International Terrorism and Human Rights

Nabiebu Miebaka and Joseph Abang Odok*

ABSTRACT

Abstract— The intersection of international terrorism and human rights presents a complex challenge, as states often struggle to balance national security with the preservation of civil liberties. This research explores how counter-terrorism measures, such as preventive detention, surveillance, and interrogation techniques, frequently violate human rights standards, including protections against torture, arbitrary detention, and the right to a fair trial. By examining international legal frameworks such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture (CAT), the study critically assesses how counter-terrorism laws have been used to suppress legitimate freedoms under the guise of national security. The paper emphasizes the need for a balanced approach that protects both the rights of terrorism victims and those accused of terrorism, advocating for a criminal justice response that adheres to international human rights obligations.

Keywords: Counter-terrorism, Human rights violations, International legal frameworks, Arbitrary.

1 Faulty of Law, University of Calabar, Nigeria

2* Department of Philosophy, University of Calabar, Nigeria.

INTRODUCTION

It is often said that anti-terrorist laws are the anti-thesis of human rights laws. Human rights organisations complain of repression against legitimate political opposition or dissidents under the pretext of fighting terrorism. There are also allegations of torture against the detainees, who are denied access to justice. "Global War On Terrorism (GWOT)", has become one of the most socially enervating and politically debilitating phenomena in recent history. The State of war has been used to justify actions ranging from wire-tapping without warrants" to freezing assets without following due process of law (Mockaitis 2006).

The Preamble to the United Nations Charter (Article 1.3) explicitly refers to respect for human rights as a foundation of the modern international system. Many of the core principles in the UN General Assembly's Universal Declaration of Human Rights (Alfredsson & Eide, 2023) have been given the sanctity of recognised norms of international law. For example, the universal prohibition on torture and inhuman treatment are considered as norms of customary international law. The International Covenant on Civil and Political Rights (ICCPR) prescribes minimum protection for civil liberties such as freedom from arbitrary detention, access to a fair trial, etc. The provisions of the European Convention on Human Rights (ECHR) set out the values and liberties of a free democratic society namely respect for life, prohibition of torture, freedom from arbitrary arrest, the right to a fair trial, the freedoms of speech, of thought, of religion, of association, to family life and privacy. The Convention Against Torture (CAT) came into force in 1987. But unfortunately, in spite of all these efforts, human rights violations continue unabated, sowing the seeds for further terrorist acts. President Aharon Barak of the Supreme Court of Israel held, "Human rights must not become a tool for denying security to the public and the State. A balance is required—a sensitive and difficult balance between the freedom and dignity of the individual, and national security and public security." But at the end, he too admitted, "no one can deny that things have changed, and that striking the right balance has become more difficult" (Parrish 2007, p. 1162).

In view of the secrecy surrounding counter-terrorism measures, violations of human rights by States go unreported (Nyarks, 2006). The areas of research include extraordinary rendition, unlawful interrogation techniques, detention without charge or trial, intrusive preventive methods of intelligence gathering, torture, privacy issues governing interception of communication, freezing of assets etc. There have been several terrorist attacks in different parts of the world since 9/11. These involved more than twenty terror trials with about one hundred defendants, some thirty active plots and nearly 1600 individuals believed to be engaged in plotting terrorism in London. But in spite of all these, Rt. Hon. Lord Goldsmith was firm in saying, "I would never suggest that those problems could justify setting aside our principles and commitment to fundamental liberties"(Parrish 2007, p. 1162).He further said, "If crimes have been committed or plotted then they are crimes notwithstanding that they are politically

motivated. Terrorists are criminals" (Webber, 2016). Strengthening the criminal law, therefore, has been a key part of many countries in dealing with the terrorist threat.

In relation to terrorist acts, international human rights law accords a State the right as well as the duty to protect human rights. In this regard, the right of the State refers to its prerogative to protect persons within its jurisdiction from terror attacks which are violative of the human rights of the victims of terror attacks. On the other hand, the duty of the State refers to its obligation to respect the human rights of those accused of terror attacks, while he/she is on the State's territory (Nyarks, 2012). This duty is very important as overly broad counter-terrorism actions/legislations are in violation of human rights standards and they can be misused to suppress legitimate freedoms (Pickering, et al., 2008). The human rights of those accused of terror attacks thus need to be preserved and their prosecution must take place according to the rule of law. This has been iterated by the United Nations Security Council (UNSC) and also by other international organisations.

It is pertinent to note that human rights are available not only to the citizens of a State, but to all persons within a State's territorial jurisdiction. Further, according to the ICJ, they also extend to the exercise of a State's jurisdiction outside its territory. Within the applicable human rights, a State carrying out counter-terrorism measures can derogate from certain rights, in accordance with the exceptions provided under most human rights instruments, for example for the security of the State (OHCHR 2008). An example of such a derogable right is the freedom of association and freedom of speech and expression. However, there exists certain rights which are 'non-derogable' and, therefore, no exceptional circumstances, even for the protection of the security of the State, shall justify restriction of the same. An example of this is the prohibition against torture, and the right to be recognized as a person before the law. There are more than eighty international and regional human rights instruments (Greer, 2015). Some of the key multilateral and plurilateral instruments/declarations are as follows:

1. Universal Declaration of Human Rights, 1948 ('UDHR').
2. International Convention on the Elimination of All Forms of Racial Discrimination, 1969, ('ICERD'), which 182 States have ratified.
3. International Covenant on Civil and Political Rights, 1966 ('ICCPR'), which has 173 State parties.
4. International Covenant on Economic, Social and Cultural Rights, 1966 ('ICESCR'), with 170 State parties.
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987, ('CAT') with 169 State parties.
6. International Convention for the Protection of All Person from Enforced Disappearance, 2010, ('ICPAED') with 62 State parties.
7. European Convention of Human Rights, 1953 ('ECHR').
8. American Convention on Human Rights, 1969 ('ACHR').

The prohibition against torture, which is of *jus cogens* character (De Wet, 2004), protects every individual from torture and provides no exceptions to the same. However,

torturous acts are unfortunately widespread and considered necessary by intelligence agencies, to illicit information about terrorist networks and cells. Torturous acts include solitary detention, deprivation of food and sanitation, being subject to extreme temperatures, being put in stress positions for long hours, etc. (De Wet, 2004). Further, while States are obligated to cooperate internationally for the prosecution of terrorist acts including the extradition of suspects, such obligations are restricted by duties under human rights law. Extradition of suspects is prohibited under the principle of non-refoulement, if there is a danger that the suspect will be persecuted on the basis of his/her national, ethnic, religious or any other identity or if there are "substantial grounds" to believe that he/she will be subjected to torture.

Moreover, counter-terrorism efforts in the form of pre-trial or preventive detention will fall foul against the provisions of liberty, especially if there is no access to judicial authorities (Nyarks, 2022; Nyarks & Campus, 2022). Further areas where human rights may be engaged pertain to the right of fair trial of the accused, which require the presumption of innocence, the right to be heard by a fair and impartial tribunal and right to know of the evidence against oneself (Udoh, M., & Umotong, 2013; Udoh, M., & Umotong, 2023). In sensitive counter-terrorism efforts however, these rights need to be balanced alongside considerations like protecting the intelligence acquired by the State agencies which require protection of the source of the evidence, but such non-revelation can violate the right of the accused to know the evidence against him/her so as to effectively enable him/her to counter it. Therefore, counter-terrorism efforts attract various duties under international human rights instruments to which they are parties, as well as under customary international law. A balancing approach is, therefore, requisite to accommodate the competing concerns of law enforcement and respect for human rights.

ROLE OF THE UN IN PROTECTING HUMAN RIGHTS IN COUNTER TERRORISM

The 'Office of the High Commissioner for Human Rights (OHCHR)' is the nodal UN agency tasked with the mandate to promote and protect the human rights of all peoples (Elizalde, 2020). The OHCHR operates through three divisions:

i. Thematic Engagement, Special Procedures and Right to Development Division: This division takes up human rights issues on a thematic basis, identifies best practices on the issues and aims to build strength and capacity by advising on policies.

ii. Human Rights Council and Treaty Mechanisms Division: This division provides support and assistance to the treaty-based bodies, for example, the Committee Against Torture.

iii. Field Operations and Technical Cooperation Division: This division undertakes field operations to report on ground realities and provide support accordingly.

OHCHR, through its first two divisions, has initiated a thematic study for the protection of human rights while countering terrorism, and through resolution 2005/80, created a mandate for a 'Special Rapporteur on the protection of human rights and fundamental

freedoms' (Udoh, 2013; Udoh, 2014). The mandate of the current 'Special Rapporteur' is to, inter alia, identify and promote best practices in countering terrorism while complying with human rights and to report regularly to the Human Rights Council and the UN General Assembly.

A complaint mechanism has been developed by the OHCHR in the form of 'special procedures' through which individuals can report on past, ongoing and imminent threats of human rights violations to the Special Rapporteur. The OHCHR is also an active member of the newly created 'United Nations Global Counter-Terrorism Coordination Compact', which on 28th February, 2018 replaced the Counter-Terrorism Implementation Task Force coordination arrangement.

There are and must be, as a function of our common values, certain minimal standards for the dignified and humane treatment of individuals (including terrorist suspects). These standards and norms represent an international legal consensus about the need to preserve a maximum of societal freedom and to minimise interference with accepted freedoms, while also securing public safety, and justice for perpetrators and victims of terrorism. Law enforcement officials are to be encouraged to 'recognise that upholding human rights is not merely compatible with a successful counter-terrorism strategy, but an essential element of any such strategy'.

Article 29 of the UDHR 1948, has been instrumental in developing the global human rights regime, and its ideals and influences are reflected in regional and national human rights charters everywhere. It says, "Everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society" (Buergenthal, 1997, p. 43).

HUMAN RIGHTS: IMPEDIMENTS OR AIDS TO COUNTER-TERRORISM?

One of the principal goals of human rights law is to address abuses of power by the State. Police officers have powers conferred upon them under the law, including the use of firearms, the power of arrest and detention and the power to search people, vehicles and buildings (Villiers, 2009). These are key powers in the legitimate struggle against criminality and terrorism. However, they also lend themselves more readily to the kind of abuse that has a direct and usually negative impact on people's lives. The State, therefore, has a corresponding obligation to protect its citizens from such abuses (Okide, 2019; Okide, 2020). Paradoxically, it is precisely the police who will act to guarantee those rights for others, and who are called upon to ensure that an individual's human rights are respected and protected. For example, by preventing and detecting crimes which threaten or violate specific human rights like the right to life, police act to protect those rights. It is this complex but crucial role in society that underscores the point that respect for human rights and effective policing are inextricably linked, and that an emphasis on one should never be seen as having negative consequences for the other. That being said most human rights experts

acknowledge that in practice there is tension between human rights and policing, and that imbalances will occur.

INTERNATIONAL PERSPECTIVES AND IMPLICATIONS FOR POLICING

UN Resolution 59/195, of December 2004, condemned all acts, methods and practices of terrorism, in all its forms and manifestations. Terrorism was seen to 'threaten the territorial integrity and security of States, destabilise legitimately constituted governments, and undermine pluralistic civil society' (Isanga, 2008). "We must fight terrorism wherever it exists, because terrorism anywhere threatens democracy everywhere" (Isanga, 2008, p. 42). The perception that human rights can only be violated by States has thus been modified, and now encompasses the act of terrorism as also constituting a human rights abuse. This evolution is clearly reflected in the Statements of both the UN and the Commonwealth. For example, the UN states that terrorism not only threatens peace, development, security and stability, but that it destroys both human rights and *fundamental freedoms and democracy*. These views are echoed by the Commonwealth, which describes terrorism as being a direct threat to human rights, with terrorism viewed as being aimed at *the destruction of human rights*. It also notes that terrorism can never be justified *as a means to promote and protect human rights*. Both statements point out the continuing obligation of States to promote and protect all human rights and fundamental freedoms, in particular the right to life, and that measures to counter terrorism must be in strict conformity with international law, human rights standards and obligations.

INTERNATIONAL LEGAL FRAMEWORKS: HUMAN RIGHTS IN COUNTER TERRORISM

The various limits on officials' lawful conduct in a counter-terrorism context are derived from international, regional and national sources (conventions, treaties, constitutions) and their interpretation and application by courts and tribunals. The Preamble to the *United Nations Charter* (Article 1.3) explicitly refers to respect for human rights as a foundation of the modern international system. Many of the core principles in the UN General Assembly's UDHR 1948 have taken on the quality of recognised norms of international law, such as the universal prohibition on torture and inhuman treatment, now an international criminal act. However, the primary source of international standards is the ICCPR, which came into force in 1976 and has over 150 States party (Greer, 2015). The *Covenant* prescribes minimum protections for civil liberties such as freedom from arbitrary detention, access to a fair trial, etc. It also provides for the limitation of rights in certain circumstances. At its core, it obliges States not to breach fundamental rights, and to take legislative and other measures to ensure that rights are protected, respected, and fulfilled. The *Convention Against Torture* (CAT) came into force in 1987 and has over 140 States party. Both the ICCPR and the CAT created standing committees within the formal UN human rights system, to monitor fulfilment of their standards and to advise countries on better compliance (Gaer, 2020).

At a regional level, certain human rights conventions affirm universal standards. The *European Convention on Human Rights (ECHR)*1950 has been applied and interpreted for many years by the European Court of Human Rights (ECtHR) (Bates, 2010). The Court's body of work on the question of the justifiability of State counter-terrorism measures has helped to crystallise what universal human rights standards really mean in terms of issues such as prolonged detention, detention without charge, the use of force in questioning, etc. The *African (Banjul) Charter on Human and Peoples' Rights* (1986) and the *American Convention on Human Rights* (1978) both, in respect of their African and American signatory countries, articulate minimal standards for the treatment of all individuals by State actors.

Many terrorist suspects might also be subject to immigration queries. The *Refugees Convention* 1950 sets out the minimal protective duty of a State in establishing the proper immigration status of persons claiming asylum. In addition, international instruments such as the *Geneva Conventions* and the *Rome Statute of the International Criminal Court*, the reports of various treaty bodies (committees), the decisions of national and regional courts applying international law, and the effect, over the years, of many UNGA Declarations and Statements of various regional inter-governmental bodies inform the legal content of basic standards. At a national level, many countries' constitutions contain explicit and justiciable human rights protections that limit the possible action of the State (Okide, 2021; Okide, 2022). The interpretation by national courts of the precise boundaries of States' duties is increasingly influenced by and contributes to international minimal standards. There is, thus, no shortage of 'law' on the proper limits of State conduct in taking counter-terrorism measures. What sometimes proves more difficult is translating these legal standards into operational reality.

Security Council Resolution 1373 (2001), the primary directive, is silent on the issue of respecting human rights while countering terrorism. The CTC only indirectly reviews the matter in considering country responses to Resolution 1373 (Vermeulen, 2015). However, if excessive pressure is put on countries where 'democracy is fragile, rule of law is nonexistent and governance is weak', it may be counterproductive. In some jurisdictions, strengthening of the law enforcement without appropriate checks and balances has led to misuse of the counter-terrorism legislations, resulting in increased violations of human rights and the repression of civil society. However, in 2003 in SC Resolution 1456 (para [6]), it is clearly stated that "States must ensure [that] any counter-terrorism measures comply with obligations under international refugee, human rights and humanitarian law" (Vermeulen, 2015). In addition to this clear directive from the Security Council, issued under Chapter VII of the UN Charter, the General Assembly has been regularly stressing on the importance of protecting human rights and fundamental freedoms while combating terrorism. Since 2003, the UN Human Rights Commission has been emphasising the importance of ensuring that the country responses to terrorism are compliant with human rights obligations. The reports of the treaty bodies, such as the Committee of the CAT, and the Human Rights

Committee (of Article 40, ICCPR) are on the same lines. These Committees have been regularly defining the legal limits of the counter-terrorist measures. Various regional bodies such as "the Organisation of American States (2002), the Council of Europe (Resolution 1271 of 2002), the OSCE (2002), the SAARC (Additional Protocol (2004)", other governments and institutions, have also contributed by issuing "guidelines on human rights in combating terrorism. The UN General Assembly's *Code of Conduct for Law Enforcement Officials*, though not binding, sets out international best practice standards for professional agencies. Article 2 of the Code reads:
"In the performance of their duty, law enforcement officials shall respect and protect human dignity, and maintain and uphold the human rights of all persons" (Bienert, 2016, p. 23).

BASIC HUMAN RIGHTS AND THEIR LEGAL LIMITS

The "main Rule of Law Principles and Human Rights are discussed below:

- All counter-terrorism measures taken by the States must be lawful; actions should neither be 'arbitrary' nor based only on the discretion or whim of an official. Any limitations on rights must be within the law, should be necessary and proportionate to the objective sought to be achieved.
- All persons have a right to be recognised as a person before the law, to be treated as equal before the law, and are entitled without any discrimination to equal protection of the law (Article 7 UDHR, Article 16 ICCPR).
- Law enforcement officials should use as much force as is necessary and proportionate to the degree of threat, while effecting arrest, search, interview, imprisonment or detention or any legal use of force.
- Actions that deal with the fundamental rights of people should be subjected to a process of independent and impartial review.
- Everyone has the right to life (Article 3 UDHR: 'life, liberty and security of person'). Article 6 ICCPR provides that no-one shall be arbitrarily, without process or operation of law, deprived of his or her life.
- It is a clear rule of international law that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. This rule is also confirmed by the ECtHR in *Chahal v United Kingdom* (1996). Non-compliance of this rule attracts action by international criminal tribunals. For many years now courts in some jurisdictions have been applying international law, for example by the UK House of Lords in the 1998 – 1999 *Pinochet* extradition proceedings, which has laid down that 'the torturer has become, like the pirates or slave trader before him, *hostis humani generis*: an enemy of all mankind', and subject to universal criminal jurisdiction.
- Under the *Convention against Torture*, detailed prohibitions exist, some of which represent customary international law. For example, under the CAT, 'evidence obtained under torture is inadmissible in 'any proceedings' before a court.'

- Every person has the right to be informed of the reasons for the arrest and no one should be subjected to arbitrary arrest. Search of person and property should be as per law and the dignity of individual should be respected.
- Pre-trial detention should be for a reasonable period of time as per law and the person should be produced, without undue delay, before a competent and independent tribunal. Any terrorist suspect, who is detained pending trial, is entitled to regular access to a court for determining the lawfulness of the detention.
- No one should be subjected to cruel, inhuman and degrading treatment. Under 'Article 10 ICCPR', all persons deprived of their liberty shall be treated with humanity and dignity.
- Every person is entitled to a fair and public hearing before an independent court (Article 14 ICCPR); Terrorist suspects are entitled to the presumption of innocence of criminal charges against them (Article 14.2 ICCPR). In the case of *Öcalan v Turkey*, Öcalan was detained in February 1999, and prison authorities did not authorise his lawyers to provide him with documents in the case file, other than the indictment, until the first hearing on 2 June 1999. On 29 June 1999, he was found guilty of security offences and sentenced to death. The ECtHR held unanimously that there had been a violation of the right to a fair trial, and to adequate time and facilities for preparation of defence, and to legal assistance.

The OECD Guidelines (2002) on human rights in counter-terrorism provide the following: The imperatives of the fight against terrorism may…justify certain restrictions to the right of defence, in particular with regard to:

(i) the arrangements for access to and contacts with counsel; (ii) the arrangements for access to the case-file; (iii) the use of anonymous testimony.

Such restrictions to the right of defence must be strictly proportionate to their purpose, and compensatory measures to protect the interests of the accused must be taken so as to maintain the fairness of the proceedings and to ensure that procedural rights are not drained of their substance.

- There should be clear legal justification for interfering with the privacy of individuals.
- Counter-terrorism measures are not intended to interfere with basic guarantees of freedom of opinion and expression, assembly and association, religious conviction, etc. These protections are well-established (e.g. Articles 18, 19, 21, 22 ICCPR).
- 'Article 29 of the UDHR' captures the international legal position on limits to some of the civil and political rights listed above, in the context of terrorism:

Everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

- "Article 4 of the ICCPR" provides for derogations from some rights in cases of extreme national emergency. In the context of a terrorist act 'which threatens the life of

the nation', a State may adopt measures '*temporarily* derogating from certain international human rights obligations' but only 'to the extent strictly required by the exigencies of the situation', only in a non-discriminatory manner, and the State is bound to regularly reassess the circumstances said to justify the derogations, in order that these be lifted as soon as the exceptional circumstances pass.

- The ICCPR (Article 4.2) and customary international law dictate that public emergency conditions never justify violating the (i) right to life, (ii) the 'prohibition against torture or inhuman or degrading treatment or punishment',

and (iii) the basic principles of legality. In *Brannigan and McBride* the ECtHR accepted the British Government's argument that an extended detention period was necessary to investigate suspected terrorists, but added that States 'do not enjoy an unlimited power' and cannot go beyond what is 'strictly required by the exigencies' of the crisis, taking into account things such as the 'rights affected by the derogation, the circumstances leading to, and the duration of the emergency situation'.

- In relation to freedom of expression, opinion and religious conviction, it is recognised that in the terrorism context, 'hate speech' (incitement to racial, religious or other hatred and violence) enjoys little or no protection under international law."

MULTIPLE PROSECUTIONS BASED ON A SINGLE SERIES OF EVENTS

Every State has multiple laws which may be applicable to a single incident. For example, if a terrorist obtains funds for carrying out terrorist attack, illegally enters a country along with some other terrorists with explosives and attacks a few persons, leading to their death, he can be charged under multiple laws such as immigration laws for illegal entry, for financing of terrorism, criminal conspiracy, and murder under the penal code, explosives law and for terrorism under the anti-terror law (Foley, 1929). International terrorist incidents often involve multiple offences. Human Rights activists complain that booking cases against a person under multiple laws and offence provisions for one act, violates the fundamental rights of the person as he is subjected to double jeopardy. However, courts have often clarified that such types of multiple prosecutions under different laws for a single act do not amount to double jeopardy. 'Article 14.7 of the ICCPR' lays down the principle, *ne bis in idem*, which means that a State shall not try or punish a person twice for the same offence, "No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedures of each country".

The UN terrorism-related instruments, do not include such a provision. The *travaux preparatoires*, the record of negotiations of the International Convention for the Suppression of Unlawful Seizure of Aircraft, reveal about the decision "to leave application of the *ne bis in idem* principle to each State Party" (Ward, 2003, p.43). In a case involving hijacking of an Egypt Air flight case, resulting in the murder of a US national, Rezaq was jailed for seven years for murders. After his release by Malta, where the plane was forced to land, Rezaq was handed over to the US authorities, when

he arrived in Nigeria. He was prosecuted in the US (*U.S. v. Omar Rezaq),* and the court upheld a life sentence for Rezaq. In *Chraidi v. Germany* (2006), the ECtHR did not consider a sequential prosecution involving long periods of detention as a violation of human rights.

The case of shoe bomber Richard Reid shows how a single incident can lead to multiple offences and all these offences can also be tried in a single proceeding. Reid was convicted of various offences namely, 'attempted use of a WMD against US nationals outside the US; attempted murder of US nationals outside the US; placing an explosive device on an aircraft; attempted murder of one or more passengers and crew on an aircraft under US jurisdiction based on its registration; interference with flight attendants; attempted destruction of an aircraft; and using a destructive device during a crime of violence.'

DEPORTATIONS AND EXPULSIONS

Ramzi Yussef was involved in a case of attempt to destroy the WTC in 1992 with a truck bomb in its parking space. He was expelled from Pakistan, just a day after his arrest and convicted in the US. Obviously, it did not involve any lengthy or proper judicial proceedings before his extradition/expulsion (Mylroie, 199). Similarly, M. Sadeek Odeh and Mohamed Al-Owhali, the Nairobi Embassy bombers, were expelled by Kenya to the US. In another case, just a day before the bombing of the American Embassy in Dar es Salaam, a Tanzanian had applied for a South African visa as a visitor, and he arrived in South Africa the day following the bombing. He had sought asylum in South Africa under a false name but since he was found to be involved in the bombing, he was deported by South Africa to the US (Alexander & Swetnam, 2001).

The South African Constitutional Court in *Mohammed v. South Africa*, found the deportation of Khalfan Mohamed, the Dar es Salaam Embassy bomber, by South Africa to the US to be in violation of the domestic law and procedurally irregular. Since death penalty was likely in the US for the offences charged, the Supreme Court of South Africa held Mohammed's waiver of deportation as invalid, as South Africa opposed death penalty. However, the opinion of the South African court was ordered to be forwarded to the judge of the US trial court conducting his trial. On being informed of this opinion of the South African Court, the jury in the US did not impose the death penalty on Mohammed and imposed life sentence instead (Brickhill, et al., 2013). This is a rare example, as distinct from the usual practice of a sovereign guarantee or diplomatic assurance, of respect by the court of one country for the opinion of the court of another country in not imposing death sentence on a person convicted of terrorist bombing and resultant death of people.

NON-REFOULEMENT OBLIGATION

The non-refoulement obligation is provided in the CAT in Article 3, which states that a State party must not "expel, return ("refouler") or extradite" a person to a different State when there are "substantial grounds" to believe that he/she would be

"in danger of being subjected to torture." It is pertinent to note that Article 3 does not prohibit refoulment in the case of cruel, inhuman and degrading treatment, but only when there is danger of torture. Article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The Human Rights Committee (HRC) has interpreted Article 7 to include the duty of non-refoulement on the logic that understanding it otherwise would defeat the purpose of the provision, and have noted that States "*must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement*" (Costello & Foster, 2016, p. 43). It must be noted that by virtue of reading a non-refoulement obligation in Article 7, the obligation has been widened to cover torture as well as cruel, inhuman and degrading treatment (as opposed to the obligation of non-refoulement existing only with regard to torture under the CAT).

The US has vehemently objected to reading into Article 7 of ICCPR, the obligation of non-refoulement (Satte Van Aggelen, 2009), as compliance with the non-refoulement obligation can, indeed, lead to an effective stoppage of the US's rendition programme. It has iterated that such reading widens the obligation of Article 7 beyond what was envisaged and undertaken by the parties at the time of ratifying the treaty as by including the duty of non-refoulement under Article 7, as the degree of risk that an individual is permitted to face is significantly lowered. The US has clarified that its obligations of non-refoulement are restricted to those provided under the CAT and has rejected the interpretation of the Human Rights Committee incorporating the obligation in ICCPR (Gil-Bazo, 2015). In any event, US argues that the duty of non-refoulement under ICCPR does not apply to extraterritorial transfers, as obligations under the ICCPR do not apply extraterritorially. However, the contrary has been consistently reaffirmed by the Human Rights Committee. The use of the word "and" between "within its territory" and "subject to its jurisdiction" in Article 2 implies that ICCPR applies only to those persons who meet both these criteria and mere presence in the territory of a person is not sufficient (Roxstrom & Gibney, 2017).

DIPLOMATIC ASSURANCES

The US has sought to justify the transfer of individuals to countries where they might face torture by taking diplomatic assurances that the specific person shall not be tortured, from the State where the person is being removed to (The Constitution Project 2013). The US asserts that such assurances are sufficient despite the poor human rights record of these third countries, as the assurances are procured with specific focus on the individual being transferred. However, more often than not, when reports of torture of these individuals come out in the media, US officials are seen as shrugging responsibility with Statements like "*the administration 'can't fully control' what other nations do*" (Fisher 2008), and "*[w]e have a responsibility of trying to ensure that [detainees] are properly treated, and we try and do the best we can to guarantee that … once they're out of our control, there's only so much we can do*" (New York Times 6 March 2005).

Diplomatic assurances were uncommon before 9/11, and were used and upheld as valid in cases of extradition where countries that had abolished capital punishment sought assurance that the individual who is being transferred will not be subjected to capital punishment (Roxstrom & Gibney, 2017). After 9/11, an increasing number of countries have begun using diplomatic assurances for transfer of individuals who face the possibility of torture (Roxstrom & Gibney, 2017). In light of such transfers, human rights bodies responsible for the prevention of torture, like the HRC and the Committee Against Torture, have evolved certain procedural requirements surrounding such diplomatic assurances. They require that:

1. Assurances must be obtained in unequivocal language.
2. Assurances must be allowed to be judicially reviewable.
3. There must be an effective "post-return monitoring" of the treatment meted out to the individual who was transferred (Roxstrom & Gibney, 2017).

The Comittee Against Torture has upheld these requirements in adjudicating complaints. In *Agiza* v. *Sweden*, Ahmed Agiza, the complainant had sought asylum due to the fear of persecution, but the status was refused due to his association with certain terrorist groups. Though he feared being tortured in Egypt, Sweden allowed Agiza to be transported by the CIA to Egypt, on the basis of diplomatic assurances from Egypt that Agiza will not be tortured. However, he was tortured and the Committee held Sweden accountable because Agiza was not given an opportunity to challenge his transfer before a judicial authority. According to the Committee, such action by Sweden deprived him of his right to effective remedy inherent under the CAT, and also led to him being subject to torture. The decision in *Agiza* builds on the jurisprudence of the Committee which had held in *Arana* v. *France*, that when an individual was transferred by the French Police to Spanish Police without an opportunity for judicial review, the transfer was illegal in international law. Further, the HRC in the case of *Alzery* v. *Sweden*, where Mohammed Alzery was deported to Egypt (along with Ahmed Agiza), held that Sweden acted illegally not only in failing to provide for a judicial review of the decision to transfer, but also by failing to conduct a post-return monitoring based on international good practices.

The ECtHR have followed the same approach. In *Chahal* v. *United Kingdom*, the ECtHR has iterated that transfer of an individual to States which have an endemic history of torture and poor human rights violations on the basis of diplomatic assurances from the State concerned is illegal and does not justify the transfer. Similarly, in *Shamayev* v. *Georgia and Russia*, the Court held that Georgia was in violation of the European Convention on Human Rights as it allowed terror suspects to be deported to Russia without giving them a chance to challenge the decision before judicial authorities. However, one must consider the US's concern for national security against the backdrop of the damage it suffered in 9/11 (Ewing & Tham, 2008). It would be incorrect to expect them to not ramp up their preventive security measures, and interrogation of possible suspects is a key to the same. But is legalisation of the programme a legitimate expectation? Having judicial bodies review the legality of a

transfer based on sensitive intelligence would require the revelation of the same, which would have disastrous consequences for the intelligence gathering agencies as it would reveal not just sensitive information, but also the sources of the information collected. The revelation of the sources of information will lead to a revelation of the inner working of intelligence gathering agencies which shall be catastrophic for the national security of a nation.

The ECtHR is the only judicial body that has acknowledged the existence of the extraordinary rendition programme. The Constitutional Court of Italy, as well as the Courts in the US have dismissed claims arising out of rendition on the grounds that it would lead to the revelation of State secrets like the workings of the intelligence agencies. Although the extraordinary rendition programme may be used in selected cases, despite the possible wrongs it can cause to innocent victims, the innocent victims must have a chance of redressal before courts of law. One such solution is the United States' Classified Information Procedures Act ('CIPA'), which sets out measures to balance the revelation of State secrets by defendants in relation to criminal prosecution, and ensuring a fair trial (Hansen 2007). The legislation requires the defendant to show that the information protected by State secrets is material to the defence, and if it is, the government has the option to appeal for a decision of the Court in this regard, or admit to facts which are sought to be proved by the State secrets privilege. If the government doesn't admit the facts and asserts the State secrets privilege, then the government is bound to choose between dismissing that particular charge or revelation of the information. Further, the court also has a wide variety of powers in allowing for *in camera* proceedings for trials whose evidence would be covered under CIPA. Drawing on the idea of CIPA, a legislation to regulate the usage of evidence involving State secrets for civil suits would be beneficial in claiming compensation for those wronged by the rendition programme.

The illegality of the rendition programme is manifest by looking at the jurisprudence of the Committee Against Torture and the Human Rights Committee. The US asserts that ICCPR does not apply extraterritorially and, therefore, the obligation of nonrefoulement cannot extend to extraterritorial transfers. However, for transfers like the ones that are initiated in US territory, as in case of *Maher Arar,* the territorial application of the ICCPR is sufficient to impose responsibility on the State as the refoulement indeed took place from the US territory. Therefore, the US's denial of extraterritorial application of human rights, apart from being consistently rejected by human rights bodies, doesn't fully secure it from responsibility. The US also asserts that its obligation of non-refoulement is restricted to torture only, and do not extend to cruel, inhuman and degrading treatment.

EXTRAORDINARY RENDITIONS

Extraordinary rendition is an extra-judicial transfer of individuals without the protection of extradition laws, to collect information from individuals suspected of being linked with groups responsible for terrorist activities, like the members of Al-

Qaeda (Egan, 2019, p. 135). These techniques were used extensively since 9/11, after President Bush launched a "Global war on Terror". Individual suspects were allegedly arrested/abducted by the US and then transferred to third countries which interrogated these suspects through unlawful means and by subjecting them to torture, and the information received from the suspects were given to the US. The purpose of 'outsourcing' the interrogation of suspects to third countries was believed to be for avoiding the applicability of the rights available to the accused persons under the US legal system (like prohibition of indefinite detention and prohibition of torture) and to gather sensitive information which could help in the prevention of planned terror attacks and to assist in the destruction of terrorist networks (Egan, 2019). These suspects were handed over to countries that had poor track records in the protection of human rights and which would more likely than not use torture for extracting information. The information collected can indeed be effective in pre-empting terror activities, and the debate thus revolves around the balancing of protection of the human rights of the people under the jurisdiction of the State (by pre-empting and preventing terrorist attacks), as opposed to protecting the rights of the few that are suspected of being involved in one way or the other in terrorist acts.

The US has officially denied that it undertook extraordinary rendition of suspects, but officials had off the record confirmed, and defended the practice, and various investigations and media reports also revealed the same. However, due to the covert nature of the practice, the veracity of the data remains in doubt. Further, this practice is often equated with pre-trial detentions that take place outside the US territory, but under US custody, like those in the Guantanamo Bay, Cuba. Extraordinary renditions refer to renditions, wherein the accused and his custody is handed over to a third country. The courts in the US are more willing and able to interfere with the treatment meted out to detainees in the US Military prisons like Guantanamo, by virtue of being in direct US Custody, as opposed to being in the custody of a third country.

Due to the secrecy that surrounds the practice, researchers have not been able to pinpoint the exact number of individuals that have been subjected to extraordinary renditions, however, various reports peg the number at 150 during 2001-2005. While only a few of these suspects have filed lawsuits in the courts, after being released, the public information available about other victims is based either on personal accounts or upon the revelations by investigative journalists. Below are a few victims whose renditions have received judicial scrutiny.

LEGALITY OF THE EXTRAORDINARY RENDITIONS PROGRAMME

It is first necessary to identify the norms that are violated by the extraordinary rendition programme. Because the programme involves arrest and abduction, one of the rights brought into operation is the protection against arbitrary detention and other due process privileges like the right to be brought before a court of law (Weissbrodt and Bergquist 2006: 585). Further, because it involves forcible removal from one country, the right to liberty and freedom of movement are also affected (Weissbrodt and Bergquist

2006: 585). Most importantly, because the transfer takes place to third countries where there is a substantial risk of torture, the duty of non-refoulement, i.e., the duty to not transfer individuals to a country where they face risk of persecution of torture, becomes relevant, alongside the duty to prevent torture, cruel, inhuman and degrading treatment in the first place.

PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE UNITED NATIONS SPECIAL RAPPORTEUR

The latest report of the SP, presented to the UNGA on February 21, 2020, discusses the impact of counter-terrorism measures on human rights and emphasizes the absence of an agreement on the definition of terrorism and "violent extremism" (Richards, 2020). Extremism is considered as antecedent to terrorist activities, and fostering of extremist ideas leads to violence. Therefore, circumstances conducive to the spread of 'extremist ideologies' need to be addressed to counter terrorism effectively. Violent extremism is colloquially understood as intolerance towards differing views on religious, cultural and societal values. But in the absence of a definition, the usage of these terms can lead to more human rights abuses than using the term "terrorism", due to the broad scope of activities that can be encompassed in the former.

The report finds that most national counter terrorism strategies are based on presumption of religious extremism leading to terrorism, and that religious texts validate terror activities. It asserts that this presumption is deployed in various counter terror strategies and tools which suffer from inherent bias and prejudice and give scope for massive arbitrariness to the law enforcement agencies. The Special Rapporteur highlights the fallacy of the presumption of religious extremism leading to terrorism, and asserts the absence of evidence on which this presumption and consequent counter terror policies are based. The report takes note of a study by the UNDP which revealed that though 51% of people interviewed for the study cited religious grounds for joining violent extremist groups, 57% of people interviewed admitted to having zero or limited understanding of religious texts (Morema, 2020). The Special Rapporteur notes that profiling on this basis give rise to various human rights and ethical issues and she highlights various evidentiary studies that reveal other factors that have a role in perpetrating terrorist activities, which include political instability, a weak government, and loss of trust in the political and security systems of the country. Religious profiling, while impacting human rights, may thus also be ineffective in countering terrorism completely. The Special Rapporteur adds that policy focus on combatting and countering extremist Islamic Organisations such as ISIL, Al-Qaida and Boko Haram have created the perception that violent extremism is essentially an Islamist phenomenon (Dahri, 2019). This has perpetuated hostility, prejudice and bias and has fuelled religious discrimination against Muslims in many countries. In order to prevent radicalisation, a number of countries have resorted to stricter legislation regulating religious exercises, such as 'cumbersome process of registration of religious groups, criminalizing religious practices and rituals, restrictions on import of religious

literature, ban on visiting places of worship, praying aloud, consuming religiously sanctioned food or sharing their faith with others'. All these measures directly impacted the right to freedom of religion.

CONCLUSION

Human rights include just and fair rights of both the victims of terrorism and the terrorist suspects. The international community recognises minimum standards of conduct governing the actions of counter-terrorism officials and considers respect to these standards to be critical for long-term, and effective response to counter terrorism. As far as the victims are concerned, there should be thorough investigation to bring the terrorists to justice, conduct a fair trial and punish the guilty adequately as early as possible. Justice delayed is not only justice denied but also human rights violated. We have seen, many cases have dragged on for decades and have ended in acquittal. While, an innocent should not be punished, but the State cannot absolve itself of its duty to identify the criminal and punish him. It owes its responsibility to the victims and the accused and to render justice to both. It is respect for the rules and processes of law, and for the minimum standards for a humane and respectful treatment of the terrorist suspects and detainees that clearly distinguishes the action of law enforcement officials from that of terrorists.

The Preamble to the UN Charter underscores the importance of respect for human rights as a foundation of the modern international system. The UDHR 1948, has contributed to the development of the global human rights regime, and its ideals and influences (Iriye, et al., 2012). The ICCPR prescribes minimum protections for civil liberties such as freedom from arbitrary detention, access to a fair trial, etc. and also provides for the limitation of rights in certain circumstances. Both the ICCPR and the CAT have created standing committees to monitor fulfilment of their standards and to advise countries on better compliance. The OHCHR, the nodal UN agency tasked with the mandate to promote and protect the human rights of all peoples, has initiated a thematic study for the protection of human rights while countering terrorism. The OHCHR is also an active member of the newly created UNGCTCC. A mandate for a Special Rapporteur on the protection of human rights and fundamental freedoms has been created vide resolution 2005/80, which extends to provision of advisory and technical assistance to States for complying with their human rights obligations and to report regularly to the Human Rights Council and the UNGA. Through a complaint mechanism, developed by the OHCHR, individuals can also report human rights violations to the Special Rapporteur.

The conviction that the act of terrorism constitutes a human rights abuse has modified the old perception that human rights can only be violated by States. The UN states that terrorism not only threatens peace, development, security and stability, but also destroys both human rights and fundamental freedoms and democracy. Similarly, the Commonwealth describes terrorism as a direct threat to human rights. It also notes that terrorism can never be justified as a means to promote and protect human rights.

Over the years, there has been a shift in the approach of the Council. Although, UNSCR 1373 (2001) was silent on the issue of respecting human rights while countering terrorism, in 2003, through its Resolution 1456, it clearly issued a directive under Chapter VII, stating that the States must comply with obligations under international refugee, human rights and humanitarian law (Nowak & Charbord, 2018). Not to be left behind, the UNGA too has expressed the importance of protecting human rights and fundamental freedoms while combating terrorism. The UNHRC also keeps reiterating that the responses of States to terrorism should always be compliant with human rights obligations.

At a regional level, the ECHR 1950, the African (Banjul) Charter on Human and Peoples' Rights (1986) and the American Convention on Human Rights (1978) articulate minimal standards for the treatment of all individuals by State actors. The OAS (2002), the COE, the OSCE (2002) and the SAARC Additional Protocol (2004), as well as various national governments and institutions have been issuing clear guidelines on human rights while countering terrorism. The CAT provides for non-refoulement obligation, which states that a State party must not "expel, return ("refouler") or extradite" a person to a different State when there are "substantial grounds" to believe that he/she would be "in danger of being subjected to torture." Similarly, the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Nowak & Charbord, 201, p. 22).

The latest 2020 report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism discusses the impact of counter-terrorism measures on human rights and emphasizes that absence of an agreement on the definition of terrorism and "violent extremism" can lead to more human rights abuses as a broad scope of activities can be encompassed as terrorism (United Nations. General Assembly, & Emmerson, 2014). The report also mentions that most national counter terrorism strategies are based on wrong presumption that religious extremism leads to terrorism, and that religious texts validate terror activities. It further adds that policy focus on combatting extremist Islamic groups such as ISIL, Al-Qaida and Boko Haram have created the perception that violent extremism is essentially an Islamist phenomenon, thereby perpetuating hostility and prejudice and fuelling religious discrimination against Muslims globally. Implementation of international human rights principles by the law enforcement officials should, therefore, be seen as a positive attribute in the overall response of democratic countries, and not as a handicap. The international legal framework of human rights standards – accepted as binding by the overwhelming majority of States – has not been designed, developed or interpreted in an unrealistic vacuum. There are sometimes real and immediate threats to peaceful societies, and the State has a clear duty to provide protection to its nationals from sources of direct threat to their life, liberty and property. Far from being 'soft on terrorism', the body of international human rights law, therefore, accommodates the need for strong, even exceptional, legal and institutional responses. While freedom of speech and expression is an important canon of a democratic society, like all other

freedoms, it cannot be unlimited, and must be restricted when they tend to incite religious and racial hatred.

Countries' responses to the threat of terrorism should be a model of principled professionalism, where law enforcement institutions are seen as protectors and not violators of human rights. The real challenge for law enforcement officials is to strive to make human rights principles relate to the operational activities of investigators and prosecutors. State should maintain a balance between human rights of the majority with the minority, protect all as equals, follow the due process of law and not allow itself to be provoked by individual illegal acts for immediate retribution, which will, surely, bounce back like a boomerang and cause more damage than expected. Illegal acts by the State will set the ball of violence and counter-violence rolling to the nemesis of all.

BIBLIOGRAPHY

Alexander, Y., & Swetnam, M. S. (2001). al-Qaida Timeline. In *Usama bin Laden's Al-Qaida: Profile of a Terrorist Network* (pp. 37-52). Brill Nijhoff.

Alfredsson, G., & Eide, A. (Eds.). (2023). *The Universal Declaration of Human Rights: a common standard of achievement*. Martinus Nijhoff Publishers.

Bates, E. (2010). *The evolution of the European Convention on Human Rights: from its inception to the creation of a permanent Court of Human Rights*. Oxford University Press.

Bienert, A. (2016). Action, Not Just Words: The Practical Implications of Human Rights Law for the Use of Force and Firearms by Law Enforcement Officials. *Security and Human Rights*, *27*(1-2), 200-220.

Brickhill, J., Corder, H., Davis, D., & Marcus, G. (2013). The administration of justice. *Annual Survey of South African Law*, *2013*(1), 1-60.

Buergenthal, T. (1997). The normative and institutional evolution of international human rights. *Human Rights Quarterly*, *19*(4), 703-723.

Costello, C., & Foster, M. (2016). Non-refoulement as custom and jus cogens? Putting the prohibition to the test. *Netherlands Yearbook of International Law 2015: Jus Cogens: Quo Vadis?*, 273-327.

Dahri, N. (2019). *Global Jihad, Islamic Radicalisation and Counter Strategy*. Vij Books India Pvt Ltd.

De Wet, E. (2004). The prohibition of torture as an international norm of jus cogens and its implications for national and customary law. *European Journal of International Law*, *15*(1), 97-121.

Egan, S., Egan, S., & Roughley. (2019). *Extraordinary Rendition and Human Rights*. Springer International Publishing.

Elizalde, P. (2020). *Human rights promotion, contestation, and politicisation in international human rights institutions: a study of the Universal Periodic Review 2008-2016* (Doctoral dissertation, London School of Economics and Political Science).

Ewing, K. D., & Tham, J. C. (2008). The continuing futility of the Human Rights Act. *Public law*, *668*, 681.

Foley, H. E. (1929). Incorporation, Multiple Incorporation, and the Conflict of Laws. *Harvard Law Review*, *42*(4), 516-549.

Gaer, F. (2020). The Committee Against Torture: implementing the prohibition against torture. *Research Handbook on Torture*, 128-153.

Gil-Bazo, M. T. (2015). Refugee protection under International Human Rights Law: From non-refoulement to residence and citizenship. *Refugee Survey Quarterly*, *34*(1), 11-42.

Greer, S. (2015). Is the prohibition against torture, cruel, inhuman and degrading treatment really 'absolute'in international human rights law?. *Human Rights Law Review*, *15*(1), 101-137.

Greer, S. (2015). Is the prohibition against torture, cruel, inhuman and degrading treatment really 'absolute'in international human rights law?. *Human Rights Law Review*, *15*(1), 101-137.

Hansen, V. (2007). Extraordinary Renditions and the State Secrets Privilege: Keeping Focus on the Task at Hand. *NCJ Int'l L. & Com. Reg.*, *33*, 629.

Iriye, A., Goedde, P., & Hitchcock, W. I. (Eds.). (2012). *The human rights revolution: an international history* (Vol. 3). Oxford University Press.

Isanga, J. (2008). Counter-Terrorism and Human Rights: The Emergence of a Rule of Customary Int'l Law from UN Resolutions. *Denv. J. Int'l L. & Pol'y*, *37*, 233.

Mockaitis, T. R. (2006). *The new terrorism: Myths and reality*. Bloomsbury Publishing USA.

Morema, F. M. (2020). *Violent Extremism and Terrorism in Africa-Role of Nongovernmental Organizations in Kenya and Nigeria* (Doctoral dissertation, University of Nairobi).

Mylroie, L. (1995). The World Trade Center Bomb: Who Is Ramzi Yousef? And Why It Matters. *The National Interest*, (42), 3-15.

Nowak, M., & Charbord, A. (2018). Key trends in the fight against terrorism and key aspects of international human rights law. In *Using Human Rights to Counter Terrorism* (pp. 12-91). Edward Elgar Publishing.

Nyarks, A. (2006). Varieties of Anaang language. *Unpublished Master's Thesis. University of Uyo*.

Nyarks, A. (2012). English Mirror. *Use of English and Communication Skills. Uyo: Noble Publishers & Associates*.

Nyarks, A., & Campus, O. A. (2022). The Linguistic Evaluation of Anaang Syllable Structures. *International Journal of Formal Education*, *1*(8), 1-15.

Nyarks, D. A. (2022, August). Affixation: A linguistic strategy for language development, a case study of Anaang language. In " *ONLINE-CONFERENCES*" *PLATFORM* (pp. 140-149).

Okide, U. (2020). An Analysis of Authorsâ€™ Viewpoints on Interfemale Hostility in Selected Igbo Novels. *Kenneth Dike Journal of African Studies (KDJAS)*, *1*(1).

Okide, U. (2021). Perspectives on Cultural and National Development as Reflected in Two Igbo Poems. *Lagos Notes and Records*, *27*(1), 96-113.

Okide, U. J. (2019). Inter-Female Hostility as a Cultural Behavior in Freud's Theory of Aggression. *Culture, Precepts, and Social Change in Southeastern Nigeria: Understanding the Igbo*, *113*.

Okide, U. J. (2021). Perception and Artistic Presentation of the Phenomenon of Death among Igbo Poets. *Sapientia*, *3*(2), 245-263.

Okide, U. J. (2022). CHILD ABUSE IN THE IGBO FAMILY: AN ANALYSIS OF OSUAGWUâ€™ S NWA NGWII PUO EZE. *Nigerian Journal of African Studies (NJAS)*, *4*(1).

Okide, U. J. (2023). Cultural Views of Wealth in Traditional and Contemporary Igbo Society: Perspectives from Maduekweâ€™ s â€ œEgo na-ekwuâ€. *Nigerian Journal of African Studies (NJAS)*, *5*(2).

Parrish, A. L. (2007). Storm in a teacup: The US Supreme Court's use of foreign law. *U. Ill. L. Rev.*, 637.

Pickering, S., McCulloch, J., Wright-Neville, D., Pickering, S., McCulloch, J., & Wright-Neville, D. (2008). *Counter-terrorism policing* (pp. 91-111). Springer New York.

Richards, I. (2020). 'Sustainable Development', Counter-terrorism and the Prevention of Violent Extremism: Right-wing Nationalism and Neo-jihadism in Context. In *The Emerald Handbook of Crime, Justice and Sustainable Development* (pp. 397-418). Emerald Publishing Limited.

Roxstrom, E., & Gibney, M. (2017). Human rights and state jurisdiction. *Human Rights Review*, *18*(2), 129-150.

Udo, I. L., & Udoh, M. (2023). Moral Education and Corruption in Nigeria: A Reflection on Plato's Counsel on Education. *IILARD Journal of Humanities and Social Policy*, *9*(1), 1-12.

Udoh, M. O. S. E. S. (2013). Challenges and Prospects for Developing Scientific And Technological Attitude In Africa. *African Journal of Culture, Philosophy and Society: Aworom Annang*, *3*(1), 7-15.

Udoh, M. O. S. E. S. (2013). The Place of Mythological Metaphysics in Social Control. *Journal of Complementary Reflection: Studies of Asouzu*, *3*(1), 45-53.

Udoh, M. O. S. E. S. (2014). Socialization and Society: The Family System as a Basic Unit.

Udoh, M., & Umotong, I. (2013). Environment Sustainability and Renewablity. *Elements of History and Philosophy of Science*.

Uloma, O. V., Mbonu, C. N., Onuorah, A. C., Mbarah, G. O., Anyacho, E. O., Orji, M. B., ... & Eucharia, O. E. (2019). *Culture, Precepts, and Social Change in Southeastern Nigeria: Understanding the Igbo*. Rowman & Littlefield.

United Nations. General Assembly, & Emmerson, B. (2014). *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Addendum: Mission to Burkina Faso*. United Nations General Assembly.

Van Aggelen, J. (2009). The consequences of unlawful preemption and the legal duty to protect the human rights of its victims. *Case W. Res. J. Int'l L.*, *42*, 21.

Vermeulen, M. (2015). Assessing counter-terrorism as a matter of human rights: Perspectives from the European Court of Human Rights. In *The Impact, Legitimacy and Effectiveness of EU Counter-Terrorism* (pp. 65-92). Routledge

Villiers, P. (2009). *Police and policing: An introduction*. Waterside Press.

Ward, C. A. (2003). Building capacity to combat international terrorism: The role of the United Nations Security Council. *Journal of Conflict and Security Law*, *8*(2), 289-305.

Webber, D. (2016). *Preventive detention of terror suspects: A new legal framework*. Routledge.