

Research Article

Human Rights under Siege: Legal and Policy Implications of Terrorism, Banditry, Herdsmen Violent Attacks and Kidnapping in Nigeria

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Abstract: The increasing spate of Terrorism and violent crimes of banditry, herdsmen attacks and kidnappings in Nigeria are serious human rights violations and are undermining security and welfare guaranteed by the Constitution of Nigeria 1999 (as amended) especially Section 14 (2) and Chapter four as well as some International Human Rights Instruments. These violent crimes are responsible for a growing incidence of mass killings, People's displacement and restrictions on the essential provision of services while State institutions set up as insecurity checks either lack the means to secure lives and properties, accountability or are even unwilling to do so. The result is that security agencies have failed both to stop the violence and to prosecute those responsible for it, creating an environment of impunity, consolidating criminal cartels, and minimizing the public's confidence in the judicial and security systems. Although insecurity has many drivers, including actors driven by the Nigerian State itself, the ongoing and persistent threats are exacerbated by weak and dysfunctional policing and security responses, the prevalence of corruption, a lack of attention to redundancies among security institutions, and an abject avoidance to fix complex root causes of criminal violence such as poverty, unemployment, and resource control conflicts. Nigeria's emphasis on militarized forms of security has never successfully addressed the root problems of violent crimes nor held accountable state and non-state actor's violence perpetrated through criminal enterprises. Overall, this paper examines, (i) the scale and scope of crime and insecurity; (ii) the drivers and causes of criminal violence; and (iii) the legal implications of all these as continuing security challenges especially on human rights. It uses a rights-based frame to indicate the pathways to achieve adequate remedies, as well as judicial and law enforcement reforms and socio-economic reforms that should be part of an eventual rights-based pathway out of insecurity. The necessary solutions for Nigeria to address insecurity largely necessitate improvements in judicial and law enforcement institutions, community-based security systems, and the socio-economic conditions of affected communities. The issues of injustice and human rights violations resting on documentary evidence from global and national human rights data underscores the danger that state failures pose to the rule of law and democracy, and what is further urgent is that the state must act quickly to resume remedies and it does so through funding these immediate and holistic responses.

Keywords: Human Rights, Banditry, Herdsmen Violent Attacks, Kidnapping, State Responsibility, International Human Rights Instruments

How to cite this article: Agugo W O. Human Rights under Siege: Legal and Policy Implications of Terrorism, Banditry, Herdsmen Violent Attacks and Kidnapping in Nigeria.

Research Journal of Humanities and Social Sciences.2026 Feb 12, 5(1):103-113.

Source of support: Nil.

Conflict of interest: None

DOI: doi.org/10.58924/rjhss.v5.iss1.p8

1. Introduction

Received: 15-01-2026
Revised: 18-01-2026
Accepted: 05-02-2026
Published: 12-02-2026



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Nigeria's security situation has been deteriorating for the last ten years with increasing violent crimes such as but not limited to Terrorism, banditry, herdsmen/farmer clashes and kidnappings. These threats have caused immense human suffering and worsened the country's legal, political, and economic welfare. The human suffering cannot be measured accurately because of the fact that thousands have died, communities have been displaced, farmlands left unattended to and means of livelihoods destroyed. According to reports from national and international rights organizations, armed groups (non-state actors) continue to operate with extreme impunity exploiting Nigeria's weak law enforcement and justice system. The persistence of such violence highlights the urgent need for a comprehensive and rights-based security regime capable of protecting civilians followed by accountability.

Comparing causes of such insecurity is as complex as there are the underlying reasons.

They are caused by intertwined socio-economic, political and environmental factors. Poverty and youth unemployment alongside disparate access to resources encouraged the recruitment of vulnerable individuals as it is easier to join and be part of a criminal culture than it is to resist same. Furthermore, climate change driven by environmental deterioration, particularly in the north and middle belt regions, has exacerbated the competition for land and water resources leading to escalation in farmer-herder conflicts. In a large number of cases, the Nigerian authorities have often resorted to the militarization of responses which, has been criticized for human rights violations leading to further disaffection of communities from state security institutions and personnel. This has resulted in a growing mistrust from the public to security agencies and thereby further weakening their confidence in state institutions, which undermines efficiency in crime prevention.

A rights-based approach to security aims to counteract this pattern by rooting every security operation into constitutional guarantees and international human rights obligations. It requires trust-building through transparency, accountability, and the fair application of justice. The emphasis should be placed on obeying the rule of law, consistently enacting laws such as the Administration of Criminal Justice Act (ACJA) 2015, and strengthening independent oversight bodies to oversee the extent to which security agencies are following the law. Equally important is the acknowledgement of the value of community-based security measures, such as community policing units with proper training and locally-based peace committees, which operate in a cultural context and in alignment with national security initiatives. Such relationships strengthen the intelligence gathering process requiring less dependence on the formal apparatus of the state, better early warning systems, and help curtail the escalation of violence which further derogates the protection of the guaranteed human rights.

As a result, sustainable peace will not be attained in Nigeria via force alone, but rather by addressing the symptoms and the root causes of insecurity holistically and sustainably - for instance, through socio-economic development and investment in human capital, creating economic opportunities with climate-resilient livelihoods and education options for vulnerable people. Further, the analysis warns of the danger of failing to institutionalize democratic governance, equal access to nets of justice, and participatory decision-making. In the end, with stronger democratic governance, the networks of criminality can be dismantled and confidence in the state's providence toward protecting citizens can be re-embedded. Human rights in national security initiatives can enable Nigerians to create a better state in which justice and security are complementary, supporting stability and development. Each initiative is longer-term in nature.

2. Nature and Scope of Terrorism, banditry, herdsmen violence and kidnappings in Nigeria.

Terrorism being a calculated use of threat of violence to create wide spread fear, coercing governments or societies to achieve political, religious, or ideological goals often targeting civilians or non combatants to pressure third parties. However, different types of terrorism abound which include domestic terrorism ,International terrorism, State sponsored terrorism as well as Cyber terrorism. In Nigeria, the latest concluded case is the case between Federal Republic of Nigeria V Nnamdi Kanu (Unrep.) where Justice Omotosho found the defendant guilty of terrorism charges and sentenced him to life imprisonment .

Bandit attacks in Nigeria, particularly in the northwest region, evolved from a periodically criminal activity into an organized armed gangs engaging in cattle rustling, village raids, and mass kidnappings. According to the International Crisis Group (2021), these groups

of people who masked their faces predominantly carried out their activities in states such as Zamfara, Kaduna, and Katsina, exploiting weak law enforcement and porous borders to commit violence, extort communities, and kidnap innocent civilians for ransom. Their activities have led to the displacement of thousands of people, with many others leaving their homes, thereby making refugee camps their homes. The magnitude of these operations is very considerable, with estimates from Nigeria's National Bureau of Statistics indicating that over 2,000 people were killed in bandit attacks in 2020 alone.

Herdsmen violence, mostly attributed to Fulani Nomads, is often framed within the context of prolonged farmer-herder conflicts. The crisis was initially as a result of competition over land and water resources, which became worse by climate change and desertification. As noted by the International Organization for Migration (IOM, 2020), herdsmen attacks have been particularly devastating in Middle Belt states such as Benue, Plateau, and Nasarawa. These violence ranges from localized skirmishes to large-scale massacres, which result to numerous fatalities following the disaster. It has been argued by some people that these conflicts are primarily economic and environmental, human rights organizations such as Amnesty International (2020) have raised concerns over targeted attacks against food producing communities and abuses committed by herdsmen, these also have aggravated ethnic and religious tensions in Nigeria.

Kidnapping in Nigeria grew into an alarmingly activity over the past decade, shifting from politically impelled abductions by insurgents like Boko Haram to a widespread criminal enterprise driven by ransom demands. The National Bureau of Statistics (2022) reported a significant increase in kidnapping cases across Nigeria, including high-profile attacks on schools, commuters, and even government officials. The most popular cases of these abductions which drew the attention of the global community to the kidnapping enterprise in Nigeria was the abduction of the Chibok girls in 2014, after these period, kidnapping became more frequent and widespread. This surge can be linked to the economic frustration caused by poverty and unemployment, as well as the proliferation of arms and the weakening organized law enforcement institutions.

3. Implications of the Violence on Human Rights in Nigeria

i. Right to Life **Rampant Killings and Impunity:** Section 33 of the Constitution of the federal republic of Nigeria 1999 (as amended) which guarantees fundamental right to life is alarmingly under threat because of endless violence. In just April of 2025, the National Human Rights Commission (NHRC), under the National Commission for Human Rights Act of 1995, the Commission found and noted to be "the worst human rights situation for almost a full year", recorded 570 killings and 278 kidnappings nationally. In the first half of 2025, an estimated 2,266 people have been killed when compared to documented killings for the entirety of 2024. This number puts into stark perspective the rate at which the Nigerian state of failure to protect lives is both severe and accelerating. One notably heinous recent incident of state-sponsored violence is the Yelwata massacre, in June 2025, by unknown gunmen where approximately between 100 and 200 of villagers and many being displaced, were killed in their sleep highlighting the magnitude of violations of the right to life, and total impunity for those responsible for the murders.

ii. Torture, Degrading Treatment, and Displacement: Not only killings are violent crime, but torturing and sexual violence, alongside other degrading behaviours which are in violation of Section 34 of the Constitution and Article 5 of the African Charter, which also derogate victim's rights. Also, violence alone has displaced thousands of citizens and depriving them of their rights to properties, education, and right to healthcare while communities have been displaced. The NHRC had documented 20% increase in recorded violations calling the attention of Law Enforcement and Human Dignity for remedy.

Among other things, forced displacements were rampant, with Plateau, Benue, Borno and Yobe among the most affected states.

iii. Education Denied, School Kidnapping and Instability: Violent attacks against schools have seriously compromised children's civil and political rights, including the right to education. While Kankara (2020) and Jangebe (2021) will always be reminders of the violence, continuing violence is throwing education into chaos on a larger scale. This violence is not necessarily localized to any one region (recently, the Unity Schools that were shut were opened), it is good to point out that all the Unity Schools were shut as a result of widespread of Kidnapping in the Country. However, what happens when whole regions such as the North-West Region and Middle Belt remain chaotic and insecure. The herder/farmer violence is part of the overall violence and insecurity taking placesuch areas. In May 2025, in Benue State where 42 people were killed, including women and children; and thereby deepening fear among communities which most them resulted in school closures.

iv. Escalating Civilian Vulnerability and Rights Violations: According to reports, the violence is disproportionately impacting vulnerable populations including vulnerable women, children, and the elderly, especially in Internally Displaced Persons camps and unsafe homes. In April 2025, the NHRC reported more than 6,325 cases of domestic violence, as well as 1,125 rapes, demonstrating how weak protections leave victims at risk (nhrc.gov.ng). The case reports from the middle belt reveal families suffering torture, kidnappings, and sexual violations during raids; a demonstration of civil and political rights eroding in stressed communities.

v. Social Fabric Shattered—Mob Justice and Communal Violence: The rule of law is increasingly being undermined because of communal violence and mob justice, which is encouraging ethnic and regional fragmentation. A horrifying example was observed on March 28, 2025, when 16 travelers, majority of which were Hausas were lynched by mobs in Edo State after being falsely accused of kidnapping; weapons were found in their vehicle, and instead of facing the judicial process, vigilantes provoked the slaughter. Incidents like these destroy social cohesion, deny due process, and highlight discriminatory mindsets that undermine confidence in institutions that are supposed to ensure justice.

vi. Food Insecurity and Child Mortality—Humanitarian Fallout: Violence produces ripple effects that alter the socio-economic and humanitarian circumstances of children. The forced displacement of families in Katsina State due to insecurity has similarly phased them out of farming, which has resulted in food insecurity. Child deaths from severe malnutrition have risen to at least 652 children between January and June 2025, reported by Médecins Sans Frontiers, representing an increase of 208% compared to 2024, due to cuts to food and nutrition assistance from Western charitable organizations. Similarly, food assistance for 1.3 million people will be suspended due to stock shortages in north-eastern Nigeria in the coming months. This signals a humanitarian crisis directly related to insecurity.

The interplay of armed violenceby bandits, herders, insurgents, and mobshas resulted in systemic abuse of human rights in Nigeria. The right to life, dignity, education, and security are under threat as civilians face killings, abductions, torture, sexual violence, and displacement. Discriminatory mob actions further deepen fractures, while food insecurity and child deaths from malnutrition highlight the tragic humanitarian toll. These crises underscore the urgent need for robust, rights-based responses to restore protection, justice, and stability across the nation.

4. State Responsibilities and Her inability to Protect Citizens

Under domestic and international law, The government of Nigeria has the primary responsibility to protect the lives and properties of its citizens. Specifically, Section 14(2) (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), states: "the security and welfare of the people shall be the primary purpose of government." International legal instruments, such as the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR), obligate Nigeria under international law to protect citizens from arbitrary acts of violence committed by state and non-state actors. The evident weakness of the Nigerian state, as the rise of terrorism, banditry, herdsmen violence, and kidnapping, has shown us Nigeria's difficulty in fulfilling these obligations. Funding for security agencies is routinely insufficient, and they are poorly equipped and over stretched with their finances. The National Security Strategy (2021) reports that the security sector operates with less than 50% of its required manpower; the effects of this reality are most severe in rural communities and ungoverned territories directly exposing them to violence from armed groups.

Owing to uncontrolled systemic corruption, impunity, and poor governance structures, governments have failed to protect their citizens. Transparency International (2022), and the National Human Rights Commission (NHRC, 2021), specifically stated that the embezzlement and misappropriation of funds intended to address security issues and violent crime has impeded proper solutions. The further lack of accountability of perpetrators continues in the pattern of an 'impunity for the criminal'. Amnesty International (2021), stated, 'while there have been a number of arrests of alleged bandits and herdsmen, very few have been prosecuted to conviction which emboldens criminal networks to simply double efforts on their attacks.' The militarized response by governments prioritizing security action over criminal justice action has also had human rights implications of extrajudicial killings and arbitrary detentions in different parts of the country. The use of armed defense has created alienation in affected communities, as well as eroded public trust in the state.

The Community Court of ECOWAS has not spared government in their failure to protect her citizens. In the case of Modupe Dorcas Afolalu V Federal Republic of Nigeria, the court held that the Federal Government of Nigeriawas negligent in failing to secure the of the plaintiff's husband which led to the brutal killing by the rioters during the post election violence which greeted the announcement of the presidential election result in April 2011, citing also Article 4 of the African Charter. The court awarded the sum of #10m in favour of the plaintiff while cautioning that it is not enough for a government to refrain from killing its citizens but must actively protect them from foreseeable threats from state agents or non-state actors.

Another important consideration is the government not addressing the socio-economic causes of insecurity. The persisting poverty, unemployment, and climate change impacts on agricultural livelihoods are providing an opportunity to recruit youth into criminal networks. The United Nations Development Programme (UNDP, 2022) states that around 40% of Nigerians are living below the poverty line, and in terms of resource competition between farmers and herders, environmental decline is only going to increase since demand is drastically outracing supply. In failing to implement policies to address sustainable development, fair distribution of resources, and community resilience, the Nigerian state is largely responsible for maintaining a situation that creates and promotes violence. The failure of the state to protect the citizenry breaches national and international obligations and undermines the legitimacy of the state with citizens relying

on self-help, particularly by forming vigilante groups for protection and fueling the process of delegitimizing the law.

5. Legal and Policy Implications of the Justice System In Nigeria

The ongoing pervasive issues of banditry, herdsmen violence and kidnappings in Nigeria underscore a desire and acknowledgement of basic failures in the justice system in the country. One of the most glaring legal implications of the ongoing abuses is the failure of the rule of law due to the failure of the state at prosecuting offenders. The National Human Rights Commission (NHRC, 2021), acknowledges that the majority of persons arrested for violent crimes are prosecuted only very rarely, creating a culture of impunity. This amounts to a failure to adhere to Nigeria's constitutional obligations as related to Section 33 and Section 46 of the 1999 Constitution, where every citizen has entitlements to the rights of life and to pursue damages should the rights be violated. The inherent failure to prosecute and gain convictions deeply erodes public confidence in the justice system and violated public trust and consent further emboldening the criminal elements and causing the cycle of violence to escalate further. Furthermore, the poor capabilities of law enforcement agencies, together with the poor capabilities of the judiciary to adequately and swiftly examine evidence, conclude with trials, long and delayed trials and often times cases are dismissed entirely, further eroding the need for all citizens to seek fair justice in a timely manner, recognized under Article 7 of the African Charter on Human and Peoples' Rights (ACHPR).

From a policy perspective, the issues in the Nigerian justice sector include a lack of coordination between security institutions and judicial institutions. The International Crisis Group (2021) highlights how there are overlapping mandates of the armed forces, police, and other security institutions that caused significant inefficiencies in the operations of these agencies and violations of procedural due process. The Nigerian military carries out mass arrests without having the proper documentation, and suspects have not been provided with methods to have their detention explained to them by legal representation. The actions of police and military responses to crisis situations have almost become normal within the context of Nigeria and have circumvented constitutional entitlements to due process, given the common occurrence of arbitrary arrests. The painfully slow justice system process, alongside inadequate funding, limited resources in terms of personnel, and corruption have created substantial backlogs and delays in justice delivery in Nigeria and has also stimulated some policy reforms to respond to the perceived shortcomings in delivering justice. For example, as a response to the delays in court system, some arms of government were asked to reintroduce special courts or fast track procedures to treat violent crimes consistent with the proposed recommendations in the Administration of Criminal Justice Act (ACJA) 2015. However, the implementation of the proposed reforms under ACJA was not uniform across the states and ultimately further weakened the function of the justice sector.

The current security-focused approach to the crisis has serious implications for human rights. The type of policy that utilizes military crackdowns without any form of judicial accountability is likely to worsen abuse, create alienation in affected communities. As Amnesty International (2021) has shown, security forces have engaged in extrajudicial killings and destruction of properties during counter-operations, violating both domestic and international human rights laws. This kind of abuse diminishes faith in state institutions and Nigeria's obligations under international legal instruments like the International Covenant on Civil and Political Rights (ICCPR).

A comprehensive reform plan for the justice system needs to be approached holistically and involve increased capacity for investigation, prosecution with independence from

state actors, and the opportunity to afford victims justice. Policies need to address identification of and renovation of structural impediments to justice, like threatened witnesses, forensic evidence collection, and a community-based policing agenda that tempers extant anger towards state agents, could restore faith in the character and integrity of the justice system, and encourage elements of accountability.

6. Conclusion and Recommendations

The social insecurity caused by Terrorism, banditry, herdsmen attacks and kidnappings clearly demonstrates the state's inability to protect its citizens, and its failure to live up to its constitutional and international human rights obligations. The associated social crises have triggered serious breaches to the liberties of the people, inclusive, of but not limited to, the rights to life, dignity, liberty and property, and demonstrably eroded public confidence in government institutions as well as the rule of law. In the context of diminished public confidence, a dysfunctional justice system, riddled with systemic corruption, impunity and limited capacity, has completely failed to deliver any effective accountability, thus creating impunity for the perpetrators and endemic cycles of violence. The government faced the malignant consequences of the long overwhelming crises of instability through militarized, security centered responses to violence without consideration to the socio-economic and environmental root causes of insecurity that often proved largely ineffective and often counter-productive and resulted in further human rights abuses by state actors. Addressing the present challenges will require a comprehensive, rights-based approach to security that strengthens and builds the capacity of the judiciary and law enforcement institutions, develops community-based policing institutions, integrates socio-economic development to realize objectives of inclusivity, and promotes accountability for violations of human rights. The ceaseless cycle of violence will only be broken, public confidence returned and social and political peace and stability achieved in Nigeria when the rule of law is restored and the fundamental rights to life and dignity of citizens is duly guaranteed.

A rights-based approach to security in Nigeria requires rebuilding and strengthening rule-of-law institutions to ensure accountability, impartial investigations, and effective prosecution of crimes such as banditry, herdsmen attacks, and kidnapping, with full nationwide implementation of the Administration of Criminal Justice Act (ACJA) 2015 to protect suspects' rights and expedite trials. Independent oversight bodies should be empowered to monitor security forces' compliance with constitutional and international human rights standards. Security strategies must also incorporate community-based solutions, including properly funded and rights-focused community policing, as well as engagement of local peace committees, traditional rulers, religious leaders, and civil society in early-warning systems and mediation, especially in farmer-herder conflicts. Addressing socio-economic drivers of insecurity such as poverty, youth unemployment, and environmental degradation through social protection, education, economic empowerment, climate adaptation, and sustainable land use policies is essential to reducing violence and preventing recruitment into criminal networks. Sustainable peace and security will depend on inclusive development, equitable access to justice, and participatory, rights-respecting security operations.

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