

A REVIEW OF THE SYNERGY BETWEEN LAW SOCIAL SECURITY AND NATIONAL DEVELOPMENT

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ABSTRACT

Social insecurity negatives National Development as no given individual would like to fish in troubled water. We talk of social life, where one seeks enjoyment, sociable life or gregarious life, relating to, connected with, or suited to public or fashionable society, a social event, living or disposed to live in companionship with others, or in community, rather than in isolation and unfriendliness. Social problems are general factors that affect and damage society. A social problem is normally a term used to describe problems within a particular area or a group of people in the world. Social problem often involve problems that affect real life. It also affects how people react to certain situations¹. Terrorism is psychological strategy of war for gaining political or religious ends by deliberately creating a climate of fear among the population of a State. Terrorism is also defined as the systematic use of terror and terror itself is defined as an alarm, dread, panic, fearfulness². The benefits resulting from combing two or more different groups, people, objects or process or behavior of a system that cannot be predicted by behavior of its parts is called synergy. This work shall seek ways and manner, wherein Law and Social Security shall boost the enhancement of the National Development to the advantage of the citizens. That is where the Law enforcement Agency, through lawful means stop kidnappings and Terrorism. The Nation will be impacted negatively and National development will suffer a decline as nobody would want to remain in a country where life and/or social life, properties will not be secure. What are our values, especially the positive values; such as Right to life Rule of law, Human Rights, fair hearing and freedom of movement, all shall be observed and enforced.

Key Words: The Synergy, Law, Social Security and National Development

Introduction

Terrorism scares away every one, because no one knows when or where it will take place and nobody knows who would be the next victim or a dead person, as result of terror attack.

National development – it is beyond doubt that terrorism impact negatively on economic development and disorganizes nation's stability. It greatly affects the psychology of the citizenry, including the hope of life, which the bombings on their life and property occasioned. The area affected by this terror attack becomes unsecured and unattractive for any positive investment by both the foreign and local investors and businessmen and women.

Terrorism generates social danger, commission of such acts, with intention of causing death to the people, displacing people as well as taking the people hostage. It has some of the futures, as to deliberate creation of climate of fear, depression and tension. Fear is created to achieve the goal of the terrorists. Terrorists distort the outlook of the people, their vision for development and fraudulently draw people to their side. Besides, terrorism impairs the economy and the investors become skeptical of starting their business in a particular place, area or country that is unstable and insecure for any industrial activity. The Nation spends a lot of money in their struggle against terrorism and kidnapping.

Terrorism is a global problem³. If you are not a victim, your relatives or friends may be. Terrorism has a very bad influence on mental health, which may lead to mental depression. It is a social disaster, also a very sensitive issue as it concerns life and death of innocent people, women and children; it destroys the happiness and welfare of the family and the nation at large. In April 2014, Boko Haram abducted 276 Chibok School girls. Their leader - Shekau announced that his intention was to sell them into slavery, however about 50 girls amongst them escaped their captivity; this abduction brought Boko Haram into international focus⁴.

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¹ Encyclopedia Britannica

² *Ibid*

³ <http://guardian.ng/opinion/the-Lagos-State-Anti-Kidnappers-Law/> accessed on 31/2/2017

⁴ http://en.wikipedia.org/wiki/Boko_Haram. accessed on 5/4/2017.

Terrorism is a violent act committed by people who want to get attention for their cause, creating fear upon attacks on person's life, kidnapping and destroying private and government properties/facilities in a willful and dangerous manner to endanger human life, which results in economic loss.

Terrorism is a great threat to our values such as democracy, rule of law, freedom and free society. It represents a threat to the society and, as terrorists wage war on our values and extend their campaign to political, physical and orchestrated economic damage on our nation which would force the people and the government to surrender to their ideologies or be cowed down to submitting to their demands.⁵

Terrorism has crippled all sectors of the Nigerian economic activities. It has impeded peace and progressive development in Nigeria. It affects rapid economic and agricultural growth as it creates fear on the minds of the people. It leads to food crises, reduces foreign investment, hence it affects revenue of the Nation, supply of goods and services, tourism industry, cripples and retards National development. With the fear of kidnapping and terror in the air, people are usually afraid to move and exercise their God given rights and constitutional guaranteed rights and freedom. For example our business men and women live in perpetual fear as long as kidnappers and terrorists carry out criminal and nefarious acts without fear of being arrested. Also investors are likely to shun areas where terrible effects and consequences of terror are unleashed on the National economy, which is already in recession⁶.

There are God's given rights and constitutional guaranteed rights, which are right to life and all other fundamental rights as enshrined in Sections 33 – 43 of the 1999 Constitution of the Federal Republic of Nigeria. These rights must not be violated by any person as an individual or group of persons, the government executives or Boko Haram and its affiliates. The fundamental human rights could be abridged only through executing the Court sentence of death.

Law on Fundamental Human Rights

In section 33(1) of 1999 Constitution provides that "Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria", and in section 34 (1) Every individual is entitled to respect for the dignity of his person and accordingly –

- (a) No person shall be subjected to torture or to inhuman or degrading treatment;
- (b) No person shall be held in slavery or servitude; and
- (c) No person shall be required to perform force labour or compulsory labour.

1999 Constitution enshrined other rights that would protect life and human dignity such as:-

- (d) Section 35 - right to personal liberty,
- (e) Section 36 - right to fair hearing,
- (f) Section 37 – right to private and family life,
- (g) Section 38 – right to freedom of thought, conscience and religion,
- (h) Section 39 – right to freedom of expression and press,
- (i) Section 40 – right to peaceful assembly and association,
- (j) Section 41 – right to freedom of movement,
- (k) Section 42 – right to freedom of discrimination and,
- (l) Section 43 – right to acquire and own immovable property anywhere in Nigeria.

The Chief Justice of Nigeria was empowered by the said constitution to provide the rules and procedure to guide the enforcement of these rights when it is breached by either the government or an individual.

In the case of *Aliyu Bello & Ors v. Attorney General of Oyo State*⁷- This case was an executive disregard of life – One Nasiru Bello was convicted of armed robbery and sentence to death by High Court of Oyo State by firing squad. The agents of the State Government, while his appeal was pending in the Court of Appeal, executed the accused by firing squad. The premature execution of the deceased triggered litigation by his dependents claiming damages for illegal killing of their "breadwinner". That the right of the deceased was in fact violated by Oyo State Government

In the case of *R. v Jegede*⁸ - members of a night guard killed a notorious thief whom they alleged was carrying stolen goods and was armed. Convicting them of manslaughter, the Court pointed out that

⁵ Friedman M, Economic War, the impart of the war on terrorism, <http://www.hoover.org>. accessed on 27/3/2017

⁶ <http://guardian.ng/opinion/the> Lagos - State-anti kidnappers – law/ accessed on 31/3/2017.

⁷ (1986) 12 SC. P. 1

⁸ (1956) 1 FSC p.64.

verdict would have been that of murder but for the fact that the evidence of deliberate killing was not clearly established.

In the *case of Alliechem*⁹ - The accused found his neighbor in his barn at night and wrongly believing him to be a thief, the accused stabbed him in the stomach and he died. The accused was convicted of murder because he dealt the blow with intention to kill or to cause grievous harm. It is submitted that even if the deceased was in fact a thief the conviction for murder would still be correct.

*Oputa JSC in Adio v State*¹⁰ - stated that the court is not a mechanical automatic calculator, No, it is a court of law dealing with varying situations and applying law to these situations in order to do justice in each and every situation according to its peculiar surrounding circumstances.

Effect of terrorism

Since the inception of the Nation Nigeria, her security is a question mark? Neo- colonialism has been a threat to her existence by paying more attention on Regions; Northern Region, Western Region, Eastern Region and Mid – Western Region, tribalism, and Religion etc, had posed greater insecurity to persons, society, economy, the polity, government and development was not guaranteed. This led to the failure of the 1st Republic and ushered in the Nigeria Civil War which took place from 1967 – 1969, that took about one million lives of Nigerians.

Today Boko Haram is the greatest terrorist organization in Nigeria, upon the government claiming to have routed and/or defeated the organization, Boko Haram could organize terrorist attacks by the way of suicide bombings and kidnappings anywhere they target.

Boko Haram is a radical Islamic fundamentalist organization, like Taliban of Afghanistan with some ideologies, one of which is that Western Education is sin. They dominate and target to overthrow some State governments in the North namely; Bornu, Yobe, Bauchi, Kano, Plateau, Kaduna as well as Federal Capital Territory, Abuja. The activity of Boko Haram on the above States of Nigeria has gradually started to change the economic structure of the whole Northern States, where farmers could not work in their farms and their crops being destroyed, such as maize, Irish potatoes and yams etc,¹¹

Boko Haram had freed suspects from prisons, killing high profile politicians and carried out first bomb attack in the Police Force Headquarters at Abuja. The attackers were fearless and have active cell in Nigeria, linked with the AI – Shabaab of Somalia, AI – Qaeda of Pakistan and Taliban of Afghanistan. These terrorists' organizations were involved in funding and providing logistics to Boko Haram, hence they are so vicious in wrecking havoc in the country with impunity.

When the leader of Al-Qaeda – Osama Bin Laden was killed by the American Marines in Bilal, Abbottabad, Pakistan on 2nd May, 2011, several documents were retrieved from his residence including letters between the deceased leader Osama Bin Laden and terrorist organizations in Nigeria seeking his support and he promised them financial support, training and other assistance. Osama Bin Laden linked them with AI – Qaeda cells in North Africa. The killing of terrorist's leaders always spurs the group to unleash greater terrorist attacks in the area.

Like Movement for Survival of Ogoni People (MOSOP), when their leader Ken Sarowiwa died, MOSOP was greatly encouraged and spurred to carry more terrorist attack in Nigeria. Also when the leader of Bokom Haram - Mohammed Yusuf died in police detention in 2009, the group was greatly encouraged by his death with bitter and aggressive terrorist attacks in Nigeria. After the killing of Mohammed Yusuf, the group carried out the first terrorist attack in Bornu in Jan. 2010. It resulted in the killing of four people. Since then, violence has escalated in terms of both frequency and intensity¹². The group has seemed, the police as their enemy and target, also to have a war of revenge and attrition against them, as the police represented the boots and fist of the government.

Boko Haram's targets had been on security formation, churches and Mosques in several parts of the North. Boko Haram has emerged as the most palpable threat on security to the Nigeria's peace and development as it creates wide spread insecurity and fear.

⁹ (1955) WNLR p. 33.

¹⁰ (1986) 2 NWLR p.581,

¹¹ Ome Okechukwu I. "The Cost of Boko Haram Activities in Nigeria", Arabian Journal and Management Review (OMAN) Vol. 2 No. 2, Sept 2012, p. 30.

¹² Ome Okechukwu I. "The Cost of Boko Haram Activities in Nigeria", Arabian Journal and Management Review (OMAN) Vol. 2 No. 2, Sept 2012, p. 18.

For example in Kaduna State, the 33rd Kaduna International Trade Fair witnessed its worst outing as exhibitors decided to keep away, for fear of bombings¹³.

Boko Haram has created wide spread insecurity across Northern Nigeria, increased tensions between ethnic communities, interrupted development activities, frightened investors and generated concerns among Nigeria's Northern neighbours. They have been responsible for many daily attacks in Bornu and Yobe States¹⁴. The Boko Haram activities are bad signal to foreign investors. All efforts made by Former President Goodluck Jonathan to attract foreign investors in the World Economic Forum held at Switzerland were abortive. The said President was in Australia for similar summit with about 500 delegates yielded no dividends. He also went to France with about 300 delegates with no tangible result. The issue of investment is all about security as no investor will venture any investment in Nigeria, considering the level of her insecurity and other challenges¹⁵.

Laws are the rules and regulations that check the behavior of human activities in the society. Laws are either enacted by the parliament or are natural laws as ordained by God and are accepted by the people to govern them.

Law is defined as a rule of conduct, recognized by custom or by formal enactment, which a community considers as binding upon its members¹⁶ or a system of rules which a particular country or community recognizes as regulating the actions of its members and which, it may enforce by the imposition of penalties¹⁷.

The provisions of law frown at terrorism and kidnapping. It provided stiff penalty for capital offences such as kidnapping and terrorism, which punishment is a sentence of death being pronounced by the court. Law can also be defined as body of rules and standard, issued by the government to be applied by courts and similar authorities. However, Salmond simply defined law as "the body of principles recognized and applied by the State in the administration of justice"¹⁸

In 1970, the Military Government of General Yakubu Gowom introduced death penalty for armed robbery in response to the alarming increase of the crime in Nigeria.

Similarly, there was an enactment of the Terrorism (Prevention) Act, 2013 and Terrorism (Prevention) (Amendment) Act, 2013 – introducing death sentence to terrorism and related offences. Also States like Bayelsa, Delta, Edo States and others enacted laws prescribing death penalty for kidnapping; however this has not stopped the practice. Former President Goodluck Jonathan's uncle was kidnapped, His Royal Majesty Josiah Umukoro in Delta State and Hassana Garuba, a magistrate in Edo State were all kidnapped¹⁹.

The Senate had passed another Federal Law on Terrorism in 2013 named Terrorism (Prevention)(Amendment Act 2013, cited as "Terrorism (Prevention) Act No. 10, 2011", this Law makes provision for extra- territorial application of the Act and strengthens terrorist financing offences and related matters.

Section 1A (3) provides for the enforcement by security agencies (in this Act) referred to as the law enforcement agencies and shall be responsible for the gathering of intelligence and investigation of the offences provided under this Act.

- (4) further to subsection 3, the law enforcement agencies shall have powers to-
- (a) enforce all laws and regulation on Counter – Terrorism in Nigeria;
 - (b) adopt measures to prevent and combat acts of terrorism in Nigeria ;
 - (c) facilitate the detention and investigation of acts of terrorism in Nigeria;
 - (d) establish, maintain and secure communication, both domestic and international, to facilitate the rapid exchange of information concerning acts that constitute terrorism;
 - (e) conduct research with the aim of improving preventive measures to efficiently and effectively combat terrorism in Nigeria;

¹³ Ome Okechukwu I. "The Cost of Boko Haram Activities in Nigeria", Arabian Journal and Management Review (OMAN) Vol. 2 No. 2, Sept 2012, p. 11.

¹⁴ *Ibid*, p. 12

¹⁵ Baiyewu L, Boko Haram, Bad signal to Foreign investors –Sunday Punch, 29th Jan., 2012.

¹⁶ The New International Webster comprehensive Dictionary of English Language, Encyclopedic ed, 2004, p.722.

¹⁷ www.dictionary.com/browser/law, accessed on 19/04/2017.

¹⁸ Rogers Bird, Osborn;s Concise Law Dictionary 7ed, p.197

¹⁹ http://en.wikipedia.org/wiki/Boko_Haram. accessed on 5/4/2017.

- (f) partner with civil society organizations and the Nigerian public to provide necessary education, support, information awareness and sensitization towards the prevention and elimination of the acts of terrorism;
- 5 subject to the provision of this Act, the law enforcement agencies shall have powers to -
- (a) investigate whether any person or entity has directly or indirectly committed an act of terrorism, or is about to commit an act of terrorism or has been involved in an act of terrorism under this Act or under any law;
 - (b) execute search warrants as granted by the courts authorizing its officers or any other law enforcement officer to enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Act or under any other law;
 - (c) investigate, arrest, and provide evidence for the prosecution of offenders under this Act or any other law on terrorism in Nigeria;
 - (d) seize, freeze or maintain custody over terrorist property or fund for the purpose of investigating, prosecution, or recovery of any property or fund which the law enforcement and security agencies reasonably believed to have been involved in or used in the preparation of terrorist activities in Nigeria outside Nigeria;
 - (e) seal up premises upon reasonable suspicion of such premises being involved with or being used in connection with acts of terrorism;
 - (f) adopt measures to identify, trace, freeze, seize terrorist properties as required by the law and seek for the confiscation of proceeds derived from terrorist activities whether situated within or outside Nigeria;
 - (g) under the authority of the Attorney – General of the Federation enter into cooperation agreements or arrangement with any national or international body, either intelligence, enforcement or security agencies or organization which, in its opinion, will facilitate the discharge of its functions under this Act;
 - (h) request or demand for, and obtain from any person, agency or organization, information, including any report or data that may be relevant to its functions; and
 - (i) appoint experts or professionals, where necessary, to execute the powers required in furtherance of its functions under this Act.²⁰

This Act being a Federal Act enabled our Security Officers to act, defeat kidnapping, terrorism and defend our citizens and their properties from terrorist's attacks. This law provides death punishment for any offender. Despite this enabling authority, Boko Haram still poses the greatest danger and causes a lot of havoc to the security outfit in particular, and to Nigeria in general.

The legislators of Delta State of Nigeria passed a bill named Anti - Terrorism Act and was signed into law by the Governor Emmanuel Uduagha on Wednesday the 7th day of November, 2012. This law empowers the Governor to seal up premises of suspected to be harbouring kidnappers and imposed stiff punishment of 14 years imprisonment for any person to handle any explosive and any dangerous devices with intent to commit a crime upon conviction²¹.

Dr. Mu'azu Babangida Aliyu, the Governor of Niger State, has criticized the groups saying "Islam is known as religion of peace and does not condone violence and crime in any form" and Boko Haram does not represent Islam.

The Sultan of Sokoto Sa'adu Abubakar II, the spiritual leader of Nigerian Muslims, has called the sect "anti Islam" and an embarrassment to Islam²².

The coalition of Muslim Clerics in Nigeria (CMCN) has called on the Boko Haram to disarm and embrace peace.

The Islamic Circle of North America, the Islamic Supreme Council of Britain, the Organization of Islamic Cooperation and the Council on American Islamic Relation have all condemned the group²³.

The excessiveness or the orgy of violence in the Northern part of the country perpetrated by Boko Haram, wherein the said insurgents detonated three Bombs and killing over 200 Muslim worshippers and sending them untimely to their graves. By these triple Bomb blasts which rocked Central Mosque on

²⁰ Terrorism (Prevention) Act No. 10, sec 1A (3)(4)(5)

²¹ www.vanguardngr.com accessed on 5/4/2017, www.NigerlalawonTerrorismandkidnapping.com accessed on 5/4/2017.

²² Arabian Journal of Business and Management Review (OMAN) Vol.2 Sept.2012, pp.18-19, reported in the website ALL African. Com.

²³ *Ibid* p. 5

28/11/2014, where the Emir of Kano normally leads Friday Jumat prayers and the Grand Mosque in Kano is next to the Palace of Emir of Kano²⁴.

It was learnt that there was sporadic gunshots after the blast, while several worshippers fleeing the scene were killed by stray bullets. It was not ascertained whether the attacks were aimed at the Emir who had called on the people to take steps to defend themselves against Boko Haram²⁵.

After the said kano attack, Boko Haram urged residence of the city through leaflets to “preserve” as the group attacks the security services. The leaflet said, “You should...preserve with the difficult situation for the struggle for the entrenchment of an Islamic system which puts you to seek reward from God by supporting it”.

The leaflet affirmed that, “we have on several occasions explained the categories of people we attack and this include; government officials, government security agents, Christians loyal to Christian Association of Nigeria (CAN) and whoever collaborate in arresting or killing us even if is a Muslim²⁶”.

On Sunday, February 26, 2012, suicide bombers hit a Church in Jos, killing four persons and destroying 38 vehicles.

Apart from human lives lost, mass exodus of non – indigenes, whose contributions to the economy of the concerned States, is devastating their economies. In considering factors of production such as land, labour and capital, without the human capital behind it or known as entrepreneur, other factors will be useless and uncoordinated.

Reacting to this development, former Minister of Information, Mr. Labaran Maku, said terrorism in places like Kano, which serves as the commercial nerve – centre of not only the North, but neighbouring countries like Chad, Niger Republic and Northern Cameroun, is destroying the Northern economy. He postulated “that an attack on Kano is so significant because the city has always been the commercial centre of Western Sudan for the past 500 years, ever before the evolution of Nigeria, so when you destabilize peace in Kano you threaten the foundation of economic and social well being of the Northern region²⁷”.

Effect of Boko Haram on Tourism

Boko Haram insurgency created an enormous insecurity in the country. The Former President of the Association of Tourism Practitioners (ATPN) – Alabo Amachere regretted that the Nation’s booming tourism industry is under serious threat due to reign of terror inflicted by Boko Haram in the part of the North. It is on record that many people go to North for tourism due to more tourism attractions like Argungu Fishing Festival and the Yankri Game Reserve. The Northerners provide the tourist with accommodation and markets, where they can shop and with the local guides²⁸.

The issue of insecurity is a crucial one, in order to execute successful National projects and development, every government should aspire to reach and have a standard security outfit to protect her citizens from any kind of violence, crime, and social insecurity, without which economic, political or social development will be a failure.

Factors that encourage insecurity and insurgency

Restiveness of the youths, poverty, unemployment, illiteracy etc, which are some of the indices and/or major causes of insecurity. Mohammed Yusuf successfully attracted followers from unemployed youths by speaking out against the level of corruption in the police and the political parties²⁹. Also Abdulkarim Mohammed³⁰, stated that the violent uprisings in Nigeria are ultimately due to “the fallout of frustration with corruption and the attendant social malaise of poverty and unemployment. The members of this group do not interact with the local Muslim population and have carried out assassinations in the part of any one who criticizes it, including Muslim clerics.

²⁴ [www.vanguardngr](http://www.vanguardngr.com) accessed on 5/4/2017 and www.allafrican.com/stories/2 accessed 17/4/2017.

²⁵ [www.cfre.3gwodzkmbo](http://www.cfre.3gwodzkmbo.com) accessed on 19/04/2017.

²⁶ Arabian Journal of Business and Management Review (OMAN) Vol.2 Sept.2012, p.16, reported in the website ALL African. Com.

²⁷ Suleiman, T. “The wages of Evil,” Tell Magazine, May 4th,2012, pp.44-45,48, 50-51, Arabian Journal of Business and Management Review (OMAN) Vol.2 Sept.2012, p.22.

²⁸ Ibid, pp22-23

²⁹ Farouk, who are Nigerian Boko Haram Islamists, BBC News, Retrieved, 11/01/2012.sss

³⁰ Cook, D, “The Rise of Boko Haram in Nigeria” Combating Terrorism Centre, BBC News, Retrieved, 12/01/2012

Conclusion

The act of terror and effect of terrorism are threats to National security, peace, unity and development in Nigeria. It jeopardizes basic human rights and civil liberties as a result of the acts of these terrorists. These outrageously threaten the industrialization and the existing socio – cultural life in the country as a third world country.

The government and the leaders of the country should declare war on terror in this country, also on the perpetrators, their financiers, their accounts, their cells in or outside the country, with coordinated intelligence with the outside world. Nigeria will win this battle on terror, though it would be a strong battle that would be fought for a long period of time, for the continued unity of Nigeria.

Recommendations

It is recommended that the Government should take issue of security seriously by stamping out sabotage and saboteurs away from our security outfit.

The Government should create an enabling environment for investment, by greatly providing for security that would attract investment and tourism.

There must be an adequate funding of the security agencies and provide employments for the teeming unemployed youths.

There be synergy and intelligence sharing between our security agencies thereby removing the unhealthy rivalries amongst these security personnel and their agencies.

Every effort should be made to unite the entire Nigeria to be one Nation, also address the issue of injustices, marginalization, and discrimination, finally to provide public utilities, goods and services for better livelihood for her citizens.

Extra security measures, like satellites be installed all over Nigeria, also bomb detectors be placed in all the public places like Churches and Mosques.

Finally advanced nations and experts in controlling terrorism and insurgency, be invited to work and share intelligence with our security agencies to check this menace and restore Nigeria's economy and security in the eye of the World, which would attract international investors and revive our economy and tourism industry.

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