TERRORISM: A CASE OF BOKO HARAM /ISLAMIC STATE OF WEST AFRICAN PROVINCE*

Abstract
The act of terrorism appears to be everyday occurrence in Nigeria for over two decades now culminating in several lives and property being destroyed owing to the attacks by the Boko haram/ ISWAP in Nigeria. Many homes have been destroyed and deserted and millions of displaced civilians in the affected areas have become internally displaced. In keeping with her obligation under the International Law to prevent and prohibit terrorism, Nigeria enacted the Terrorism Act 2011, the Terrorism Act 2013 as well as some sections in the Economic and Financial Crimes Commission (Establishment) Act 2004 dealing on terrorism. To further strengthen the law on terrorism in Nigeria to be with the international standard, the Terrorism (Prevention and Prohibition) Act 2022 was enacted. The core focus of this paper is to examine/investigate the activities of Boko Haram/ ISWAP in Nigeria vi-a-vis the 2022 Terrorism Act to find out whether their activities contravened the provisions of the Act as to deserve punishment/sanction. This paper made use of primary and secondary data as well as the doctrinal method. The paper copiously demonstrated that the Boko Haram/ISWAP terrorists have committed serious acts of terrorism via violent killings, intimidation, instilling fear on the people and government of Nigeria, hijacking, kidnapping, enslavement, sacking of villages, churches, mosques, schools, correctional centers etc, pursuant to a predetermined ideology/policy, the Islamization of Nigeria. The Federal Government appears to lack the political will to deal with the terrorists, hence the resort to paying them ransome and the policy of amnesty giving to them under the guise of re-habilitation. It is recommended that the Nigerian Government and the International Community need to cut off the sources of contact of Boko Haram with regard to financing and training them.

Keywords: Terrorism, Boko Haram, Terrorists, Criminal Responsibility, *Mens Rea, Actus Reus*

1. Introduction

The act of terrorism appears to be everyday occurrence in Nigeria for two decades culminating in several lives and property being utterly destroyed sequel to the attacks of the Boko Haram/ISWAP in Nigeria. Many homes have been diametrically decimated and deserted, and millions of civilian displaced in the affected areas have become internally displaced. There is general insecurity, fear and hunger in Nigeria as a result terrorism pervading in the land. Sequel to the devastating consequences, terrorism is prohibited Internationally, Regionally and Nationally. Nigeria has confirmed its commitment to International Anti-Terrorism measures by ratifying three major Treaties and Resolutions which include, the 1997 International Convention for the Suppression of Terrorist Bombing, the 1999 African Union Convention on the Prevention and Combating of Terrorism and United Nations Council Regulations 1373 from 2001 and 2178 from 2014[1]

In keeping with her obligations under the International Law to Prevent and Prohibit Terrorism, Nigeria enacted the Terrorism Act 2011, the Terrorism Act 2013 as well as some sections in the Economics and Financial Crimes Commission (Establishment) Act 2004 dealing on terrorism. However, to further strengthen the law on Terrorism in Nigeria to be in tune with the international standard, the Terrorism (Prevention and Prohibition) Act 2022 was enacted. It is now the primary Anti-Terrorism law in the struggle to check mate terrorism and terrorist related matters in Nigeria. Therefore, the core focus of this paper is to examine the activities of Boko Haram/ISWAP in Northern Nigeria vis-à-vis the 2022 Terrorism Act to find out whether their activities contravened the provisions of the Act as to deserve punishment/sanction.

2. Conceptual Clarifications

Terrorism

Terrorism like many other law terms is devoid of universally accepted definition. This was vividly captioned by Kriangsak when he wrote that:

> An essential reason behind the resistance to the inclusion of Terrorism within the ICC's jurisdiction is the fear of politicization of the ICC. The league of Arab States opposed the inclusion of International Terrorism in ICC Statute on the ground that the International Community has not been able to define 'terrorism' in such a way as to be generally acceptable.[2]

***By Cyril Ezechi NKOLO, BA (Ed) (Hons) (Nig), LLB (Hons) BL, LLM (Nig), PhD (ABSU),** Lecturer, Godfrey Okoye University Enugu, Email: nkolocyril@gmail.com, Tel: 08033401019; and
***Anthony Ifeanyi ONUIGBO, B. Phil (Rome), LLB (UNN), PhD (UNN), PGD (IMOSU), MBA (UNN),** Lecturer Faculty of Law, Godfrey Okoye University Enugu,

[1] African Union, Convention on the Prevention and Combating of Terrorism (1999)
[2] K. Kitti Chaisaree, *International Criminal Law*, (USA, Oxford University press, 2001)
[3]S M Block, 277. The Growing Threat of Biological Weapons' America Scientists (2001) <www.americanscientist.org> accessed 24th September, 2025.
[4] A. Zalman, 'A Definition of State Terrorism <www.about.com//NewsandIssues/State-terrorism> accessed 20th September, 2025
[5] B. Collins, The Future of Cyberterrorism' [1997] *Crime and Justice International Journal,* 5

However, in the absence of a universally acceptable definition, scholars have classified terrorism into various forms such as, bio terrorism[3], state terrorism[4], cyber terrorism[5], revolutionary terrorism[6], domestic terrorism[7] etc. For the purpose of this paper, the focus is on domestic terrorism. Domestic terrorism is defined as a form of terrorism commonly associated with violent acts committed by citizens or permanent residents of a state against their own people or property within the state without foreign influence in an effort to instill fear on population or government as a tactic designed to advance political, religious or ideological objectives[8]. This is also referred to as homegrown terrorism[9]. Demotic terrorism denotes terrorism that is carried out against one's own government or fellow citizens; means of attack can range from shooting to arson, bombings, kidnappings, and sabotage[10]. Schmid outlines definitional issues and suggests that terrorism should be defined by three essential traits: intentional attacks on civilians alongside unlawful violence and a motive to create fear for political or ideological reasons[11].

Capturing the three essential traits of terrorism, the Court in *Jibrin v FRN* 12, states that

> The crucial aspect of the offence of terrorism is the creation of intense fear and exactly, both physical and psychological in the minds of members of the public which has the effect of coercing, forcing or intimidating them to do or abstain from doing any act or to abandon a particular view, policy or position to act according to certain principles.

In *Al- Quacda v European Union*[13], the European Court of Justice faced challenges in harmonizing the definition of terrorism within the European Union Framework against broader International Standards. The lack of universal definition hinders effective international cooperation, as demonstrated in the United Nations General Assembly Resolution 49/90, which acknowledged the need for states to develop common approached to combat terrorism. The Supreme Court in the case of *Abdullahi Mustapha Berembe v Federal Republic of Nigeria*[14], defined terrorism thus: The term terrorism denotes the use or threat of violence with a view to intimidating or causing panic especially as a means of achieving a political or religious end. The extant and primary law on terrorism in Nigeria, the Terrorism (prevention and prohibition) Act, 2022[15] did not specifically define terrorism. However, in section 3 of the Act, it describes act of terrorism thus:

In this Act, 'act of terrorism' means an act willfully performed with the intention of furthering an ideology, whether political, religious, racial or ethnic, and which:
(a) may seriously harm or damage a country or an international organization.
(b) Unduly compels a government or an international organization to perform or abstain from performing any act,
(c) seriously intimidates a population
(d) seriously destabilizes or destroys the fundamental political, constitutional, economic or social structures of a country or an international organization,
(e) influences a government or an international organization by intimidation or coercion,
(f) violates the provisions of any international treaty or resolution to which Nigeria is a party. [12]
(g) involves, causes or results in:
(i) attack on a person's life, in the form of grievous bodily harm or death
(ii) kidnapping of a person
(iii) destruction of government or public facility, a transport system, an infrastructural facility including national critical information infrastructure, a fixed platform located on the continental shelf, a public place or private property, which may likely endanger human life or result in major economic loss.,
(iv) the seizure of an aircraft, ship or other means of public transport or conveying goods, or the diversion or use of such means of transportation or conveyance for purposes of subparagraph (iii) of this paragraph
(v) the release of dangerous substance, causing of fire, explosion or floods, the effect of which is to endanger human life,
(vi) endangering or engaging in acts likely to endanger the safety of an aircraft, ship, train or any other means of transportation,

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[3]S M Block, 277. The Growing Threat of Biological Weapons' America Scientists (2001) <www.americanscientist.org> accessed 24th September, 2025.
[4] A. Zalman, 'A Definition of State Terrorism <www.about.com//NewsandIssues/State-terrorism> accessed 20th September, 2025
[5] B. Collins, The Future of Cyberterrorism' [1997] *Crime and Justice International Journal,* 5
[6] M.C, Hutchinsm, 'The concept of Revolutionary Terrorism' [1972] *Journal of Conflict Resolution* (16) (3), 384.
[7] A. khawha, 'Understanding Homegrown Terrorism' [2010] <www.americantamker.com> accessed 22 October, 2025.
[8] (n7)
[9] Ibid
[10] *Abdullahi Mustapha Berend v FRN* [2023] 4NWLR (pt.1875) 423
[11] Ibid 428.
[13] [2020] 4NWLR (pt 1714) 315 se*e also Abdul Mumini v FRN* [2018] 13 NWLR (pt. 1635) 106.
[14] ECJ 2012.
[15] Terrorism (prevention and prohibition) Act 2022 section 2 5(34)

(vii) the bombing and other acts of violence at airport or other public places,
(viii) the disruption of any computer system or the provision of services directly related, to the supply of water, power, communications, infrastructure, banking or financial services, utilities, transportations, other essential infrastructure or any other fundamental natural resources, the effect of which is to endanger human life.
(ix) the disruption of the provision of essential emergency services, including police, civil defence, medical and acts prejudicial to national security or public safety.
(x) the propagation and dissemination of information or information materials in any form or mode calculated to cause panic, evoke violence or intimidate a government, person or group of persons.

An act, which disrupts a service but is committed in pursuance of a protest, demonstrations or stoppage of work is not a terrorist act within the meaning of this definition, provided that the act is not intended to result in any harm referred to in 3 (b), (c) (d), (e) (f) or (g). The definition of Terrorism by the Act as exhibited above shows that: terrorism means an unlawful use of force and violence against persons or property to intimidate a government, the civilian population or any segment thereof, in furtherance of political or social objectives. The violence used seeks to instill fear in the entire population beyond the direct victim to achieve specific political goals. The primary aim for the use of threat by the terrorists is to establish among target people, to try to convince the citizens that their government had no powers to prevent terrorism and to get wide publicity for their causes. It also defined the acts of terrorism to include; attacks on a person's life, assassinations, kidnappings, hijackings, bomb scares, bombings, cyber-attacks and the use of chemical, nuclear, biological or radiobiological weapons.

Boko Haram

Boko Haram is a combined term derived from Hausa and Arabic languages. The term Boko haram comes from the Hausa word *Animist***,** meaning western or non-Islamic education. The Arabic word Haram means, Western education is a sin. Boko Haram is a controversial Islamic Militant Group that seeks the imposition of Sharia Law and practices on Nigeria.[13] By and large, it is a terrorist or militant group that abhors western education/ western culture and scientific explanations to certain natural happenings. The group was founded by one Mohammed Yusuf. It is targeted to abolish the secular nature of the Nigerian society and replace it with an Islamic State, by establishing a Sharia system of government in the country. It is equally against western education and the teaching of modern science. These ideas are anti-Islam, according to Yusuf.[14] Thus, the Boko Haram Terrorists were against western education and culture hence, they peceived it's teaching as contrary to the tenets of Islam. Consequently, western education and current democratic government in Nigeria should be over thrown and replaced with a theocratic state premised on Sharia doctrine.

Terrorists

Terrorist means any natural person who:

(a) Directly or indirectly, unlawfully and willfully:
   i. commits, or attempts to commit, an act of terrorism by any means,
   ii. participate as an accomplice in an act of terrorism, or organises or directs others to commit an act of terrorism or
(b) contribute to the commission of an act of terrorism where the contribution is made intentionally and with the aim of furthering the act of terrorism or with the knowledge of an intention to commit an act of terrorism.[15] It is also defined as a structured group of more than two persons, established over a period of time and acting in concert to commit terrorists offences.[16] It is equally defined as someone who uses violence such as bombing, shooting or kidnapping in an attempt to intimidate or cause panic, especially as a means of achieving a political end.[17] The definition of terrorist under the Act is very encompassing and classified the following as a terrorist as well as the condition precedent for one to be a terrorists;
   i. the person must be a natural person and directly or indirectly, unlawfully and willfully commits or attempt to commit an act of terrorism
   ii. organize or direct others to commit an act of terrorism,
   iii. participate as an accomplice in an act of terrorism. Put differently, all perpetrators, abettors and inciters are deemed to be terrorists.
   iv. Any person who intentionally contributes to the commission of in act of terrorism with the aim of furthering the act of terrorism is also a terrorist. Thus, the Act provides for the various modes by which one can become a terrorist which include willfully participate, incite, procure or direct/organize others to

[16] Fighting on the Side of Law and Justice: Legal Essays in Honour of Professor G.O.S. Amadi, (Chukwunonso Okafor, Simon U. Ortuanya and Chukwunonike Agbuabor (eds), 2016) 726.
[17]Denis Nwabuisi, History and Origin Boko Haram, BLOGSPOT (Jan. 15, 2012) htt://ninabuisidenis.blogspot.con.ng/2012/01/history-and-originofboko-harampeople.html.>accessedfebuary18,2026.
[18] Terrorism (Prevention and Prohibition Act, 2022, section 99
[19] European Union Council Framework Decision of 13th June, 2022 on Combating terrorism, article 2(1).
[20] AG Bryan, *Black's Law Dictionary,* (10th edn, USA, Thomsom Reuters, 2014) 1702

do so and also by making financial contributions and knowingly fully well that the financial contribution would be used for furthering an act of terrorism.

Criminal Responsibility

Criminal responsibility is defined as the quality or condition of being answerable or accountable. It means liability to punishment as for an effence.[18] The underlying basic assumption of individual criminal responsibility is founded upon the principle of personal culpability, that is, no one may be held criminally responsible for acts or omissions or transactions in which he has not personally, engaged or in some other ways participated (*nulla poena sine culpa*)**.**[19] Thus, the law is that no man can be made liable for an offence involving *mens rea* which is committed by another person.[20] Accordingly, criminal responsibly envisages a breach of the moral standard of the community before such a person could be held criminally responsible. Under the Terrorism Act,[21] and Customary International Law,[22] as well as the general principle of criminal law, individuals may be held criminally liable for their participation in the commission of offence in any way of the several capacities or modes of participation.[23] A person who planned, instigated, ordered, committed or otherwise aided and abated in the planning, preparation or execution of crime referred under the Act shall be individually responsible for the crime. Consequently, the Boko Haram Terrorist/IWAP are liable to be tried and punished for any breach of the provisions of the Terrorism (Prevention and Prohibition) Act, 2022.

3. **Elements of the Crime of Terrorism**

Actus Reus

The *actus reus* for the act of terrorism under section 2(3) the act are as follows:

i. Performance of an act with the intention of furthering an ideology, whether political, religious, racial or ethnic.
ii. Performance of an act which seriously intimidates a population
iii. Performance of an act which may seriously harm or damage a country or international organization
iv. Performance of act which involves, causes or results in attack on a person's life, in the form of grievous bodily harm or death
v. Kidnapping of a person
vi. Propagation and dissemination of information or information materials in any form or mode calculated to cause panic, evoke violence or intimidating a government, person or group of persons
vii. Interference with or disruption of the supply of water, power or any other fundamental natural resource
viii. bombing and other acts of violence at airports or public places.
ix. engaging in acts likely to endanger the safety of an aircraft, ship, train or any other means of transportation
x. disruption of the provision of essential emergency service, including police, civil defence, medical and acts prejudicial to national security and public safety etc.

Implicit in the *actus reus* of the crime of terrorism is that the act(s) of terrorism must be performed with the intention of furthering an ideology which may be political or religious, racial or ethnic. Again, the means used to carry out the ideology is by seriously attacking the life of persons leading to serious bodily harm or death, kidnapping, torture, propaganda, disruption of the essential service, instigating fear and panic on the people

Mens Rea

Mens rea derives from a maxim quoted by Coke in his Institutes, *Actus non facit reum nisi men sit rea***,** meaning that an act does not make a man guilty of a crime unless his mind also be guilty.[24] It is also a Latin word, meaning guilty mind.[25] The term *mens rea* or fault element, as it is sometimes referred to, refers to the state of mind of the accused at the time of the commission of the *actus reus***.** It follows, therefore, that most crimes require proof that the accused committed the *actus reus* in a particular state of mind. The Terrorism Act provides that; in this Act, 'act of terrorism' means an act willfully performed with the intention of furthering an ideology, whether political, religious, racial or ethnic … The term willfully when used in the definition of a crime means only intentionally or purposefully as distinguished from accidentally or negligently.[26] In other words, it connotes that the actor performed the unlawful act voluntarily and also know the consequences of his act. Intention is defined as the purpose or design with which the act is performed. It is the

[21] Ibid 1506
[22] ICTY, *prosecutor v Dusko*, IT-94-1-A Appeal Chambers, judgement (July 15, 1999) paragra271
[23] *Abacha v State* (2000) 11 NSCOLR345
[24] (n18)99
[25] ICTY, *proseculor v clement kayishema and obed Ruzindana*, ICTR-95-1-T, Chamber11, Judgement (May 21, 1999) para. 195
[26] (n18)99
[28] Smith and Hogan, *Criminal Law: Cases and Materials,* (10th edn, New York, Oxford University press, 2009)46.
[29] Ag Bryan (ed) *Black's Law Dictionary*, (10th edn, USA, Thomas Reuters 2014) 1134
[30] Ibid 1834

foreknowledge of the act. An act is intentional if, and in so far as it exists in idea before it exists in the realm of facts; the idea realizing itself in the fact because of the desire by which it is accomplished.[27]

> The combined effect of the two words in the section, willfully with the intention, implies that the actor voluntarily without any coercion performed the unlawful act following a predetermined purpose or design to accomplish a purpose. Thus, it entails that the perpetrator understands clearly his/her actions and consciously and deliberately embarks on the prohibited act.

4. Modes of Participation and Punishment for Acts of Terrorism

The Act copiously provided punishments for those who commit an act of terrorism. Section 11

(a) Provides that a person who kidnaps or commits an attack on an internationally protected person,
(b) Murders an internationally protected person,
(c) Carries out a violent attack on the official premises, private accommodation or means of transportation or
(d) Threatens to commit any such attack commits an offence and is liable on conviction to;
    i. At least 25years and up to a maxim of life imprisonment, where death does not result from the act referred to in paragraphs (a) and (c)
    ii. Death penalty, where death result from the act in paragraphs (a) (b) and (c),
    iii. In the case of offence under paragraph (d), to a term of imprisonment of at least 20 years.[28]

Section 12,[29] provides that, any person who knowingly;

(a) Arranges, manages, assists in arranging or managing, participates in a meeting or an activity, which in his knowledge is connect with an act of terrorism
(b) Collects, or provides logistics, equipment, information or articles or factities for a meeting which in his knowledge is concerned with an act of terrorism
(c) Attends a meeting, which in his knowledge is to support a proscribed entity or to further the objectives of the proscribed entity commits an offence and is liable on conviction to imprisonment for a term of at least 20 years.

The punishments provided under the act is very adequate and commendable and capable of deterring potential terrorists. However, the problem is the lack of political will to effectively implement the letters of the Act. This problem was stressed by Torchia[30], when he observed that:

> It is vital that there is caution and tact in addressing homegrown terrorism and that fragile peace of the domestic and international community are not destroyed with impractical applications and subjective interpretations of the law. However, the alternative interpretation (or silence) by political leaders on the violence posed by the ideological terrorism of groups like Boko Haram, or ISIS is, in itself, a problem. Boko Haram hardly ever received forceful condemnation from Nigerian government and until the joint military action with others immediately affected states commenced in February 7 2025, they had hitherto been considered to be a local problem by the rest of the world.

Thus, in the face of Government in action, Boko Haram was able to act, no longer as a random, sporadic, underground group launching attacks in secrete and within limited space, but, as a strong fearful unit unleashing its anger on geographic and virtual space. It has been able, in a time without decisive state action, to convert and to use the instantaneous communications of the internet and social media to promote new ideology.[31] Section 13,[32] provides that: A person who knowingly and directly or indirectly, solicits or render support;

1. For the commission of an act of terrorism
2. To a terrorist group, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment. The Act further explains the meaning and range of activities that amounts to rendering support under the section in subsection (2) to include:

(a) incitement to commit an act of terrorism by the dissemination of terrorist information through the internet, other electronic or digital means or through the use of printed materials
(b) receiving or providing material assistance, training, transportation, false documentation or identification to a terrorist group
(c) receiving or providing information or moral assistance to a terrorist or terrorist group
(d) entering or remaining in a country for the benefit of or at the direction of or association with a terrorist group.

[31] *Nwokearu v State* [2013] 54 NSCOR (pt.1) 398
[32] Terrorism (prevention and prohibition) Act, 2022, section 11
[33] Ibid
[34] Christopher Torchia, Nigerian president Goodluck Jonathan criticized for Boko Haram response, Huffington post (Jan. 13. 2015), <htt://www.huffingtonpost.com/2015/01/13/goodluck-jonathan-boko-ha-n-6464928.html>accessedfebruary 28,2026
[34] Elimma Ezeani, 'Responding to Homegrown Terrorism: The Case OF Boko Haram,' *Golden Gate University School of Law Annual Survey of International and Comparative Law*, [2017] (22) 1
[35] Terrorism Prevention and Prohibition Act, 2022 section 13 (1) (a) and (b).

(e) providing or making available such financial services prohibited under the Act.[33]

The purport of the above subsection is that one may become a terrorist by rendering any of the support prohibited by the Act. The Supreme Court in the case of *Abdullahi Mustapha Berende V Federal Republic of Nigeria*[34], while interpreting section 5(1) of the repealed Terrorism Act, 2011 which is in *pari materia* with section 13 (2) of extant Terrorism Act, held that; the definition of 'support' under the above-mentioned section of the Act is defined to include:

> Dissemination of terrorist information by any means inclusive of electronic or interned means, as done by the appellant via email communication and coded languages, training and identification to terrorists or terrorist groups, provision of information or moral assistance inclusive of invitation to adhere to terrorist or terrorist group, entering and remaining in a country Iran, and United Arab Emirate (Dubai) in this case in association with a terrorist group, the Iranian Revolutionary Guard Corps in this case as admitted by the appellant. Consequently, the Supreme Court confirmed the judgement of the lower court of 20years imprisonment for aiding and abetting the offence of terrorism.

Section 21[35] provides that a person or entity, within or outside Nigeria, in any manner, who directly or indirectly, and willingly provides, solicits, acquires, collects, receives, possesses or makes available property, funds or other services with the intention or knowledge or having reasonable grounds to believe that it will be used in full or in part to:

(a) finance a terrorist or terrorist group,
(b) commit an offence specified in any relevant law or under the Act or
(c) do any other act intended to cause death or seriously bodily injury to a civilian or any other person not taking active part in the hostilities in a situation of armed conflict, when the purpose of that act, by its nature or context, is to intimidate a group of people or compel a Government or an International Organization to do or abstain from doing any acts commits an offence.

Section 21(2)[36] states that any person who commits an offence under subsection (1) is liable on conviction to:

(a) in the case of a natural person, life imprisonment; or
(b) In the case of a body corporate; (i) a fine of at least 200,000,000.00 (ii) imprisonment of its principal offences for a term at least 20 years and up to a maximum of life imprisonment. (iii) winding up of the body corporate, and its prohibition from reconstitution or incorporation under any form or guise. This provision is accordance with the 1999 International Convention for the Suppression of Financing of Terrorism, ratified by 189 States including Italy, makes a notable exception as it expressly distinguished terrorism from ordinary crime.[37] Article 2 (1) (a) and (b) of the Convention, infact, criminalize the donation or collection of funds to support an act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex, or any other act intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict, the purpose of such act, by its nature or context, is to intimidate a population, or to compels a government or international organization to do or refrain from doing any act.

This section is another mode by which one can become involved in act of terrorism and, consequently become a party to the crime of terrorism. The punishments provided under the section are adequate and commendable given the heinous nature of the act of terrorism.

It is very pertinent to note heinous nature of the provision of section 21(1) (c) exhibited above which is to the effect that civilians or any other person not taking active part in the hostilities in a situation of armed conflict when the purpose of the act, by its nature, is to intimidate a group of people or to compel the Government or an International Organization to do or refrain from doing any act, should not be killed or inflicted with serious bodily injury. This subsection is in accordance with the International Standard best practice and is highly commendable. The armed conflict referred in the subsection, from its contextual meaning refers to non-International Armed conflict. According to articles 3,[38] Non-International Armed conflict applies to armed conflict not of an international character occurring in the territory of one of the High contracting parties. An internal armed conflict may be defined as an armed conflict that takes place in the territory of a state and which does not qualify as an international armed conflict.[39] All persons who are taking part in hostilities are to be humanely treated and are protected from all acts that threaten their health, physical and mental

[36]Ibid 13 (2) (a) – (e)
[37] [2023] 4NWLR (pt.1875) 423
[38] Terrorism Act, 2022, section 21 (1) (a) – (e)
[39] ibid
[40] A Aust, 'Counter-Terrorism: A New Approach. The International Convention for Suppression of the Financing of Terrorism. 5(1) Max Planck Year Book of United Nation Law (2002) 285
[38] M Vitus Udegbulem, 'An Appraisal of International Humanitarian Law', *International R*eview *of Law and Jurisprudence* [2020] (100) 106.
[39] Kriangsak Kittichaisaree, *International Criminal Law*, (New York, Oxford University Press, 2001) 137

wellbeing. Such prohibited acts include torture, mutilation, hostage taking, degrading treatment, rape, slavery in all forms.[40]

It is obvious from the examination above that the armed conflict between Nigeria and Boko Haram Terrorists/ISWAP is a non-international or internal armed conflict. Yet, the Boko Haram terrorists are killing, maiming, kidnapping, torturing and raping civilian with impunity contrary to the principles of International Humanitarian Law. Section 24 (1) stipulates that a person, who knowingly or intentionally:

(a) Seizes, detains or attempts to seize or detain a person, property or facility in order to compel a third party to do or abstain from doing a lawful act,
(b) Threatens to kill, injure or continue to detain a person in order to compel a third party to do or abstain from doing a lawful act or
(c) Gives an explicit or implicit condition for the release of the person held hostage or the property or facility detained commits an offence (2)[41]

A person who commits an offence under subsection (1), is liable on conviction;
(a) Where death does not result from the act, to life imprisonment
(b) Where death results from such act, to a death sentence

Third party here, means a State, International Government Organization, a natural person or legal person or a group of persons …[42] The sanction provided by this section is adequate and commendable.

5. Examination of the Activities of Boko Haram/ISWAP vis-à-vis the Element of Crime of Terrorism under the 2022 Act

This segment examines the criteria for the crime of terrorism and here we go.

***Actus Reus* of the Offence of Crime of Terrorism**

As shown above, the *actus reus* of the offence of terrorism is the performance of an act (s) with the purpose of furthering an ideology whether political or religious, ethnic or racial and the act involves serious harm or damage to a Country or International Organization, intimidating a population, destabilizing or destroying the fundamental political, constitutional or the social structure of a country, attacking person's life in the form of grievous bodily harm or death, kidnapping of a person, manufacture, possession and acquisition of weapon including explosives, propagation or dissemination by information in any form or mode calculated to cause panic or evoke violence and intimidate the Government, person or group of persons, hostage taking, kidnapping, seizure, detention of a person or property to compel a third party to do or abstain from doing a lawful etc. A panoramic survey of the activities of the Boko Haram/ISWAP Terrorists in Nigeria shows that their activities are in tandem with the *actus reus* of the offence of terrorism under the Act. These include the following:

Intimidation of the Population and the Government

Since the violent debut of the Boko Haram Terrorists in Nigeria in 2009, the Terrorists have tremendously intimidated, harassed, established and caused extreme fear, panic and confusion among the Nigerian people and Government, especially in the Northern part of Nigeria and the middle belt. Terrorists like the Boko Haram /ISWAP fundamentally seeks to coerce by instilling fear or promoting change through either threatened or executed acts of violence. It involves attacks on civilian or non-combatant population mainly to manipulate outcomes.[43] Boko Haram Terrorists rode into villages on motorcycles at nights, in large numbers, surrounded compounds, terrorize the occupants before looting, burning structures or abducting people as happened at Bareke Egbe town in Kogi State on 11th of October, 2025.[44] They also ambushed and kidnapped traders travelling along the Lokoja corridors. These activities of the Boko Haram terrorists no doubt have created fear, panic and confusion among the inhabitant of the area as well as travelers. Consequently, people or groups of people were forced to escape or to leave their homes to avoid being killed by the Boko Haram Terrorists. These group of people are referred as internally displaced persons. The most crucial aspect of the offence of terrorism is the creation of intense fear and anxiety both physical and psychological in the minds of members of the public which has the effect of coercing, forcing or intimidating them to do or abstain from doing any act or to adopt or abandon a particular view/policy or proposition to act according to certain principles.[45] Boko Haram Terrorists have instigated and created fear among Nigerians, the young and the old and even the Government. On February 7, 2015, Nigeria's Independent Electoral Commission (INEC) announced that the Country's Presidential Elections scheduled for

[40] Article 4 (1) (2) of Additional Protocol to Geneva Convention (June 8, 1977).
[41] Ibid
[42] Ibid Section 24 (3) (a)
[43] Richard English, *Terrorism: How to Respond*, (oxford university press, 2021) 48
[44] Charles Kumolu, 'Bandits' take over' Yoruba speaking Local Government Areas in Kogi', *Vanguard Newspapers,* October 12, 2025) 9.
[45] *Saliha Jubrin v FRN* [2020] 4NWLR (pt. 1714) 315

February 14, 2015 were cancelled and postponed till March 28, 2015 'to allow the multinational forces to secure the areas' held by Boko Haram.[46]

The Boko Haram/ISWAP also attack soldiers, police men and other Security Officers and killed them with reckless abandon. Recently, on the night of February 23, 2026, the members of Boko Haram and Islamic State of West African province stormed the Army Barack at Ngoshe community in Gwoza Local Government Area and killed over forty soldiers and many were seriously injured, set ablaze the structures in the army barrack, including personnel armoured carriers.[47] Also, on the same night, the Terrorists invaded the Ngoshe Community and abducted over three hundred villagers including women and children, as the attackers moved from house to house. Several other civilians, including the chief Iman of Ngoshe, were killed, and destroyed both civilian property and military equipment. The inevitable consequences of these killings, abductions and destructions of property by the Terrorists Group is that they have succeeded in intimidating them and created terrible fear on them, hence, Ngoshe town is now deserted.[48]

It is obvious from the foregoing that the Boko haram/ISWAP Terrorists have committed a serious act of terrorism via violent killing, intimidation and instilling of fear on the people and the government of Nigeria.

Kidnapping, Hostage taking and Hijacking etc

More recently, the Boko Haram/ISWAP Terrorists kidnap Nigerian civilians to collect ransom from the relations of the kidnapped and where such ransom is not for the coming, such captured/kidnapped person(s) were killed. The primary intention of the Boko Haram terrorists is that when such people are captured or kidnapped, their relatives would pay whatever amount demanded by the Terrorist to ensure their release. In early hours on the 19th November, 2025, the Boko Haram Terrorists kidnapped twenty five students of Government College Girls' Compressive Secondary School, Maga, Kebbi State, killing the Vice Principal in the process. The Bandits came at night, began shooting sporadically before they got access to the school.[49] They also the kidnapped uncountable number of persons from 9 nine Local Government Areas and made demand for ransom from the relatives of the victims. The families and relatives of the abductees have been put under financial pressure by raising hundreds of millions of naira demanded by the kidnappers.[50]

One of the Boko Haram terrorist leaders, Turji was exercising his authority in his area of control by imposing N20 million 'protection levy' on Moriki Community which is located 33kilometers along Kaura Namaoda – Shinkafi road. Turji imposed the levy on the villages and asked them to pay it on or before Sunday 27th of November, 2022 or face his wrath … The villages imposed ₦6,500 on every house hold to raise the money. The villages were able to raise ₦ 10.6 million which they took to the place where Turji requested them to bring it. On reaching the spot where the money was to be delivered, seven Turji boys who rode on motor cycles appeared and demanded for the ₦20 million but ₦10.6 million was given to them. When the attention of Turji was drawn to the amount the villagers brought, Turji became angry and ordered that those who brought the incomplete money should be arrested and taken to one of his camps at Jirari forest stranding Zurni and Shinkafi Local Government Area.[51]

It is obvious from the above examination that the activities of the dissident group known as Boko Hara terrorists/ISWAP meets all the criteria for the offence of Terrorism under the extant Act. Consequently, all individuals or groups that offend the extant Terrorism Prevention and Prohibition Act should be prosecuted and punished by the State or by the International Criminal Court where the state is not willing to do so as in Nigeria.

Killing of Civilian Population and Destruction of their properties

The extant Act on Terrorism out rightly prohibited attack on person's life, in the form of grievous bodily harm or death, destruction of Government or public facility, transport system, public or private property which may endanger human life or result in economic loss. The primary activity of the Boko Haram/ISWAP in Nigeria is attacks on civilian population, destruction of government/public facilities and private properties. On 12th of January, 2025, no fewer 50 persons were killed in Dumba Community of Baga town in Borno and Totara villages in Nasarawa State late Sunday

[46] Associated Press, Nigeria to Postpone Elections to Fight Boko Haram, The Guardian, Lagos, Feb 7, 2015, <htt://www.theguardian.com/world/2015/feb/07migeria-to-postpone-elections-to-fight-bokoharam>accessed on February 28, 2026.
[47] P Duru and A Demola, 'Insecurity Escalates as The More for State Police Intensify', *Vanguard Newspapers*, Lagos, March 8, 2026), 41.
[48] Ibid
[49] Victor Alimnia - Young and Haruna Aleyu, 'How Bandits Kidnapped 25 Kebi School Girls' *Vanguard*, Lagos, 19th November, 2025, 5.
[50] Demola Akinyemi, Nine Local Government Areas Under Siege, Bandits 'Demand' Foods, Drinks as Ransom', *Vanguard*, Lagos, 5th October, 2025, 8.
[51] Mdahi Marama, Turji imposes ₦20 million Protection Levy on Residents, *Vanguard*, Lagos, 3rd December, 2022 21

night by the Boko Haram Terrorists[52]. Those killed include farmers and fishermen. Dumba, in Kukawa Local Government Area located on the frings of lake Chad, with predominantly fishermen and local farmers.[53]

Also, on 30th of September, 2025, Boko Haram Terrorists, Monday midnight, invaded kirawa, a border Community with Cameroon Republic and killed one civilian, while another male resident was abducted. The Terrorists also set ablaze several houses, including the palace of the district Head of Kirawa, Alhaji Abdulrahaman Abubakar, shops and other structures.[54] Another tragic incident occurred in the early hours of Tuesday, October 28, 2025, when heavily armed Boko Haram Terrorists invaded the quiet community, shooting sporadically and causing panic among residents. The attackers reportedly whisked away several villagers, including worshippers from the church of Christ Mission.[55] In the early hours of February 28, 2026, residents of Geidam town in Yobe State were terrorized when Terrorists' gunmen entered into the local market. The attackers fired into the air before setting fire to several stalls, destroying goods worth millions of Naira.[56]

Similarly, in Niger State, several villages came under attack on February 27, 2026, when Boko Haram Terrorists on motorcycles rode through rural communities, opening fire on residents. At least 15 people were killed, with shops and homes looted before the attackers disappeared into the surrounding forests. Local authorities attributed the attacks to heavily armed men operating across Northern Nigeria. Survivors described the gunmen as organized, moving in groups of five to seven, systematically targeting villagers[57]. Again, on February 28, 2026, travelers along major high way in Kogi State were ambushed by gunmen. They attacked, abducted thirteen people and killed two passengers according to local sources. Passengers reported that the assailants moved swiftly, stopping vehicle at check points and using motorcycle to chase fleeting commuters. This incident has sparked anxiety among traders and commuters who now fear travelling along key roads connecting North central to the South.[58]

It is obvious from the above discourse that the Boko Haram/ISWAP Terrorists have beyond reasonable doubt committed various offences of terrorism under the extant Act. These include, the intimidation, harassment and causing and instigating fear into the Nigerian people, the security agencies included. Sequel to the fear of the Boko Haram Terrorists, many soldiers deserted the army and young Nigerians no longer join the army. They kidnap, torture, kill and demand for ransom from the relatives of their victims and those whose relatives could not meet up were killed. Stressing this point pungently, Ezeani[59] wrote that:

> There is no denying that modern terrorist attacks – suicide bombings, hijacking, kidnapping and or killings all targeted towards gaining the attention of an 'enemy' government whether occurring within the domestic environment or outside a country, have incorporated a considerable violence and aggression with the clear intention to kill … the motive appears to be to destroy or at least do such irreparable damage and create chaos that will reverberate not only in the location but throughout the International Community. There is little concern for proportionality or for the collateral damage that may occur as a result. In fact, it is criminality at its absurd, the immolation and destruction of countless innocent lives and property for the sake of personal beliefs.

They have embarked on other heinous crimes prohibited by the Act, including destroying of private and public properties, bombing, possession of weapons, with which they used to intimidate and kill civilian population, destroyed churches and mosques etc.

It is therefore, a possible conclusion that the current vandalization, insurgency, brutality and the recurrent kidnapping in Nigeria are all acts of terrorism due to the fact that they are involved in various acts very dangerous to human life and capable of coercing civilian population, with the aim of influencing the government or for such other peculiar political, economic or religious reason. Furthermore, the act of terrorism has pervaded the current decade in Nigeria, leading to several lives and property being destroyed by the Boko Haram attacks.[60]

[52] Ndahi, Marama, 'Terrorists kill 50 in Borno, Nasarawa State' *Vanguard,* Lagos, 14 January 2025, 4
[53] Ibid
[54] Ndiha, Mosadomi, '12 killed, palace, Houses Rased' *Vanguard*, Lagos, 1st October, 2025) 12
[55] Ibrahim Hassan Wuyo, *Vanguard*, Lagos 31st October, 2025, 6
[56] (n51) 841
[57] Ibid 42
[58] Ibid
[59] E C Ezeani, 'Responding to Homegrown Terrorism: The case of Boko Haram'; *Golden Gate University of School of Law Annual Survey of International and Comparative Law,* [2017] (22) 1
[60] TJ Omidoyis, 'Application of International Humanitarian law in combating Domestic Terrorism in Nigeria' *Ekiti State University Law Journal* [2015] (6) 470

***Mens Rea* of the offence of Terrorism**

As articulated before, the combined effect of the two words in the section 2 (3) of the Act, willfully with the intention, implies that the actor/accused voluntarily without coercion performed the unlawful act following a predetermined purpose or design to accomplish a purpose. It entails that the perpetrator understands clearly his or her actions and consciously and deliberately embarks on the prohibited act(s). Accordingly, in addition to the specific elements contained in each individual crime of terrorism, the perpetrator must knowingly commit the crime in the sense that he/she understands the overall broader context under which his acts occur. Such a perpetrator must have actual or constructive knowledge that his act or acts are for the purpose of furthering of an ideology, whether political, religious, racial or ethnic.

In the instant case, the BokoHaram/ISWA Terrorists were very much aware that they are pursuing an ideology, which is to Islamize Nigeria, overthrow the secular State of Nigeria and establish a theocratic state which is totally premised on Islamic doctrine as practiced in Iran. The fact that the Boko Haram Terrorists are fully aware and intentionally and willfully commit the offence of terrorism by killing, hijacking, kidnapping, destroying private properties of the civilian population is further shown in the quantum of joy displayed by them whenever they succeed in a large horrendous attack on civilian population, killing, maiming and abducting hundreds of them which the take into captivity and treat with the crudest indignity ever imagined with impunity. Also, their exclamation or praise whenever they succeed in large operation such as *Alahuakbar,* meaning that Allah is the greatest, shows that they are praising and thanking Allah for giving them success in their plan or policy, which is the Islamization of Nigeria.

Having established the fact that the *actus reus* of the Boko Haram Terrorists acts are in tandem with the requirement of the offence and that they have necessary *mens rea* in order to culminate to a crime has been established. It could be safe to conclude that the Boko Haram/ISWAP Terrorists have committed the crime of terrorism via their acts which they willfully and intentionally committed. The attack on civilian population is thoroughly organized and followed regular pattern on the basis of common policy since 2009.

6. Conclusion and Recommendations

This paper examined Terrorism in Nigeria vis-a-vis, the activities of Boko Haram Terrorists. It is obvious from our discourse in this paper that the Boko Haram/ISWAP terrorists have committed the basic elements of the offence of terrorism as provided under the Terrorism (Prevention and Prohibition) Act, 2022. These include: attacking, abduction, raping, hijacking, kidnapping, killing, enslavement, destruction of public and private property and facilities, bombing, sacking of villages, churches, mosques, schools, Correctional Centers pursuant to a predetermined policy, the Islamization of Nigeria.

It is also clear from the discourse that the Nigerian Criminal Justice System appears unable and unwilling to prosecute and sanction these Boko Haram perpetrators. The Federal Government appears to lack the political will to deal with the Terrorists. Government pays them huge sums of money in the name of ransom. Those who were arrested were given amnesty under the guise of rehabilitating them. Those whose names were listed as the sponsors of the Boko Haram Terrorists were not arrested by the government. The extant Act is commendable as it is very encompassing and in tandem with the international standard.

In view of the above, the following recommendations are made: The Nigerian Government and the International Community need to cut off the sources of contact of the Boko Haram Terrorists with regard to financing, training, supply of weapon and other items to them. The recent attack of Iran by the United State of America and Israel, which is one of the major Countries where Terrorists are trained, financed and assisted appears to be a step in the right direction. The Boko Haram/ISWAP Terrorists are very determined to achieve their ideology based on the fundamentalist Sunni Islamic state in Nigeria and cleans the Country of any and all Western influences. Consequently, it is recommended that the government of Nigeria should wakeup from its slumber and fight the terrorists with vigour and ensure the strict enforcement of the law against terrorism.