



Balancing National Security and Human Rights: A Critical Analysis of Nigeria's Anti-Terrorism Laws

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Abstract. Under the Terrorism (Prevention) Act and other relevant laws, the long-serving war on terror in Nigeria has imposed robust counterterrorism measures. Implementation of the measures resulted in most barebones human right violations that surface serious concerns for checks and balances between national security exigencies and safeguard of liberties. The study is a discourse analysis of the anti-terrorism law of Nigeria scrutinizing its counter-terrorism efficacy and conformance with international human rights standards. Drawing from a doctrinal research approach for the study that critiques prominent concepts surrounding militarization or Islamic counter-terror 'war' and unlawful arbitrary detention and disappearance with political repressions in the name of security research. The scale of human rights violations under Nigeria's counterterrorism regime has been made clear by the Zaria Massacre, IPOB proscription and other human rights reports. Positive examples of balancing security and respecting human rights simultaneously: global international security frameworks such as the US Patriot Act, the UK Counter-Terrorism and Security Act, along with African frameworks such as from South Africa and Kenya through a cross-country review mega-analysis. The research reveals several shortcomings in the Nigerian counter-terrorism apparatus without adequate legal backing, judicial oversight or practiced accountability mechanisms for security agencies. The study, however, recommends legal and policy reforms to lay an appropriate balance between security and human rights sustainable with robust oversight of the

judiciary as well as intelligence-led security practices while not sacrificing international human rights standards and transparency in counter-terrorism keeps. The provisions combined will allow Nigeria to respond with a degree of legitimacy to global security threats while keeping democratic principles and respect for human rights in the cloak of legal counterterrorist policy that national defence is other consideration with fundamental freedoms.

Keywords: National Security, Human Rights, Counterterrorism, Anti-terrorism

1. Introduction

Human rights and national security are conflicting but essential themes for contemporary governance, especially for those countries which are threatened with armed rebellion and terrorism (Aidonjio, 2023; Aidonjio et al., 2022). National security is important for gaining control over land, achieving politico-military stability, and stability, but human rights are the foundation for democratic rule, where human dignity and freedom for individuals are ensured (Antai, 2024). It is especially at its highest challenge for Nigeria, as terrorism and violent extremism have posed enormities against nation stability. The Federal Government in light of security threats, passed several antiterror laws Omnibus Bill), with the Terrorism (Prevention) Act 2011 (as amended 2013 being the most striking in its extraordinary grant to security agencies for fighting terror. That implementation

however has been enmeshed in voluminous human rights questions - extrajudicial killing, arbitrary arrest, torture and other fundamental rights restriction (Edet et al, 2024).

Nigerian instability can also be attributed, as part of the solutions to these problems; Boko Haram and ISWAP (their secondary rebel group) are extremist influence alongside their armed militias that are active in various parts of the country (Aidonojie et al., 2021; Aidonojie & Victoria, 2022). This has resulted to thousands of dead, millions displaced since the armed rebellion began back in 2009 against which hardcore state responses have been taken, through armed forces being led such operations and the various security agencies using the use of force at fighting terror network, preventing attacks. Yet international human rights groups like Amnesty and Human Rights Watch have accused the agencies of widely systematic human rights violations as they go about such operations. This includes extrajudicial killings of civilians, enforced disappearances, degrading conditions of detention to the point of stifling opposition movements at all levels, done under the cloak of fighting terrorism (Antai, 2024).

Nigeria's move is understandable under the rubric of state security outweighing individual rights, particularly during an emergency. Antai et al (2024) argue that extreme threats call for extreme measures. This is very important both on legal and ethical grounds—in what circumstances can the security privileges to a nation justify human rights limitations? Are there sufficient safeguards of law that will eliminate abuse of discretion with regards to counter-terrorism operations for example? How does Nigeria's counter-terrorism policy stack up with international human rights norms? These are essential inquiries into evaluating Nigeria's counter-terrorism legislation's legitimacy and efficiency (Ojukwu, 2011). This research comparatively critically assesses Nigeria's counter-terrorism legal framework, the Terrorism (Prevention) Act, against international human rights instruments as well as the Nigerian Constitution. It also subjects Nigeria's measure against terror to a test for compliance with international law's necessity, proportionality, and legality principles. It also analyses cases for human rights abuse against terror countering, with a view to ascertaining whether there are sufficient oversight and control measures inherent within countering terror's legal framework (Kisubi et al, 2024). Furthermore, this research compares international best practice on countering terror with a view to ascertaining how best Nigeria can reconcile practice with its concept and practice of national security and human rights balance (Aidonojie et al.,

2020; Aidonojie & Francis, 2022). To these, this research seeks to shed light on gaps and pitfalls in Nigeria's counter-terrorism legislation and propose towards a better-balanced and rights-friendly approach. With a legal framework for ensuring security as well as protection for fundamental rights, Nigeria has a potential for a sustainable strategy against terror that maintains democratic values but is effective against security threats as well (Aidonojie et al, 2024).

2. Conceptual and Theoretical Framework

Concepts of human rights and national security are two core conflicting imperatives of governance, particularly for anti-terrorism. National security involves measures undertaken by a nation for preserving its sovereignty, public order, and avoiding threats of terror, rebellion, and other internal as well as external aggressions (Ashworth, 2007). Human rights, on the contrary, refer to inherent rights and guarantees given to human beings, including freedom against torture, freedom of expression, freedom against denial of fair trial, right to fair trial, and right to human dignity, among others (Antai, 2024). While the two are inherent in a peaceful society, their contradiction occurs whenever pursuit for security at a nation's level translates into a breach of human rights. Governments often claim that some of these rights may have to be curtailed for effective antiterrorism operations as well as for maintenance of public safety (Aidonojie et al., 2023; Aidonojie et al., 2024). That, however, invites fear for potential abuse of state force, particularly in countries where weak legal safeguards and checks and balances provide leeway for security agencies to carry on with abandon. Nigeria is a case in point, as its antiterrorist operations have all along been accused of human rights abuses (Anifowose et al, 2024).

Laws providing for countering terrorism in Nigeria are borrowed primarily from Terrorism (Prevention) Act 2011, as amended 2013, which grants unqualified discretion on security agencies, e.g., detention without trial, prohibition on organizations, and surveillance on suspects. Apart from that, Nigeria's Constitution 1999 (as amended) also provides for human rights at Chapter IV, but subject to a derogation clause where there is a nation security emergency (Ekpenisi et al, 2024). Apart from that Nigeria is also a party to some regional and supranational human rights charters such as the African Charter on Human and Peoples' Rights, Universal Declaration on Human Rights (UDHR) and a host of others (Anani et al., 2023; Zaman et al., 2024). However, despite these protections, Amnesty International and Human Rights Watch have published numerous reports on rampant human rights violations in the name of countering terrorism including

extrajudicial killing, enforced disappearance, prolonged arbitrary detention and the politics gag (Araromi and Oke, 2014). A failure of balancing security with rights has led to very complex legal and ethical problems, the need for deeper theoretical discussion at this nexus.

The nexus of human and national security in Nigerian counter terrorism legislation is amenable to theoretical models' examination. Social contract theory as developed by the theorist Thomas Hobbes, John Locke and Jean-Jacques Rousseau can be used as an interpretive tool for the state powers and accommodations of liberties. The theory is that people part with some freedoms in order to get protection and order which is provided by the State but excessive curtailing of rights is the repeal of the social contract which makes citizens wary and revolt, as seen in how Nigeria views insurance as counter-terrorism actions (Aidonjio et al, 2024). Relating to counter-terrorism, another relevant norm is the theory of just war which entails a set proportionality, necessity and distinction between combatant and non-combatant. Doubts of adherence to the Nigerian norm, especially in force application that is disproportionate against noncombatant civilians during counter-terrorism actions are enormous (Jufri et al., 2024; Haruna et al., 2024). To conclude, international human rights law contains the principles of proportionality and necessity that institute a means to evaluate according to if rights restrictions are valid (Akpanke et al, 2022). They should always involve (i) that limitation of rights is necessary in order to achieve a legitimate aim and (ii) that this limitation should be the least restrictive means available. However, the counter-terrorism actions of Nigeria fail this test as exemplified in mass arrests and detentions without trial or targeted arrests on activists/journalists for nation security grounded in the argument of counter-terrorism (Hanson, 2023).

We can apply the Securitization theory, for instance, Ole Wæver and Barry Buzan style, that shows us how governments select each problem as an existential threat to provide covering extraordinary securitised security measures (Agbedo, 2020). National security is invoked to legitimate moves such as sacking of movements (e.g. Indigenous People of Biafra-IPOB) to media clamping. Securitization in governance-generated landscapes where human rights violations become acceptable and built. Antai (2024), wholeheartedly, argues differently and submits in the balance of the scales, as he believes human security places the focus on individual security by challenging state-centric orientation of state autonomy with an equal footing in the distribution of power; alongside that given to national security coordinated through

human rights. Drawing this out, the Nigerian Theatre of this model demands counter-terrorism not simply military measures but recognize the socio-economic causes amnesties in radicalization such as poverty, unemployment or non-involvement in governance.

An examination and conceptual/theoretical examination of the broad issues of human rights and security imperatives of a sovereign state against the anti-terrorism legislation in Nigeria illustrates that these are complex interdependent powers from which these imperatives arise (Aidonjio et al., 2025). Security is a legitimate issue but how it should be secured under the prism of legality, proportionality and responsibility is a concern. Any formula less than this will only further entrench the entrenchment of instability and crush democratic governance. Application of the theoretical lenses such as social contract theory, just war theory and just measure frameworks, securitisation theory, and human security approach aid us in the unique and insightful reflections that Nigeria can draw out to formulate another patterned strategy to eradicate terrorism (Bello and Mela, 2022).

3. Literature Review

Academic discourse around human rights and security nationalism intersection has drawn detailed arguments, particularly on issues around combating terror. Other authors have delved into the legal, ethical, as well as practical, ramifications emanating from striking a balance between these two competing imperatives. Authors such as Ojo (2016) assert that a nation's security is a fundamental state responsibility and that, out of necessity, authorities have a responsibility for recourse to extraordinary measures for ensuring their citizens against terror attacks. To Ojo, increased terror group sophistication, particularly where there is a terror-stricken terrain, necessitates laws vesting undue powers on security organs. Ojo, however, acknowledges that, where there exist emerging democratic regimes, laws become human rights violation, e.g., Nigeria's experience with countering terror. Similarly, Awotayo et al (2018) critically examine Nigeria's Terrorism (Prevention) Act, pointing out how its overbroad definitions on what constitutes terrorism and security threats have been manipulated into muzzling opposition through taming dissidence and persecution of opposition figures. To his view, though the law allows for a framework for terror prosecution, its practice is with a lot of arbitrary arrest, long detention, and extrajudicial killing.

Other authors have engaged with the international legal framework for a balance between human rights

and security. Onwuazombe (2017) observes that international human rights law, specifically the International Covenant on Civil and Political Rights (ICCPR), has specific norms on limitations on rights for reasons of state security. He explains that in his opinion, some kind of legal restriction exist during a national emergency i.e. not all rights set, like freedom of expression and movement however absolute ones such right to life the prohibition for torture can never be derogated. That according to Eze, Nigeria's counterterrorism measures flagrantly disregard this at the same time the suspects are arrested on grounds of "security". For his part, Worluh-Okolie and Joseph-Asoh (2024) takes a state-centric position and argues that international human rights norms are blind to the particular security challenges faced by Nigeria and many other states. Worluh-Okolie and Joseph-Asoh says blind adherence to human rights norms can affect counterterrorism not only by imposing over-regulation on security entities but also by undermining their effectiveness. While Yusuf (2020) and some of the critics suggest that if governments are so inclined they will spew threats in order to legitimate human rights abuses. Yusuf provides examples of how the Nigerian state has been using national security discourse to suppress the press and silence movements like IPOB [Indigenous People of Biafra]. In Yusuf's view they are not steps to consolidate security but precipitate religiosity and diminish state institution credibility in front of populace.

There has also been comparative research done on investigating Naija regime against best international countering terrorism practice. Bello (2021) has compared Nigeria's antiterror legislation with sections of the Terrorism Act in the United Kingdom and United States to find that although as all terrorism legislation are categorically tough across these countries, Nigeria does not have strong oversight bodies as exist in Western democracies. Counterterrorism legislation, for instance, is subject to judicial scrutiny, as well as independent agencies tasked with ensuring human rights compliance, in the United Kingdom. Nigeria, however, has weak oversight, and security agencies consequently act with virtual impunity. Such absence of oversight has also been witnessed through human rights bodies such as Amnesty International and Human Rights Watch, which have accused Nigeria's security agencies of being perpetrators of gross abuse during countering terror operations. Bello concludes that while countering terror legislation is necessary, such legislation must also have effective safeguards against abuse.

Despite these thorough analyses, there are spaces in the literature for the sophisticated way in which Nigeria's counterterrorism regime interacts with its constitutional and international human rights obligations. While most studies focus on the legal regime or human rights violations but do not provide critical analysis of how the counterterrorism laws can be amended to balance security with the maintenance of rights, most of the literature is focused on the federal government with little coverage of the role that must be played by state and local governments in counterterrorism. Last but not least, while some authors have taken note of international best practice, there are few authors who have focused on the potential role that regional human rights regimes, such as the African Charter on Human and Peoples' Rights, can play in establishing accountability in Nigeria's counterterrorism regime. The objective of this study is to bridge these gaps by carrying out a systematic review of Nigeria's counterterrorism legislation, investigating their compatibility with domestic and international human rights standards, and providing policy recommendations that enhance security while maintaining fundamental rights.

4. National Security and Human Rights in Nigeria's Counterterrorism

4.1 Framework

Nigeria's anti-terrorism laws have come into place against the backdrop of increasing acts of terrorism as well as insurgencies perpetrated by non-state actors, most notably Boko Haram, Islamic State West Africa Province (ISWAP), and extremist violent actors. National security has been at the forefront of Nigeria, and they have responded with a combination of military might, intelligence, and legal measures against such actions The Terrorism (Prevention) Act 2011 (as amended 2013) is the primary legislation that sets up counterterrorism operations, granting blanket capacities for law agencies on one end and prescribing stringent punishment for acts of terrorism on another end. Enforcement, however, has raised an eyebrow, with suspicion on human rights abuse, as well as abuse of state agencies, on their part (Aidonjio et al, 2024). Nigeria's interest as a nation against terrorism is about neutralizing terror threats and preventing extremism from spreading. The state has employed a multi-drawn-out approach through military operations, intelligence policing, de-radicalization, and international cooperation with universal and regional security actors. The effective National Counter Terrorism Strategy, NACTEST, which took place from 2016, outlined five pillars: preventing terrorism, securing the surrounding, detecting and countering

radicalization, pursuing law and justice, and encouraging regional and international cooperation. The strategy supports unity of effort against terror among military, law, and civil society, as well as addressing causative drivers for radicalization (Majekodunmi et al, 2024). Despite holistic approach, there have been persistent calls regarding disproportionate military focus at the expense of human rights and socio-economic measures against countering causative factors for terrorism, e.g., poverty and exclusion (Izevbuwa et al, 2024).

Nigeria's security agencies and military are tasked with implementing anti-terror operations centrally. The military, aided by the military air force, fights terror groups, primarily through direct military action, primarily in the northeast theatre. The Joint Task Force, a unit made up of a composite of military and paramilitary units, has also been used against Boko Haram for silencing the unrest in hotbeds. Intelligence gathering, counter-intelligence, and internal security are handled by the Department of State Services, which also conducts counter-terror operations and surveillance on a daily basis (Antai et al, 2024). Nigeria Police Force (NPF) also carries out countering terror operations, either as urban security operations or through intelligence operations. Activities by such organizations have, however, been tainted with human rights abuses, including extrajudicial executions, arbitrary arrest, and use of force against civilians. Documentation of human rights is that antiterror activities have, at best, equated to infringement of fundamental rights, eroding confidence among citizens with respect to the security apparatus and providing grievances to be channelled towards further radicalization (Simon, 2015).

There have been a few case studies on human rights repercussions of Nigeria's anti-terrorism system. Some have been cases involving 2015 Zaria Massacre, where members of Islamic Movement of Nigeria (IMN), a Shi'ite religious group led by Sheikh Ibrahim Zakzaky, were attacked by the Nigerian Army. The military explained that members of IMN had blocked a convoy carrying the Chief Army Staff, after which a fierce crackdown resulted in over 300 members of IMN being shot. Human rights activists claimed a disproportionate force and extrajudicial killing based on accounts, with evidence pointing towards a majority being unarmed civilians. Sporadic detention of years since court decisions for his freedom in the wake notification has elicited fears that aspects of anti-terror law have worrying aspects too as to how minority religious community and opposition personalities could be crushed by powers that be.

Massive resorting to arbitrary detention and torture in the garb of counter terrorism is the security forces which must give serious alarm. This has been done through Amnesty International and Human Rights Watch on many occasions that persons have been arbitrarily detained for weeks at routine basis such as military detention facilities like Giwa Barracks, Maiduguri. The men, women and children have been given painful and often fatal treatment. Easier violations of such human rights have been committed because of the use of clandestine detention centres and the absence of judicial oversight, and criticisms about the legality and accountability of Nigeria's anti-terrorist campaigns have been mounting. Break in due process dis-qualifies antiterror acts and incompatible with Nigerian obligations under the International Covenant on Civil and Political Rights (ICCPR), as well as the African Charter on Human and People's Rights. It also shows the conflation between terrorism legislation and neo-repressive practices in countering terrorism through the proscription of Indigenous People of Biafra (IPOB). IPOB was in 2017 banned as a terrorist group by the Terrorism (Prevention) Act because IPOB is composed of a secessionist organization advocating for Biafra independence. Well, this is because members of IPOB had plundered themselves with a series of indiscriminate violent acts such as going on rampage to government buildings and security agents. Some critics however state that the action was politically motivated and affirmatively censored a right to self-determination for peaceful manifestation. Different Human rights organisations have acknowledged when members of IPOB are being targeted with disproportionate force by security agents, suspecting that the law against terrorism is being abused to silence differing voices rather than dealing with actual security threats (Antai et al, 2024).

The cases touch on much larger issue for Nigeria's struggle against terrorism — reconciling human rights with state security. This de-legitimizes counter-terrorism when what we need to measure and effectively deal with genuine security threats – the very maximum measures are in place by our lack of application of human rights standards (Kisubi et al, 2024). Widespread violence, arbitrary detention and impunity of abuse ensures a culture of impunity, producing grievance which incentivize further radicalization. Broader recognition of the policy is required as a higher empowered response that balances between security needs and fundamental rights, increases judicial control and transparency of counter-terrorism operations (Antai et al, 2024). Otherwise, what is in store for Nigeria's counter-terrorism will be an affront to the very security she seeks.

4.2 Best Practices in Managing Counterterrorism and Human Rights

The countries with a more comprehensive antiterrorist apparatus such as United States and United Kingdom have established legal frameworks, which are robust enough to suffocate terror under democratic law. Likewise, African countries like South Africa & Kenya through its specific security situation have also enact their own antiterror laws that both snap at home realities and the pocketbook of universal human obligations. Nigeria, a country continually afflicted by terror movements such as Boko Haram, ISWAP and other insurgent forces pushed on these international paradigms in shaping a legal policy of terror but is skeptical for their presumptions and adherence to human rights straitjackets (Okpong and Antai, 2024).

The corresponding Patriot Act of America, created in the aftermath of September 11th, 2001 America broadened the states surveillance capacity; expanded law enforcement capability and imaginable terror detect & deter models. But the legislation bolstered efforts at national security, but also generated alarm over governmental over cunning infringing on civil rights chiefly pertaining notably to: wiretapping for fearless and ensuring of decades long detention without trial Muslim racial profiling among others. All the attempt to authorize financial transaction intercept and secret searching without notice was met by a smattering of howls that the law would violate due process across its territory (Agboti et al, 2024). More recently in the USA Freedom Act of 2015, for example, there were controls that were put in place. Controversial Security-rights trade-off and US Counter-terrorism policy.

There is significant ground in the UK for countering terrorism while safeguarding human rights through the Counter-Terrorism and Security Act 2015. One of the acts is passport revocation, internet communications tracking and travel restrictions on citizens deemed to be potential terrorists. To ensure a level playing field for human rights observance, this legislation has the judicial oversight and same terrorism legislation independent monitor. It only gets more complex with 'Prevent' from the UK's counter-terrorism fight at the top and everything dealing with radicalisation being integrated into communities, school and religious institutions for deradicalisation programs no matter. Its 'Northerner Companion' emphasises the South African Protection of Constitutional Democracy Against Terrorist and Related Activities Act (2004) with an added emphasis on insulation from practice terror against human rights measure.

The Act essentially ensures safeguards from arbitrary detention, courts' role over security operations, forbids terrorists' criminality and have right to freedom. The Constitutional Court of South Africa, has been instrumental in applying and implementing above provisions as law so that antiterror practice does not breach fundamental rights (e.g. right to a fair trial as against torture). SA is the go-to for a good balance between human rights and constitutional democracy priority that have been enshrined in South African antiterrorism laws. Kenya has been shaped by its terror past — quite serious terrorist incidents e.g. Westgate mall attack in 2013 as well Garissa University 2015 have fashioned Kenya's terror policy in small parts. Pre-Terrorism Act of 2012 and the Security Laws (Amendment) Act 2014 contain sweeping powers for human rights apex troika sadly along with pre-trial detention extending to well over ninety days in excess as well additional surveillance powers, media gagging restricting reporting of terror attack etc. Terrorism actors have recorded abusive security agencies, mainly on Toronto-based (Somali ethnic communities), which is systematic in nature with impunity as chronicled by human rights actors prior to the Prevention and Prohibition of Terrorism Act of 2012 & 2014's "Security Laws (Amendment) Act (2014) " Arresting suspects for terrorists, arbitrary detention over long term; secret detention camp military and non-invokement of counter-terrorism operations are clear breaches on international due process, fair trial norms. Cutting off organizations like IPOB, where physical violence is suspected to have been done under its grounds signals that antiterrorism legislation could be misused for silencing opposition politics and not for genuine threats to national security (Antai et al, 2024).

In the Nigerian case there is an inherent problem under its counter-terrorism system because there are no independent agencies of oversight with the powers to investigate and remedy human rights abuse by security/ law enforcement agencies. The Nigerian judiciary in comparison to South Africa has largely failed to uphold accountability on the security forces abuses (Chinweze et al, 2024). Terrorism law in its oversight, as with the United Kingdom's system of balancing national security against human rights requires an independent reviewing institution as present within the hierarchy. Second, Nigeria's Absence of a systemic Countering Violent extremism policy, like the United Kingdom's "Prevent" initiative reduces its capacity to address root causes of terrorism such as socio-economic radicalization and marginalisation. A comparison to other best practices in international law on Nigeria's strategy for countering terror shows a need for reforms promoting

security safeguards against human rights costs (Aidonojie et al, 2024). Strengthening the multiple of judicial oversight -- as brakes against abuses is building and an all-of-society terror countering approach in line with community engagement and deradicalization that would have Nigeria's terror counter policy also be on par with best practice in global standards in countering terrorism. This would mean that without reforms, Nigeria is likely to embed internecine violence cycles which are counterproductive to the legibility and efficiency of its terror fight.

4.3 Challenges and Gaps in Nigeria's Anti-Terrorism Laws

Frustrations and flaws abound in Nigerian counter-terrorism legislation with itself too mired in defects and weak spots to serve as a practical bulwark against contradictions between national security imperatives and human rights furtherance. This is the biggest, there are no strong safeguards and monitoring bodies which infantilises a rampant despoliation of human rights. The Terrorism (Prevention) Act 2011 which was amended in 2013 provides for extensive and largely uncurbed investigation, arrest and prosecution authority of security agencies on the triad of terrorism incitement- few checks from judiciary even with minimal oversight by courts (Wakili et al, 2025). Extensive discretion has led to abuses of arbitrary arrests, prolonged detention, enforced disappearances and torture in a manner that violates Nigeria's international human rights obligations. This worsens the problem when there is no independent review body to review counter terrorism operations. Contrast this to states such as the United Kingdom with an Independent Reviewer of Terrorism Legislation to examine whether human rights are being observed in the application of law for policing-terrorism-checking, or to be more precise. Because of this reason the vileness of the unrestrained discretion handed to security forces amounted to a state of affairs where counter-terrorism activity normally was a smokescreen for repression rather than an authentic course for stop terrorism (Antai et al, 2024).

Countering terror strategy being pursued by Nigeria has some major flaws and one of them is the over-militarization counter terror operation. The state leaned heavily on the military solution for insurgencies, particularly what is left of Boko Haram and ISWAP (north-east). Keeping the Nigerian Army, Joint Task Force (JTF) and other security agencies for internal security operations turned focus from policy all security-oriented with force-heated approach to the

exclusion of intelligence gathering, operations centring terrorism paradigm-mindedness. The military utilization in lieu of that is unbelievable crimes against humanity including extrajudicial killings indiscriminate bombing, mass evacuation of civilians and mass arrest and detention without legal warrant (Aidonojie et al, 2024). Various international human rights bodies, including Amnesty International and Human Rights Watch have reported cases of security forces used against terrorism committing atrocity war crimes on civilians. See for example the 2015 massacre at Zaria where hundreds of members of Islamic Movement in Nigeria (IMN) were massacred by Nigerian Army. It is an unambiguous signal of how dangerous our reliance on the military is to fighting terrorism. The failure to use non-military efforts (e.g. mega deradicalization programs community outreach initiatives, socio-economic initiatives etc.) opened the door for mass revenge and revenge to erupt between affected communities 40 creating an easy soft entry point for terror orgs to recruit souls.

Instead of militarization, lack of accountability and judicial oversight of Nigeria counter-terrorism operations is a major root in the failure to secure balance between security and human right achievement (Aidonojie et al, 2024). Some of the Counter-terrorism operations are done in shadows no information at all, whether arrests, detentions and prosecution of terrorists. The use of secret military detention centres including notorious Giwa Barracks, where abusers will have tortured and arbitrarily executed their own detention prisoners is a clear pointer that there are no checks and balances in Nigeria counter-terrorism system. The judiciary has also not provided adequate assurance for a fair trial for terror suspects. Most detained suspects remain detained for years on end, and those on trial experience trials devoid of due process and international standards for a fair trial. Lack of effective oversight through the judiciary on counter-terrorism cases has promoted a culture of impunity where security agencies have no second thought regarding involvement in human rights abuse with a hope that they will not end up on the receiving end (Umo et al, 2024).

Furthermore, prohibition of such organizations as the IPOB through anti-terror legislation is questionable on the basis that such measures against terror are being abused for politically motivated repression. Although IPOB operations have been contentious, the decision on the part of the government to declare the group a terror organization with no noticeable evidence of continued terror operations has fuelled accusations that Nigeria's anti-terrorism legislation is being politicized for politically motivated oppression rather

than addressing real security threats. Such unmoored utilization of antiterror laws erodes confidence on the part of the citizenry in the judicial process and establishes a dangerous template whereby the government can criminalize opposition for the sake of national security (Ogu et al, 2024). Loopholes and deficiencies in Nigeria's anti-terrorist legislation indicate reforms involving more legal protections, independent oversight, and a balanced policy against terrorism that is human rights-sensitive. In the absence of such reforms, Nigeria will be left with a policy against terrorism that not only infringes on fundamental freedom but also one that cannot successfully combat terrorism in the long run. The government will need to employ people-oriented, transparent, and accountable mechanisms against the causes of terrorism but not at the cost of rights and freedom (Chinweze et al, 2024).

5. Recommendations

To properly balance human rights and national security within Nigeria's antiterrorism framework, various policy reforms and measures should be on board. It is imperative that measures to improve security are followed by a human rights protections bill of antiterrorism policy in order of enhancing security does not infringe on basic rights. Re-from the Nigerian government: re-write Terrorism (Prevention) act making obligation and discernible safeguards in it to curb extrajudicial killing, torture, arbitrary arrest etc. Human rights training should be made mandatory for all security personnel involved in antiterrorism operations, with a focus on compliance with international rights and humanitarian laws. The government must likewise set up human rights monitoring bodies with the required power to check on the conduct of terrorism operations for respect to legal safeguards, including human rights abuse occasioned (Antai and Aidonjio, 2024).

We need to safeguard the judicial checks on the activities of security agencies and their accountability so that terrorism laws are not employed in making human rights violations and political persecution. The judiciary must continue with oversight on counterterrorist operations but also adjudicate cases against security agents for human rights violation. Special courts to try terrorism suspects with judges that know more on security and human rights law would enhance procedure quality as well as get more terrorism trials done in a realistic time frame. Similarly, extending the functions of National Human Rights Commission along with granting powers to prosecute security officials for abuse will eliminate impunity. And legislation should also be enacted to help

safeguard whistleblowers from travel safety treatment following security agencies suing them for the abuse.

Terrorism counter-measures need to be reformed within detention policy and intelligence for efficacy as well as the rule of law. Wholesale detentions for great lengths in Nigeria must be supplanted by a strategy driven on the basis of intelligence to the extent feasible, and not on indiscriminate sweeps. These include very strong safeguards in place for the detentions of terror suspects such as limits to pre-Trial Detention and Right to Counsel. It is thus necessary to create Autonomous oversight agencies for detention centres around the world, and freeing properly humanely treated prisoners according to international human rights standards. In addition, the security agencies need modern methods of intelligence collected which will be as technology-, data-, and people based as possible and not force- and coercion-based.

Increased compliance with international human rights norms is central to Nigeria being capable of upgrading its system on countering terrorism to international best practice. Domestication of international treaty obligations through instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights must be evidenced through action on the part of the Nigerian state. Periodic review by international human rights institutions must also be embraced, and their recommendations integrated into policy action. Nigeria must also engage with regional and international actors towards the adoption of counterterrorism frameworks balancing security with core rights through learning from states that have been successful in adopting human rights-based practices (Agboti et al, 2024).

Transparency on such countering terrorism, such as through reporting on arrests, detention, and military operations, would also engender greater confidence among citizens and evidence compliance on the part of the state with accountability. These suggestions, if acted on, will not only consolidate Nigeria's security infrastructure but also make certain that antiterrorism operations do not breach fundamental human rights. It is only through a well-balanced strategy that includes the rule of law, human rights, and intersectoral confidence that lasting stability and effective antiterrorism will ever be achieved (Antai et al, 2024).

6. Conclusion

Nigeria's legal countering-terror framework is thus challenged with finding a balance among security interests and protection of human rights. The research

finding is that as much as Nigeria's terror legislation, especially the Terrorism (Prevention) Act, are directed at curbing the growing spectre of terror, they will shortchange universal human rights standards. Counter-terror militarization, secrecy, and loose legal protections have all contributed toward entrenchment of widespread human rights abuses, including extrajudicial killing, torture, arbitrary detention, and political repression. Case studies on the Zaria Massacre, handling of IPOB, and reports from international human rights agencies further act as a testament toward highlighting reforms. Comparative analysis on best practices on a global scale, for example, with U.S. Patriot Act, Counter-Terrorism and Security Act for the United Kingdom, as well as best practices on a continental African scale, for example, South Africa and Kenya, establish that Nigeria can enhance its security regime at a cost not necessarily needing fundamental freedoms.

It calls for a fundamental shift of Nigeria's anti-terrorism approach into a sustainable balance of human rights and national security. It calls for reforms in law and institution for institutionalizing human rights safeguards, judicial oversight, and accountability of security agencies. The judicial review procedures have to be strengthened against arbitrary use against opposition politicians and activists. The detention policy also has to be revamped for ensuring fair trial rights, halting indefinite detention for non-prosecution, and abolishing torture as a tool for interrogation. Intelligence-based strategy for security agencies have to minimize coercive force and focus on precision, not on mass detention. Nigeria must demonstrate greater international human rights conformity as well through synthesis with international convention and best practices against terrorism at the policy level. There cannot be excess emphasis on calls for urgent legal and policy reforms on Nigeria's countering terrorism legislation. Democratic values, human dignity, and rule-of-law limitations on security agencies' operations, an institutionally engineered framework, are a sine qua non for stability that endures. Open and transparent countering terrorism not only maximizes national security but also enhances people's confidence, eschewing radicalization common with state oppression. Nigeria must move beyond a securitization approach and adopt a judiciously balanced approach that is consistent with its constitutional obligations and international obligations. By embracing these reforms, Nigeria will be countering-terrorism at minimal cost to citizen fundamental rights and freedoms and a rule-based and just society that enhances security alongside human dignity.

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