of the global best practices in intelligence and security gathering. One of the areas involved in this is sharing of information between security agencies which has been in existence because there is a mechanism for this in place and all that needs to be done is to make it suit global standard.

He acknowledged however, the role of the communities in deterring terrorist attacks is very significant to mention. “It is very important to know that

preventing terrorism can be very important with the cooperation of communities because it is the citizens themselves that know the communities which they are living in and doing so their report on any suspicious activities can avert an attack,” he said.

Keynote Address/Declaration of Forum Open by the Honourable Minister, Ministry of Police Affairs, Capt. Caleb. Olubolade (Rtd) Represented By Mr. John Olawale, Deputy Director, Police Performance Monitoring Unit, Ministry Of Police Affairs

The Minister expressed delight and honour in being invited to give keynote speech to the gathering on topical issue that is currently engaging the attention of the nation.

He described terrorism as “a use of violent action in order to achieve political aims or to force a government to act” and emphasised that terrorism and its attendant consequences negatively affect economic development and stability of every nation. He reassured of the commitment of the security and intelligence community in discharging the onerous responsibility of providing adequate security in the country. The Minister corroborated that though the police have redoubled their efforts at meeting new challenges by being exposed to training and retraining in various areas of policing, security is everybody’s responsibility and so should not be left to the security agents alone.

He thanked CLEEN Foundation for putting a lot of efforts in making the forum successful, that the initiative will complement the efforts of the government to proffer adequate solution to the problem. He urged the organisers to continue with the commitment to matters of national interest which should be the hallmark of their activities and thus declared the forum opened.

FIRST PLENARY SESSION

Paper 1:

Understanding the Emergence of Terrorism in Nigeria: A Case Study of Boko Haram and Other Similar Groups by Prof. Abubakar Mu’azu, University of Maiduguri.

He described terrorism as a concept that is fluid and a subject of contestations that can generate hot emotional exchanges because of its differing perspectives and different understandings of its causes. Identifying several terror attacks unleashed by ethnic militia groups such as the Oodu'a People's Congress (OPC), Niger Delta Militants, Boko Haram Sect and MASSOB against the security forces, particularly the police and police stations, the sabotage of oil production by militants in the Niger Delta, kidnapping of foreign oil workers and citizens, and detonation of bombs.

The paper discussed some of the factors that led citizens to take up arms against the state and used the activities of ethnic militia groups as example of the use of violence and terror to address their grievance. The ethnic militia groups in the Niger Delta, OPC in the South West and MASSOB in the South East see themselves as self-determination groups which emerged under different historical circumstances. He attributed the emergence of such groups as a failure in governance. The paper discussed extensively the activities of the group **Jama'atul Ahlus Sunnah Lidda'awati wal Jihad**, popularly referred to as Boko Haram, which operates largely in Borno State with occasional forays into Bauchi State and of recent Abuja, the Federal Capital Territory.

Dr. Mu'azu argued that the resort to suppression using the state's arsenal of violence often sends the wrong signal to groups that have grievances that civil approach is unworkable in Nigeria. He was of the view that the emergence of the ethnic militias, private security outfits and other movements in the country are obvious expressions of frustration. This, he said, reflects the feelings that as in other spheres of government those in charge of security do not reflect the needs of the communities, and do not provide a sense of justice or security. However, contended that the emergence of such groups is a call for the state to revise itself and take urgent steps to act in a more just and more equitable manner.

According to the paper, militants in the Niger Delta resorted to the use of terror because the very problem confronting that part of Nigeria was left unaddressed by the operators of the Nigerian State. He pointed out that the OPC's operations in the South West were to advance Yoruba people's interest

and to bring all Yoruba under one umbrella. In its bid to achieve that OPC had battles with other ethnic groups and confronted the police. At one time, it was described as an “organisation that was going to unleash guerrilla war.”

Boko Haram was not exempted in his submission at such guilty of terror attacks including hitting the supposedly most secure of places: The Force Headquarters and the United Nations Building in Abuja. The ability to hit at individuals and targets through careful planning and execution raises a number of concerns about whether the government and its security forces can guarantee the much needed safety and security of innocent citizens/residents. Noting that Boko Haram never attacked those who “mind their own business” the scholar examined the background of the sect’s leader Mohammed Yusuf’s killing, blamed it on the police, and stated that the accumulative tendencies of state actors (politicians in power, bureaucrats or security personnel) contributed to the pauperisation of the citizens, despair, uncertainty and lack of faith in the Nigerian state.

The paper listed 23 causes of the activities of Boko Haram as illustrated by a civil rights activist Shehu Sani including repressive attack against the religious group by the government in 2009, the Federal government’s policy of appeasing militancy, misuse of security votes by states Governors’ and proliferation of arms in the North East.

On the way forward, Dr. Mu’azu advised the state against acts that will provoke reactions that could lead citizens to take up arms against it. He said it is important for the security services to review the existing security architecture that privileges protection for persons with power to the exclusion of the majority the people. The security should cultivate a proactive approach to security matters by paying attention to global developments in relation to security drawing example from September 11, 2001 attacks in the United States of America.

The need to build strong collaboration with researchers vastly knowledgeable in the area of security studies including civil society organisations that are working in the security sector. Consideration should also be given to restoring

community power to monitor its own security and develop a strong liaison with security services. Inter-security cooperation and intelligence sharing are critical to the success of the security forces. They need to also find solution to the unnecessary sense of superiority and rivalry that affects the effective collaboration among the army, navy, air force, the police, Civil Defence Corps, Customs, Immigration and Prisons. There is also the need to organise orientation for security personnel to realise and practice citizen protection as against the regime protection that is in practice. Nigeria must take necessary steps to achieve all these for our collective safety and security, the stability of our country and its unity.

DISCUSSIONS

The chairman of the panel, the representative of the Director General of the State Security Service (SSS), highlighted issues in the paper. He recognised the fact that the police didn't handle the case of Boko Haram's leader Mohammed Yusuf properly. He recalled the destruction caused by Boko Haram and the number of men of the State Security Services who were killed in the incident and summed that the group did not mean well to the nation. A discussant, Prof Chidi Odinkalu, Africa Director of the Open Society Justice Initiative, acknowledged the importance of the paper and encouraged everyone to find time to re-examine it. Prof Odinkalu condemned the practice of some government officers excluding the citizenry from governance and averred that the greatest threat to Nigeria's existence is the Nigerian government's continuous condoning of corruption and crime. According to him "Our biggest single national security crisis is not Boko Haram but total failure, corruption and criminalization of the state.

He reiterated that Nigeria have being witnessing a descent into this particular situation over at least 25years when Dele Giwa was assassinated and the cover up by the government, referring to the killing of a renowned journalist Dele Giwa via a letter bomb on October 19th, 1986. This was followed by the killing of Ken Saro Wiwa. He recalled that nobody has been convicted for any of the killings that took place in the country in 25years since Dele Giwa's death describing it as "State Incapability" and the only security crisis in Nigeria

at the moment. He emphasised the need for government to brace up to the activities and bring those perpetrators to book. “These killings are unaccounted for because the Government also can’t account for the killing of its citizens.” Militia groups emerged because of failure of the Nigerian government with the same language of marginalization, alienation!” now every geo-political zone in Nigeria has its own language of killing and they kill without accountability because they have seen the state do so without accountability”. He reiterated that failure of the Nigerian government through its security agencies and the judiciary has led to the agitations of dissent groups across Nigeria.

In conclusion, Prof Odinkalu condemned in strong terms the bombings across the country and a halt to the killings of Nigerians. He added that Nigeria can be taken seriously once the country’s two decade old national security policy reflects modern times.

A second discussant, a recently retired Assistant Inspector General of Police, Mr Felix O. Ogbaudu, posed a question on Boko Haram: “How can the government negotiate with people who cannot be seen?” He pleaded for the support of the general public to help convince leaders of the group to come out so that the government can also hear their grievance.

Commenting on the killing of Boko Haram leader Mohammed Yusuf, AIG Ogbuadu acknowledged the blunders made by the police but quickly pointed out the number of police officers who were also killed in the incident. Calling for collective responsibility for security matters, he admonished the people to take the present situation as a lesson and learns from it.

He identified some bad cultural values that include culture of impunity, arrogance, inequality before the law, culture of violence, corruption, etc which impinge on security. Finally he presented Saudi Arabia as a model for Nigerian Muslims to emulate, that the security agencies should pay attention to global development on security, explore the early warning system and not to wait for

security issues to arise before responding and called for equality in security services.

The third discussant, Mr. Saka Azimazi, Executive Director of the Network of National Human Rights Institutions (NNHRI) condemned the attitude of the security officials harassing and intimidating the public in the name of searching for Boko Haram. He argued on the claim that Boko Haram is invisible. He wanted to find out how Boko Haram has accesses to those chemicals they use? Who sell those items to them? “Did the security agencies care to compare the incidence to trace their origin?” He also blamed the police for the extrajudicial killing of Mohamed Yusuf, pointing out the concern of extrajudicial killings in the country and condemned it. Mr. Azimazi underscored the point earlier made about rivalry among security agencies and how it has affected them in areas of exchange of ideas and strategies for quality service delivery.

INTERACTIVE SESSION

Prof Etannibi Alemika expressed astonishment at the emphasis on the need for collective effort by the public in security matters at the Forum, especially as expressed by members of the security agencies that addressed the Policing Executive Forum. He pointed out that before now the security agencies never allowed the general public to collaborate with them as they interpreted interactions with the citizens as interference. “How come all of a sudden security is becoming the responsibility of every one?” the criminology professor asked. “There should be a mental shift,” he added. Prof Alemika faulted the use of the military in handling the current situation and called for their replacement by the police and intelligence agencies.

Mr. Ameh, an Executive Officer from the Police Inspectorate Division of the Ministry of Police Affairs, advocated that government need to do more in

their hunt for Boko Haram. “Government should get to the root of the problem and dialogue with them,” he advised.

Peter Nkanga of NEXT newspapers focused on the release of suspects that could provide leads for the police to track terrorist. He cited a case of one Mallam Aliyu who was arrested after conducting an interview with the BBC and was detained for nine months without trial, but who claimed to have provided information to the police about some of the recent happenings before they took place. He urged the government to take actions about provision of forensic equipment to facilitate easy investigation and resolution of crime. Another participant, a lawyer, corroborated Peter’s allegation of the police denying holding persons in detention without trial.

Retired AIG Felix Ogbaudu took out his time to respond to some of the questions. In his reaction, he insisted that the responsibility of security is not of the security agencies alone, insisting that it is of everyone. He also admitted the lapses on the side of the police and called for improvement and the support of the government to the security agencies.

SECOND PLENARY SESSION

Paper 2:

Strategies for Engaging Critical Stakeholders in Curbing Terrorism in Nigeria by Mr. Olatubosun Abolarinwa, Managing Director, Phoenixview Consulting

Mr. Olatubosun Abolarinwa tried to call for sober reflection on policing, public safety and security. His paper traced the history of terrorism to the present day. He classified terrorism into 14 forms including: Political, Social, Nationalist-separatist, Sub-state, Pathological, State-sponsored and Religious Extremist types.

In identifying critical stakeholders in curbing terrorism in Nigeria the paper considered three major groups to be considered as critical stakeholders in this context, namely:

1. Organisational stakeholders
2. General public
3. Personal stakeholders.

In conclusion, he established the fact that terrorism is a global threat, and so our approach to curbing it and ensuring a secure, safe and peaceful society must be collective. For other stakeholders, the paper craves the need to ensure that the message is disseminated beyond organising conferences, seminars, workshops, etc. “We need collective, inclusive engagement through one-to-one education or group discussions enlightening ourselves on the devastating and destructive effects of terrorism on our lives and values,” he summed.

PANEL DISCUSSION

Analysis of Security Response and its Effectiveness in Curbing Terrorism in Nigeria, Chaired by Prof. Etannibi Alemika, Vice Chairman Board of Trustees, CLEEN Foundation

The chairman posed a question on what to be done collectively in other to have effective responses to the experiences of terrorism in Nigeria.

Mr. Echezona Asuzu of the Alliance for Credible Elections (ACE) pointed out the lack of preparation on the side of the security agencies in response to terrorism in the country. He attributed the problems to lack of good governance.

He also recognised the deficiency in the security system and called for the welfare of the police as one of ways to reform the security system.

A representative of the Nigeria Police Force as asked to enlighten the forum on the strategies of the Police force for combating the terrorism challenge.

In his response he argued that “the pace of security development in any society is determined by the advancement in criminology”. He gave an example of the case of Anini in the 1980’s, which he said served as basis for expansion of the State Security Services. He opined however that the SSS has continued to expand ever since but more needs to be done. “The only problem is the facelessness of Boko Haram or else the security network has improved tremendously since the problem emerged”. He added that the cooperation between security agencies in service delivery has also improved.

On the issue of information he dismissed the claim that the police are inaccessible to the public that police numbers are made available to members of the public and the information department of the Nigeria Police Force has improved. He attributed the problem of insecurity in the nation to Boko Haram, accusing them of being responsible of large transit of the (Almajiris) in the northern part of the country and advised the government of the northern states to look into the matter.

A representative of the State Security Services, in reaction, agreed with Prof. Alemika on the issue of police carrying large arms on patrol, a way of intimidating the public. He added that Boko Haram have abused the minds of many people to lose confidence in the affairs of the nation particularly in ensuring that citizens are safe and secure. He reiterated that after the bombing of the UN House in Abuja, the fight for terrorism has moved from anti-terror to counter-terrorism.

A panellist Ms Lauryn Braide of the Ministry of Police Affairs took a broad view Strategies for engaging critical stakeholders. She agreed with the positions that security is everybody’s problem. She emphasised that the government

should deepen its efforts at community policing which she described as a noble introduction to the Nigerian policing system. She expressed that the community policing philosophy will be holistic, taking on board the neighbourhood watch groups and private security organisations.

The next panellist, Mr. Charles Ibiang of the National Youth Council started by saying the faceless nature of Boko Haram implied that some other groups might be carrying out acts of terrorism under guise of the religious sect. He advised that no attempt at controlling terrorism would be effective without provision of jobs for the teeming unemployed youths. He noted that neglect of the youths have led to the worsening crime situation from mere breaking and entry to robbery then kidnapping, armed violence, and now suicide bombing. He suggested that intelligence information is being supplied from within the security organisations, including supply of arms and sophisticated weaponry from the elite. He advocated that contractors for supply of security equipment must be properly scrutinised and that police officers should be trained to properly utilise the equipment after installation.

The third panellist, Mr. Peter Nkanga of the NEXT newspapers was of the view that more action should be taken against sponsors of terrorism instead of constant talks during seminars. He pointed to the alleged extrajudicial killings of terror suspects which the perpetrators are allowed to walk free. He read out questions purportedly dictated to him on the phone by the said Boko Haram member who recently granted an interview to The Punch newspapers. He asked if it was impossible for local organisations to hold interviews, probably through new media or the internet, to have the views of terror groups aired during forums like this, in the same manner that foreign organisations do.

Mr. Harry Obe of the National Human Rights Commission made his contributions from paradigm of why societies exist in the first place; saying people surrender some of their rights in order to get protection from the government. He said the right to be heard is one such rights that every member

of a society is entitled to and that the alleged terrorists are entitled to such. He emphasised the need to train the police on community relations.

The fifth panellist, the Executive Director of CLEEN, Mr Innocent Chukwuma agreed with the previous panellists and added a few points for action. Highlighting the illuminating power of Dr. Abubakar Mu'azu's paper, he recommended that education grant-making agencies of government such as the Education Trust Fund should be encouraged to make specific grants available to scholars to examine the existence of extreme groups in the country. Mr. Chukwuma said this will bring out the salient issues and facilitate a nuanced handling of such challenges outside of armed combat. He further advocated confidence-building initiatives from the state to the local communities that are often torn between these militant groups and often combatant and repressive government agents, which create sympathisers from among the citizenry. He added that victim-support services must commence immediately and that CSOs should encourage those who are victims of either Boko Haram or the Joint Task Force to form victim groups. He asked for initiatives to protect human rights defenders and the documentation of the situations there as well as greater management of the media to enable report more empathically. Finally, Mr. Chukwuma said the police should take planning more seriously.



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

THE PREVENTION OF TERRORISM ACT 2011

(S8. 335)

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR AND ABOUT OFFENCES
RELATING TO

CONDUCT CARRIED OUT OR PURPOSES CONNECTED WITH
TERRORISM

FIRST READING	-	THURSDAY, 10TH DECEMBER, 2009
SECOND READING	-	TUESDAY, 28TH APRIL, 2010
THIRD READING AND PASSAGE	-	THURSDAY, 17TH FEBRUARY, 2011

THE PREVENTION OF TERRORISM ACT 2011



ARRANGEMENT OF CLAUSES

CLAUSE

1. Prohibition of Acts of Terrorism
2. Proscribed organization
3. Terrorist Meetings
4. Support for Terrorism
5. Harboursing of Terrorists
6. Provision of Training for Terrorist
7. Information about Acts of Terrorism
8. Obstruction of Terrorism Investigation
9. International Terrorism
10. Suppression of Financing of International Terrorism Schedule
11. Hostage Taking
12. Seizure of Terrorist cash
13. Terrorist Funding
14. Obligation to report suspicious transaction relating to Terrorism
15. Dealing in Terrorist Property
16. Requests from Foreign States
17. Requests to Foreign States
18. Evidence pursuant to a request
19. Form of requests
20. Extradition
21. Exchange of Information relating to Terrorist groups and Terrorist Acts
22. Issuance of Warrant
23. Search without Warrant

24. Intelligence gathering
25. Detention of a Conveyance
26. Detention for offences related to Terrorism
27. Custody of records and video recording
28. Prosecution for offence
29. Witness Protection
30. Jurisdiction
31. Evidence by certificate
32. Refusal of application for registration and the revocation of charities linked to terrorist groups
33. Provision of information relating to passengers of vessels and aircraft and persons
34. Power to prevent entry and order the removal of persons
35. Power to refuse refugee application
36. Regulations
37. Interpretation
38. Short Title

**A BILL
FOR
AN ACT TO MAKE PROVISIONS FOR AND ABOUT
OFFENCES RELATING TO CONDUCT CARRIED OUT OR
PURPOSES CONNECTED WITH TERRORISM**

[]

Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:-

**1. PART 1- ACTS OF TERRORISM AND
RELATED OFFENCES**

Prohibition of acts
of terrorism

- (1) A person who knowingly-
 - (a) does, anything or threatens to do an act preparatory to, or in furtherance of, an act of terrorism;
 - (b) omits to do anything that is reasonably necessary to prevent an act of terrorism; or
 - (c) assists or facilitates the activities of persons engaged in an act of terrorism commits an offence under this Act.

- (2) In this section, “act of terrorism” means an act which is deliberately done with malice, aforethought and which:
 - (a) may seriously harm or damage a country or an international organization;
 - (b) is intended or can reasonably be regarded as having been intended to-
 - (I) unduly compel a government or international organization to perform or abstain from performing any act;
 - (II) seriously intimidate a population,

- (III) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization, or
- (IV) otherwise influence such government or international organization by intimidation or coercion; and
- (c) involves or causes, as the case may be-
 - (i) an attack upon a person's life which may cause serious bodily harm or death;
 - (ii) kidnapping of a person;
 - (iii) destruction to a government or public facility, transport system, an infrastructural facility including an information system, a fixed platform located on the continental shelf, public place or private property likely to endanger human life or result in major economic loss
 - (iv) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (b) (iv) of this subsection;
 - (v) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of 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 resource, the effect of which is to endanger human life;
- (d) an act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.
- (3) An act which disrupts a service but is committed in pursuance of a protest.

However, demonstration or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2) (b) (i), (ii) or (iv) of this section.

- 2 (1) Where two or more persons associate for the purpose of or where an organization engages in -
- (a) Participating or collaborating in an act of terrorism;
 - (b) Promoting, encouraging or exhorting others to commit an act of terrorism; Proscribed organization
or
 - (c) Setting up or pursuing acts of terrorism, the judge in Chambers may on an application made by the Attorney General,

National Security Adviser or Inspector General of Police on the approval of the President declare any entity to be a proscribed organization and the notice should be published in official gazette.

- (2) An order made under subsection (1) of this section shall be published in the official gazette, in two National newspapers and at such other places as the judge in Chambers may determine
- (3) A publication made under subsection (2) of this section shall contain such relevant particulars as the judge in Chambers may specify.
 - (i) A person who belongs or professes to belong to a proscribed organization commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 20 years.
 - (ii) For the avoidance of doubts political parties should not be regarded as proscribed organizations and nobody should be treated as such because of his/her political beliefs.
- (4) It is a defence for a person charged under subsection (3) of this section to prove that the organization had not been declared a proscribed organization at the time the person charged became or began to profess to be a member of the organization and that he has not taken part in

the activities of the organization at any time after it has been declared to be proscribed organization

- (5) The Attorney General upon the approval of the President may withdraw the order if satisfied that such proscribed organization has ceased to engage in an act of terrorism.
 - (a) the proscribed organization or person affected by the order made an application on notice; and
 - (b) he is satisfied that a proscribed organization has ceased to engage in the acts specified in subsection (1) of this section and that there is no likelihood of the organization engaging in such acts in the future and shall be published in the official gazette.

3. A person who-

- (a) arranges, manages or assists in arranging or managing or participates in a meeting or an activity which he knows is connected with an act of terrorism;
- (b) provides logistics, equipment or facilities for a meeting, or an activity which he knows is connected with an act of terrorism; or
- (c) attends a meeting, which he knows is to support a proscribed organization, or to further the objectives of a proscribed organization, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years

Terrorist meetings

4. (1) A person who knowingly, in any manner, solicits or renders support for-

Support for terrorism

- (a) an act of terrorism; or
- (b) a proscribed organization or internationally suspected terrorist group
- (c) without prejudice to subsection (2) of this section, where death results

from any terrorist act, the penalty shall be death sentence commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 20 years

- (2) For the purposes of subsection (1) of this section, “support” includes-
- (a) incitement to commit a terrorist act;
 - (b) offer of material assistance, weapons, including biological, chemical or nuclear weapons, explosives, training, transportation, false documentation or identification;
 - (c) offer or provision of moral assistance, including invitation to adhere to a proscribed organization; and
 - (d) the provision of, or making available, such financial or other related services as may be prescribed in this act.

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 5. A person whether or not in the armed services who harbours, conceals or causes to be harboured or concealed, a person whom he knew to have committed, or to have been convicted of, an act of terrorism or against whom he knew that a warrant of arrest or imprisonment for such an act had been issued commits an offence under that Act and shall on conviction be liable to imprisonment for a maximum term of 10 years. | Habouring of terrorists |
| 6. Any person who, knowingly agrees to provide training or instruction:- <ul style="list-style-type: none">(a) in the making or use of any explosive or other lethal device; or(b) in carrying out a terrorist act; to a member of a terrorist group or a person engaging in, or preparing to engage in the commission of a terrorist act, commits an offence and shall on conviction, be liable to imprisonment for a maximum term of 10 years. | Provision of training for terrorist |

7. (1) Subject to subsections (2) and (3) of this section, where a person has information which he knows or believes to be of material assistance in -
- (a) preventing the commission by another person or an organization of an act; or
 - (b) securing the apprehension, prosecution or conviction of another person for an offence under this Act, and that person fails to disclose to a law enforcement officer the information as soon as reasonably practicable; he commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.
- (2) It is a defence for a person charged under subsection (1) of this section to prove that he has reasonable excuse for not making the disclosure.
- (3) Subsection (1) of this section does not require disclosure by a legal practitioner of any information, which he obtained in privileged circumstances.
- (4) For the purpose of subsection (3) of this section, an information is obtained by a legal practitioner in privileged circumstances where it is disclosed to him by-
- (a) his client in connection with the provision of legal advice, not being a disclosure with view to furthering a criminal purpose; or

- (b) any person for the purpose of actual or contemplated legal proceeding, and not with a view to furthering a criminal purpose.

Obstruction of terrorism investigation

- 8. (1) A person who -
 - (a) discloses to another anything which is likely to prejudice a terrorist investigation; or
 - (b) interferes with material which is likely to be relevant to a terrorist investigation, Commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.
- (2) It is a defence for person charged with an offence under subsection (1) of this section to prove that he -
 - (a) did not know and had no reasonable cause to suspect that the disclosure was likely to affect a terrorist investigation; or
 - (b) had a reasonable excuse for the disclosure or interference.
- (3) Subsection (1) of this section does not apply to a disclosure which is made by a legal practitioner to-
 - (a) his client in connection with the provision of legal advice, not being a disclosure with a view to furthering a criminal purpose; or
 - (b) any person for the purpose of actual or contemplated legal proceedings, and not with a view to furthering a criminal purpose.

9. (1) The President may, on the recommendation of the National Security Adviser or International Inspector General of Police declare a person to be a suspected international terrorism terrorist where he -
- (a) reasonably suspects that the person)**
- (i) is or has been involved in the commission, preparation or instigation of acts of international terrorism
 - ii) is a member of, or belongs to an international terrorist group, or recognized as such under the provisions of this act.
 - iii) has a link with an international terrorist group, and he reasonably believes that the person is a risk to national security;
- (b) is listed as a person involved in terrorist acts in any resolution of the United Nations Security Council or in any instrument of the African Union and Economic Community of West African States; and
- (2) Where the President makes a declaration under subsection (1) (a) of this section, he shall, in such manner as he considers appropriate, cause the person declared to be a suspected international terrorist to be notified as soon as is reasonably practicable.
- (3) Where a person declared as a suspected international terrorist under subsection (1) of this section possesses the Nigerian citizenship other than by birth, such a

person may be deprived of his Nigerian citizenship in accordance with the Constitution of the Federal Republic of Nigeria.

- (4) The President may, on the recommendation of the National Security Adviser or the Inspector General of Police, declare a group to be an International terrorist group if the group is-
 - (a) subject to the control or influence of persons outside Nigeria and the President reasonably suspects that it is involved in the commission, preparation or instigation of acts of international terrorism; or
 - (b) listed as a group or entity involved in terrorist acts in any resolution of the United Nations Security Council or in any instrument of the African Union and Economic Community of West African States; or
- (5) The Attorney-General of the Federation may, with respect to any suspected international terrorist or an international terrorist group, make regulations to provide.
 - (a) for the freezing of his or its funds, financial assets or other economic resources, including proceeds derived from property, owned or controlled directly or indirectly by him or it by persons acting on his or its behalf or at his or its direction; or

- (b) for the prevention of his or its entry into, or transit in, Nigeria; or
- (c) for the prohibition of the direct or indirect supply, sale and transfer of arms, weapons, ammunitions, military vehicles and equipment, paramilitary equipment, spare parts and related material, technical advice, assistance or training related to military activities; or
- (d) that any person who contravenes any regulation made under this subsection commits an offence and shall, on conviction, be liable to imprisonment for a maximum term of five years.
- (6) The President shall give notice of a declaration made under subsections (1) and (4) of this section in the Gazette and in such other manner as he deems fit.
- (7) For the purpose of this section, “act of international terrorism” means an act of terrorism involving-
 - (a) a non-citizen; or
 - (b) a person possessing dual citizenship as specified in subsection (3) of this section; or
 - (c) groups or individuals whose terrorist activities are foreign based or directed by the countries or groups outside Nigeria or whose activities transcend national boundaries.

10.(1) A person who, directly or indirectly, provides or collects funds with the intention or knowledge that they will be used, in full or in part, in order to –

(a) commit an offence in breach of an enactment specified in the Schedule to this Act; or

(b) do any other act intended to cause death or serious bodily injury to a civilian or any other person not taking 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 group of people or to compel a government or an international organization to do or abstain from doing any act.
Commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

(2) For an act to constitute an offence under subsection (1) of this section, it is not necessary that the funds were actually used to commit the said offence.

Suppression of financing of international terrorism schedule

11. (1) A person who knowingly-

(a) seizes, detains or attempts to seize or detain; or

(b) threatens to kill, injure or continue to detain another person in order to compel a third party to do, abstain from doing any act or gives an explicit or implicit condition for

Hostagetaking

the release of the hostage, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

- (2) In this section, a “third party” means a State, an international governmental organization, a natural or legal person or a group of persons.

PART II - TERRORIST FUNDS AND PROPERTY

12. (1) The National Security Adviser or the Inspector General of Police with the Seizure of approval of the President may seize any cash where he has reasonable grounds to terrorist cash suspect that the cash -
- (a) is intended to be used for the purposes of terrorism; or
 - (b) belongs to, or is held on trust for, a proscribed organization; or
 - (c) represents property obtained through acts of terrorism
- (2) The National Security Adviser or the Inspector General of Police may seize the cash if-
- (a) the seizure is incidental to an arrest search; or
 - (b) The property is liable to forfeiture upon process issued by the court following an application made by the Attorney General, the National Security Adviser or the Inspector General of Police with the approval of the President
- (3) The National Security Adviser or the Inspector General of Police may exercise his powers under subsection (1) of this section,

whether or not any proceeding has been brought for an offence in connection with the terrorist cash.

- (4) The judge in Chambers shall not make an order for seizure of the cash unless he is satisfied that there are reasonable grounds for suspecting that the cash –
 - (a) is intended to be used for the purposes of terrorism; or
 - (b) consists of resources of a proscribed organization; or
 - (c) is, or represents, a property obtained through terrorist activities.
- (5) Subject to subsection (8) of this section, any order made under subsection (4) of this section shall remain valid for a period of 60 days by the Judge in Chambers until the production of the cash before the court in the proceedings against any person for an offence with which the cash is connected.
- (6) The cash seized under this section shall be deposited in an escrow account by the officer who effected the seizure.
- (7) The cash with the interest may be released to the owner by order of the Judge in chamber where-
 - (a) the conditions under subsection (4) of this section are no longer met; or
 - (b) the proceedings are not brought in connection with the cash seized.

(8) For the purposes of this section, 'cash' means

- (a) Coins and notes in any currency; or
- (b) Postal order; or
- (c) Travelers' cheques; or
- (d) Bankers' drafts, or
- (e) Bearer bonds and bearer shares; or
- (f) Such other monetary instruments as the Minister charged with the responsibility for Finance may, by regulations, specify.

13.A person who knowingly-

- (a) Solicits, receives, provides or possesses monetary or other property or;
- (b) enters into or becomes involved in an arrangement as a result of which money or other property is made available, or is to be made available, for the purpose of terrorism or for a proscribed organization, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

14.(1) A financial institution or designated non financial institution shall, within a period not more than 72 hours, forward reports of suspicious transactions relating to terrorism to the Financial Intelligence Unit which shall process such information and forward it to the relevant law enforcement agency where they have sufficient reasons to suspect that the funds

Obligation to report suspicious transaction relating to

- (a) are derived from legal or illegal sources but are intended to be used for any act of terrorism or

- (b) are proceeds of a crime related to terrorist financing; or
 - (c) belong to a person, entity or organization considered as terrorist.
- (2) A financial institution or designated non-financial institution is not liable for violation of the confidentiality rules for every lawful action taken in furtherance of its obligations under sub-section (1) of this section.
- (3) The details of a report sent by the institution or designated non-financial institution shall not be disclosed by the institution or any of their officers to any other person.
- (4) A breach of sub-section (3) of this section is an offence under this Act punishable with a minimum fine of N5,000,000:00 or imprisonment for a maximum term of five years.
- (5) Where a breach of sub-section (1) of this section occurs and it is shown that the breach is not deliberate, the Financial Intelligence Unit shall impose such administrative sanctions as it may deem necessary.
- (6) Where the institution continues with the breach, it shall, on conviction, be liable to a minimum fine of N5,000,000:00 or imprisonment for a maximum term of five years for the principal officers of the institution or the defaulting officer. Terrorist funding

15. (1) A person who enters into, or is involved in, an arrangement which facilitates the retention of or control by, or on behalf of, another person, of terrorist property in any manner including-
- (a) concealment;
 - (b) removal from the jurisdiction; or
 - (c) transfer to any other person,
- Commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.
- (2) It is a defence for a person charged under subsection (1) of this section to prove that he did not know and had no reasonable cause to suspect that the arrangement is related to a terrorist property.
- (3) Where a person is charged or about to be charged with an offence under this Act, the Attorney General of the Federation, the National Security Adviser or the Inspector General of Police may apply to a Judge in Chambers in the presence of the counsel to the suspect for a provisional order to attach all monies and other property belonging to, or held on behalf of, the suspect .
- (4) An order made under subsection (1) of this section may-
- (a) prohibit a person from making money or property available to, or for the benefit of, the suspect; except in cases of critical need or

- (b) provide for the granting of authority to make money or other property available to such persons and on such conditions as may be specified in the order; or
 - (c) require the suspect to provide information or produce such document as may be required or reasonably needed for an investigation under this Act, or
 - (d) include such other conditions as the Judge may impose.
- (5) The Judge in Chambers may appoint an official receiver or any other suitable person to manage the property of the suspect during the period of operation of an order made under this section.
- (6) The National Security Adviser or Inspector General of Police shall-
- (a) cause notice of the order to be published in the official Gazette and in two national newspapers, and
 - (b) give notice of the order to-
 - (i) banks, financial institutions and cash dealers, or
 - (ii) any other person who may hold or be vested with property belonging to or held on behalf of the suspect.
- (7) An order under this section shall remain in force until the determination of any charge or intended charge under subsection (1) of this section and, in the event of a conviction, until an order for forfeiture is

made by the court or proceedings relating thereto are concluded.

- (8) Where an order under this section ceases to have effect, the National Security Adviser or the Inspector General of Police shall cause notice to be published in the official Gazette and two national daily newspapers.
- (9) A payment, transfer, pledge or other disposition of property made in contravention of an order under this section shall be void.
- (10) Where the National Security Adviser or the Inspector General of Police has reasonable grounds to suspect that a person has committed, is committing or is likely to commit an act of terrorism or is in possession of terrorist property, he may, for the purposes of an investigation under this Bill, apply to a judge in Chambers in the presence of the counsel for the accused person for an order
 - (a) compelling the suspect to deliver to him any document relevant to identifying, locating or quantifying any property belonging to, or in the possession or control of that person.

PART III - MUTUAL ASSISTANCE AND EXTRADITION

- 16. (1) Where a foreign state makes a request for assistance in the investigation or prosecution and even extradition where there is mutual treaty of an offence related to

Requests from
foreign States

terrorism, after due consideration, the Attorney General may

- (a) execute the request; or
- (b) inform the foreign State making the request of any reason for-
 - (i) not executing the requests, or
 - (ii) delaying the execution of the request.

- (2) Where the Attorney-General decided to execute a request for assistance under subsection (1) of this section, he shall apply to a judge in Chambers in the presence of counsel of any suspect for
 - (a) an order in writing for-
 - (i) a search and entry of specified premises} or
 - (ii) a search of any specified person} or
 - (iii) the removal of any relevant document or material;
 - (b) an attachment order; or
 - (c) a property tracking order
 - (d) an order for freezing or forfeiture of property in such manner as may be prescribed by the judge in chambers.

- (3) The Judge in Chambers may make an order under this section imposing such conditions as to payment of debts) sale} transfer or disposal of any property as he deems fit.

17.(1) The Attorney-General may make a request to any foreign State to extradite a suspect if there is mutual extradition treaty) and/or

Requests to
foreign States

- (a) to provide evidence or information relevant to an offence under this Act; or
 - (b) for the restraint and forfeiture of property located in that State and which is liable to be forfeited for being a terrorist property.
- (2) The Attorney-General may in respect of any proceeding for an offence under this Act, apply to a judge in Chambers for an order directed to any person resident in a foreign state to deliver himself or any document or material in his possession or under his control to the jurisdiction of the court or subject to the approval of the foreign State for the purpose of giving evidence in relation to the proceedings

18.(1) The evidence taken, pursuant to a request under section 18 of this Act} in any proceeding in a court of a foreign State} may if it is authenticated} be prima facie admissible in any proceeding to which such evidence relates.

Evidence pursuant to a request

- (a) Provided the circumstance and method of collecting evidence is normally acceptable to Nigeria
- (2) For the purpose of subsection (1) of this section} a document is authenticated if it purports to be –
 - (a) signed or certified by a judge or Magistrate of a foreign State; or
 - (b) authenticated by the oath or affirmation of a witness; or

- (c) sealed with an official or public seal-
 - (i) of a Ministry or Department of the Government of the foreign State, or
 - (ii) in the case of a territory, protectorate or colony of the person administering the Government of the foreign territory, protectorate or colony or a person administering a department of that territory, protectorate or colony.

19.(1) A request under section 18 or 19 shall be in writing, dated and signed by or Form of requests on behalf of the person making the request.

(2) The request may be transmitted by facsimile or any other electronic device or means.

(3) The request shall-

(a) confirm either that an investigation or prosecution is being conducted in respect of a suspected offence related to terrorism or that a person has been convicted of an offence related to terrorism;

(b) state the ground on which a person is being investigated or prosecuted for an offence related to terrorism or detail of the conviction of the person;

(c) give sufficient particulars of the identity of the person;

(d) give particulars sufficient to identify any bank, financial institution, cash dealer or other person believed to have information documents or materials which may assist the investigation

or prosecution;

- (e) be to obtain from a bank, financial institution, cash dealer or any other person any information, document or material which may assist the investigation or prosecution;
 - (f) specify the manner in which, and to whom any, information, document or material obtained pursuant to the request is to be produced;
 - (g) state whether-
 - (i) a freezing or forfeiture order is required, or
 - (ii) the property to be the subject of such an order is identified; and
 - (h) contain such other information as may assist the execution of the request.
- (4) A request shall not be invalidated for the purposes of this Act or any legal proceeding by failure to comply with subsection (3) of this section where the Attorney-General is satisfied that there is sufficient complaint to enable him execute the request.
- (5) Where the Attorney General considered it appropriate, either because an international arrangement so requires or permits or it is in the public interest, he may order that the whole or any part of the property forfeited under sections 18 and 19 of this Act, or the value thereof, be returned or remitted to the requesting State.

20. Offences under section 1, 2, 3, 4, 5, 6, 10, 11, 13 and 14 of this Act are considered Extradition to be an extradition crime for which extradition may be requested, granted or obtained under the Extradition Act.

PART IV - INFORMATION SHARING, EXTRADITION AND MUTUAL ASSISTANCE ON CRIMINAL MATERS

21. (l) The Attorney General ,the National Security Adviser or the Inspector General of police may with the approval of the President, on a request made by the appropriate authority of a foreign state, disclose to that authority, any information in his possession or in the possession of any other government department or agency, relating to any of the following: -
- Exchange of information relating to terrorist groups and terrorist acts
- (a) the actions or movements of terrorist groups or persons suspected of involvement in the commission of terrorist acts;
 - (b) the use of forged or falsified travel papers by persons suspected of involvement in the commission of terrorist acts;
 - (c) traffic in explosives or other lethal devices or sensitive materials by terrorist groups or persons suspected of involvement in the commission of terrorist acts;
 - (d) the use of communication technologies by terrorist groups
If the disclosure is not prohibited by the provision

of any law and if, in the view of the Attorney General, the National Security Adviser or the Inspector General of Police will not be prejudicial to national security or public safety.

PART V -INVESTIGATION

22. (1) The National Security Adviser or the Inspector General of Police may apply to the court for the issuance of a warrant for the purposes of terrorism investigation. **Issuance of warrant**
- (2) The court may issue a warrant authorizing the National Security Adviser or the Inspector General of Police to –
- (a) enter the premises specified in the warrant;
 - (b) search the premises and any person found therein; and
 - (c) Seize and retain any relevant material found therein
- (3) The court shall not issue a warrant under subsection (2) of this section unless the court is satisfied that-
- (a) the warrant is sought for the purpose of a terrorist investigation; and
 - (b) there are reasonable grounds for believing that there is a material on the premises which may be relevant to the terrorist investigation.
23. (1) Where, in a case of verifiable urgency, a communication with the Judge in Chambers to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety **Search without warrant**

or order, the National Security Adviser or the Inspector General of Police may, without prejudice to the provisions of any other enactment or Act to seal up the premises while a search warrant is sought for and upon obtaining the order-

- (a) Enter and search the same premises or place.
 - (b) search any person or vehicle found on any premises or place which he is empowered to enter and search under paragraph (a) of this subsection; or
 - (c) stop, board and search any vessel, aircraft or vehicle if he has reason to suspect that there is in it evidence of the commission or likelihood of commission of an offence under this Act; or
 - (d) seize, remove and detain anything which is, or contains or appears to him to be or to contain or to be likely to contain evidence of the commission of an offence under this Act; or
 - (e) arrest, search and detain any person whom he reasonably suspects of having committed or likely to commit an offence under this Act.
- (2) The National Security Adviser or the Inspector General of Police shall take and record, for the purposes of identification, the measurements, samples, photographs and fingerprint impressions of all persons who may, from time to time, be in lawful custody for any offence under this Act.

- (3) A person who refuses to submit to the taking and recording of his measurement, an *ex parte* order will be sought from a Judge in Chambers who, on being satisfied that such a person is in lawful custody shall make such order as he thinks fit authorizing the National Security Adviser or the Inspector General of Police to take the measurements, photographs and fingerprints impressions of such person, an order of court should be sought for and the grant of such be used.
- (4) The Judge in Chambers may, pursuant to an *ex parte* application, grant an order for the detention of a suspect under this Act for a period not exceeding 30 days.
- (5) The National Security Adviser or the Inspector General of Police may use such reasonable force as may be necessary for the exercise of the power conferred on him by subsection (1) of this section.
- (6) A person found on any premises which is a subject of investigation or place or in any *vessel*, aircraft or vehicle which is suspected to be part of crime scene may be detained by a law enforcement officer until the completion of the search under subsection (1) of this section.
- (7) Where a seizure is effected under this section, a list of all the articles, documents and other matters seized shall be delivered to the-
 - (a) person on whom the search is made; or

- (b) owner of the premises, place, *vessel*, aircraft or *vehicle* seized.
 - (8) A woman shall not be searched except by another woman.
 - (9) Nothing in this section shall be construed as derogation from the lawful right of any person in defence of their person or property.
24. (1) Without prejudice to any other Act or enactment, the Attorney General of the Federation, the National Security *Adviser* or the Inspector General of Police may, for the purposes of the prevention or detection of offences or the prosecution of offenders under this Act, *give* such directions as appear to him to be necessary to any communication service provider.
- (2) Before giving an approval under this section, the National Security *Adviser* or Inspector General of Police may consult with any communication service provider.
- (3) A direction under this section shall specify the maximum period for which a communication service provider may be required to retain communications data.
- (4) In this section -
 “ communication service provider” means a person who provides postal, information or communication *services*, including telecommunications service; and

Intelligence gathering

“data” means any information, generated, sent, *received*, or stored, that can be *retrieved* by electronic, magnetic, optical or any similar means

Detention
of a
conveyance

25. (1) An authorized officer may issue a detention order in respect of a *conveyance* if he is of opinion that –
- (a) a threat has been made to commit an act of *violence* against the conveyance or against any person or property on board the conveyance; or the conveyance is used for an act of illegality or intended to commit an offence under this act.
 - (b) an act of violence is likely to be committed against the conveyance or against any person or property on board the conveyance.
- (2) Where the operator of a conveyance fails to comply with a detention order under subsection (1) of this section, the authorized person may-
- (a) enter or authorize any other person to enter the conveyance; or (b) arrange for the person or thing under threat to be removed from the conveyance.
- (3) The authorized officer shall give written notice to the operator of the conveyance of any detention order issued under this section.
- (4) Where the operator of a conveyance objects to a detention order, the Attorney General or the judge in chamber on the advice of the

Attorney General may, after hearing the parties, confirm, vary or cancel the order.

(5) In this section “conveyance” means an aircraft, train, vehicle, vessel or any other mode of transportation.

(6) A person who-

(a) without reasonable excuse, fails to comply with the requirement of a detention order, or

(b) intentionally obstructs or hinders any persons acting in accordance with subsection (2) of this section.

Commits an offence under this Act and shall on conviction be liable to a maximum fine of N1,000,000 or imprisonment for a maximum term of five years.

(7) For the purpose of this section, “an authorized officer” means the Head of an agency involved in an anti-terrorism initiative.

26. (1) Where a person is arrested under reasonable suspicion of having committed any offence under sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 13 or 14, the National Security Adviser or Inspector General of Police or a delegated officer not below the rank of Chief Superintendent of Police or its equivalent may, subject to this section, direct that the person arrested be detained in a custody for a period not exceeding 24 hours from his arrest, without having access to any person other than his Medical Doctor and legal counsel of the detaining agency.

Detention
for
offences
related
to
terrorism

(2) A direction under subsection (1) of this section shall not be made unless there are reasonable grounds to believe that giving access to any person other than the medical doctor specified in that subsection will-

(a) lead to interference with or harm to evidence connected with an offence under sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 14 or 25 (6) or to interference with or physical injury to other persons;

(b) lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it, or

(c) hinder the tracking, search and seizure of terrorist property.

(3) As soon as direction is issued under subsection (1) of this section, the person detained shall be informed that he may, if he so wishes, be examined by a medical officer.

27. (1) A custody record shall be kept in respect of a person detained under section 27 of this Act.

(2) A video recording shall be made and kept in respect of any person detained under section 25 of this Act.

(3) A video recording under this section shall be admissible in evidence.

Custody of
records
and
video
recording

- (4) In this section, “video recording” includes the recording of visual images or sound by electronic or other technological means

PART VI - PROSECUTION

28. (1) Subject to the general powers of the Attorney General of the Federation to institute and undertake criminal proceedings on behalf of the Federal Government of Nigeria, he may delegate his power to any agency charged with responsibility of terrorists investigation to institute criminal proceedings against any person in respect of offences categorized in this Act. **Prosecution for offence**
- (2) for the purpose of consolidating criminal proceedings under subsection (1) of this section, the law enforcement agencies shall collaborate and cooperate with the investigating agency in the investigation or prosecution of any offence relating to terrorism under this Bill.
29. (1) The court may, on a motion by or on behalf of the prosecuting agency, protect a witness in any proceeding before it or its own motion where it is satisfied that the life of the witness is in danger and takes such measures as it deems fit to keep the identity and address of the witness secret. **protection Witness**
- (2) In particular, the measures which the court may take under sub-section (1) of this section may

include the holding of the proceedings at a place to be decided by the court.

- (a) the holding of the proceedings at a place to be decided by the court;

30. (1) The Federal High Court shall have the sole jurisdiction to try an offence and impose the penalties specified in this Act

Jurisdiction

- (2) The court before which a person is convicted of an offence under this Act may, in addition to any penalty imposed by the court, order the forfeiture of-

- (a) A terrorist cash with an accrued interest or terrorist property; or in accordance with section 12 of this act.
 - (b) an article, substance, device or material by means of which the offence was committed; or
 - (c) a vehicle or *vessel* used in the commission of the offence
- (3) Notwithstanding subsection (1) of this section, the penalty incurred by a person convicted of an offence under this Act may be reduced in such manner as the court thinks just where that person has, before any proceeding, made possible or facilitated the identification of the other accused persons or who, after the commencement of proceedings, has made possible or facilitated the arrest of such persons

31. Where in any proceedings for an offence under this Act, a question arises as to whether anything or substance is a weapon, a hazardous, radioactive or a harmful substance, a toxic chemical or microbial or other biological agent or toxin, a certificate purporting to be signed by an appropriate authority to the effect that the thing or substance described in the certificate is a weapon, hazardous, radioactive or harmful substance, a toxic chemical or other biological agent or toxic, shall be admissible in evidence.

Evidence by certificate

PART VII - CHARITIES

32. (1) The Registrar General of the Corporate Affairs Commission responsible for the registration of charities/organization may sign a certificate refusing or revoking registration of charity based on security or criminal intelligence reports, where there are reasonable grounds to believe that an applicant for registration as a registered charity has made, is making or is likely to make available any resources, directly or indirectly, to a terrorist group.

Refusal of application for registration and the *revocation* of charities linked to terrorist groups

- (2) A copy of the signed certificate shall be served on the applicant or the registered charity, personally or by registered letter sent to its last known address, with a copy of the certificate.
- (3) The certificate or any matter arising out of it shall not be subject to review or be reinstated, prohibited, removed, set aside or otherwise dealt with, except in accordance with this section.

- (4) Within 60 days of receipt of the copy of the notice under subsection (1), the applicant or the registered charity may make an application to the Federal High Court.
- (5) Upon the filing of an application under subsection (4), a judge of that court shall
 - (a) examine the security or criminal or intelligence reports, considered by the Registrar General of the Corporate Affairs Commission before signing the certificate and hear any evidence or information that may be presented by or on behalf of the Minister;
 - (b) provide the applicant or the registered charity with a statement summarizing the information available to the judge so as to enable the applicant or the registered charity to be reasonably informed of the circumstances giving rise to the certificate, without disclosing any information the disclosure of which would in the judge's opinion, be prejudicial to national security or endanger the safety of any person;
 - (c) provide the applicant or registered charity with a reasonable opportunity to be heard; and
 - (d) determine whether the certificate is reasonable on the basis of all the information available to the judge or not
- (6) Where the judge determines, under subsection (5) that the certificate is reasonable or if no application is brought upon the expiry of 60

days from the date of service of the notice, the Registrar General of the Corporate Affairs Commission shall cause the certificate to be published in the official Gazette

- (7) A certificate determined to be reasonable under subsection (5), shall be deemed for all purposes to be sufficient grounds for the refusal of the application for registration of the charity or the revocation of the registration of the charity referred to in the certificate
- (8) Where the Judge determines the revocation order certificate is not reasonable, he shall order the registration or continued registration of the charity.

PART VIII - MISCELLANEOUS POWERS

33.(1) The-

- (a) Operator of an aircraft or master of a vessel, departing from Nigeria; or
- (b) Operator of an aircraft or master of a vessel registered in Nigeria departing from any point outside Nigeria may subject to regulations made under subsection (5) of this section provide –
 - (i) to the National Security Adviser or the Inspector General of Police any information in his possession, relating to persons on board, or expected to be on board, the aircraft or vessel, as the case may be; or

Provision of information relating to passengers of vessels and aircraft and persons

- (ii) to the competent authority in a foreign State, any information in his possession, relating to persons on board, or expected to be on board, the aircraft or vessel, as the case may be.
- (2) The Minister of Internal Affairs may, subject to regulations made under subsection (5) where this mutual assistance provide to the competent authority in a foreign State any information in his possession relating to persons entering or leaving Nigeria by land.
- (3) No information provided to the National Security Adviser or the Inspector General of Police under subsection (1) shall be used or disclosed by the National Security Adviser or Inspector-General of Police except for the purpose of protecting national security or public safety.
- (4) The Minister of Justice and Attorney General may make regulations generally to give effect to the purposes of this section, including regulations-
 - (a) Respecting the types or classes of information that may be provided under this section; and
 - (b) Specifying the foreign States to which the information may be provided.
- 34.(1) The Minister of Internal Affairs' or other authorized officer under the laws relating to Immigration shall not grant an endorsement or other authority permitting a person to

Power to prevent entry and order the removal of persons

enter Nigeria if he has reasonable grounds to believe that the person has been, is or will be involved in the commission of a terrorist act.

(2) In the event of the person with respect to whom subsection (1) applies being already in Nigeria, the Minister of Justice or other authorized officer under the laws relating to immigration shall issue an order for the arrest, detention and removal of the person from Nigeria.

(3) A person with respect to whom an order stated in subsection (2) is made shall be extradited out of Nigeria and shall, so long as the order is in force, remain out of Nigeria.

(4) A person with respect to whom an order stated in subsection (2) is made may be detained in such manner as may be directed by the Comptroller-General of Immigration Services or Minister of Internal Affairs and may be placed on a vessel or aircraft leaving Nigeria.

35. The Minister of Internal Affairs may, having regard to the interests of national security and public safety, refuse the application of any person applying for status as a refugee, if he has reasonable grounds to believe that the applicant has committed a terrorist act or is involved in the commission of a terrorist act.

Power to
refuse
refugee
application

36. (1) The Attorney General may, for the purpose of this Act, make such Regulations reasonable regulations as he thinks fit providing for-
- (a) the types of financial or other related services which may not be provided to proscribed organizations; and
 - (b) the record of custody and video recording of suspects apprehended under this Act.
37. In this Act-
- Interpretation
- “act of terrorism” means any act specified in section 1 of this Act;
- “bank” has the same meaning as in Banks and Other Financial Institutions Act and includes a person –
- (a) Engaged in deposit-taking business and authorized to do so under the Banks and Other Financial Institutions Act; and
 - (b) Who carries on any business or activity regulated by the Central Bank of Nigeria;
- “cash dealer” means a person authorized under the Foreign (Monitoring and Miscellaneous Provisions) Exchange Act to carry on the business of foreign exchange dealer or money changer;
- “counter terrorism convention” refers to any of the following conventions when it is ratified –

- (a) Convention on Prevention and Punishment of Crimes Against Internationally protected Persons;
- (b) International Convention Against the Taking of Hostages;
- (c) International Convention for the Suppression of Terrorist Bombing;
- (d) Convention Against Terrorist Financing;
- (e) Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- (f) Convention for the Suppression of the Unlawful Seizures of Aircraft;
- (g) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;
- (h) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation;
- (i) Convention on the Making of Plastic Explosive for the purpose of Detection;
- (j) Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation;
- (k) Protocol for the Suppression of Unlawful Acts against Fixed Platforms located on the Continental Shelf; and

- (l) Convention on the Physical Protection of Nuclear Material.
- (m) Or such other convention assented by the Nigeria Government.
- (1) “National Security Adviser” means The National Security Adviser to the President of the Federal Republic of Nigeria or any delegated Officer by him.
- (2) “Inspection General_of Police” means The Inspector General of Police of Nigeria or any delegated Officer by him.
- (3) “Director-General” means the Director of the State Security Service “Financial Institution” means any institution or person regulated by any of the enactments specified in the Schedule to this Act;

“Government” means the Government of the Federal Republic Nigeria or any State within Nigeria.

“law enforcement agency” means the-

- (a) Nigeria Police Force;
- (b) Department of State Services;
- (c) Economic and Financial Crimes Commission;
- (d) National Agency for the Prohibition of Traffic in Persons;
- (e) National Drug Law Enforcement Agency;
- (f) National Intelligence Agency;

- (g) Nigeria Customs Service;
- (h) Nigeria Immigration Service;
- (i) Defence Intelligence Agency;
- (j) Nigeria Security and Civil Defence Corps (NSCDE); and
- (k) Any other agency empowered by an Act of the National Assembly;

“President” means the President of the Federal Republic of Nigeria;

“proceeds of terrorism” means any property derived or obtained from the commission of any terrorist act or acquired through funds traceable to a terrorist act and includes funds irrespective of the person in whose names such proceeds are standing or in whose possession they are found;

“proscribed organization” -

- (a) Means an organization which has been declared to be a proscribed organization under section 2 of this Act} and
- (b) Includes a group which has been declared to be an international terrorist group under section 9 of this Act;

“prosecuting agency” means the-

- (a) Nigeria Police Force;
- (b) Economic and Financial Crimes Commission; and
- (c) Department of State Services;

“terrorist investigation” means an investigation of-

- (a) the commission} preparation or instigation of an act of terrorism or any other offence

under this Act;

- (b) any act or omission reasonably suspected to have been done in furtherance of an act of terrorism or any other offence under this Act; and
- (c) the resources of a proscribed organization;

“terrorist property” means a property which -

- (a) Has been } is being or is likely to be used for any act of terrorism;
- (b) Has been, is being or is likely to be used by a proscribed organization;
- (c) Is the proceeds of an of terrorism; or
- (d) Is provided or collected for the pursuit of, or in connection with, an act of terrorism;

“Trustee” has the same meaning as in the Trustees Act and Companies and Allied Matters Act.

38. This Act may be cited as the Prevention of Terrorism Act 2011

SCHEDULE

Section 10 (a)

1. Banks and Other Financial Institutions Act (as amended).
2. Economic and Financial Crimes Commission (Establishment! Etc.) Act! 2004.
3. Insurance Act 2003.
4. National Insurance Commission Act.
5. Securities and Exchange Commission Act.
6. Money Laundering (Prohibition) Act.
7. Companies and Allied Matters Act, 1990.

8. Central Bank of Nigeria Act, 1990.
9. National Security Agencies Act 1986.
10. Any other subsequent relevant enactment of the National Assembly.
11. All ratified International Conventions and Protocols.

EXPLANATORY MEMORANDUM

The Act seeks to provide for measures for the prevention, prohibition and combating of acts of terrorism, the financing of terrorism in Nigeria and for the effective implementation of the Convention on the Prevention and Combating of Terrorism and the Convention on the Suppression of the Financing of Terrorism.

This Act also seeks to prescribe penalties for violating any of its provisions.

Short Title

**THIS BILL WAS PASSED BY THE SENATE ON THURSDAY,
17TH FEBRUARY, 2011**

..... ~ ..•.....

President} .
Senate of the Federal Republic of Nigeria

Clerk,
Senate of the Federal Republic of Nigeria

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