

LEGAL IMPLICATIONS OF THE EXCESSES OF THE MILITARY IN INTERNAL SECURITY OPERATIONS IN NIGERIA*

Abstract

This research aimed at exposing the inherent legal implications of the excesses of the Nigerian military during internal security operations (ISOPs) in Nigeria often marred by widely condemned excesses in the form of severe human rights violations and other rights violations by the Nigerian military personnel. The research found that these exposed varying legal implications of the Nigerian military excesses in ISOPs are today yet unaddressed because of lack of strict accountability mechanisms/measures and effective legal remedies. The research thus advanced argument for the incorporation of specialized human rights and civilian protection course into the curriculum for professional military training in Nigeria, an overlap between the civil justice system and the military justice system through granting the civil justice system jurisdiction in cases of human rights violations and civilian harms by the Nigerian military personnel and all actors during internal security situations in Nigeria, enactment of a domestic legislation that will strictly regulate the operations and conducts of the Nigerian military and other actors during internal conflict or crisis situations in Nigeria. At last, a call on the Nigerian government and military to always carry out thorough investigations of the civilian harms and human rights violations by the Nigerian military personnel in ISOP's and ensure that personnel found wanting are brought to book, while civilian victims are afforded due reparations and remedies.

Keywords: Military, Internal Security Operations, Excesses, Legal Implications

1. Introduction

Although the main function of the military in Nigeria is to protect the nation from external aggression or threats, the Nigeria military have been constantly employed to aid the civil authorities during internal security challenges in Nigeria.¹ From the days of colonialism till date, the military has often been involved in internal security operations in Nigeria. Far back in August 1914 during the World War, the ten companies of troops from the new created 'Nigerian Regiment' were used to crush the Egba revolt.² Sometime, between 1929-1930, the regiment was also involved in internal security operation to quench the Aba women Riot³. Between 1980-1985, a combined team of the Nigeria Army and the Air force was also involved in handling the Maitatsine uprising in Kano and Maiduguri; the most serious of which was the Kano episode in the year end of 1980 and beginning of 1981 which led to the deaths of about 4,177 persons⁴. In 2004, the Nigerian military was also involved in neutralizing the self-styled Taliban who attempted to establish a highland stronghold in the Mandara Mountain cutting across Nigeria and Cameroon in the Northeast.

The Nigeria Military has also intervened in many ethnic and religious crisis in Nigeria from Tiv and Western Nigeria crisis of 1962-1965, Ife-Modakeke Conflict of the late 90's, the Ijaw-Itsekiri crisis of 1996-97 and 2002-2003, Tiv-Jukun crisis in the early 2000s, 2000 Sharia crisis in Nigeria, the Jos religious crisis of 2001, 2008 and 2009 to the Jos and Kano crisis in 2004 where thousands of people were killed in ethnic-religious violence and reprisal attack between Hausa Muslims and indigenes

*By **Augustine I. ORABUEZE, PhD**, Lecturer, Department of Public Law, Faculty of Law, Nnamdi Azikiwe University Awka, Anambra State, Nigeria. Email: izuorabueze@gmail.com or ai.orabueze@unizik.edu.ng.

¹See Constitution of the Federal Republic of Nigeria, 1999 as amended, Section 217 (c).

²E Azinge, 'Military in Internal Security Operations: Challenges and Prospects', being paper presented at the Nigerian Bar Association 53rd Annual General conference on 28th August, 2013. <<http://www.nials-nigeria.org/PDFs/EPIPHANY%20AZINGE%20MILITARY%20IN%20INTERNAL%20SECURITY%20OPERATIONS.pdf>> accessed on 18 June, 2025.

³N Omoigui, 'History of Civil-Military Relations in Nigeria' *Gamji.com*. <<http://www.gamji.com/nowa/nowa9.htm>> accessed on 16 August, 2025.

⁴AIC Okoli & O Sunday, 'Evaluating the Strategic Efficacy of Military Involvement in Internal Security Operations (ISOPs) in Nigeria' (2013) *Vol. 9 Issue 6 ISOR Journal of Humanities and Social Sciences*, 20-27 at p.21. <<http://www.iosrjournals.org/iosr-jhss/papers/Vol9-issue6/E0962027.pdf?id=6181>> accessed on 16 August, 2025.

Christians.⁵ In 2006, another ethnic-religious violence broke out with the reprisal attacks which followed across Northern and Eastern Nigeria over the case of the Danish Cartoonist, the military also deployed to handle the ethnic-religious violence. The military were also used in handling post-election violence in 1992 and 2011 respectively. In recent times, from Chief Olusegun Obasanjo regimes as the president of Nigeria to the present regime of President Ahmed Tinubu the involvement of the military in handling internal conflicts and crisis has been on the increase notwithstanding that the nation has been under a democratic dispensation.

The United Nations and scholars have asserted that the abuses prevalent during internal conflicts are now among the most atrocious in the world,⁶ Nigerian state not excluded. Inevitably, there have been frequent instances where the Nigerian military entrusted with the duty of aiding the civil authorities to maintain peace and order in times of internal conflicts or crisis, violated the human rights of the people they were sent to protect coupled with other forms of crimes and atrocities perpetrated. The Nigerian security forces⁷ have for long been accused of being one of the greatest violators of human rights in Nigeria.⁸ The woes and ruins usually left behind by the Nigerian military anytime they are deployed to tackle internal conflicts and crisis in Nigeria have led to public outcries upon which observers have often described the Nigerian military as ‘usurpers, oppressors or intruders’.⁹

Lately in 2017, there were series of reports on the Nigerian army’s abuse of civilians in the struggle against the jihadist movement Boko Haram.¹⁰ In May 2018 it was also reported that Nigerian soldiers have raped women and girls who fled the insurgency by militant Islamist group Boko Haram, Amnesty International has said; that troops usually separate women from their husbands and raped them, sometimes in exchange for food, in refugee camps, the rights group added.¹¹ In 2022, it was reported that the Nigerian military has been implicated in extra-judicial killings, arbitrary arrests, incommunicado detention and sexual violence among others.¹² The Nigerian government was also urged in the report to investigate the allegations of forced abortions and killings of children by the Nigerian military.¹³ A report had it

⁵E Azinge *Op. Cit.*, pp. 4-5.

⁶DB Rao (ed), *United Nations Decades for Human Rights Education: A United Nations Priority: Human Rights and Conflicts* (New Delhi: Discovery Publishing House, 2004) p. 289.

⁷The Nigerian security forces mainly comprise of the armed forces, the Police, State Security Service (SSS), Department of the State Security (DSS), Immigration and Customs officials, National Drug Law Enforcement Agency (NDLEA), Nigerian Security and Civil Defence Corps (NSDSC) and Joint Task Forces of any of the listed security forces (JTFs).

⁸I Oluwaige & I Anaba, ‘Human Rights Situation in Nigeria’ *Vanguard Newspaper*, Friday March 5, 2004, pp.21-23.

⁹OBC Nwolise, ‘Military Assistance to Civil Authority as a Constitutional Duty of the Nigerian Armed Forces: Sources of Public Agonies and Outcries, Bad Military Image and their Challenges for Political Leadership, Military Command and Professionalism’, in A Ogomudia (ed), *Peace Support Operations, Command and Professionalism: Challenges for the Nigerian Armed Forces in 21st Century* (Ibadan: Gold Press Ltd, 2007) p. 381-404 at p 387; cited in Okoli *et al.*, ‘Evaluating the Strategic Efficacy of Military Involvement in Internal Security Operations (ISOPs) in Nigeria’ (2013) Vol. 9 Issue 6 *ISOR Journal of Humanities and Social Sciences*, p. 20. <<http://www.iosrjournals.org/iosr-jhss/papers/Vol9-issue6/E0962027.pdf?id=6181>> accessed on 2nd August, 2025.

¹⁰J Campbell, ‘Nigerian Army Abuse of Civilians’ Council on Foreign Relations publications, March 15, 2017. <<https://www.cfr.org/blog/nigerian-army-abuse-civilians>> accessed on 2nd September, 2025.

¹¹M Jones ‘Boko Haram crisis: Amnesty accuses Nigeria troops of rape’ *BBC News online*, 24 May 2018 <<https://www.bbc.com/news/world-africa-44236428>> accessed on 2nd September 2025.

¹²A Ewang, ‘Reports Allege Nigerian Army Abuses Government Should Investigate Allegations of Forced Abortions, Killing of Children’ *Human Rights Watch*, December 13, 2022 <<https://www.hrw.org/news/2022/12/13/reports-allege-nigerian-army-abuses#:~:text=The%20Nigerian%20Army%20has%20been%20implicated%20in,done%20concerning%20crimes%20by%20the%20security%20forces>> accessed on 1st September, 2025.

¹³*Ibid.* Statement was that two Reuters reports published on December 7 and December 12 2022 have claimed that the Nigerian Army was involved in forced abortions on women and girls impregnated by Boko Haram fighters and in the intentional killing of children including babies fathered by fighters, young boys who were fighters, or those perceived to be fighters. The reports alleged that children were smothered, poisoned, or shot.

that that On July 2, 2023 three soldiers were reported to have opened fire on community neighborhood watch guards as the guards responded to reports of a bandit attack in Enugu State; two guards were killed and four injured while the military accused the guards of being bandits themselves.¹⁴ In December 2024, it was also indicated that at least 10,000 people have died in military custody since the Boko Haram conflict in North-east Nigeria began.¹⁵ Amnesty International has also documented war crimes by government forces, including intentional attacks against the civilian population; indiscriminate attacks that have killed or injured civilians; extrajudicial executions, which also constitute the war crime of murder; torture; cruel treatment; rape; and sexual violence.¹⁶

These misdeeds of the Nigerian military in internal security operations in Nigeria culminate into cases of severe human rights violations in varying forms which include; cases of Excessive use of force, Extra-Judicial killings, Sexual and gender-based violence (e.g. rape, enforced prostitution and enforced abortion), Arbitrary arrests and detention, Indefinite detention, Enforced displacement and disappearance, Wanton destruction of properties and sources of livelihood, Deaths in custody, Torture, other cruel, inhuman and degrading treatment, Looting among others.¹⁷

2. Legal Implications of the Excesses of the Nigerian Military in Internal Security Operations in Nigeria

The excesses and unbecoming conducts of the Nigerian Military in ISOPs in the form of civilian harms, severe human rights violations and other rights violations have many legal implications which are discussed hereunder.

Implications for Constitutionalism

The various crimes and offences often committed by the Nigeria Military against the people in the course of internal security operations in Nigeria constitute violations of the various fundamental human rights protected under sections 33-46 of the Nigerian constitution.¹⁸ These fundamental human rights include: right to life, right to personal liberty, right to dignity of human person, right to fair hearing, right to private and family life, right to freedom of movement, right to peaceful assembly and association, right to freedom of thought, right to freedom of expression and press, right to acquire and own immovable property anywhere in Nigeria etc.

The brutality and other unwholesome acts of the men of the Nigerian armed forces in internal security operations in Nigeria such as torture, bombardments, destruction of people's property and sources of livelihood, extrajudicial killings and executions, rape and other gender-based violence, indefinite detention, looting, punishments, extortion among others amount to violations of the various fundamental human rights of the people guaranteed by the Nigerian Constitution.¹⁹ Extrajudicial killings and executions violate the right to life. Torture, rape, other gender-based violence, and other inhuman acts violate the right to dignity of human persons. Unlawful arrests and detentions violate the right to freedom of movement, the right to peaceful assemble and association and the right to freedom of

¹⁴U.S. Department of State, '2023 Country Reports on Human Rights Practices: Nigeria' <<https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/nigeria/>> accessed on 2nd September, 2025.

¹⁵ HK Matazu, 'Boko Haram 10000 Civilians Died in Military Custody Amnesty International' *Daily Trust Online News*, Thu, 5 Dec 2024 < <https://dailytrust.com/boko-haram-10000-civilians-died-in-military-custody-amnesty-intl/>> accessed on 3rd July, 2025.

¹⁶ *Ibid*.

¹⁷ E Azinge, 'Military in Internal Security Operations: Challenges and Prospects', being paper presented at the Nigerian Bar Association 53rd Annual General conference on 28th August, 2013, at pp.19-22. <<http://www.nialsnigeria.org/PDFs/EPIPHANY%20AZINGE%20MILITARY%20IN%20INTERNAL%20SECURITY%20OPERATIONS.pdf>> accessed on 17 June, 2025; AO Alubo & M Piwuna, 'Observance of Human Rights and International Humanitarian Law by the Nigerian Armed Forces in Internal Security Operations' (2015) Vol. 5 No. 9 *International Journal of Humanities and Social Science*' 141-153 at pp. 46-47. <www.ijhssnet.com/journals/Vol_5_No_9_September_2015/15.pdf> accessed on 3rd August, 2025

¹⁸ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

¹⁹ *Ibid*, sections 33-46.

expression. Bombardments and destruction of people's properties violate the right to acquire and own immovable property anywhere in Nigeria.

The implications of the above violations points to the fact that Nigerian military never attached any importance nor have any respect for the fundamental human rights of the people guaranteed under the Nigerian Constitution which they are meant to uphold and protect at any time whether in times of war, conflict, crisis or peace. In the case of *Igwe v Ezeanochie*²⁰ the court stated that, 'the courts have in strong terms condemned the use of policemen and soldiers in the resolution or settlement of disputes amongst people as such use of policemen or soldiers often lead to infringement on the fundamental rights of others'.²¹

Section 46 of the Nigerian Constitution provides for the right of the victims of such human rights violations to seek redress in court.²² In line with the above provisions of the Nigerian Constitution; the court in *Asemota v Yusufu*²³ affirmed that:

Fundamental rights are undoubted inalienable rights which correspond to *jus natural*. It is the greatest rights whether any failure, omission, or commission which results in the breaches of any of those rights or as a result of inadvertence or negligence (wilfully or otherwise). The Constitution prescribed that such a constitutional elapse, infringement or failure is tantamount to an *Ubi Jus Ibi remedium*.

In *Obiegbu v A.G Federation*,²⁴ the court also demonstrated and re-affirmed the power and duty of court to grant redress to any person whose rights are infringed.

The common excesses of the Nigerian military as witnessed in their ISOPs in Odi in 1999, Choba in 1999, ZakiBiam in 2001, Borno state in 2009 till date, Gbaramatu Kingdom in 2009 and 2016, Apo killings in 2013, Pro-Biafran Agitators and Shiites crackdowns in 2006, 2015, 2016 and 2018 and the Arepo Ogun state bombardment in 2016 have been held by Nigerian courts and the ECOWAS court to amount to violations of the citizens' rights to life, rights to dignity of human person, right to personal liberty, rights to freedom of movement, right to own an immovable property, rights to private and family life among others guaranteed by the Constitution of the Federal Republic of Nigeria, 1999 and damages awarded against the Nigerian government.²⁵ Moreover, In 2024, the ECOWAS Court in *Obianuju Catherine Udeh and 2 Ors v Federal Republic of Nigeria*²⁶ held that the Nigerian authorities had violated #EndSARS protesters' rights that included the rights to security of person, freedom of expression, peaceful assembly and association, as well as freedom from torture and other ill-treatment,

²⁰ (2010) 7 NWLR (Pt 1192) 61.

²¹ *Ibid*, p. 93 paragraphs B-C.

²² Constitution of the Federal Republic of Nigeria, 1999 (as amended), section 46(1).

²³ (1982) NCLR 419.

²⁴ (2014) 5 NWLR (Pt 1399) 171 at 217-218 paras G-C.

²⁵ Suit No: FHC/PHC/CP/11/2000 (Unreported), Prof. Kobina Ebi, Imanangha, Chief Ndu Gwagha, Chief Shadrack Agadah, Mr. Idoni Mgezi and Mr. Nwaka Echomgbe (for themselves and on behalf of the Odi Community) v Federal Republic of Nigeria & Ors.; R Nwisi, 'Federal Government to Pay N37.6b Damages for Odi Massacre' *The Nation Online*, February 20, 2013 <<http://www.thenationalonline.net/federal-govt-to-pay-N37.6b-damages-for-Odi-Massacre>> accessed on 10 April, 2025; I Oduma, 'Odi N15billion Compensation Fund Crisis' *Independent Newspaper Online*, 5 January, 2015, <<http://independentnig.com/odi-n15b-compensation-fund-crisis/>> accessed on 11 July, 2025. See also Suit No: FHC/ASB/CS/139/2009 (unreported) 56 indigenes of the Gbaramatu Kingdom Region v President Umaru Yaradua, Attorney General of the Federation and Major General Sarkin Varkin Bello (for himself and on behalf of the joint Task Force in Delta State). See also Socio-Economic Rights and Accountability Project (SERAP) (on behalf of the Apo victims) v Federal Republic of Nigeria, Nigerian Army and the Department of the State Security Services, (2014) ECW/CCJ/APP/02/14. See H Chukwurah 'Apo Killings: ECOWAS Court Finds FG guilty' *Sun News Online*, 8 June, 2016. <<http://www.sunnewsonline.com/apo-killings-ecowas-court-finds-FG-guilty>> accessed on 2nd August, 2025.

²⁶ ECW/CCJ/APP/72/21; ECW/CCJ/JUD/29/24) [2024].

duty of the state to investigate, and the right to an effective remedy. The court in the case ordered the Nigerian government to pay each #EndSARS victim a compensation of N10m for damages.²⁷

Implications for Domestic Criminal Law

The various crimes committed by the Nigeria Military in Internal Security Operations in Nigeria may also constitute crimes or offences under the penal laws²⁸ applicable in Nigeria. Under the Armed Forces Act²⁹ offences can be classified under *service offences*³⁰ and *civil offences*³¹. The service offences include violations of military law or code such as aiding and communicating with the enemy, cowardly behaviour, absence from duty, mutiny, insubordination, malingering, drunkenness, sexual offences etc. These offences are tried under the military trial system on the first instance. On the other hand, a military officer may also be tried by the Civil Courts for civil offences under the Act.³² Sections 104-114 of the Armed Forces Act provide the civil offences as: assault, burglary, manslaughter, house breaking, arson, murder, forgery, robbery, cheating, extortion and other civil offences. The Act defined civil offence as an act or omission punishable as an offence under the penal provisions of any law enacted in or applicable to Nigeria...³³ Section 170 of the Armed Forces Act affirmed the jurisdiction of the civil courts in Nigeria over persons subject to service law for civil offences. The section provides thus:

Subject to the provisions of this Act prohibiting retrial where conviction is quashed, nothing in this Act shall restrict the offences for which a person may be tried by a civil court, or the jurisdiction of a civil court to try a person subject to service law under this Act for an offence.³⁴

The Act also provides that the Civil Court can still exercise its jurisdiction to try a military officer for an offence notwithstanding that the personnel has been punished by the right military authority for the offence; the only proviso being that the Civil Court will consider such punishment while prescribing punishment.³⁵

From the foregoing provisions, the various crimes committed by the Nigeria Military in the course of Internal Security operation would also form cause of action under the Domestic Criminal or Penal laws in Nigeria which provides for criminal offences and their corresponding punishments and thus the military offenders can be tried by the civil courts in Nigeria. The sexual offences as provided under the Armed Forces Act which include rape and carnal knowledge³⁶ and defilement³⁷ also would qualify as civil offences under its meaning under the Act.

Implications for National Security and Peace

Femi Falana (SAN) in analysing the negative impacts of the Military invasion of Odi in Bayelsa State, ZakiBiam in Benue State and Gbaramatu in Delta State rightly opined that, ‘...Sending armed troops to invade communities under the pretext of looking for criminal suspects is a subversion of national security’.³⁸ Many serious conflicts and crisis in Nigeria have been triggered and escalated by acts of

²⁷F Olorok, ‘ECOWAS Court Finds Nigerian Government Guilty of Human Rights Abuses During #EndSARS Protests’ Arise TV News Online, 10th July, 2024 < <https://www.arise.tv/ecowas-court-finds-nigerian-government-guilty-of-human-rights-abuses-during-endsars-protests/>> accessed on 3rd August, 2025.

²⁸The Criminal Code Act, Cap C38 Laws of the Federation of Nigeria, 2004 applies in the South, while the Penal Code Act Cap P3 Laws of the Federation of Nigeria, 2004 applies in the North.

²⁹ Cap A20 Laws of the Federation of Nigeria, 2004.

³⁰Armed Forces Act, sections 45-103.

³¹Ibid, sections 104-114.

³²Ibid, section 170.

³³ Ibid, sections 114 (2).

³⁴ Ibid, sections 170 (1).

³⁵ Ibid, section 170 (2).

³⁶ Ibid, section 77.

³⁷ Ibid, section 78.

³⁸ F Falana, ‘Insecurity in Nigeria: A Menace to National Developments’ *Premium Times*, July 17, 2015; being a presentation given at the Symposium held by the Dentiscope Editorial Board at the University College Hospital,

human rights violations and other forms of brutality by the Nigerian Security Services (the Military inclusive). J Forest³⁹ noted that what led to the birth of Boko Haram and the incidental Security challenges in the North-Eastern part of Nigeria today was the brutality meted by Nigerian Security Operatives against an Islamic Sectarian group through the killing of the 17 members of the group and the extra-judicial killing of the Sect leader, Mohammed Yusuf in July, 2009. In the Niger Delta crisis, a writer also observed that the use of excessive force by the Military actually intensified the level of organised violence in the Niger Delta as it triggered a cycle of attacks and counter attacks that eventually resulted in high civilian fatalities.⁴⁰ Moreover, when soldiers on internal security operations rape women and girls they expose them to the risk of sexually transmitted diseases like HIV/AIDS which may likely be spread to other people. Sexual violence, disease like HIV/AIDS have been adjudged to be of the greatest threats to national security.⁴¹ A scholar also recently observed that the Nigerian Military retaliatory attacks on unarmed civilians aggravates an already tense situation in Nigeria and may lead to unending violence.⁴²

Implications for the Image and Integrity of the Military

The high handedness and the unwholesome conducts of the Nigerian military in internal security operations in Nigeria have worsened the problem of poor civil-military relations in Nigeria. The International Crisis Group reported in 2016 thus;

...Human rights violation in Ogoni land and other Niger Delta communities during military rule, the sacking of Odi Bayelsa State (1999) and ZakiBiam, Benue State (2001), the more recent extra-judicial killings of suspected Boko-Haram insurgents, members of the Islamic Movement of Nigeria (IMN) and separatist agitators in the South East, as well as frequent reports of soldiers assaulting and humiliating civilians have hardened public attitudes towards the military...⁴³

UA Phenson *et al*, also rightly observed that:

The military and Security personnel highhandedness and attitude towards the citizens have continued to generate bad public image of the personnel of these security departments which makes the public reluctant to divulge critical security information that can help in better security management and prompt response towards emergencies...⁴⁴

An author also observed that the popular perception of a soldier who rapes, loots or extorts in the course of ISOPs is that of 'a dog that bites its owners'.⁴⁵ The NHRC recently observed that the human rights

Ibadan, Oyo State on Tuesday July 14, 2015. <<http://opinion.premiumtimesng.com/2015/07/17/insecurity-in-nigeria-a-menace-to-national-development-by-femi-falana/>> accessed on 4th August, 2025.

³⁹ J Forest, *Confronting the Terrorism of Boko Haram in Nigeria* (Florida: JSOU Press, 2012) p.64.

⁴⁰I Chiluwa, 'Media Representation of Nigeria's Joint Military Task Forces in the Niger Delta Crisis' (2011) Vol. 1 No. 9 *International Journal of Humanities and Social Sciences*, 197-208. <www.ijhssnet.com/journals/Vol._1_No._9_Special_Issue_July_2011/22.pdf> accessed on 4th August, 2025.

⁴¹OBC Nwolise, 'Military Assistance to Civil Authority as a Constitutional Duty of the Nigerian Armed Forces: Sources of Public Agonies and Outcries, Bad Military Image and their Challenges for Political Leadership, Military Command and Professionalism', in A Ogomudia (ed), *Peace Support Operations, Command and Professionalism: Challenges for the Nigerian Armed Forces in 21st Century* (Ibadan: Gold Press Ltd, 2007) pp. 381-404. See also UN Security Council Resolution (1820), Adopted by the Security Council at its 5916th meeting on 19 June, 2008.

⁴²A Kabir, 'Military Reprisals On Civilians Worsening Human Rights Abuse In Nigeria' <<https://humanglemedia.com/military-reprisals-on-civilians-worsening-human-rights-abuse-in-nigeria/>> accessed on 30th November, 2025.

⁴³International Crisis Group, 'Nigeria: The Challenges of Military Reform' *Report No 237/Africa*, 6 June, 2016, p.17 <<https://www.crisisgroup.org/africa/west-africa/nigeria/nigeria-challenge-military-reform>> accessed on 4th August, 2025.

⁴⁴UA Pheson *et al*, 'Essential Elements of Security and their Applications in Ensuring Stability and Integrity of Nigeria' (Quarter III 2014) Vol. 5 No. 5.3 *International Journal of Politics and Good Governance*, 0967-1195 at p. 14. <<http://www.onlinersearchjournals.com/ijpagg/art/155.pdf>> accessed on 7 July, 2025.

⁴⁵OBC Nwolise, *Op. Cit.*, p.404; see also AIC Okoli & O Sunday, 'Evaluating the Strategic Efficacy of Military Involvement in Internal Security Operations (ISOPs) in Nigeria' (2013) Vol. 9 Issue 6 *ISOR Journal of*

abuses by the Nigerian military undermine public trust, escalate tensions, and violate the fundamental rights of citizens and recommended for a commitment to human rights-based policing, training, and strict adherence to national and international standards in security operations.⁴⁶

Implications for Military Professionalism

The Oxford Advanced Learner's Dictionary also defined professionalism as; 'the high standard that you expect from person who is well trained in a particular job'.⁴⁷ The military professionalism other writers⁴⁸ noted, is a product of long process of training, specialization, practice, acquisition of and devotion to the best practices of the military. The prolonged use of the military for Internal Security Operations in Nigeria has been observed to be unhealthy for the professionalism of the military.⁴⁹ The military professionalism in Nigeria has indeed become the causality of the many excesses of the Nigerian Military in internal security operations. H Baba-Ahmad in respect of the above observation avers that, 'the Military Professionalism has been an early and costly casualty in the manner it has been stretched and stressed to perform every task in the name of security, law and order'.⁵⁰ Nwolise in affirming the negative implications of the excesses of the Nigeria military for Military Professionalism also stated that, 'the Military...claim to be professionals, and we do regard as such. But atrocities their personnel commit during internal security operations especially-rape, torture, looting, beating and extra-judicial killing constitute negations of their professionalism claims or status'.⁵¹ Finally on the effect of the Nigerian military unprofessionalism, scholars have found that the unprofessionalism of the Nigerian military undermines military effectiveness, civil-military relations, and exacerbates the insecurity of citizens.⁵²

Implications for the Image and Integrity of the Government

Successive Nigerian governments have failed to see meaning in the observations of Mathur,⁵³ who noted that: '.....continuous use of force to suppress dissent, resolve social conflicts and maintain order may lead to erosion of legitimacy and undermine the capacity of the state to rule'. The constant use of the military by the successive Nigerian Governments in the midst of plethora of other mechanisms for managing internal security issues and the records of human rights abuses and atrocities by the Nigerian military in internal security Operations have painted a poor image of the Nigerian government before national and international observers and this had also questioned the political will and the integrity of the Nigerian governments to fulfilling her mandate of securing lives and properties under the Nigerian Constitution.⁵⁴

Humanities and Social Sciences, pp. 20-27 at p. 26. <<http://www.iosrjournals.org/iosr-jhss/papers/Vol9-issue6/E0962027.pdf?id=6181>> accessed on 3rd August, 2025.

⁴⁶National Human Rights Commission (NHRC) March 2025 Human Rights Dashboard, <<https://www.nigeriainights.gov.ng/nhrc-media/data-and-infographics/529-march-2025-human-rights-dashboardfebruary-2025-human-rights-dashboard.html>> accessed on 3rd August, 2025.

⁴⁷AS Hornby, *Oxford Advanced Learner's Dictionary* (Sixth Edition, Oxford University Press, 2000) p. 930.

⁴⁸AIC Okoli & O Sunday, *Op. Cit.*, p. 26.

⁴⁹AO Alubo & M Piwuna, 'Observance of Human Rights and International Humanitarian Law by the Nigerian Armed Forces in Internal Security Operations' (2015) Vol. 5 No. 9 *International Journal of Humanities and Social Science* 141-153 at p.141.

⁵⁰H Baba-Ahmad, 'Nigerian Military: One Egg in Act Baskets', *Vanguard News Online*, July 25, 2012. <<http://www.vanguardngr.com/.../nigeria-military-one-egg-in-all-baskets>> accessed on 1st August, 2025.

⁵¹OBC Nwolise, *Loc. Cit.*, p.397.

⁵²SY Musa & L Heinecken, 'The effect of military (un)professionalism on civil-military relations and security in Nigeria' (2022) Vol. 31(3) *African Security Review*, pp 1-17. <https://www.researchgate.net/publication/358075158_The_effect_of_military_unprofessionalism_on_civil-military_relations_and_security_in_Nigeria> accessed on 30th November, 2025.

⁵³K Mathur, 'The State and the Use of Coercive Power in India', (April, 1992), Vol.32, No.xxxii *Asian Survey*, pp. 337-338.

⁵⁴Section 14(2) (b) of the Constitution of Federation Republic of Nigeria, 1999 provides that the security and Welfare of the people shall be the primary purpose of government.

Implications for International Human Rights Law (IHRL) and International Humanitarian Law (IHL)

The International Human Rights Law (IHRL) and the International Humanitarian Law (IHL) have been to guide or regulate the conducts of parties during internal or external conflict situations and peace time. The International Human Rights Law provides for international norms and safeguards for human rights of all persons, whatever the nationality, sex, colour, religion, status and race. The International Humanitarian Law which mainly finds its source in the Geneva Conventions and Customary International laws seeks to address the effects of both international and domestic armed conflicts on the people and the society in entirety. The International Human Rights Law and the International Humanitarian Law prohibit the following acts:

- a. All forms of human rights violations;⁵⁵
- b. Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;⁵⁶
- c. Taking of hostages;⁵⁷
- d. Outrages upon personal dignity in particular humiliating and degrading treatment;⁵⁸ and
- e. The passing of sentence and carrying out executions without previous judgement pronounced by a regular court.⁵⁹

The common excesses and abuses by the Nigeria Military while in internal Security Operation in Nigeria not only violate the international rules and standards contained in International Human Rights Law and International Humanitarian Law but also violate the International Guidelines on the Use of Force and Firearms, the Rules of Engagement and the international Code of Conduct for Law Enforcement Officials. Nigeria as a nation has ratified and have been a party to the majority of international conventions, treaties and norms. The precepts and the provisions of the International Human Rights Law and International Humanitarian Law therefore become applicable in Nigeria.

Finally, in line with modern jurisprudence and international law practice, both IHL and IHRL are applied complementarily and simultaneously in all situations whether in time of war, armed conflict, internal conflicts or external conflicts and in time of peace because both the IHL and IHRL are geared towards the protection and preservation of human rights of all persons at all times.⁶⁰ The United Nations Human Rights Committee also affirmed through the *Resolution 9/9*⁶¹ that Human Rights Law and the International; Humanitarian Law were complementary and mutually reinforcing.

Implications for International Criminal Law

Different degrees of atrocities and abuses by the Nigerian military in their various internal security operations in Nigeria also qualify and constitute crimes under the international law. Crimes under the international law are found and prosecuted as crimes under the International Customary Law and under

⁵⁵ See the various International Human Rights Laws which includes the Universal Declaration on Human Rights, 1948; International Covenant on Economic, Social and Cultural Rights 1966 and International Covenant on Civil and Political Rights 1966 and their Optional Protocols. The Convention Against Torture and other Inhuman or Degrading Treatment or Punishment, 1984; The Convention on the Rights of the Child (CRC), 1989; Convention on Elimination of all Forms of Discrimination Against Women, 1979; International Convention for the Protection of all Persons from Enforced Disappearance 2006 etc. These international Human Rights Laws among others provides for the Basic Human Rights of the all persons which include, the right to life, right to dignity of human person, right to personal liberty, right to freedom of movement, right to private and family life etc.

⁵⁶ Common Article 3 to the 1949 Geneva Conventions.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ See the case of *Prosecutor v Anto Furundzija*, Case No: IT-95-1711-T: where the trial chamber of the International Criminal Tribunal for the Former Yugoslavia emphasized that the general principle of respect for human dignity was the 'basic underpinning of both Human Right Law and International Humanitarian law. See also *Juan Carlos Abella v Argentina*, Report No 56197, care 11.13.

⁶¹ Resolution 9/9 on the Protection of Human Rights of Civilians in Armed Conflict, 2008.

the Rome Statute.⁶² Though there is no universal accepted definition of Customary International Law, the American Law Institute defined Customary International as law resulting from a general and consistent practice of States followed by them from a sense of legal obligations.⁶³ Oji noted that Customary International Law is not only a collection of Codes or Statutes but also the progressive expression from case to case, of the moral judgements of the civilised world.⁶⁴

The Rome Statute provides for four types of crimes, namely: the crimes of genocide, war crimes, crimes against humanity and crimes of aggression.⁶⁵ Various crimes committed by the Nigerian military in internal security operations in Nigeria which include: extra-judicial executions, deaths in custody, torture, rape, enforced prostitution, sexual slavery and other sexual offences, looting, wanton destruction of properties and sources of livelihood of the people, enforced disappearance of persons and other inhumane acts causing grave physical or mental suffering or injury on the people among others constitute war crimes and crimes against humanity as provided under International Criminal Law.⁶⁶

The legal implication for the commission of these crimes by the Nigerian military in internal security operations is that individual military officers, their commanders and Nigeria as a state are to be held accountable and responsible for the crimes; the victims provided with remedies and reparations. Nigeria as a nation has an international obligation to effectively investigate all crimes perpetrated by the military in internal security operations and ensure the prosecution of the perpetrators of the crimes. Nigeria as a nation also has the obligation to ensure that the victims of the crimes by the Nigerian military are provided with fair reparations in the form of compensations, restitution, rehabilitation, satisfaction and guarantees of non-repetition.⁶⁷

Finally, the Nigerian military personnel who commit crime during internal security operations can also be prosecuted in the International Criminal Court.⁶⁸

3. Conclusion and Recommendations

The persisting consequences of the Nigerian military rascality in their various internal security operations in Nigeria demands for a coherent justice system with adequate enforcement standards to bring to an end the unwholesome shortcoming of the Nigerian military in ISOPs in Nigeria which has not only cast doubt on the integrity and image of the Nigerian military, but has also questioned the efficient functioning of the Nigerian Constitution, laws and Governments. The above conclusion is drawn from the fact that countries in today's world are indeed usually judged by the standard of human rights they uphold and how they protect the inhabitants of their countries. To ensure that these doubts

⁶² Rome Statute of International Criminal Court. (Adopted in Rome on 1st July, 1998 and came into force on 1st July 2002 after being ratified by 120 state).

⁶³ American Law Institute, *Restatement of the Law, Third, the Foreign Relations Law of the United States* (St Paul, Minn: American Law Institute Publishers, 1987) Section 102(2).

⁶⁴ E Oji, *Responsibility for Crimes under International Law* (Lagos: Odade Publishers, 2013) p. 273.

⁶⁵ Article 5 of the Rome Statute.

⁶⁶ Amnesty International has on its 2015 report on the Nigerian military operations against Boko Haram in the North-East Nigeria provided extensive evidence on various serious violations by the Nigerian Military which constitute war crimes and crimes against humanity. The body, gave report of widespread and systemic acts of arrests, rape, detentions, extra-judicial killings, indefinite detention, deaths in custody, raids and other show of brutality targeted against civil populations among others which all qualify as war crimes and crime against humanity; See, Amnesty International, *Stars on Their Shoulders. Blood on Their Hands. War Crimes Committed by the Nigerian Military* (London: United Kingdom, Amnesty International Ltd, 2015) pp. 34-38.

⁶⁷ Principle 3 (a) (b) (c) and (d) of the United Nation Basic Principles and Guidelines on the Rights to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005.

⁶⁸ Art. 1 of the Rome Statute which provides that the jurisdiction of the International Criminal Court (ICC) shall be complementary to national criminal jurisdiction; see also Art. 13 of the Rome Statute which provides for when ICC may exercise its Jurisdiction to include after exhaustion of local remedy or where the state is genuinely unable or unwilling to prosecute the alleged crimes or on the referral by the state.

cast by the Nigerian military excesses in ISOPs are addressed the following recommendations are proffered:

1. The Nigerian Military should incorporate specialized human rights and civilian protection course into its curriculum for professional military training and ensure that all military personnel are sensitized and trained on the specialized course.
2. The Nigerian government and military should always carry out thorough investigations of the excesses of the Nigerian military in ISOP's in the form of civilian harms and human rights violations and ensure that personnel found wanting are brought to book, while civilian victims are afforded due reparations and remedies. This will aid in restoring public trust in the Nigerian military and justice system.
3. There should an overlap between the civil justice system and the military justice system in cases of human rights violations and other crimes against individual (s) by the military personnel and all actors during internal security challenges in Nigeria by granting the civil justice system jurisdiction over the above-mentioned cases.
4. Enactment of a domestic legislation that will strictly regulate the operations and conducts of the Nigerian military and other actors during internal conflict or crisis situations in Nigeria, providing for the overlap recommended above, and providing for adequate penalties and strict enforcement mechanisms and procedures.