

# **TERRORIST ATTACKS IN AFRICA AND THEIR DEROGATIONS ON HUMAN RIGHTS**

**By**

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## **ABSTRACT**

This article is motivated by the numerous terrorists attacks witnessed across the African continent and their resultant negative impact on human rights guaranteed to the African people under the African Charter. These Terrorist attacks have resulted into numerous killings and destruction of individual properties and creation of general insecurity and inhibition on fundamental rights of the people such as freedom of expression, denial of participation in the formation of government of their country and the refusal to share equitably wealth generated from the natural resources of the nations. In carrying out the research it is discovered that terrorism in Africa will be curtailed if the yearnings and the aspiration of the people are respected and most of the basic rights guarantee in African Charter and the constitution of individual nations are observed. In conducting the research, the doctrinal method is applied which places reliance on the African Charter, relevant textbooks on African history, terrorism, and human rights. Also, articles, conference papers and seminars touching on the theme of the write up are consulted. The discussion concludes with solutions which the researcher believes if adopted will help African states overcome the prevalent problem of terrorism in the continent, such solution includes; addressing problems of poverty, unemployment, resource control, equitable power sharing in various states of Africa.

**Key words:** Terrorists. Attacks. Africa. Human. Rights.

## **1.1 Introduction**

This paper has raised and discussed, the incessant waves of terrorism and terrorist attacks being experienced across African continent and has identified these terrorist groups and evaluated or measured their derogations on human rights on the African continent. The discussion begins with conceptual clarifications, followed by the history of terrorism and its derogations on human rights in the continent. Next in the discussion is an identification of terrorist groups in Africa such as Al-Shabaab, Niger Delta Avengers, Boko Haram, Al-Qaeda, the ethnic terrorism between the Hutus and Tutsi in Rwanda, the Xenophobia attacks on foreign nationals in South Africa. The discussion is followed by an examination as to how, terrorist attacks in Africa have derogated on the regime of

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human and peoples' rights. It has also identified the reasons or causes as to why, it has been difficult for states in Africa to fight and suppress the rising waves of terrorism. It concludes with solutions which the writer believes will, help African states in addressing the present waves of terrorism in the continent, such as elimination of poverty, provision of job opportunities, equitable distribution of wealth and permission of the people to exercise their right of franchise in the formation of any government in the states of Africa.

## 1.2 Conceptual Clarifications

'Human rights', is defined as the inalienable rights of man that have been with him right from creation. They are rights which are widely believed to have followed man from one historical epoch to the other. They are believed to be rights that pre-existed the idea of organised society, and are considered as sacred threshold that should not be invaded by the state or individuals against a fellow being by the use of state instruments of coercion. They are rights which are selected by some states and conferred on their citizens and rendered enforceable even against the state itself. Human Rights as provided under the Universal Declaration of Human Rights and African Charter on human and peoples rights, 1981, shows that they are wider in scope than the plethora of rights that are selected and provided in the constitutions of some states in Africa.<sup>1</sup>

Human rights comprise of the first, second and third generation rights. The first generation rights comprise of the civil and political rights, which are provided in the constitutions of some countries for the enjoyment of the citizens. The second generation rights comprise of the socio-economic rights, which are provided in some constitutions like Nigeria as the Fundamental Objectives and Directive Principle of State Policy.<sup>2</sup> The third generation comprise of group rights such as the rights to self determination, the right to clean environment and the right to development.<sup>3</sup>

Human rights therefore, cover the civil and political rights that are guaranteed in the constitutions of individual nations in Africa for their citizens, as well as, those rights provided in regional instruments of various continents, such as, the Africa Charter on Human and Peoples' Rights, 1981, the Asian Charter on Human and Peoples' Rights, the Inter-American Charter on Human and Peoples' Rights and the European Convention on Human Rights.

Why are human rights so significant that the states have persistently shown interest in their safeguard and enforcement? The answer to the above may be found in the words of Cranston that: '*They are something which every person cannot be deprived of, without great affront to justice*'.<sup>4</sup> To Oputa, human rights are attached to man as man, without

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<sup>1</sup> *Ozoukwu and Ors v Eze Onu and Il Ors* (1991) NWLR (pt 206) p.708 @ 761.

<sup>2</sup> Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>3</sup> S. 20 CFRN, 1999 and Article 24 of the African Charter.

<sup>4</sup> Aligba, A. 'Human Rights and States Security Agents in Nigeria' being an Article published in Human Rights Review Journal (Makurdi: Peach Global Ltd, 2000) p. 47.

them there is an automatic diminishing return in his humanity.<sup>5</sup> By the above, it means any deprivation of any of the recognised rights will bring about a sharp down turn in the happiness, wellbeing and productivity of the citizens concern. These rights are also significant as they strike a balance between the rights of the subject on one hand and serve as a parameter to check excesses in the exercise of power by the state and its instrument of coercion. Due to this significance, every civilised society in modern times is expected to provide or guarantee these rights for its citizens.<sup>6</sup>

The word 'terrorism' is defined by the International Terrorism and Security Research as: 'a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and inexcusable abomination.'<sup>7</sup> The United States Department of Defence defines terrorism to be the calculated use of unlawful violence or a threat of unlawful violence; to inculcate fear intended to coerce or intimidate government or societies in the pursuit of goals that are generally political, religious or ideological.<sup>8</sup> To FBI, terrorism is the unlawful use of force and violence against persons or property to intimidate coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.<sup>9</sup> To the United States Department of States, terrorism is a premeditated, politically motivated violence, perpetrated against non combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.<sup>10</sup>

The United Nations (UN) in 1992 defined terrorism as: '*an anxiety inspiring method of repeated violent action, employed by clandestine individuals, groups or state actors for idiosyncratic, criminal or political reasons, whereby- in contrast to assassination- the direct target of violence are not the main targets*'. Apart from the above definition of the UN, the British Home office in 1974 defined terrorism to be: 'the use of violence for political ends and includes the use of violence for the purpose of putting the public or any section of the public in fear'.<sup>11</sup> By the above definitions, terrorism is the use of violence to instil in a group or draw attention by a person or group to a religious, political, ethnic or ideological cause he wants to express or be heard in the society.

### **1.3 Legal Framework of African Charter on Human and Peoples' Rights**

Disturbed about the manner human and peoples' rights were been violated in Africa, the 18<sup>th</sup> Conference of the African Heads of States and government under the auspices of the Organization of African [Unity (OAU); on June 1981, in Nairobi, Kenya adopted the Charter on Human and Peoples' Rights. By the Charter, member states are enjoined to reaffirm their adherence to the principles of human and peoples' rights and freedoms

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<sup>5</sup> Aligba, A. Human Rights and State Security Agents in Nigeria, Published in the Nigerian Human Rights Review Journal (Maiden edn) Nigeria: Peach global publications, 2004) p. 16-18.

<sup>6</sup> Crowther, J. *Oxford Advance Learners Dictionary* (5<sup>th</sup> edn) (London: Oxford University Press, 1995) p. 921.

<sup>7</sup> Omale, DJ. *Terrorism and Counter Terrorism in Nigeria: Theoretical Paradigms and Lessons for public Policy* Published in Journal of Canadian Social Science Vol. 9 No. 3 of 2013, pp. 96-103.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

contained in the declarations, conventions and other instruments adopted by the Organization of African Unity; Movement of Non-Aligned Countries and United Nations and to be committed to the duty of promoting and protecting human and peoples' rights and freedoms, taking into account the importance traditionally attached to these rights and freedoms in Africa.<sup>12</sup>

With the adoption of this Charter, a perfect regional, legal framework for checking human rights abuses was established for the Africa continent. The provision of the Charter essentially form the legal parameters for measuring human rights protection and abuses in the African continent arising from any cause, including the current waves of terrorist attacks. Under the Charter, are bound to recognise those rights and freedoms of the people that are enshrined in the Charter. They are to adopt legislative and executive measures to give effect to the provisions of the Charter.<sup>13</sup> The provisions of the Charter have been adopted and domesticated as part of the municipal legal system of states in Africa, including Nigeria.<sup>14</sup>

In the enjoyment and protection of these rights and freedom that are guaranteed, every individual is not to suffer or face any distinction on account of race, ethnic group, social, origin, fortune, birth or other status.<sup>15</sup> The Charter also provides that every person in Africa should be treated equally before the law and accorded equal protection under the law.<sup>16</sup> It further enjoined African states to accord respect for life and integrity of every person in any territory of Africa; that the dignity inherent in a human being, and their legal status should be recognised; and that all forms of exploitation and degradation, such as slavery, slave trade, torture, cruel, inhuman treatment and punishment are prohibited.<sup>17</sup>

The right to fair hearing is also guaranteed by the Charter, and by it, an accused person is to be given the right to appeal to a higher tribunal against the violation of fundamental rights guaranteed by Conventions, laws, regulations and customs in force; and that, an accused should be presumed innocent until proved guilty before a competent court of tribunal; he should be accorded the right of defence by counsel of his choice: the right to be tried within reasonable time by an impartial court of tribunal; that no one is to be condemned for any act or omission which did not constitute a legally punishable offence at the time it was constituted and no penalty should be inflicted for an offence for which no provision was made at the time it was committed. It emphasised that, punishment is personal and can only imposed for an offender.<sup>18</sup> By the above, African Charter stands against arbitrary detention, as well as, arrest and detention by proxy, which are often

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<sup>12</sup> The Preamble to the African Charter on Human and Peoples' Rights, 1981; Oputa C.A. *Human Rights in the Legal and Political Culture of Nigeria* (Lagos: Nigerian Law Publication, 1988), p.37.

<sup>13</sup> Article 1 of the African Charter of Human and Peoples' Rights, 1981.

<sup>14</sup> Section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); *see Fawehinmi v Abacha, (2000)* FWLR, (pt. 13), p. 2227; *Peter Nemi v the State* (1993) SCNJ, p. 53.

<sup>15</sup> Article 2 of the African Charter.

<sup>16</sup> Article 3, *Ibid.*

<sup>17</sup> Article 4 and 5, *Ibid.*

<sup>18</sup> Article 7(2), *Ibid.*

made by security agents in most African countries.<sup>19</sup> Under the provisions of the Charter, citizens of member states are not to be deprived of their right to personal liberty and security of their persons. This right is not to be tempered with except, for reasons and conditions previously laid down by law. It further prohibits arbitrary defamation.<sup>20</sup>

One of the reason that give rise to terrorism in Africa today, is the attempt or desire by some persons to impose their religion, religious practices and ideologies on other people in a particular state without given them, any option or choice. On this, the Charter guarantees the freedom of conscience, profession and free practice of religion. It provides that no one, subject to law and order, is to be subjected to measures restricting the exercise of this freedom.<sup>21</sup> It further guarantees to every individual the right to assemble freely with others and allow this right to be restricted or subject to necessary restrictions that are only imposed by law in the interest of national security, safety, health, ethics and rights and freedoms of others.<sup>22</sup>

The charter further guarantees the right to freedom of movement and resident within the borders of any state provided they abide by the law of such country. Citizens are accorded the right of ingress and egress to their countries, subject to the provisions of any law enacted for the protection of national security, law and order and freedoms of others.<sup>23</sup>

This legal instrument also allows African nationals who face persecution in their states to freely seek and obtain asylum in other African countries, but in accordance with the laws of those countries and international conventions.<sup>24</sup>

It also requires that citizens of member states are allowed to exercise the right of franchise under the political systems of their countries. They are to be given the right to participate freely in the government of their country, either directly or through freely chosen representatives in accordance with the provisions of the law.<sup>25</sup>

The Charter further stipulates that state assets are property of the public and grant public access and services to public property, in strict equality, to all citizens before the law.<sup>26</sup> The Charter, guarantees the right to education, free participation in the cultural life of one's community, the promotion, protection of morals and traditional values recognised by the community.<sup>27</sup>

Again, member states are enjoined to eliminate every form of discrimination against women and to ensure the protection of the rights of African women and children as

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<sup>19</sup> Article 7, *Ibid.*

<sup>20</sup> Article 6, *Ibid.*

<sup>21</sup> Article 9 of the Africa Charter.

<sup>22</sup> Article 10 and 11, *Ibid.*

<sup>23</sup> Article 12, *Ibid.*

<sup>24</sup> Article 12 (5), *Ibid.*

<sup>25</sup> Article 13 (1), *Ibid.*

<sup>26</sup> Article 13 (2) and (3), *Ibid.*

<sup>27</sup> Article 18, *Ibid.*

stipulated in all International Declarations and Conventions.<sup>28</sup> In order to prevent internal domination and suppression of the rights of majority by minority, or rights of majority by a minority, the Charter provides that all people are equal and they shall enjoy same respect and rights wherever they live, and, nothing shall justify the domination of a people by another as events reveal under the apartheid South Africa and the ethnic genocide between the Hutu and Tutsi in Rwanda. The Charter guarantees the right to existence and wherever there is internal or foreign domination, they are accorded unquestionable and inalienable right to self determination. Africans are given the freedom to determine their political status and colonised people are given the right to fight and shake off the shackles of colonialism in their countries.<sup>29</sup>

African people are accorded the right to the disposition of their wealth and natural resources and the exercise of the right shall be done exclusively in the interest of the people.<sup>30</sup> By this, property and rights in the wealth generated from the natural resources of every state is vested in the people. The African Charter on the Human and Peoples' Rights has guaranteed for strengthening peace, solidarity and friendly relations. And state parties to the Charter shall ensure that:

- (a) Any individual enjoying the right of asylum under Article 12 of the Charter shall not be engaged in subversive activities against his country of origin or any other state party to the Charter; their territories shall not be used as basis for subversive terrorist activities against the people of any other state party and the state are place under legal obligation to provide a general satisfactory environment to their development.<sup>31</sup>

To enforce the provisions of the African Charter on Human and Peoples' Rights, a mandate is bestowed on the African Human Rights Commission to receive complaints from states parties and individuals who have exhausted local remedies, for entertaining complaints under their domestic legal system.<sup>32</sup> State parties are also placed under a duty to establish a system of courts and tribunals that are independent and impartial, which will be trusted with the promotion and protection of the rights and freedoms guaranteed by the Charter.<sup>33</sup>

Since the adoption of this Charter by the Conference of African Heads of states and Government on June, 1981, the African continent has persistently witnessed serious political, religious, social and ethnic crisis or attacks which have resulted into derogation on most of the rights and freedoms that are guaranteed in the Charter. Some of the terrorist or terrorist attacks are attributed to the refusal by some of African leaders to observe the provisions of the Charter in the area of denying to the people basic rights such as freedom of movement, personal liberty subjecting them to torture, cruelty, inhuman treatment, deprivation of individuals of their personal properties, freedom of

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<sup>28</sup> Article 18 of the African Charter.

<sup>29</sup> Article 20 (1) (2) (3), *Ibid.*

<sup>30</sup> 21 (1) (2) (3) and (4), *Ibid.*

<sup>31</sup> Article 12 of African Charter, *Ibid.*

<sup>32</sup> Article 30, *Ibid.*

<sup>33</sup> Article 26, *Ibid.*

association and assembly, the domination in a state of minority over majority, the refusal of some political leaders to allow free and fair elections to be conducted in order to guarantee citizens free participation in the formation of a government that is installed in their countries; and the reckless kleptomania of the wealth of the nations derived from the sale of natural resources by public officers via corruption.

#### **1.4 Background to Terrorism in Africa**

The origin of terrorism in Africa is traceable to three durations in the continent. These durations are as discuss below:

##### **1.4.1 Pre-Colonial Period**

In the pre-colonial period, terrorism in Africa was not organised, therefore, there were not labelled as terrorists. Throughout the pre-colonial Africa, they were wars of communal, ethnic and slave raiding, some of these wars were wedged for acquisition of wealth, annexation, expression of supremacy by powerful states over weaker ones. In the prosecution of these wars, armies and the militia used cruelty and barbaric methods to effect forceful subjugation.<sup>34</sup> In this period, empires and states sometimes used their soldiers in expeditious missions to conquer other empires and to cart away booties, collect tributes, capture slaves. The captured people were subjected to horrible and dehumanizing treatment.<sup>35</sup> The terror produced by these wars often led to the mass movement of people away from their original homes in Africa.<sup>36</sup> Frequent wars in this period were the major feature of the African continent whereby defeated communities were subjected to callous treatment, torture and terror.

There were also incidents of militia and slave raiders. These were the first identified terrorist group in the continent due to the vicious and crude nature of their activities. They often invaded unsuspecting communities where they destroyed their sources of livelihood such as crops and animals.<sup>37</sup> The typical of such wars occurred between the Bunganda and Bunyero in Uganda in the 18<sup>th</sup> century. The latter was almost eliminated by the blood ravenous Bunganda troupes that were so cruel that, they poisoned even drinking waters of the victims, killed their infants and women during military expeditions against the Bunyeros.<sup>38</sup>

The West African sub-region equally witnessed terrorist attacks and animosity in the 19<sup>th</sup> century, such as the Usman Dan Fodio Jihad of 1804 to 1810, which was basically a war directed at eliminating the pagan tribes and communities. The Dan fodio jihad was brutal and barbaric in character and produced terror more than any other thing had done in sub

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<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> See the story of the Great Trek and Mfacane which occurred in Southern African among the Bantu Tribes as a result of the Settlement and Occupation of the Portuguese in the Cape Coast in the 15<sup>th</sup> Century, published in Parker G. and Pfukani, *History of Southern Africa* (London: G Bell & Sons Ltd, 1975) p. 94-120.

<sup>37</sup> Maiangwa, *Op cit.*

<sup>38</sup> *Ibid.*

region.<sup>39</sup> Similar experience was had by the Chamba immigrants who now occupy the central part of Nigeria in Adamawa and Taraba states. They prosecuted nasty wars against their neighbours and unleashed deadly attacks. They also engaged the Fulanis in Adamawa in the 19<sup>th</sup> and 20<sup>th</sup> century and formed a fighting Alliance in the Chad Basin with the Kanuris and Kwayan, in which they launched series of bloody attacks on other ethnic groups around the Chad Basin. These wars influenced the migration of some members of Chamba tribe to places in Cameroun like Ganye, Jada, Mayo, Belwa communities and Northern Nigeria, in Adamawa state. This explains why some Chambas are found in Taraba and Adamawa in Nigeria with the remnants in Bamenda and Baryewa province in Cameroun.<sup>40</sup>

Benin kingdom which became prominent in the 18<sup>th</sup> century and later part of the 20<sup>th</sup> century for slave raiding and exchange of slaves for European goods such as mirrors, Kettles, spears, powder and second hand clothes in exchange for slaves captured from Calabar, Obudu and the Tiv area who were moved to Benin and finally shifted to Badagry for export.<sup>41</sup> These wars engendered fear and insecurity in the areas affected by the attacks.

In the pre-colonial era, chiefs were feared by their subjects due to the barbaric manner in which most of them governed their communities. They were revered as gods and wielded so much power that they could decide who should live or who should die or be sent on exile. They arrogated to themselves the fear, the community had on them. They were extremely wicked and tyrannical in most of their actions, as they sometimes, directed for annihilation of a given family or a clan. They at times order a suspect of a crime to be hacked to death or used for human sacrifice to appease the gods. The terror produced by the tyrannical attitude of some of the traditional rulers made some of their subjects migrate away from such kingdoms and their places of origin.<sup>42</sup>

#### **1.4.2 Terrorism in Africa in the Colonial Era**

Between 15<sup>th</sup> and 19<sup>th</sup> centuries, two types of terrorism were noticed simultaneously on the African continent, one was the Arab slave raiders and two, the European slave attackers from North America and Europe. The European slave trade and the terror it produced in Africa began in the 15<sup>th</sup> century and lasted up to the 20<sup>th</sup> century. The Arab slave trade and its terrorism began in the 12<sup>th</sup> century and involved slave dealers in North Africa and the Middle East. Its forceful attacks were directed on black African communities whom they referred to as the 'Berbers' or 'Negros'. During the Trans-Saharan trade, the black slaves that were captured by the Arabs were used as domestic servants, farmers and later commodities to exchange with the European slave dealers. The Trans Atlantic slave trade was the worst form of terrorism that happened in Africa

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<sup>39</sup> See Webster, Boahen and Idowu, *The Growth of African's Civilization: The Revolutionary Years: West Africa since 1800* (London: Longman Groups Ltd, 1997) p. 3-14.

<sup>40</sup> Maingwa, *Op cit.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

for centuries. Following the discovery of the new world and the establishment of plantations, the European took advantage of the primitive nature of the continent, encouraged slave raiding and attacks among African communities and subsequently bought millions of the captured slaves and transported them to Europe and America. The captured slaves were subjected to dehumanising treatment as they were made to work under inhuman conditions on the plantations.

In a bid to colonize Africa by European nations, the richness in climate, mineral deposit and human resources of the continent was discovered by the explorers. The sweetness of the African climate informed the decision of some European to settle permanently in some parts such as East and Southern Africa.<sup>43</sup> The encounter of the Europeans colonizers with Africans was not done peacefully. In some places it was carried out through the use of arms of superior nature that produced terror in the minds of the colonized. For instance, the attacks and defeats of some of the Bantu tribes at the Cape coast compelled most of them to migrate into the hinterland. This mass movement further engendered wars and conflicts between the migrating tribes and those that had already occupied the hinterland. Therefore, in South Africa, the wars of Shaka and Dingiswayo, which produced great terror in Southern Africa, were by product of African encounter with Europeans at the Coast.<sup>44</sup>

The decision by some Europeans to settle permanently in some parts of Africa was due to the fertile nature of the soil and the climate. The places so chosen for permanent settlement were the Cape Coast in Southern Africa, Kenya in East Africa and Algeria in North Africa. It is this permanent settlement that later gave rise to the socio-economic and political vices in South Africa and the rise of terrorist groups in Kenya known as the *Mau Mau* group and the violent group that arose in Algeria and apartheid in South Africa.

Under Apartheid System, blacks who were the majority in South Africa were marginalised in terms of power, economy and education. Their fertile lands were taken over by force without compensation and they were compelled to occupy the most sterile land in the country. They were denied a plethora of rights guaranteed under the Universal Declaration of 1948, such as freedom of movement, freedom of expression, association and assembly, they were denied free participation in the formation of government in South Africa by popular votes, their movement within and outside the country was highly checked and scrutinised and they were also placed under security surveillance.<sup>45</sup>

In one of the protest by the blacks against apartheid policy in sharpville, on 21<sup>st</sup> March, 1960, the South African police shot and killed 72 blacks and wounded 184. This killing attracted the attention of the entire world and invited condemnation from the whole of Africa.<sup>46</sup>

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<sup>43</sup> Parker and Pfukani, *Op cit* p. 27-36

<sup>44</sup> Rodney, W. *How Europe under Developed Africa* (Enugu: Ikenga Publishers Ltd, 1980) p. 141-146; Parker and Pfukani, *op cit* 71-90.

<sup>45</sup> Article 19, 21, 26(3) UDHR, 1948.

<sup>46</sup> Fayomi, Chidozie and Eyo, a 'Retrospective Study of Effects of Xenophobia Attacks on South African Nigerian relations.

By 1945, there was a wind of change in Africa, where many nationalists began to demand for self rule and question the rationale for foreign domination of Africa and Asian continents. The demand for self rule in many countries in Africa was peaceful, while in some countries like Algeria, Kenya and South Africa, the demand was characterised with violence and terrorists attacks from such groups like the *Maumau* group who were branded by the British as local 'malcontents' or 'dissidents'.<sup>47</sup> In Southern Africa also, it took years for the wars of liberation to result into the independence of such countries like Mozambique, Zimbabwe and the *apartheid* South Africa.

By 1960, many countries in Africa began attain nominal independence or self rule. The independence era witnessed the emergence of political despots, whose reign and misrule produce terror in the minds of their citizens. Typical of such leaders were Idi-Amin of Uganda, Mobutu Sesseko of Zaire, Muammar Gaddafi of Libya, Samuel Doe and Charles Taylor of Liberia, Isaac Nguema of Central African Republic, Haile Gabriel Salilessi of Ethiopia; and Omar Bongo of Gabon. These regimes were characterised by indiscriminate killings and assassination of the citizens. These killings produced terror in the minds of the citizens of such nations.<sup>48</sup> The persecution of some families also led to members of such families to seek asylum beyond the shores of their nations.

### **1.4.3 Post-Colonial Terrorism in Africa**

A number of terrorists began to emerge in Africa after independence of African countries, notable amongst which are Al-Qaeda, terrorists in the Maghreb, Al-Shabaab in Somalia, Boko Haram terrorist, Niger Delta Avengers and the Fulani Invaders in Nigeria, the Huntu and Tutsi ethnic genocide in Rwanda and Xenophobia attacks in South Africa.

The causes for the eruption these terrorist attacks are attributed to poor economic conditions in many countries of Africa, unstable political environment arising from the subversion of the democratic and constitutional process, injustice arising from the suppression of majority rights by the minority and vice versa, as happen in Rwanda, failure of some African states to address serious economic and political issues in their political enclaves, such as demand for improvement in the power sharing formula and the resource control formula as the Niger Delta Avengers are presently demanding for, in Nigeria, and the desire of some groups to impose their religious practices, belief and ideology on some other persons as the Boko Haram is currently pressing on the Federal Government in Nigeria.

The above factors give rise to anger, hatred, and creed, neglect, which eventually, ignites and sustains the growth of terrorism, which spread fast to other parts of the continent, especially when the root causes are not identified and dealt with quickly.<sup>49</sup> The rapid

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<sup>47</sup> Fanon F. *The Wretched of the Earth* (London: Sweet and Maxwell, 1980) p. 103-109.

<sup>48</sup> The case of Gani Fawehinmi v Akilu and Anor (1987) 11-12 SCNJ, 151 over the assassination of Chief Dele Giwa, the Chief Editor of News Watch Magazine through a parcel bomb submitted to the editor, by unknown dispatch rider under the General Babangida regime in Nigeria in 1986.

<sup>49</sup> the attacks on Tutsis in Rwanda which spread to Congo, Zaire and other neighbouring countries in Southern Africa. Also the North African Revolution of 2011, which started in Algeria as a protest against the seat tight attitude of leadership in the North African countries quickly spread to Egypt, Morocco, Libya, Tunisia and other North African countries.

manner with which terrorism and terrorist groups are emerging in Africa is a worrisome phenomenon, which shows that every state in Africa is vulnerable and no nation is immuned against terrorist attacks and it's after math, such as, the refugee problem. This problem is clearly staring in the faces of even developed nations like Turkey, France, and USA.

Terrorist attacks in no matter their colour and shape have produce negative effects in countries that are affected such as the undermining of national development, frustration of foreign investments and frustration of internal trade and investment in countries affected. They have also constituted serious derogations on the human right provided for African people under the African Charter.

### **1.5 Al-Qaeda as a Terrorist Group in the Maghreb**

Al-Qaeda is a jihadist movement or brotherhood that evolved in the Maghreb. Its chosen motive or ideology is to resist secularism in Arab nations and the prevalent Western System of education in the Maghreb or the Arabian Peninsula.<sup>50</sup> It has influenced most Arab nations to be sceptical about establishing diplomatic ties with western countries like Britain, France and United States. In fact, the gulf war of 1991 created opportunity for most Arab nations to open their borders to the west. The permission to the Allied Nations to come to the Maghreb, was to assist them get rid of growing level of fanaticism that had arisen in most Arab states and provided the banner for political opposition, which in the end, unleashed terror in different states of the Arabian Peninsula.<sup>51</sup>

Besides, Arab nations discovered that their survival from some of the internal and external pressure of Islamic radicals depended on their entry into alliance with the western powers that have the arsenals of war to fight and suppress the insurgence. They also discovered that more damage will befall them if they ignore the western powers that purchased 80% of their crude oil as well as supply virtually all the manufactured goods and weapons they need. To neglect the West would mean, allowing the Islamists to take control of Arab nations, since their governments were weak. This explained why Arab nations like Saudi Arabia gave support and allowed United States to station its troops on her soil to fight radical nations like Iraq.<sup>52</sup>

This development angered an Al-Qaeda leader, a Saudi born, Osama Bin Laden to hate the leaders of Saudi Arabia and the United States. To him, hosting United States troops on the holy land of the Muslims amounted to a desecration and an abomination to Islam, for the holy land to fraternise with Kafir (infidel) to the extent of conceding part of the land. His displeasure led to his masterminding the attack on United States Embassies in two African countries of Kenya and Tanzania in 1998.<sup>53</sup> After these attacks, Osama became a fugitive in Afghanistan, where he planned the New York and Pentagon attacks in which over 3,025 people were killed, while the US lost so much, in terms of property.

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<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid*, p. 99-100.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

The colossal loss recorded by the United States as a result of these attacks, made it respond by attacking the Taliban Government in Afghanistan that supported the existence of Al-Qaeda as a terrorist group. In United States, the word 'Al-Qaeda' became synonymous with the term terrorism. This group attacks and killings have resulted into the loss of lives by many people across the world and loss of properties that are yet to be quantified in monetary value.<sup>54</sup>

### **1.6 Al-Shabaab's Terrorists Attacks and Human Rights Abuses in Somalia**

One of the renowned terrorist group in Africa is Al-Shabaab. Al-Shabaab means 'the youth' in Arabic. It appears as the strongest of all the terrorist groups in Somalia, often referred to as 'the horn of Africa'. There are four strong terrorist groups of Islamic affiliation in Somalia, but Al-Shabaab appears to be the most outstanding, in fighting and putting pressure on the transitional government of the country.<sup>55</sup> In fact, the terrorist attacks in Somalia appear to be the most complex of the terrorist invasions in Africa and has defied multi-national solutions and posed serious threats or danger to the human rights of the people in the area of attack. The attacks in the country has led to the collapse of the Somalia government in 1991 and resulted into the tearing of the country into clannish groupings. The attacks have also resulted into the birth of clusters of gangsters for personal vindictive activities. These pirates have spread to almost the entire country and the adjacent regions.<sup>56</sup>

Attempt by the Organization of African Unity to mediate and bring peace in Somalia in 1992 failed while the United State efforts to save Somalia from the hands of these terrorists resulted in her humiliation and defeat as 18 of its marine soldiers were killed in an operation. The death of the 18 American marines stirred wide condemnation in US, leading to US abrupt withdrawal from Somalia, resulting into series of escalation of inter-clannish conflicts that created lee-way for the Islamist terrorists taking control of the capital city, Mogadishu.<sup>57</sup> This situation further led to the division of Somalia into separate areas and clans made by separate clans as sovereign entity. The nature of the crisis in Somalia, made the International Community to completely abandon it, after the exit of United States in 1993.<sup>58</sup>

The attacks of Al-Shabaab in Somalia, has killed many people and rendered homeless, as internally displaced persons, while many fled to neighbouring countries to seek asylum as refugees. The attacks are localized but transcend to Kenya, for example, on 21<sup>st</sup> September, 2013, these terrorist armed with sophisticated weapons attacked a west gate shopping mall in Nairobi, Kenya, took over unidentified number of people as hostages. In the attack, a total number of 71 people were killed by the terrorists; the figures included

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<sup>54</sup> *Ibid*

<sup>55</sup> *Ibid*, p. 104.

<sup>56</sup> *Ibid*.

<sup>57</sup> *Ibid*, p. 105.

<sup>58</sup> *Ibid*.

61 shoppers, six soldiers and five terrorists. An estimated number of 240 people sustained injuries, while 111 suspects were arrested and 31 people were declared missing.<sup>59</sup>

Nationals of other countries like France, Italy, Britain, Germany, South Korea, Ghana and Nigeria, were reported to be among the worst victims.<sup>60</sup> At the time of this article, no accurate record existed from UNO Commission on human rights concerning Al-Shabaab terrorist attacks in Somalia, however, it is on record that during the attacks many people lost their lives and the insecurity generated by the attacks affected the freedom of movement, personal liberty, freedom of association and assembly and the right to private and family life guaranteed under the African Charter on Human and Peoples' Rights.

### **1.7 Terrorists Attacks in Nigeria and their Derogations on Human Rights**

Nigeria is the most populated black nation in the world, and the socio economic, religious and political problems affecting it, tends to produce boomerang effect on other countries in the continent. It is for this reason that, in a discussion of this nature, the terrorist activities ravaging the peace security and stability of the country need to be considered or given serious intellectual attention. Currently, the country is ravaged by such terrorist groups like the Niger Delta Avengers, a militant group that have been blowing up oil pipelines and gas installations of the Federal government, in the Niger Delta region of the country, the Fulani attackers who now hold in their possession sophisticated weapons and explosives while launching any attack.<sup>61</sup> Other notable terrorist groups in the country are; the Movement for the Survival of the Ogoni people in Rivers state, movement for the Emancipation of the Niger Delta (MEND), Niger Delta People Volunteer Force, the Eggesu Boys, the Niger Delta Vigilante. There are still others like the Odua Peoples' Congress that emerged as a group, to serve as a mouth piece for the Yorubas; then Arewa Peoples' Congress that champions aggressively, the cause and interest of the Northern segment of Nigeria.<sup>62</sup>

### **1.8 Boko Haram Insurgency and its Abuses on Human Rights in Nigeria**

The most recent of terrorist attacks and group in Nigeria that has continue to attract the attention is the Boko Haram insurgency. Boko Haram is a Hausa Arabic coinage which means to detest Western education, Western knowledge and practices or norms. It is also defined to mean western education is a sacrilege or western education is sin.<sup>63</sup> Boko Haram is a terrorist group or organization based in North Eastern part of Nigeria a place predominated by the Kanuri ethnic group.

The group was founded by Mohammed Yusuf in 2006 as a Muslim sect that seeks to abolish the secular nature of the Nigerian state and established a system of government in

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<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> For instance the Fulani attacks on the Agatu People in Idoma area of Benue State in 2016 revealed that over 300 people were killed in the attacks and properties worth millions of naira were destroyed.

<sup>62</sup> Hagher I, *Beyond Hate and Violence* (Ibadan: Caltop Publications (Nigeria) Ltd, 2002) p. 53-56.

<sup>63</sup> Nwabuisi D, <http://NwabuisiDennis.blogspot.com.ng/2012/.and-origin-of-boko-harampeoplehtml> of 28/05/2016.

the country based on principles of the Qu'ran.<sup>64</sup> These terrorists became known in Nigeria following their sectarian violence in the country in 2009. It is a terrorist group with no clear command structure and at present, it is not clear whether the terrorists have links with other terrorist groups such as, Al-Qaeda and Al-shabaab in Somalia.

Having ravaged the Nigerian polity from 2009 to 2016, the attacks by these terrorists, have caused so much damage on the socio economic and political life of Nigeria. Olamilekan has chronicled that "rebellious Boko Haram activities have compounded the security situation in Nigeria".<sup>65</sup> The scholar further reveals how Boko Haram attacks scared: 'foreigners and Nigerians from the Southern parts to abandon their business, house and jobs, while companies have relocated'.<sup>66</sup> The attacks apart from creating general panic, dislocation in peace and stability and the growing climate of fear in the places under attack in the country, has generated psychological problems to citizens that live in the areas of attack. The attacks have resulted in the abandonment of ancestral homes, loss of revenue through decline in patronage of many services.<sup>67</sup> The shooting by these terrorists and bombings have also scared farmers in the North East and 65% of the farmers are reported to have migrated to the southern part of the area fearing for the security of their lives and property such as farm lands and livestock.<sup>68</sup>

On the derogation of human rights by the attacks, the Human Rights Council of the United Nations, worried about Human Rights abuses by Boko Haram in Nigeria, requested the High Commissioner for human rights to collect and furnish it with information and report on human rights abuses by Boko Haram in Nigeria.<sup>69</sup> Amnesty International reported how the High Commissioner investigated human rights situation in North Eastern Nigeria, and expressed its concern about human rights abuses perpetrated by Boko Haram and other violations by Nigerian and Cameroonian security forces.<sup>70</sup> The report of the UNO High Commissioner on the state of Human rights supplies the true position about human rights abuses and other violations suffered by victims of Boko Haram attacks in Nigeria and the Cameroons. The United Nations Human Rights Council renewed the mandate of the office of the High Commissioner on Human Rights to further monitor and supply it with information on human rights abuses and other humanitarian offences, committed in those countries where Boko Haram raged.<sup>71</sup>

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<sup>64</sup> *Ibid.*

<sup>65</sup> Olamilekan A, 'A Critical Examination of the Boko Haram Insurgence Attack in Nigeria and Possible Solutions' [http://www.edu.3333/715/%20A Critical Examination of the Boko Haram Insurgence attack in Nigeria and Possible Solutions](http://www.edu.3333/715/%20A%20Critical%20Examination%20of%20the%20Boko%20Haram%20Insurgence%20attack%20in%20Nigeria%20and%20Possible%20Solutions) of 28/05/2016.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> Oral update on Boko Haram at the Human Rights Council held on 29<sup>th</sup> session by Zaid Ra'ad Al-Hussein, UNO High Commissioner for Human Rights on 1<sup>st</sup> July, 2015.

<sup>70</sup> United Nations Human Rights Council Resolutions- 23:('Atrocities Committed by Terrorist Groups Boko Haram and its effect on Human Rights in the affected States' A/HRC/RES/5-23/1).

<sup>71</sup> See Amnesty International, Boko Haram: 'Civilians Continue to be at risk of Human Rights Abuses by Boko Haram and Human Rights violation by State Security Officers' Being a written Statement to 30<sup>th</sup> session of the UN Human Rights Council, held on 14<sup>th</sup> September – 2<sup>nd</sup> October, 2015.

### **1.8.1 Current Reports and Instances of Boko Haram attacks in Nigeria and its Human Rights Violations**

Much of the understanding about human rights abuses by Boko Haram attackers in Nigeria is drawn from the report of Amnesty International of 2015. This body by its documented evidence of war crimes against humanity by Boko Haram revealed how these terrorists attacks have resulted to abuses on human rights of the civilian population that were victims. These attacks were carried out through indiscriminate murder, torture, rape, forced marriages and the conscription of children into army, known as child-soldiering. The report had it that following the serious advances of Nigerian regional forces on Boko Haram terrorists, the attacks claimed about 1,200 lives since June 2015, bringing the death toll to about 3,500 civilians in 2015 alone.<sup>72</sup>

By 2016 Amnesty International, reported how Boko Haram in the attacks, frequently rounded-up residents in their homes and shot at those who tried to escape and killed men, women and children in the course of their raid. They also stole supplies they needed and set ablaze homes or buildings of the victims and fled. In one of the most tragic of their attacks, the fighters killed more than 160 civilians in a raid on Kukawa town in Borno state. Eye witnesses narrated to Amnesty International, how Boko Haram terrorists ordered residents out of their homes, and assembled approximately 58 people outside the village head's house. The gunmen told the people to lie down and shot all them. Others were killed or shot at, in their homes, while others were killed as they attempted to escape.<sup>73</sup>

Up to the time this write up in 2016, the Boko Haram terrorists were still bombing the North Eastern part of Nigeria as they continued to attack and injure innocent civilians. In their attacks, they targeted locations without military presence, such as market places, transport hubs, bars, restaurants, churches and mosques, motor parks, schools and colleges and in their initial attacks, Police and Army check points and barracks were not exempted.

By the Amnesty International report of 2015, it was recorded that 14 bomb attacks in Nigeria, which killed about 222 people.<sup>74</sup> In the attacks, the terrorists used young women and girls as suicide bombers. In the Boko Haram hostilities in Borno and Yobe, the cities and towns that came under regular attacks were Maiduguri, Borno state. Here a bomb blast occurred at abattoir, which killed at least 12 people on 2<sup>nd</sup> June 2015. Another attacks occurred at Maiduguri, Baga road, Motor Park, on 3<sup>rd</sup> and 23<sup>rd</sup> June, 2015, in which 16 civilians lost their lives. On 31<sup>st</sup> July, a bomb on a motorised tricycle exploded in a traffic, near Gamboru, market, Maiduguri, around 6:30 am. About 4 people died as a result of the explosion.

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<sup>72</sup> Amnesty International Report of 2015, *Ibid*.

<sup>73</sup> Amnesty International Report, 2015, *Ibid*.

<sup>74</sup> *Ibid*.

Further about 75 people were killed in 4 explosions at a mosque and a Viewing Centre near Ajilari Cross, Maiduguri on 20<sup>th</sup> September, 2015. Also 19 people were killed by 2 explosions at Onion market in Mongunu, Borno state, on 20<sup>th</sup> September, 2015. In Damaturu, Yobe state, there was a bomb explosion in the mosque which killed at least 5 worshipers celebrating the end of Ramadan on July, 2015. Again, about 17 people died in an explosion as they queued to enter Damaturu main market on 26<sup>th</sup> July, 2015. While on August, a bomb explosion occurred at the central bus station, in which about 5 civilians were killed. On 5<sup>th</sup> July there was another bomb explosion in which 8 worshipers inside the Redeemed church in Potiskum lost their lives.

Boko Haram terrorist have extended their attacks to other cities in Nigeria and neighbouring countries like the Republic of Cameroon. On July 2015, two of their attacks occurred in Jos in which at least 40 people were killed. Also two gunmen shot at worshippers in Yantaya mosque during evening prayers and a bomb exploded inside an open air restaurant. On 16<sup>th</sup> July, Amnesty International recorded about a bomb explosion at the central market, Gombe city, Gombe state, which killed about 50 people. While on 22<sup>nd</sup> July 2015, at least 21 people were confirmed death in a bus attack at Dadinkowa bus station, Gombe city of the touchy incidents of terrorist attacks in North Eastern Nigeria is the kidnapping of the 290 girls from government college Chibok in 2009. The girls some of whose where about has remain a mystery to the Federal Government in 2016. The instances of Boko Haram attacks in Nigeria are numerous and endless.

### **1.8.2 Boko Haram Attacks and Human Rights Abuses in Cameroon**

From the report of Amnesty International, 2015, Boko Haram attackers extended their attacks to Northern Cameroon.<sup>75</sup> The document revealed that the terrorists raided the towns of Amchide on 15<sup>th</sup> October, 2014 and Bia on 17<sup>th</sup> April, 2015. In the attacks on Amchide, about 30 civilians were killed or wounded from indiscriminate firing by the Boko Haram fighters. They also destroyed civilian's properties including a church, a mosque and a health centre. When Boko Haram fighters invaded Bia town, they deliberately targeted civilians, killing dozens and systematically, setting ablaze houses and in the process, destroyed not less than 150 buildings.<sup>76</sup> The report emphasised that, there has never been incident of suicide bombers witnessed in the far North Region of Cameroon as experienced under Boko Haram attacks.

The report also revealed that, on 22<sup>nd</sup> July, 2015, about 13 civilians were killed, and more than 30 were wounded after 2 young female suicide bombers detonated their explosives at the central market in the nearby District of Barmare in the city of Marona. A few days later, on 25<sup>th</sup> July, 2015, about 20 people were killed and more than 80 were wounded, after a young female suicide bomber detonated her explosives in a crowded bar, in the popular District of Pont Vert in Marona. More than dozen people were reported killed in

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<sup>75</sup> Amnesty International, 'Human Rights under Fire: Attacks and Violation in Cameroon Struggle with Boko Haram' September 16<sup>th</sup>, 2015 (AFR17/1991/2015)

<https://www.amnesty.org/en/documents/afr17/1991/2015/enlast> accessed on 21st September, 2015.

<sup>76</sup> *Ibid.*

suicide attacks in Fotoko and Karawa. By media report, about 380 civilians were estimated killed in Cameroon by Boko Haram, since January, 2014 and about 150 killed since June 1<sup>st</sup> 2015.<sup>77</sup>

### **1.8.3 Human Rights Abuses by Nigerian Security Operatives**

In the course of security operations against Boko Haram terrorists, the Nigerian security operatives, (the Soldiers and the police) were discovered to have committed serious human rights abuses amounting to war crimes or crimes against humanity. On the 3<sup>rd</sup> June 2015, Amnesty International released a report which showed shocking levels of the death of defenceless civilians in military custody, through extra-judicial killings, torture, unlawful detention and arbitrary arrest by the military. The report mentioned the names of current and former military officers in Nigeria that ought to be investigated and punished for their roles and command responsibility, resulting into human rights abuses.<sup>78</sup> The Nigerian President Mohammadu Buhari pledged to investigate these human rights abuses and crimes in accordance with Nigeria's obligation under international law and to bring those involved to book. The President has retired two officers named in the report and around November 2<sup>nd</sup> 2016, set up a committee to investigate allegations of torture and sexual abuses by the soldiers on Internally Displaced Persons in IDPs camps in Borno and Yobe States.

### **1.8.4 Human Rights Abuses by Cameroonian Security Forces**

In Cameroon also, Amnesty International, recorded cases of crimes committed under International Humanitarian law by Cameroon's state security forces, such as, mass arbitrary arrest, extra-judicial killings, excessive use of force, enforced disappearances, death in custody and inhuman and degrading treatments. By October 2014 and March 2015, these human rights abuses reached their apogee in their intensity of Boko Haram attacks.<sup>79</sup> Since 2014, the Cameroonian security forces were found to have arrested 1000 people suspected to be members or supporters of Boko Haram. The arrest were made by "Cordon-and-search" operations, where states security agents rounded-up dozens, sometimes hundreds of men and women through mass arrest in the city of Marona, and in the villages of Magdeme, Double and Guirvidig.<sup>80</sup>

Amnesty International further reported that, on 20<sup>th</sup> December, 2014, the Cameroonian security operations arrested and detained 84 children and at least 43 men during a Cordon-and-search operative in the town of Guirvidig. Many of the people arrested were beaten and subjected to different torture during the operation. The 84 children arrested were detained unreasonably for duration of six months, until 1<sup>st</sup> July, 2015, during which time no charges were brought against them. In the course of their detention, they were denied access to their families. The arrested persons were found detained at the Marona

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<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

prison.<sup>81</sup> On 27<sup>th</sup> December, 2014, Cameroonian security operatives sealed off the adjacent villages of Magdeme and Double. They arrested over 200 people, unlawfully killed 9 of them, including a young woman and destroyed about 70 buildings. Some people who were arrested were taken to Mora, where they were detained indefinitely, while the children were released, the men were thoroughly beaten by the security agents. The remaining detainees were driven to the Gendarmerie headquarters of Marona where about 25 died on their first night of detention, while the where about of at least, 130 remained unaccounted for.<sup>82</sup> Media reports had it that, about 380 civilians may have lost their lives or were killed in Cameroon, as a result of the security agents attempt to suppress the insurgency, since January 2014, and more than 150, since 1<sup>st</sup> June, 2015.

### **1.9 Human Rights and the Xenophobia attacks in South Africa**

The word 'Xenophobia' emanates from the word 'xenes' meaning 'stranger', 'foreigner' and 'phobos' meaning 'fear'. It is a term used to described fear or dislike of foreigners or of people significantly different from oneself. In short, xenophobia is defined as the 'fear of strangers'.<sup>83</sup>

One of the shocking incidences of terrorism in Africa, in recent time is the xenophobia attacks in South Africa directed at foreign nationals of Africa, China, India and Pakistan. Xenophobia is the feeling of holding in contempt that which is foreign, especially of strangers or people from different nations and cultures. The cause of this attack is attributed to the problem of unemployment, scarce resources to satisfy the demands of South Africans. In the area of employment, the people of South Africa entertained fears that, in the competition for available jobs in their country, foreigners who were better educated and experienced would be preferred in employment to them. Xenophobia attacks are not unique to South Africa, they have manifested in different regions and countries with diverse consequences on the affected nationals. The concern about these attacks is the degree of human rights abuses suffered by nationals of other countries who were victims.

In the Xenophobia attacks in South Africa in 2015, about 50 Nigerians were displaced and became refugees resulting to their seeking of asylum in neighbouring countries to South Africa.<sup>84</sup> Nigerians and other nationals were displaced in the towns and cities of Jeppes, Johannesburg. According to Anyene, about 300 Nigerian were found in Jeppes town near Johannesburg fleeing for their safety, while out of this number, 50 were stranded without a place to stay for their safety. Their shops and businesses in Durban and Johannesburg were looted and burnt down.<sup>85</sup> In the course of the looting, 2 shops belonging to a Nigerian in Durban were looted and goods worth 400,000 Rand were lost.

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<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> Anyene, ' 50 Nigerian Affected by Xenophobic attacks in South Africa, published by Premium Times, April 18<sup>th</sup> 2015, or <http://www.premiumtime.com/news/headlines/181661-50nigeriansattacks-by-xenophobic-attacks-in-southafrica.html> accessed on 18th October, 2016.

<sup>85</sup> *Ibid.*

The xenophobic attacks in South Africa has been a recurrent decimal and dates back as far as 1994 and repeated in 2008. These xenophobic attacks in South Africa resulted in the death of 62 people. In the most recent of these attacks, 5 people were reported killed, while 100 were forced to flee from their homes.<sup>86</sup>

On the Xenophobia attacks of 1998, Human Rights Watch Report revealed how nationals of Malawi, Zimbabwe and Mozambique resident in Alexandra, near Johannesburg, were physically assaulted over a period of several weeks by armed gangs who identified the suspected migrants and matched them to police station in what they claimed was an attempt to 'clean the town of foreigners'. The campaigners known as *Buyelokhaya* blamed the migrants for crimes, unemployment and sexual abuses in their society.<sup>87</sup> Also in September 1998, a Mozambican and Senegalese were thrown out of a train. The attack was effected by a group returning from a rally who blamed foreigners for unemployment, crimes and spread of AIDS in the country.<sup>88</sup>

In 2000, about 7 migrants were killed in Cape flats, over duration of five weeks, in what the police described as xenophobic murders. The killings were motivated by the fear that outsiders had come to claim property belonging to the locals. While in October, 2001, residents of Zand, an informal settlement, gave Zimbabweans 10 days to leave the country or they would be shown the way out. Foreigners, who failed to leave voluntarily, were forcefully evicted by having their shacks burnt down and looted. The local populace expressed their anger that Zimbabweans were employed, while the locals remained jobless and blamed foreigners for a number of crimes in their country.<sup>89</sup>

In the last week of 2005 and 2006, 2 Zimbabweans were killed in Olievenhoutbosch town after foreigners were blamed for the death of a local man. Shacks belonging to immigrants were ordered to be removed by the police from the area.<sup>90</sup> On August 2006, Somali refugees appealed for protection after the killing of 21 Somali traders in July of that year and 26 more in August. The xenophobia attacks on immigrants increased tremendously in late 2007 and heightened in May, 2008. The severest of the attacks occurred in 2008 when series of riots started in the township of Alexandria and the locals attacked foreign nationals from Mozambique, Malawi, Zimbabwe and Nigeria.

On May 2013, there were reports of spontaneous attacks by some South Africans at Port-Nolloth community, which were targeted at the Nigerian community living in the area. Nigerians resident in the area were chased out of their homes, their property looted and their shops burnt. The attackers accused them of trading in hard drugs, but Nigerians resident in this area denied the allegation as a mere ploy to attack and displaced them.<sup>91</sup> In view of the series of xenophobia attacks in South Africa, coupled with numerous

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<sup>86</sup> *Ibid.*

<sup>87</sup> Fayomi O, Chidozie F, and Ayo C, *Op cit.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

human rights abuses recorded as a result of the attacks. South Africa after the dismantling of the apartheid system was declared to be the most violent of all nations in recent time.<sup>92</sup>

### **1.10 The Hutu and Tutsi Ethnic Attacks in Rwanda and its Human Rights Abuses**

One of the shocking incidents of ethnic terrorism in Africa that seriously derogated on the human rights of the nationals of Rwanda and beyond is the Tutsi-Hutu genocidal wars in that country that sent waves of terror to the survivals of this attack and beyond. The Tutsi Hutu ethnic attacks or conflicts sprouted from the long-term effect of the colonial policy of 'divide and rule', which the Belgians evolved in Rwanda in order to govern and manipulate effectively, the three ethnic groups in that country.

Under this policy, the Belgians allowed the Tutsi to enjoy monopoly of power over other ethnic nationalities such as the Hutu and Twa tribes. By this, the stage for future conflicts in Rwanda was set, which exploded in the 90s into the war of genocide between the two ethnic groups. The Belgians by favouring the Tutsis made them believe that they were more capable and competent to take over political leadership in the country over the Hutu and Twa tribes. This seed of discord and conflict started manifesting negative signs towards the end of colonial rule in Rwanda in 1959, when a Hutu, sub-chief, was reportedly attacked by the Tutsi. With the spread of this news of assault, the Hutu attacked the Tutsi who responded more violently resulting into the death of several hundreds of people, before the Belgians authorities intervened to restore law and order. With this development, the Belgians replaced half of the Tutsi local authorities with the Hutu.<sup>93</sup> By 1967, the ugly incident of attack between the two ethnic groups repeated, when the Tutsi were attack by the Hutus just for being Tutsi. In this attack, about 20,000 Tutsi were killed, while 300 were displaced and compelled to flee the country.<sup>94</sup> With the grant of independence, the new Republican government continued to widen the ethnic differences between the Hutu, Tutsi and Twa. The sharp difference between the three ethnic groups in Rwanda continued to deepen waiting for an opportune time to explode into the genocidal war of 1994. That opportunity offered itself when the president of Rwanda, Juvenal Habyarimana, a Hutu, was shot down from a plane above Kigali airport on 6<sup>th</sup> April, 1994. The Tutsis were accused of masterminding this assassination.<sup>95</sup>

#### **1.10.1 The Tutsi-Hutu Ethnic Genocide and Human Rights Abuses in Rwanda**

In the genocidal war between the Tutsi and Hutu in Rwanda, victims of these ethnic attacks suffered from serious human rights abuses, as many people were killed, tortured and made to undergo dehumanizing treatment. Worried by human rights abuses, Cladho urged International human rights organizations, such as Human Rights watch in New York, International Federation of Human Rights Leagues in Paris, International Centre for Human Rights and Democratic Development, in Montreal and Inter-African Union of

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<sup>92</sup> *Ibid.*

<sup>93</sup> Hutu Revolution at p. 7.

<sup>94</sup> *Ibid* at p. 8.

<sup>95</sup> *Ibid.*

Human and Peoples' Rights, in Ouagadougou, to investigate human rights abuses in Rwanda arising from the genocidal wars.

During investigation by these Human Rights bodies, so many abuses were reported. The report revealed that, the president of Rwanda and his political cohorts were squarely liable for the massacres that took place from October 1990 to January 1993. The International Commission Report of March 8<sup>th</sup> 1993, recorded as follows: 'that between April and June 1994, an extenuated number of 800 Rwandans were killed in the space of 100 days, most of the people killed were Tutsi, while the perpetrators of the violence were Hutus'.<sup>96</sup>

During the genocide, the bodies of the Tutsis were thrown into rivers, with their killers saying, they were being sent back to Ethiopia. As a result of the crisis, an estimated 200 million Hutus fled to Zaire (now Democratic Republic of Congo), as refugees. Most citizens of the country became displaced from their homes and the Rwandan Patriotic Front (RPF), being a special force comprising of state soldiers and the police, was used in attacking and killing citizens, especially the Hutus in Rwanda. These attacks exacerbated what had already become a full blow humanitarian crisis. Apart from the murder of innocent people, citizens of the two ethnic groups watch how they were being tortured by their neighbours, while women were harassed and raped by soldiers and the militia youths of Rwandan Patriotic Front (RPF).<sup>97</sup>

The genocidal wars in Rwanda and human rights abuses that were recorded would not have taken the dimension they assumed, were it not for the unconcern attitude of the International Community through its rallying forum, the United Nations Organisation. During the crisis, the outside world adopted an oblivious attitude to the situation in Africa and its failure to act quickly to prevent the attacks from escalating to human rights abuses that eventually occurred in Rwanda. The attacks in Rwanda were more serious than human rights abuses that occurred in Yugoslavia, and yet the United Nations quickly responded to the situation in Yugoslavia by setting up an international Criminal Court to try cases of human rights abuses and identify those behind such derogations.<sup>98</sup> The bias attitude of the international community sometime to matters affecting the African continent needs to be watched carefully by African states.

### **1.11 Observations/Findings on Terrorist attacks in Africa and their Abuses on Human and Peoples' Rights**

The spate of terrorism and terrorist attacks and their derogatory effects on human rights in Africa hinges on the manner, the colonial administration brought people of diverse socio-cultural background under one geo-political conglomerate to be exploited and governed. In order to govern most colonies, the policy of divide and rule was used, which encouraged the development of ethnic nationalities on different lines and made them to

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<sup>96</sup> Rwanda: 'How the Genocide Happened' Captured from, <http://www.bbc.com/news/world-africa-13431486>.

<sup>97</sup> The Rwandan Genocide reported on website: <http://www.history.com/rwandangenocide> accessed on

<sup>98</sup> Rwanda Genocide, *Ibid* at p. 8.

think more of themselves as tribes, than citizens of one nation. This is what the Belgians did in Rwanda, by introducing separate identity cards and encouraging the classification of the three ethnic groups in the country according to their ethnicity.<sup>99</sup> They also considered Tutsi superior to the Hutus and nurtured them along that line. Tutsis were employed in colonial service, in better positions and given better educational opportunities than their co-nationals, the Hutus. This policy gradually built up resentment between the two dominant ethnic groups in the country, resulting into the crisis between them in 1959 and the violent one of 1993 to 1994.

Another causes of terrorism and terrorist attacks in Africa flows from the fear and feeling of contempt for nationals of other country not minding whether they are from sister-African nations or Europe and Asia. This also flows from the manner the African continent and people have suffered from foreign rule and foreign domination that did not provide the opportunity for its people to think as citizens of one nation and people of one continent. This fear of domination and the feeling of xenophobia were witnessed in Nigeria, in 1983, when Ghanaians in search of greener pastures in Nigeria were asked to leave. This expulsion was done without acrimony.

Some of the terrorist attacks groups in Africa are ravaging to day due to the sit-tight attitude of some of the political leaders in the continent. Some African leaders attained political power through popular votes and democratic process and later manipulate the constitution to enable them remain perpetually in power. By their attitude they become adamant to the growing demand for political reforms to be made. This experienced is what is noticed in most North Africa countries leading to the 2011 North African Revolutions that started in that part of Africa. The same sit-tight attitude was witnessed under Samuel Doe in Liberia, Mobutu Sessekou of Zaire and presently Zimbabwe, under President Robert Mugabe.

Furthermore, some terrorist groups and militants have sprang up from some countries in Africa due to the refusal by some state authorities to respond positively to the demand for improvement in the revenue sharing formula or resource control formula provided in the Constitution of such countries. In fact in Nigeria, the current militant attacks witnessed in the Niger Delta region, directed at the Federal Government oil and gas installations by the Niger Delta Avengers, predicates on this demand.

Moreso, the failure of some states to respond positively to national demands for improvement in the power sharing formula, the reshaping of the geopolitical entity is responsible for crisis and attacks currently witnessed between North and South Sudan Republics and the unresolved crisis between Western Sahara and Morocco.

Furthermore, the desire of certain people or group to impose their religion, religious practices and ideology over people of diverse faith, or the imposition of Islam over secularism and the replacement of western system of education with Islamic education is

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<sup>99</sup> Rwanda: 'How the Genocide Happened', 17<sup>th</sup> May, 2011, *Ibid*.

responsible for such terrorist attacks like, the Boko Haram that has ravaged Nigeria from 2009 to 2016.

In some the terrorist attacks in Africa, state security operatives are found to have derailed in their roles and objectivity and supported the cause of the terrorists. This is established in Nigerian where security officials who sympathise with the Boko Haram cause, revealed security information and strategies to the terrorists before the conclusion of security meetings. In some cases, security officers posted to combat the terrorists, simply deserted the army or police and fought on the side of the group. In Rwanda, the genocide war between the Hutu and Tutsi was facilitated by the Rwandan Patriotic Front a military formation made up of nation security operatives that fought in support of the Hutus, resulting into the killing of the defenceless Tutsis in large numbers.

### **1.12 Conclusion**

The human and peoples' rights guaranteed for African people under the African Charter of 1981, will be better enjoyed by the people of Africa, if the identified root causes of terrorism are tackled at the earliest stage, before they explode. By this, the sit-tight attitude in power by some African heads of states and government should be eliminated; the truncating of democratic process; the refusal to succumb to popular demands by the subjects for power sharing and resource control should be given due attention. There should be cultivation of the spirit of patriotism over and above ethnic, religious and pre-modal royalties. Any attempt by majority or minority to impose their will, be it religious or any ideology; on the other in a state must be stopped. In view of the derailment of security operatives in the continent while performing their national duty, it is high time African states sit down and re-examine the role of security operatives and give them a new orientation of vigour in dealing states matters; there should be a cooperative attitude among African states in fighting the evil of corruption where wealth generated through the scarce of a nation are meaningful applied but siphoned by public officers into private accounts. The practice of minority or majority trying to suppress the right of the other should be checked at all times to ensure that the principle of equity and equality is applied in all matters of the states. The desire by a group whether minority or majority to impose their political will and or religious practices and ideology over others should not be countenanced. Therefore the following recommendations will be made:

For terrorism in Africa to be effectively curtailed, the rule of law and limited government to thrive amongst African states, the sit-tight attitude of some of the Africa political leaders should be checked. African political leaders who gained access to corridors of power through democratic process should willingly learn to relinquish power when voted out of office or at the end of their tenure of office.

African states and their governments should learn or strive to administer or manage their scarce economic resources prudently to ensure that, the interest of the greatest number is achieved and the prevalent problem of poverty in individual states is addressed. The situation where wealth generated through scarce resources are siphoned and diverted by those in power to foreign account and not channelled towards development is beginning

to build up resentment among the citizens, which in the end, would lead to outbursts of attacks, such as the continent is witnessing in different forms.

Also the problem of unemployment which is lingering in every African country needs to be given serious consideration by African states and government. It is an issue that should not be given secondary consideration. African states should try to make use of their scarce resources to provide job opportunities and employment in state public service. Recruitment into public service should be guided by merit and not nepotism.

The role of security men in Africa, such as soldiers, the police should be re-examined and a thorough orientation given to these security outfits so that, they will remain firm and resolute at all times and in event of any crisis facing their nations, so that they do not derail in their national duty, by sympathising with any terrorist group or its cause.

African countries should adopt or maintain a cooperative attitude among them and evolve a serious and common understanding concerning issues of terrorism or crisis that is likely to produce fatal consequences on human rights in the continent or any sub-region of Africa. Here, the African Union can play a central role or coordinating function, to ensure that such attacks are quickly responded to and put under control.

States security agents in Africa need to be put on their toes to constantly check and dictate external influence by terrorist organisations outside the continent, over the ones springing in Africa and try to establish their linkage with such foreign collaborators.

Finally, International bodies on human rights should strive to show serious concern and their contribution towards resolving crisis in Africa that are to produce terror and serious negative effects on the human and peoples' rights in the continent. The docile attitude displayed by international community on human rights abuses such as the genocidal wars between Hutu and Tutsi in Rwanda portrayed that the international community do not wish well Africa in terms of peace, stability and development.