Counterterrorism Policies in Sub-Saharan Africa: A Critical Examination of Human Rights Issues

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Abstract

In response to the escalating threat of terrorism, counterterrorism policies have been globally implemented. This social and political landscape has raised significant concerns about the impact on human rights fulfillment, particularly in Sub-Saharan Africa. To elaborate on this problem, this article critically examines the effects of these policies on human rights within the region, mainly by analyzing the legal and institutional frameworks that underpin counterterrorism strategies in various Sub-Saharan countries. Utilizing a qualitative research design, this study employs content analysis of legal documents, policy reports, and other relevant texts to explore the interplay between counterterrorism efforts and the protection of human rights. The study specifically evaluates the impact of these policies on civil and political rights, economic, social, and cultural rights, as well as the right to privacy. It also addresses states' challenges in balancing social security needs with protecting human rights. The paper argues that while counterterrorism is necessary, it must be implemented in a manner that respects human rights and the rule of law. Therefore, the paper recommends that states adopt a human rights-centered approach as a counterterrorism strategy, ensuring that legal and institutional frameworks align with international human rights standards. This approach offers a hopeful path forward, promising both effective counterterrorism and the protection of human rights.

Keywords: Counterterrorism, human rights, Policies, Sub-Saharan Africa

I. INTRODUCTION

Counterterrorism measures refer to a broad range of actions that governments, security agencies, and the public must take to prevent, disrupt, and respond to terrorist threats. These measures can include a variety of tactics and strategies, such as intelligence gathering, surveillance, law enforcement operations, border security, military action, and emergency response planning. Counterterrorism measures aim to reduce the risk and impact of terrorist attacks by identifying and mitigating potential threats. This involves identifying individuals or groups planning or carrying out terrorist acts and disrupting their activities through targeted interventions. Citizen's vigilance and commitment to human rights play a crucial and empowering role in this collective effort.

Counterterrorism policies can include direct action against terrorists and efforts to address the root causes of terrorism. However, these policies must be balanced with protecting individual rights and freedoms and avoiding the use of excessive force or policies that undermine democratic principles. Effective counterterrorism policies require a careful balance between security and liberty and a commitment to upholding human rights and the rule of law. This balance is crucial and forms the core of our discussion.

Various historical events and aspects have shaped counterterrorism efforts in Sub-Saharan Africa. One of the earliest influences was the wave of decolonization that swept across the continent in the 1950s and 1960s, which gave rise to new nation-states with diverse ethnic and religious groups. Then, the Cold War era significantly impacted the Sub-Saharan African States, shaping their political and security landscape. During this period, the United States and the Soviet Union competed to influence African governments.

Several African countries received military and economic assistance from one or both superpowers, often with the expectation that they would align themselves with one side or the other.[1] This competition for influence usually exacerbated existing political and ethnic tensions in Africa. For example, in Angola and Mozambique, armed groups emerged that were aligned with either the United States or the Soviet Union, respectively. These groups were involved in political struggles and often engaged in violent conflict with each other.

South Africa was also a significant focus of Cold War competition, as the apartheid government received military and economic support from the United States. At the same time, the Soviet Union and other communist countries backed anti-apartheid groups. The legacy of the Cold War is still felt in Sub-Saharan Africa today.

Countries in the region continue to grapple with the effects of the conflicts that emerged during this period, including ethnic and political divisions, weak governance, and high levels of violence. In addition, the competition for influence between outside

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[1] Michael Addaney, Michael Gyan Nyarko, and Elsabe Boshoff, 'Protection of the Environment and Natural Resources during Armed Conflicts in Africa', *Chinese Journal of Environmental Law* 3, no. 1 (13 August 2019): 85–115.

powers has continued in various forms, including support for different factions in conflicts in countries like Sudan, Somalia, and the Democratic Republic of Congo. In the 1990s, Sub-Saharan Africa experienced a wave of intra-state disputes often driven by ethnic and religious tensions. These conflicts were characterized by a high degree of violence, including massacres of civilians, displacement, and destruction of infrastructure.

One of the most prominent examples of this was the genocide in Rwanda in 1994, where an estimated 800,000 people were killed in just 100 days. The conflict in the Democratic Republic of Congo (DRC) began in the same year and has been described as one of the deadliest in African history, with an estimated five million people killed over several years. The rise of militant Islamist groups also began to gain momentum in the 1990s.

Meanwhile, some of these groups, which used terrorism as their strategy, had been active in the region for decades; the fall of the Soviet Union and the end of the Cold War created new opportunities for them to expand their operations. For example, the Salafist Group for Preaching and Combat (GSPC) emerged in Algeria in the 1990s and quickly became one of the most prominent militant groups in the region. In Sudan, Omar al-Bashir's government supported various Islamist groups, including Al Qaeda, which established a presence in the country in the 1990s.

The emergence of militant Islamist groups in Sub-Saharan Africa has significantly impacted the region's security landscape. These mentioned groups have been responsible for various attacks on civilian and military targets, including the 1998 US embassy bombings in Kenya and Tanzania, the 2013 Westgate shopping mall attack in Nairobi, Kenya, and the ongoing insurgency by Boko Haram in Nigeria. The response to these groups has been a significant focus of international and regional counterterrorism efforts in recent years.

The legacy of the Cold War is still felt in Sub-Saharan Africa today in several ways. One of the most significant legacies is the continued prevalence of armed conflicts and political instability in the region. Many of these conflicts can be traced back to the Cold War era when external powers supported different factions in internal disputes. For example, in Angola, the conflict between the government and UNITA rebels, which lasted from the 1970s to the 2000s, was partly fueled by support from external powers, with the United States and South Africa backing UNITA and Cuba and the Soviet Union supporting the government.

Similarly, the conflict in 1996 in the Democratic Republic of Congo was characterized by the involvement of multiple external actors, including Rwanda, Uganda, Zimbabwe, and Angola, all of whom supported different factions in the conflict. Another legacy of the Cold War is the presence of large quantities of small arms and light weapons in the region. During the Cold War, external powers often provided components and other military equipment to their allies in Africa, contributing to a proliferation of weapons in the region.

Weapons that have been given continue to circulate today, fueling conflicts and contributing to high levels of violence. In addition, the Cold War era contributed to the creation of weak and unstable African states. During this period, external powers often supported authoritarian leaders who were more concerned with maintaining their grip on power than building solid and stable institutions. This legacy can be seen in the many African countries struggling with corruption, poor governance, and lack of economic development.

Finally, the competition for influence between external powers that characterized the Cold War era has continued in various forms in Sub-Saharan Africa, with countries like China, Russia, and Turkey increasing their involvement in the region in recent years. This has contributed to a complex and evolving security landscape as new actors seek to gain influence and assert their regional interests. The complexity of terrorism and its counterterrorism has become a social and political issue that needs to be balanced with human rights fulfillment; therefore, it is critical to disseminate a practical approach to reduce the impacts.

II. OVERVIEW OF COUNTERTERRORISM POLICIES IN SUB-SAHARAN AFRICA

Sub-Saharan Africa has long been a hotbed for terrorist activity, with groups like Boko Haram, al-Shabaab, and the Islamic State in West Africa (ISWAP) operating in the region. In response, various counterterrorism policies have been put in place by individual countries and international organizations. Regional cooperation is crucial in counterterrorism efforts in Sub-Saharan Africa, given the transnational nature of terrorist organizations and the porous borders that allow them to move across countries quickly. Collaborative efforts among countries in the region can facilitate the sharing of intelligence, resources, and expertise and enable more effective responses to security threats.

The African Union (AU) has been a critical driver of regional cooperation on counterterrorism through initiatives like the African Peace and Security Architecture (APSA) and the African Center for the Study and Research on Terrorism (ACSRT). These efforts have helped to build member states' capacity in areas like intelligence gathering, border security, and the prevention of radicalization and recruitment. Additionally, subregional organizations like ECOWAS and IGAD have established counterterrorism frameworks and protocols to enhance coordination among member states.

The benefits of regional cooperation are evident in some of the successes achieved in countering terrorism in Sub-Saharan Africa. For example, the Multinational Joint Task Force, comprising troops from Chad, Cameroon, Niger, and Nigeria, has made significant gains in pushing back against Boko Haram in the Lake Chad Basin. Similarly, the G5 Sahel Joint Force, which brings together troops from Burkina Faso, Chad, Mali, Mauritania, and Niger, has effectively disrupted terrorist networks in the Sahel region.

However, challenges still need to be solved to achieve practical regional cooperation. The lack of trust and communication among member states and differing political and security priorities can hinder collaboration and information sharing. In addition, resource constraints and corruption in some countries can limit the effectiveness of joint counterterrorism efforts.

The difficulties in Sub-Saharan Africa related to the significant increase in terrorism in recent years prompted countries to implement counterterrorism policies to combat this threat. There are several reasons for the rise of terrorism in Sub-Saharan Africa, including political instability, poverty, ethnic and religious tensions, border security, and foreign influences. These aspects cannot be separated; comprehensive analyses are needed to understand Sub-Saharan Africa's setting.

First, political instability is one of the key factors contributing to the rise of terrorism in Sub-Saharan Africa. In many countries in the region, the political situation has been marked by a lack of stable governance, civil wars, and conflicts.[2] This instability has provided fertile ground for terrorist groups to establish bases. One cause of political unrest is the legacy of colonialism.

Countries in Sub-Saharan Africa gained independence in the 1960s and 1970s, but they inherited political systems that were often poorly suited to the needs of their diverse populations. This led to a lack of solid and stable institutions and, in some cases, governments that were corrupt, authoritarian, or prone to ethnic favoritism. The weak and ineffective governance systems that emerged have made it difficult for countries to provide essential services to their citizens, such as healthcare, education, and security. This has created a sense of disillusionment and frustration among the population, particularly among young people who are often more vulnerable to radicalization.

In addition, political instability in one country can often have spillover effects in neighboring countries. For example, the conflict in Somalia has led to the emergence of the terrorist group Al-Shabaab, which has carried out attacks in Kenya and Uganda. Similarly, the conflict in Mali has spilled over into neighboring countries such as Burkina Faso and Niger.

Terrorist groups exploit the instability to establish safe havens and recruit new members. In some cases, they also offer an alternative source of governance and social services, which makes them more attractive to vulnerable populations.[3] To address political instability and the rise of terrorism, countries in the region need to focus on building strong and effective governance institutions. This includes promoting democracy, transparency, accountability, and investing in education, healthcare, and infrastructure. Robust governance systems can help to build resilience to the threat of terrorism by providing citizens with alternatives to violent extremism and promoting a sense of national identity and unity.

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[2] Steve Ouma Akoth, 'World of Human Rights: Ambiguities of Rights Claiming in Africa', *Anthropology Southern Africa* 37, no. 1–2 (3 April 2014): 140–42.

[3] Kemi Anthony Emina, 'Ethno-Religious Conflict and the Quest for Peace in a Plural Society in Africa', *Britain International of Humanities and Social Sciences (BIoHS) Journal* 2, no. 2 (30 June 2020): 613–22.

Second, poverty is another significant factor contributing to the rise of terrorism in Sub-Saharan Africa. The region is characterized by high poverty levels, inequality, and unemployment, particularly among young people.[4] This creates an environment where terrorist groups can thrive by exploiting the frustrations and grievances of the population.

The lack of economic opportunities and social mobility can make young people vulnerable to recruitment by terrorist groups. For many young people, joining a terrorist group can offer a sense of purpose, community, and even a source of income. The poverty and lack of opportunities also make it difficult for governments to provide essential services and security to their citizens, creating a sense of disillusionment and distrust.

Poverty also contributes to the spread of extremist ideologies. In some cases, terrorist groups may offer an alternative narrative that blames poverty and inequality on Western or government policies. This narrative can resonate with those who feel marginalized or excluded from mainstream society. In addition, poverty can make it easier for terrorist groups to establish a foothold in a community. They may offer people food, water, and other necessities in exchange for support or loyalty. This can make it difficult for governments to counter their influence and win the hearts and minds of the population.

Governments in the region need to promote economic growth and development to address poverty and its link to terrorism. This includes investing in education, healthcare, and infrastructure and creating jobs and opportunities for young people. By fostering economic opportunities and social mobility, governments can reduce the appeal of extremist ideologies and provide alternatives to violent extremism.[5]

International support is also crucial in addressing poverty and promoting economic development in the region. This includes providing aid, debt relief, and technical assistance to help countries build economies and reduce poverty. By working together, countries can address the root causes of poverty and create a more stable and prosperous future for their citizens.

Ethnic and religious tensions are the third significant factor contributing to the rise of terrorism in Sub-Saharan Africa.[6] Diverse ethnic and religious groups characterize many countries in the region, and conflicts between these groups have been a longstanding problem. Historical grievances, resource competition, and political manipulation often fuel these conflicts.

Terrorist groups can exploit these tensions by framing their actions as part of a broader conflict between ethnic or religious groups. For example, in Nigeria, the Boko

[4] Jamil Ddamulira Mujuzi, 'The African Commission on Human and Peoples' Rights and Its Promotion and Protection of the Right to Freedom from Discrimination', *International Journal of Discrimination and the Law* 17, no. 2 (1 June 2017): 86–136.

[5] Samwel Odhiambo Oando and Shirley Gabriella Achieng', 'Peacemaking in Africa and Nobel Peace Prize 2019: The Role of Ahmed Abiy Ali in Resolving the Ethiopia–Eritrea Cross-Border Conflict', *African Review* 48, no. 1 (23 March 2021): 22–51, http://dx.doi.org/10.1163/1821889x-12340031.

[6] Wanjala S. Nasong'o, 'Explaining Ethnic Conflicts', in *The Roots of Ethnic Conflict in Africa: From Grievance to Violence*, ed. Wanjala S. Nasong'o (New York: Palgrave Macmillan US, 2015), 11–20, http://dx.doi.org/10.1057/9781137555007_2.

Haram terrorist group has targeted Christians and government institutions, framing their attacks as a response to perceived injustices against Muslims. In addition, terrorist groups can use ethnic and religious tensions to recruit new members. They may offer a sense of belonging and protection to those who feel marginalized or discriminated against because of their ethnicity or religion. This can mainly attract young people searching for identity and purpose.

Furthermore, ethnic and religious tensions can make it difficult for governments to provide security and essential services to their citizens. This can create a sense of frustration and disillusionment, making it easier for terrorist groups to gain support and influence. To address ethnic and religious tensions, governments in the region need to focus on promoting interethnic and interreligious dialogue and reconciliation. This includes addressing historical grievances and fostering a sense of national identity and unity. Strong and inclusive governance institutions and representatives of all ethnic and religious groups are also crucial.

International support can also help address ethnic and religious tensions. This includes supporting peacebuilding and conflict resolution efforts and providing humanitarian aid to those affected by conflict. By working together, countries in the region can reduce the risk of violence and create a more peaceful and prosperous future for all their citizens.

Weak border security is the fourth significant factor contributing to the rise of terrorism in Sub-Saharan Africa.[7] Many countries in the region have vast and porous borders that are difficult to monitor and control. This creates a situation where terrorist groups can quickly move people, weapons, and other resources across borders, making it difficult for governments to track and intercept them. In addition, weak border security is often exacerbated by corruption and poor governance. Bribery and other forms of corruption can allow terrorists and other criminals to bribe officials and bypass border controls. Weak governance systems can also lead to a lack of coordination between agencies responsible for border security, making it difficult to monitor and control borders effectively.

Terrorist groups can exploit weak border security by establishing safe havens in neighboring countries, where they can plan and launch attacks. For example, Al-Shabaab, a terrorist group operating in Somalia, has used its proximity to Kenya to carry out a series of attacks, including the Westgate Mall attack in 2013, which killed 67 people. To address weak border security, governments in the region need to focus on strengthening their border management systems. This includes investing in technology, such as surveillance equipment and biometric systems, to improve the monitoring and tracking of people and goods across borders.

Improved coordination between different agencies responsible for border security is also crucial. International support can be critical in addressing weak border

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[7] Tore Wig and Daniela Kromrey, 'Which Groups Fight? Customary Institutions and Communal Conflicts in Africa', *Journal of Peace Research* 55, no. 4 (1 July 2018): 415–29.

security.[8] This includes training, equipment, and technical assistance to help countries improve their border management systems. International cooperation can also help countries work together to address common threats and enhance regional security. In addition, addressing the root causes of weak border security, such as corruption and poor governance, is also essential.

Promoting transparency, accountability, good governance, and addressing corruption through anti-corruption laws and institutions can help overcome the weak border security. This is crucial to preventing terrorist groups from exploiting the region's porous borders and carrying out attacks. By strengthening border management systems and addressing the root causes of weak security, countries in the area can improve their ability to prevent and respond to security threats.

Foreign influences are the fifth and most significant factor contributing to the rise of terrorism in Sub-Saharan Africa.[9] Terrorist groups in the region have received support from foreign actors, including state and non-state actors, who use terrorism to achieve their objectives. State actors, such as Iran, have been known to support terrorist groups in Sub-Saharan Africa, providing them with weapons, funding, and training. In addition, some countries in the region have been subject to interference by external powers, which can fuel conflict and instability.

Non-state actors like Al Qaeda and ISIS have also been active in the region. These groups have been known to provide support and training to local terrorist groups and use the region as a haven to plan and launch attacks. Foreign influences can exacerbate the region's existing political, social, and economic issues, making it more difficult for governments to address the root causes of terrorism. They can also create a sense of insecurity and instability, making it easier for terrorist groups to gain support and influence.

To address foreign influences, governments in the region need to focus on building strong diplomatic relationships with other countries and promoting international cooperation to address shared security threats. They should also work to identify and disrupt foreign support for terrorist groups through intelligence sharing and collaboration with other countries. In addition, addressing the root causes of terrorism, such as poverty, political instability, and ethnic and religious tensions, is essential to reducing the appeal of terrorist groups to local populations. This requires a long-term and comprehensive approach focusing on improving governance, promoting economic development, and addressing social inequalities.[10]

Overall, addressing foreign influences is crucial to preventing the rise of terrorism in Sub-Saharan Africa. By building solid diplomatic relationships, promoting international cooperation, and addressing the root causes of terrorism, countries in the region can reduce the risk of external actors fueling conflict and instability. Moreover,

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[8] Andrew Osehi Enaifoghe, 'Conflicts Intervention and Peace-Building Mechanisms in the West Africa Sub-Region', *Journal of Economics and Behavioral Studies* 10, no. 4(J) (14 September 2018): 300–310.
[9] Vladimir N. Tchernega, 'France and Armed Conflicts in Africa', *Urgent Problems of Europe* 4 (2018): 103–16.
[10] Harouna Zongo, 'A Change Project to Promote Conflict Resolution to Ensure Sustainable Development in Africa', *Studia Periegetica* 31, no. 3 (2020): 111–21.

regional and international cooperation is essential to counterterrorism efforts in Sub-Saharan Africa. Collaboration among countries in the region can enhance intelligence sharing, border security, and the prevention of radicalization and recruitment. To achieve this, member states must overcome challenges such as lack of trust and political differences and commit to sustained efforts to increase counterterrorism effectiveness.

III. THE IMPACT OF COUNTERTERRORISM POLICIES ON HUMAN RIGHTS

Sub-Saharan Africa is a diverse region with over one billion people, forty-six countries, and a complex history of colonization, post-colonialism, and ethnic and political conflicts. Despite this diversity, there are some overarching trends and challenges regarding human rights in the region.[11]

The first reason why many countries in Sub-Saharan Africa struggle with human rights violations is due to authoritarian governments, corruption, and poor governance.[12] Many countries in the region have a history of colonialism, which has often resulted in the consolidation of power in the hands of a small elite while excluding the majority of the population from political participation and decision-making.

Even after gaining independence, many countries have continued to experience a lack of democratic governance, with leaders unwilling to cede power and limit civil society's and the media's ability to hold them accountable.[13] This has resulted in various human rights violations, including restrictions on freedom of expression and association, arbitrary arrests and detentions, and extrajudicial killings.

Moreover, corruption is a significant problem in many Sub-Saharan African countries. Corruption can undermine the rule of law, lead to the misallocation of resources, and prevent the provision of essential services to the population. It can also exacerbate inequalities and perpetuate poverty. Corruption often goes hand in hand with poor governance, weak institutions, and lack of accountability, creating an environment where human rights abuses can occur with impunity.

The lack of respect for human rights in many Sub-Saharan African countries can also be exacerbated by using security forces to suppress dissent and maintain power.[14] Security forces are often poorly trained and equipped, and there are few mechanisms to ensure accountability for human rights violations committed by these forces. As a result, security forces can engage in a range of abuses, including extrajudicial killings, torture, and arbitrary detention, without fear of consequences. The combination of authoritarianism, corruption, and poor governance has resulted in significant human rights challenges in many Sub-Saharan African countries. Addressing these underlying

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[11] A. Alao, 'The Impact of Counter-Terrorism Policies on Human Rights in Africa', in *Handbook on Human Rights and Development*, ed. F. Caracciolo di Torella and M. Fahey (Edward Elgar Publishing, 2020), 511–22.
[12] Oando and Achieng', 'Peacemaking in Africa and Nobel Peace Prize 2019: The Role of Ahmed Abiy Ali in Resolving the Ethiopia–Eritrea Cross-Border Conflict'.
[13] Tchernega, 'France and Armed Conflicts in Africa'.
[14] J. Mugambi, 'Human Rights and Counterterrorism in East Africa', in *The State of Human Rights and Governance in Africa*, ed. J. Mugambi and G. M. Mutuma (Palgrave Macmillan, 2018), 59–76.

issues is crucial to promoting respect for human rights and improving the lives of people in the region.

Secondly, the region has also experienced conflicts between and within countries, resulting in human rights violations.[15] One common feature of many of these conflicts is the use of child soldiers. Armed groups often recruit children, sometimes forcibly, to serve as soldiers, porters, or in other support roles. Recruited children are frequently subjected to sexual violence and are forced to commit atrocities against civilians, including other children. In addition to the use of child soldiers, conflicts in Sub-Saharan Africa have also been marked by widespread sexual violence against women and girls.

In some cases, sexual violence is used as a weapon of war, with armed groups deliberately targeting women and girls for rape and sexual slavery. Even outside conflict zones, women and girls in the region risk sexual violence due to cultural attitudes, weak legal frameworks, and lack of access to justice. Conflicts in the area also often result in forced displacement, with people fleeing their homes and communities in search of safety.

Forced displacement can result in human rights violations, including violations of a person's right to life, liberty, security, adequate housing, education, and healthcare. Finally, regional conflicts can destroy homes, infrastructure, and other essential services. This can further exacerbate poverty and inequality and limit people's ability to enjoy their human rights.

Thirdly, many people in Sub-Saharan Africa face significant social and economic challenges that impact their enjoyment of human rights. Poverty, inequality, and lack of access to education, healthcare, and essential services can limit people's ability to participate fully in society and enjoy their rights. Poverty is a significant challenge in Sub-Saharan Africa, with many people living on less than $1.90 daily. Poverty can limit access to education, healthcare, and other essential services, resulting in inadequate housing and sanitation. It profoundly impacts people's ability to enjoy their human rights, including the right to health, education, and a good standard of living.

In addition to poverty, inequality is a significant challenge in the region. Income inequality, gender inequality, and inequality based on race or ethnicity limit people's ability to participate fully in society and enjoy their human rights. Discrimination can also result in limited access to education, healthcare, and other services and exclusion from political participation and decision-making. Lack of access to essential services is another challenge limiting people's ability to enjoy their human rights.[16] Many people in Sub-Saharan Africa lack access to healthcare, education, and clean water, among other essential services. This can significantly impact people's health and well-being and their ability to participate in society and enjoy human rights.

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[15] Kasaija Phillip Apuuli, 'The African Union and Peacekeeping in Africa: Challenges and Opportunities', *Vestnik RUDN. International Relations* 20, no. 4 (15 December 2020): 667–77.
[16] Alao, 'The Impact of Counter-Terrorism Policies on Human Rights in Africa'.

IV. EXAMINATION OF COUNTERTERRORISM POLICIES AND THE IMPACTS ON HUMAN RIGHTS

Counterterrorism policies have been implemented in Sub-Saharan Africa in response to the rise of terrorism in the region.[17] However, these policies have had significant implications for human rights. Several specific counterterrorism policies implemented in Sub-Saharan Africa include Military intervention, Anti-terrorism laws, Surveillance, and border control policies.

Military intervention has been one of the most widely used counterterrorism policies in Sub-Saharan Africa.[18] However, military interventions have often led to significant human rights violations. In some cases, military interventions have displaced civilians, as was the point in the conflict between the Nigerian military and Boko Haram. The military has been accused of destroying homes and properties, killing civilians, and displacing entire communities in their fight against terrorism.

Moreover, military intervention has also led to extrajudicial killings and the violation of human rights by state security forces. For example, in Mali, human rights organizations have documented the extrajudicial killing of suspected terrorists by state security forces. In Nigeria, the military has been accused of committing extrajudicial killings, torture, and forced disappearances of suspected Boko Haram members. Military intervention has also led to an increase in sexual violence against women and girls. In the Central African Republic, for example, sexual violence against women and girls by state security forces increased significantly following the deployment of French troops in 2013. The troops were deployed to combat the rise of the Seleka rebel group, but their presence increased sexual violence and other human rights violations.

It is important to note that while military intervention may be necessary to combat terrorism, it should be carried out in a way that respects human rights and the rule of law. This includes ensuring that military personnel receive proper training on human rights and that oversight mechanisms are in place to monitor their conduct. Additionally, civilian populations must be protected from the negative consequences of military intervention, including displacement, extrajudicial killings, and sexual violence.[19]

Anti-terrorism laws have been widely used in Sub-Saharan Africa to combat terrorism. However, these laws have been criticized for their vague and overly broad definitions of terrorism, allowing governments to prosecute individuals not necessarily involved in terrorist activities. This has led to the arbitrary detention and imprisonment of individuals suspected of terrorism-related activities without due process and violating their fundamental human rights. For example, in Kenya, the Prevention of Terrorism Act has been criticized for its broad definition of terrorism, which includes acts that are not

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[17] Jean-Paul Azam, *The Redistributive State and Conflicts in Africa* (Oxford: University of Oxford, 2001).

[18] Robert Kłosowicz, 'Identity, Ethnic Conflict and Communal Conflict in Sub- Saharan Africa', *Politeja* 17, no. 5(68) (2021): 171–90.

[19] Cecily G. Brewer, 'Peril by Proxy: Negotiating Conflicts in East Africa', *International Negotiation* 16, no. 1 (1 January 2011): 137–67.

necessarily violent. This has led to the detention and prosecution of individuals involved in peaceful protests or who are critical of the government.

Similarly, the Anti-Terrorism Proclamation in Ethiopia has been used to prosecute and imprison journalists, bloggers, and opposition politicians. Anti-terrorism laws have also been criticized for lacking adequate safeguards to protect against human rights violations. For example, in Nigeria, the Terrorism Prevention Act allows for the detention of suspects for up to 90 days without charge or trial, which violates the right to due process.[20]

In addition, the act provides for the use of confessions obtained through torture, which violates the prohibition against torture and other cruel, inhuman, or degrading treatment or punishment. To ensure that anti-terrorism laws effectively combat terrorism while respecting human rights, they should be clearly defined and contain adequate safeguards to protect against human rights violations. The laws should also be subject to judicial review, and suspects should be afforded due process rights, including the right to a fair trial. Additionally, anti-terrorism laws should not be used as a pretext to prosecute individuals for their peaceful expression of dissent or opposition to the government.

Surveillance has become a standard counterterrorism measure in Sub-Saharan Africa, with governments using electronic surveillance technologies to monitor individuals and groups suspected of involvement in terrorist activities.[21] However, surveillance has raised concerns about privacy violations and the potential misuse of personal data. Governments have often used surveillance technologies without adequate safeguards to protect against abuses.

In Uganda, the government has been criticized for using surveillance technologies to monitor opposition politicians and journalists. Similarly, in Ethiopia, the government has used surveillance technologies to monitor and track the activities of individuals suspected of being involved in terrorism and opposition politicians and journalists critical of the government. Surveillance technologies have also been criticized for their potential to stifle freedom of expression and dissent.

In some cases, individuals who are critical of the government or express dissenting views have been targeted for surveillance, leading to self-censorship and a chilling effect on free speech. To ensure that management is used in a manner that respects human rights, governments should establish clear legal frameworks that define the circumstances under which surveillance can be used, as well as the types of data that can be collected and how it can be used. Additionally, oversight mechanisms should be put in place to monitor the use of surveillance technologies and to ensure that they are

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[20] C. N. Okolo and O. C. Nweke, 'Counter-Terrorism Policies and Human Rights in Nigeria: An Appraisal', *Mediterranean Journal of Social Sciences* 8, no. 6 (2017): 247–57.
[21] Dennis Amego Korbla Penu and Sebastian Angzoorokuu Paalo, 'Institutions and Pastoralist Conflicts in Africa: A Conceptual Framework', *Journal of Peacebuilding & Development* 16, no. 2 (1 August 2021): 224–41.

not being used to target individuals or groups for political reasons.[22] Finally, individuals should have the right to be informed when their data is being collected, and they should be able to challenge the use of surveillance technologies in court.

Border control policies have raised concerns about violating the right to freedom of movement, particularly for refugees and asylum seekers. For example, in Kenya, the government's decision to close the Dadaab refugee camp, home to over 200,000 refugees, has been criticized as violating the right to seek asylum. Similarly, in Tanzania, the government's decision to close refugee camps and deport refugees has been criticized as violating the principle of non-refoulment, which prohibits the return of individuals to countries where they may face persecution.[23]

Border control policies have also been blamed for potentially exacerbating humanitarian crises. For example, in the Lake Chad region, border closures have hindered the delivery of humanitarian aid to those affected by the Boko Haram insurgency, leading to widespread food shortages and malnutrition. To ensure that border control policies are implemented in a manner that respects human rights, governments should ensure that they comply with international human rights and refugee law. This includes ensuring that refugees and asylum seekers are not subjected to arbitrary detention, refoulement, or mistreatment.

Additionally, border control policies should be implemented in a way that does not exacerbate humanitarian crises. Governments should work with humanitarian organizations to ensure that aid delivery is not impeded. Finally, governments should ensure that border control policies do not discriminate against certain groups based on ethnicity, nationality, or religion.

The impact of these counterterrorism policies on human rights in Sub-Saharan Africa has been significant.[24] Human rights organizations have documented numerous violations, including arbitrary detention, torture, and extrajudicial killings. Additionally, counterterrorism policies have often eroded civil liberties, including freedom of speech and assembly. It is essential to balance the need to combat terrorism with the protection of human rights.

Effective counterterrorism policies should respect human rights and the rule of law. This can be achieved by establishing clear legal frameworks and oversight mechanisms and training law enforcement and military personnel. Additionally, more significant investment in social and economic development can address the root causes of terrorism, reducing the need for counterterrorism policies in the first place.

Counterterrorism policies have significantly impacted the rights to freedom of expression, association and assembly, and privacy in Sub-Saharan Africa.[25] While these

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[22] Augustine Ujunwa, Chinwe Okoyeuzu, and Ebere Ume Kalu, 'Armed Conflict and Food Security in West Africa: Socioeconomic Perspective', *International Journal of Social Economics* 46, no. 2 (1 January 2019): 182–98.

[23] Wig and Kromrey, 'Which Groups Fight? Customary Institutions and Communal Conflicts in Africa'.

[24] Noel Twagiramungu et al., 'Re-Describing Transnational Conflict in Africa', *The Journal of Modern African Studies* 57, no. 3 (September 2019): 377–91.

[25] Brewer, 'Peril by Proxy: Negotiating Conflicts in East Africa'.

policies are intended to prevent terrorist attacks and protect citizens, they often have unintended consequences that violate fundamental human rights.

One of the main ways that counterterrorism policies impact the rights to freedom of expression, association, and assembly is by limiting the ability of citizens to organize and express dissenting opinions. In many countries, laws that criminalize certain forms of speech, including criticism of the government or expressions of support for terrorist organizations, have been passed. These laws are often vague and broad, which allows authorities to use them to silence opposition voices and suppress peaceful protests.

The increased surveillance of citizens resulting from counterterrorism policies in Sub-Saharan Africa has led to a pervasive culture of fear and self-censorship. In many countries, individuals are hesitant to express their opinions or participate in peaceful protests for fear of being monitored or targeted by the government. This has had a chilling effect on public discourse and limited the ability of civil society to hold governments accountable.[26]

Furthermore, the surveillance technologies used in counterterrorism policies are often obtained and used without adequate legal safeguards, such as judicial oversight or transparency. This lack of accountability and management has enabled governments to abuse power, including targeting political opponents and journalists criticizing government policies. Counterterrorism policies have also led to increased online and offline surveillance of citizens. Governments in Sub-Saharan Africa have used various surveillance technologies to monitor citizens' communications, including phone calls, emails, and social media activity. This surveillance not only violates individuals' right to privacy but also undermines the ability of journalists and activists to report on human rights abuses and hold governments accountable.

Counterterrorism policies have resulted in the arbitrary detention and torture of individuals suspected of terrorist activity.[27] These individuals are often denied access to legal representation and may be held for long periods without being charged or tried. This violates their right to due process and fair trial. In some cases, governments have also used counterterrorism policies as a pretext to crack down on ethnic or religious minorities, who are often scapegoated as potential terrorist threats.[28] This has led to the violation of their fundamental rights, including freedom of religion and freedom from discrimination. It is worth noting that counterterrorism policies can be effective without violating human rights. For example, intelligence agencies can gather information through lawful means, and law enforcement agencies can use targeted surveillance and investigation techniques that respect individuals' privacy rights. However, these policies must be subject to proper oversight and accountability mechanisms to prevent abuse.

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[26] Katherine Harris, review of *Review of Ethnic Conflicts in Africa; Civil Wars in Africa: Roots and Resolution*, by Okwudiba Nnoli, Taisier M. Ali, and Robert O. Matthews, *African Studies Review* 43, no. 3 (2000): 196–99.
[27] P. Kareithi, 'Counter-Terrorism Policies and Human Rights in Tanzania', *African Security Review* 26, no. 3 (2017): 276–89.
[28] Redie Bereketeab, 'Environmental Change, Conflicts and Problems of Sustainable Development in the Horn of Africa', *African and Asian Studies* 13, no. 3 (16 September 2014): 291–314.

Meanwhile, counterterrorism policies are necessary to protect citizens from the threat of terrorism and must be implemented in a manner that respects citizens' fundamental rights. Surveillance technologies must be subject to proper legal safeguards and oversight, and laws criminalizing certain forms of speech must be clear and narrowly tailored to protect individuals' freedom of expression. Only by striking a balance between security and human rights can we protect our societies from the threat of terrorism while upholding the values that define us as free and democratic communities.

V. CASES OF HUMAN RIGHTS ABUSES

Sub-Saharan Africa has experienced significant counterterrorism efforts in recent years, with many countries implementing policies to combat terrorist groups such as Boko Haram, Al-Shabaab, and ISIS-affiliated groups. [29] While these efforts are aimed at protecting citizens from terrorist attacks, some have resulted in human rights abuses. In Nigeria, the fight against Boko Haram, a terrorist group operating mainly in the northeastern part of the country, has resulted in numerous human rights abuses.[30] The Nigerian military has been accused of committing extrajudicial killings, torture, and unlawful detention of suspects.

In 2016, Amnesty International reported that over seven thousand men and boys had died in military detention facilities in Nigeria. The report also documented extrajudicial executions, enforced disappearances, and torture by security forces. Detainees were reportedly beaten, starved, and denied medical care; some were even killed. In addition to these abuses, the Nigerian military has been accused of indiscriminately bombing civilian areas and displacing thousands. Human Rights Watch reported that the Nigerian army carried out air strikes on several villages in the northeast, killing at least 35 civilians.

Furthermore, the Nigerian government has also been accused of using counterterrorism policies to suppress dissent and target political opponents. In 2019, the Nigerian government arrested and detained Omoyele Sowore, a human rights activist and political opposition figure, on charges of terrorism. The Nigerian government has denied these allegations and has promised to investigate any reported human rights abuses by its security forces. However, these promises have not resulted in concrete action to hold those responsible for human rights violations accountable.

In summary, while the Nigerian government's counterterrorism efforts against Boko Haram are necessary to protect its citizens, the human rights abuses resulting from these policies cause concern.[31] The government should ensure that its security forces respect human rights, and perpetrators of abuses must be held accountable for their actions.

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[29] Enaifoghe, 'Conflicts Intervention and Peace-Building Mechanisms in the West Africa Sub-Region'.
[30] Joseph C. Ebegbulem, 'Nigeria and Conflict Resolution in Africa: The Darfur Experience', *Civilizar* 11, no. 21 (1 July 2011): 69–76.
[31] Okolo and Nweke, 'Counter-Terrorism Policies and Human Rights in Nigeria: An Appraisal'.

In Somalia, the fight against Al-Shabaab, a terrorist group responsible for numerous attacks on civilians and government targets, has also resulted in multiple human rights abuses.[32] The Somali National Army (SNA) and its allies have been accused of arbitrary arrests, detentions, and extrajudicial executions. Human Rights Watch (HRW) has documented numerous cases of extrajudicial killings and torture by the SNA and its partners. In one incident, SNA soldiers executed five men in a public execution in Baidoa. HRW also reported that detainees are often held in inhumane conditions, such as overcrowded cells with no access to sanitation, and subjected to torture, including beatings, electric shocks, and rape.

In addition to these abuses, the fight against Al-Shabaab has also displaced thousands of people. HRW reported that the Somali government and its partners have forcibly evicted thousands of people from their homes in areas suspected to be controlled by Al-Shabaab, with little or no compensation. The situation has been made worse because there is little or no accountability for human rights abuses committed by the SNA and its partners. In most cases, those responsible for abuses are not held accountable, and victims and their families have no access to justice.

The UN and other international partners have raised concerns about the human rights situation in Somalia and have called on the government to investigate and prosecute those responsible for abuses. However, the Somali government has been slow to act, and there has been little progress in holding perpetrators of human rights abuses accountable. The fight against Al-Shabaab in Somalia has resulted in numerous human rights abuses, including extrajudicial killings, torture, and displacement of civilians.[33] The Somali government and its partners should take immediate steps to ensure that human rights are respected, perpetrators of abuses are held accountable, and victims have access to justice.

Meanwhile, in Kenya, the government has implemented various counterterrorism policies to combat terrorist groups such as Al-Shabaab, which has carried out numerous attacks in the country, including the Westgate shopping mall attack in 2013 and the Garissa University College attack in 2015. While these policies are aimed at protecting citizens from terrorist attacks, they have also resulted in numerous human rights abuses.[34]

Extrajudicial killings are one of the most significant human rights abuses resulting from Kenya's counterterrorism efforts. Human Rights Watch and Amnesty International have documented numerous cases of extrajudicial killings of individuals suspected of involvement in terrorism. In most cases, those killed are not given a fair trial, and their families are not allowed to seek justice. In addition to extrajudicial killings, the

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[32] M. Njuguna, 'Counter-Terrorism Policies and Human Rights in Somalia', *Journal of International Humanitarian Action* 4, no. 1 (2019): 1–15.

[33] N. Obaji, 'Counter-Terrorism Policies and Human Rights in West Africa', in *Human Rights and Conflict Resolution in Context: Colombia, Sierra Leone, and Northern Ireland*, ed. J. M. Lutz, B. Granville, and T. Mikulaschek (Springer, 2018), 127–42.

[34] Mugambi, 'Human Rights and Counterterrorism in East Africa'.

Kenyan government has been accused of using counterterrorism policies to target individuals based on their religion or ethnicity.

Muslim communities have been particularly affected, with reports of mass arrests, detentions, and harassment. Human Rights Watch reported that, in some cases, entire communities have been subjected to collective punishment. The Kenyan government has also been accused of using surveillance policies to monitor the activities of its citizens, including journalists, human rights defenders, and opposition figures.[35] The government has been accused of using the Prevention of Terrorism Act (POTA) to target individuals critical of the government. The situation has worsened because those responsible for human rights abuses are not held accountable.[36] Despite promises by the Kenyan government to investigate and prosecute those responsible for abuses, there has been little progress in holding perpetrators accountable, and victims and their families have no access to justice.

Moreover, in Mali, the fight against terrorism and extremism in the country's north has also resulted in numerous human rights abuses.[37] With support from international partners such as France and the UN, the Malian military has been fighting armed groups such as Al-Qaeda in the Islamic Maghreb (AQIM), Ansar Dine, and the Movement for Unity and Jihad in West Africa (MUJAO). Human Rights Watch and Amnesty International have documented numerous cases of extrajudicial killings, enforced disappearances, and torture by Malian security forces in the context of counterterrorism operations. In one incident, a Malian soldier executed twelve men in the central town of Diabaly in May 2020. The soldiers reportedly accused the men of being affiliated with extremist groups without evidence.

In addition to extrajudicial killings, the Malian military and its partners have been accused of arbitrary arrests, detentions, and mistreatment of detainees. Human Rights Watch reported that detainees are often held in inhumane conditions, such as overcrowded cells with no access to sanitation, and subjected to torture, including beatings and electric shocks. The situation has been made worse because there is little or no accountability for human rights abuses committed by Malian security forces. Despite calls from human rights organizations and the UN for accountability, there has been little progress in holding perpetrators of human rights abuses accountable. Victims and their families have no access to justice.[38] The fight against terrorism in Mali has resulted in the displacement of thousands of people. The UN reported that as of March 2021, there were over 340,000 internally displaced persons in Mali due to the conflict, with many living in precarious conditions with limited access to necessities.

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[35] M. Kinyanjui, 'Counter-Terrorism Policies and Human Rights in Kenya', in *Global Responses to Terrorism: 9/11, Afghanistan and Beyond*, ed. D. B. Robertson and M. D. Dziedzic, 2018, 147–60.

[36] Taiwo Oladeji Adefisoye and Oluwaseun Bamidele, 'Africa: Understanding and Managing Violent Conflicts', *Conflict Studies Quarterly* 22 (10 January 2018): 3–17.

[37] Akoth, 'World of Human Rights: Ambiguities of Rights Claiming in Africa'.

[38] Muhammad Dan Suleiman, Hakeem Onapajo, and Benjamin Maiangwa, 'Perspectives on "New" Conflicts in Africa', *Peace Review* 29, no. 3 (3 July 2017): 269–74.

In Cameroon, the government has been fighting the terrorist group Boko Haram, which has carried out numerous attacks on civilians and government installations in the Far North region. The government's response has included counterterrorism policies that have led to human rights abuses.[39] Amnesty International and Human Rights Watch have documented cases of extrajudicial killings, arbitrary arrests, and detention of individuals suspected of being members of Boko Haram or having links to the group. In some cases, those arrested are subjected to torture and other ill-treatment while in custody.

The situation has been made worse by the fact that there is little or no accountability for human rights abuses committed by Cameroonian security forces. Despite calls from human rights organizations and the UN for accountability, there has been little progress in holding perpetrators of human rights abuses accountable. Victims and their families have no access to justice. In addition to the fight against Boko Haram, the government's response to the crisis in the Anglophone regions of Cameroon has also led to human rights abuses. The government has been accused of using excessive force and committing extrajudicial killings in the context of counterterrorism operations against separatist groups.[40]

Human Rights Watch has documented torture and other ill-treatment of detainees, including sexual violence against women and girls, by Cameroonian security forces in the Anglophone regions. In addition, there have been reports of forced disappearances, arbitrary arrests, and detentions of individuals suspected of supporting separatist groups. The crisis in the Anglophone regions has also led to the displacement of over 700,000 people, with many living in precarious conditions with limited access to necessities. In summary, the fight against terrorism in Cameroon has resulted in numerous human rights abuses, including extrajudicial killings, torture, arbitrary arrests and detentions, and displacement of civilians.

Counterterrorism policies in Sub-Saharan Africa have significantly impacted human rights, resulting in numerous abuses. Across the region, human rights organizations have documented cases of extrajudicial killings, enforced disappearances, torture, arbitrary arrests and detentions, and displacement of civilians.[41] The fight against terrorism has often been used as a pretext to violate the rights of individuals suspected of having links to extremist groups. Security forces have been accused of using excessive force, committing human rights abuses with impunity, and denying victims access to justice. The situation has been worsened by weak or non-existent accountability mechanisms, which have allowed perpetrators to go unpunished. The impact of counterterrorism policies on human rights has been particularly severe in countries such as Cameroon, Mali, Nigeria, and Somalia, where terrorist groups have

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[39] Pedzisai Sixpence, Alouis Chilunjika, and Emmanuel Sakarombe, 'Options for Post-Election Conflict Resolution in Africa', *International Journal of Law and Public Policy (IJLAPP)* 3, no. 1 (11 March 2021): 49–59.
[40] Obaji, 'Counter-Terrorism Policies and Human Rights in West Africa'.
[41] Mirian Kene Kachikwu, 'Diamonds and Civil Conflicts in Africa—the Conflicts in Central Africa and West Africa', *Journal of Energy & Natural Resources Law* 22, no. 2 (May 2004): 171–93.

carried out attacks, and the government has responded with harsh counterterrorism policies.

VI. CONCLUSION

This study aimed to investigate the impact of counterterrorism policies on human rights in Sub-Saharan African countries. The analysis showed that these policies restricted freedom of expression, assembly, and association. There were also documented cases of arbitrary detention, torture, and other forms of ill-treatment by security forces, reflecting a pattern of human rights violations under the guise of counterterrorism. Furthermore, economic, social, and cultural rights were impacted as counterterrorism policies sometimes disrupted local economies and hindered access to essential services. Despite these challenges, Sub-Saharan African states faced significant difficulties balancing the need for security with protecting human rights.

The research highlighted the tension between enforcing stringent security policies to prevent terrorist activities and adhering to international human rights standards. The study argued for a human rights-centered approach to counterterrorism, advocating for developing legal and institutional frameworks aligned with international human rights standards. This approach would help mitigate the negative impacts of counterterrorism policies on human rights and ensure that security policies are both practical and just. The findings and recommendations of this study aimed to contribute to the ongoing discourse on counterterrorism and human rights, offering a pathway for policymakers to develop strategies that uphold the rule of law while effectively addressing the threat of terrorism.

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