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**RESEARCH TITLE:**

***COUNTERTERRORISM LAWS AND HUMAN RIGHTS:  
INTERROGATING STATE-CIVIL SOCIETY RELATIONS IN  
NIGERIA AND KENYA***

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## **Abstract**

The global war on terror (GWT) of the post-9/11 era has stimulated broad debates, particularly on the interface between such counterterrorism (CT) regimes and human rights and rights-based civil society organizations (CSOs). The aftermath of the 9/11 terrorist attacks on the United States birthed the domestication of strict CT measures in many states such as Nigeria and Kenya. While extant studies on the impacts of CT measures on human rights and CSOs in Africa have been national in context, there exist a dearth a research that comparatively examines the CT regimes of Nigeria and Kenya, the processes of their implementation and implications for human rights and CSOs. It is on this premise that the study examined the CT framework of these two terror-plagued states and empirically juxtaposed the nature and character of these regimes, their semblances and distinctions, and their implications for human rights and the rights-based CSOs, responses of civil society organizations to state's CTMs and its implications for state-civil society relations. Through purposive sampling, 304 and 299 CSOs' respondents in Nigeria and Kenya focusing on the humanitarian, peace-building, human rights advocacy, refugees and education sectors were selected. Secondary was collected from policy documents, reports, books and journals. Step-wise multiple regressions were used to analyze aspects of the data that were quantitative at  $p \leq 0.05$ , while content analysis was used to while interviews and secondary sources were subjected to analyze secondary sources.

Overall findings from the study reveals that CTS laws in Nigeria and Kenya both empowered the State to take certain actions that violated human rights. However, in Nigeria, the study reveals that CT laws and practices had no significant influence on civil society organization's role to protect human in Nigeria [ $t(302) = 1.17$ ;  $p > .05$ ], but in Kenya, CT laws and practices had significant influence on civil society organization's role to protect human rights in Kenya [ $t(297) = 3.04$ ;  $p < .05$ ]. The responses of civil society organizations in Nigeria against State's CT regimes were significant but was largely muted in Kenya, as there were no collective resistance to these repressive policies. Civil society organizations level of response against State's CT laws and practices in Nigeria was traced to the renewed freedom acquired after the return to democracy in 1999 while in Kenya, the weak response can be attributed to the overall weakening of CSOs due to lack of foreign funding and backing in the post-9/11 era.

In light of the findings, the study recommends that the Kenyan CT laws and measures be overhauled to stem the violation of human rights and an impinging on the capacity of CSOs to protect the human rights of citizens, while more frameworks should be established to prevent the Nigerian state from adopting laws and practices that would violate human rights and impinge on the spaces of rights-based CSOs. Therefore, there is a need to review extant CT regimes in order to advance human rights and enhance CSOs capacity in to protect human rights mainly in Kenya and to an extent in Nigeria also.

**Keywords:** Terrorism, Counter-terrorism, Civil Society Organizations, Nigeria, Kenya

**Word count:** 494

## **Introduction**

The September 11, 2001 terrorist attacks in the United States heralded a new epoch and marked a new age in the global counterterrorism project; the attacks galvanized both bilateral and multilateral efforts towards combating terrorism through the enactment of laws, formulation of policies and the establishment of institutions geared towards curtailing the upsurge of terrorism. To this end, the United States was at the forefront of the global ‘War on Terror’ (GWOT) (Lind and Howell 2010; Chondhury and Fenwick 2011). In the United States, controversial ‘draconian’ counterterrorism (CT) laws were speedily enacted or modified to fit into the CT agenda. These laws included the Executive Order 13224 of 2001, the Patriot Act of 2001 and the revised Anti-terrorism and Effective Death Penalty Act of 2004 (United States Department of Justice 2001; Chondhury and Fenwick 2011).

These laws effectively brought two major changes: first, they institutionalized arbitrary arrests, detention and extraordinary rendition in the United States; second, they marked a watershed in U.S foreign policy posturing towards the Global South as it marked a break with the long-held multilateralism and the rhetorical championing of human rights and democracy that was predominant in the 1990s (Lind and Howell 2010). This rejuvenation and redirection of CT strategies were further emboldened by multilateral efforts via the United Nations (UN) to combat terror. The UN Security Council on September 28 passed Resolution 1373 urging states to coordinate and enforce stringent measures to combat terrorism. As a requisite structural back-up to the new policy, the Security Council further established the counter-terrorism committee to supervise the multilateral CT measures (Rubongoya 2010).

Consequent on U.S. foreign policy shift and UN-backed global efforts at combating terrorism, many states around the world domesticated stringent CT laws, established institutions and enforced policies to join the GWOT. As such, while states like Afghanistan, Iraq, Yemen and Pakistan became overt frontline states in the GWOT, many other states, especially in Africa became convert partners in the U.S-led anti-terror campaign. More so, while states like Uganda, Tanzania, Madagascar and Ethiopia were<sup>1</sup> cardinal to advancing U.S. anti-terror interest, Kenya and Nigeria became core CT allies (Dange 2002).

Kenya, with a history of Islamic terrorism as evident recurring terrorists attacks over many decades such as the Al-Qaeda-orchestrated U.S. embassy bombing of 1998, the Mombasa attack on an Israeli-owned hotel in 2008, as well as years of rampant and recurring Al-Shabab attacks, swiftly enacted CT laws and established institutions to combat terrorism. In this light, the Prevention of Terrorism Act of 2012, Proceeds of Crime and Anti-Money Laundering Act of 2009 were enacted in Kenya (Jumah 2014; Onyoyo 2015). In Nigeria, the emergence in 2009, of the *Jama'tul Alhu Sunnah Lidda'wati wal Jihad* popularly known as '*Boko Haram*' in Hausa dialect (translated as "western education or civilizations is sin") spurred the enactment of the Terrorism Prevention Act (TPA) of 2011 (as amended) and the Money Laundering and Prohibition Act of 2011 (Danjibo 2009; Adesoji 2012).

However, while these CT measures adopted by Kenya and Nigeria have been justified by these states as sacrosanct to national security and fighting terrorism, scholars,

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observers and rights advocates have raised enormous concerns about the resultant consequences of these draconian CT measures for human rights and the operations of right-based civil society organizations (CSOs) in Kenya and Nigeria. There are widespread reports of civilians and CSOs in Kenya and Nigeria allegedly facing stringent anti-terror security processes such as arbitrary arrests and detention, forceful repatriation, extra-judicial executions, revocation of operational licenses, confiscation of assets and crackdown by security personnel (Oyonyo 2015; Danjibo 2009; Adesoji 2012). This informed Chandler's (2001) assertion that this new security novelty is undoubtedly fixated in the ways in which the GWOT regime reconstructed security priority of states in relation to rights and civil society'. A cursory review of these CT laws and measures blatantly reveals that they are mainly reactionary measures as they emerged in response to the surging public pressure on the governments of Kenya and Nigeria to curtail the skyrocketing spate of terrorist attacks.

While scholars and observers via numerous studies have examined the interface between CT laws and measures and human right violations in the United States, United Kingdom, Australian, Uzbekistan, Kyrgyzstan, Afghanistan, Indian, Uganda and Kenya (Sidel 2008; Dun 2010; Buzan, Wæver and Wilde 1998. ; Rubongoya 2010; Ruteere and Ogada 2010), there exist a dearth a research that comparatively examines the CT regimes of Kenya and Nigeria, the processes of implementation and implications for human rights and civil society. It is on this premise that the study examined the CT framework of these two terror-plagued states and empirically juxtaposed the nature and character of these regimes, their semblances and distinctions, and their implications for human rights and the rights-based CSOs, and also drew comparative lessons from the findings.

The findings drawn from this study were shaped by the questions which guided the research processes: first, what is the nature and character of the Kenyan and Nigerian counterterrorism laws? Second, to what extent has the counterterrorism laws impinged on the operations of civil society organizations to protect human rights in Kenya and Nigeria? Third, how has counterterrorism laws affected state-civil society relations in Kenya and Nigeria? Fourth, what responses have civil society organizations adopted to mitigate the impacts of counterterrorism laws in Kenya and Nigeria?

### **Conceptualizing of Terms**

#### **Counterterrorism**

In contemporary literature, counterterrorism (CT), just like the concept of terrorism has a disputable definition (Corthright *et al.* 2011). Viewed vaguely, counterterrorism can be captured from two distinct standpoints: negative and positive. From a negative dimension, the conception denotes certain measures that places excess emphasis on security, undermine developmental processes and aid priorities, births state repression, extra-judicial executions and blatant right violations. While on the positive side, counterterrorism entails cooperative non-military measures that aid the ability of government to foil attacks by terrorists while simultaneously guaranteeing human rights, promotes good governance and advance development (Crenshaw 2007).

According to Sandler (2015) counterterrorism entails proactive mechanisms and framework of defense adopted by security agencies to undermine the capacity of terrorist groups to orchestrate attacks protect likely targets and reducing possible degree of damage an attack can cause. In the same vein, Šulović (2010) succinctly conceive

counterterrorism as ensuring that conflicts do not escalate in tandem with making sure that the scope of attacks does not also spread further.

### **Civil Society**

The origin of the concept of civil society has been traced to the transition of the famous “*Politike Koimonia*” by Aristotle which connotes the identity or space between government and the governed, or put differently, between the society and the state (Foley and Edwards 1998). This translation reinforces the classification of civil society as “public ethical community of free and equal citizens under a legally defined system of rule” (Masterson 2010). As such, classical scholars view civil society as synonymous with the state. Subsequently, liberals came to conceive civil society as distinct from the state. Due to this fraught perception of civil society therefore, contemporary scholars tend to adopt the liberal version of civil society as a sphere of “unforced human association” (Adekson 2004; Schmitter 1995).

For Kamstra *et al.* (2016) therefore, civil society “is usually positioned as a realm or space that is opened to society at large, the state the market and the family”. On this basis civil society can be broadly conceived as the third space existing in-between the state and the citizens which functions as guarantor of fundamental individual rights, checkmate governmental totalitarianism and advance democracy (Aiyede 2003). It can therefore be inferred from the foregoing that civil society is cardinal to the protection of the fundamental right of the citizen from government’s high- handedness.

### **Human Rights**

According to Hoffman (2004), “the genealogy of human rights is embedded in the nature of human beings. That is, the human nature births the idea of allocating

fundamental human rights. While there exists no single universal conceptualization of human rights, the critical nature and ideational underline of human rights has widely gained consensus among scholars, intergovernmental organizations, governments, think tanks, civil society, among others. It is in this context that Wanza (2015) outlines the salient characteristics of human rights to include universalism, inalienability, interdependence, interrelatedness, and indivisibility.

Accordingly, the Charter of the United Nations, Article 55 (c) the Universal Declaration of Human Rights, art. 2, and the Vienna Declaration and Plan of Action, conceptualized human rights thus:

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal—in other words, they belong inherently to all human beings—and are interdependent and indivisible (The Charter of the United Nations, Art. 55 (c)).

Further to this, Surya (2010) reiterates that human rights dually entails both rights and obligations with states being obliged by extant international law and multilateral frameworks to respect, protect, promote, observe, and fulfill human rights. The first principle of internationally binding regimes to guarantee human rights protection is the Universal Declaration of Human Rights (Dakas 2014). Wanza further posits that human rights are fundamentally guaranteed and also expressed by law and as such, constructed in the posture global principles, treaties, customary international law and international law. Therefore, states are obliged to protect and advance human rights. To this end Article 2 of the Constitution and Kenya 2010 and chapter 4 of the Constitution of the Federal Republic of Nigeria of 1999 (as amended) guarantees the protection of human rights (Wanza 2015).

## **Review of Related Literature**

### **Counterterrorism (CT) Laws and Strategies in Kenya**

Kenya, viewed as East Africa's political and economic powerhouse, arguably has one of the longest experiences of terrorism in sub-Saharan Africa (Ruteere and Ogada 2010). Extant literature on international terrorism in Kenya lays bare the 1981 Norfolk Hotel bombing, the 1988 Al-Qaeda bombing of the United States embassy in Nairobi (as well as in Tanzania), the 2002 suicide bombing of an Israeli-owed hotel in Mombasa, and in recent years, the Westgate shopping mall attack of 2013 and the Garissa University College attack of 2015 by the Al-Shabab Islamist sect, among others, as the major incidences of Kenya's face-off with global radical Islamic terrorism (Shinn 2004; The Guardian 2013; Dun 2010; Schmid 2011).

Quite unavoidably, Kenya's interface with international terrorism has birthed the formulation, enactment and institutionalization of numerous CT laws and strategies. Extant CT laws were strengthened and new laws and agencies enacted and established. As Jumah (2014) observed, CT laws like the Proceeds of Crime and Anti-Money Laundering Act of 2009 were reinvigorated, and the prevention of terrorism Act of 2012 was formulated. Another critical factor that influenced CT regimes in Kenya was the foreign policy shift of the United States under the George W. Bush era. Given Kenya-U.S partnership and close ties, the U.S viewed Kenya as pivotal in the GWOT, more so, after raising strategic concerns that perennial instability in neighbouring Somalia could turn the country into a haven for Al-Qaeda and Taliban fighters fleeing Afghanistan (Dagne 2002). Rubongoya (2010) further reiterates the foregoing notion thus:

The 9/11 attacks marked a clear volte-face in American foreign policy. President Bush in no uncertain terms defined the way forward as comprising a new form of containment—a strategy that departed from countering communism to all extremist elements wherever they might be in the world (Rubongoya 2010).

As a requisite follow-up to the Kenya CT laws, a special Anti-Terrorism Police Unit (ATPU) was established in 2003. The establishment of ATPU and the adoption a stringent CT laws have raised concerns among scholars, observers, international and local right advocacy groups and the media that fundamental human rights and civil society freedom have been grossly impinged in the process of the implementation of CT laws and strategies (Mazzetti 2006). Ominously, security concerns persistently trumped human

rights and the rule of law therefore heralding a conflation between the state and civil society organizations (CSOs) that advocate for human rights. Particularly, numerous studies by both foreign and local rights watchdogs have indicted ATPU for extra-ordinary renditions, torture, forced disappearances, extrajudicial killings, forcible transfers and denial of access to consular officials, as well as repeated intimidation of CSOs (HRW 2016).

### **The Interface between Counterterrorism (CT) Measures, Human Rights and Civil Society in Kenya**

A growing body of literature on the domestication of CT laws and strategies in Kenya clearly unearths the dire consequences such ‘draconian’ measures have had on human rights and rights-based CSOs. At the crux of such consequences is the reported violation of human rights enshrined in the Constitution of the Republic of Kenya 2010, Universal Declaration of Human Rights of 1946, International Human Rights Law (IHL) and the Convention against Torture, the General Conventions and the Principle of Non-refoulement (Wanza 2016; Onyoyo 2015; Jumah 2016; MHRF 2008).

There seem to be a consensus among numerous actors that the domestication of draconian CT laws and strategies by the Kenyan state accorded overarching powers to security apparatuses which stand accused of gross human rights violations and obstructing civil society space. At the epicentre of these rights abuse allegations is the ATPU. According to a 2002 Human Rights Watch (HRW) reports, in just a single swoop, the Kenya Police arrested 966 Somalis in one day on the suspicious of being in Kenya illegally. A rights-based Kenyan NGO, Justice Initiative in Kenya documented detailed and credible allegation that APTU physically abused *Abdullali Said* —a suspect of the

Westgate terrorist attack (Wanza 2016). Another HRW report documents how Kenya in 2007 rendered at least 85 people to Somalia who were subsequently rendered to Ethiopia (HRW 2016). This highlighted a coordinated system of extraordinary rendition and forced disappearances. While the APTU also stand accused of extrajudicial killings, the force admitted to a couple of killings. This include the killing a *Kassim Omollo* in June 2013, *Salim Mohammed Nero*, *Omar Faraj* and *Titus Nabiswa* in October 2012— all of whom the force claimed were terror suspects who resisted arrests and failed to surrender (Wanza 2016; HRW 2016).

Concomitantly, the implementation of Kenya's CT laws and strategies has put the state on a collision course with civil society, particularly rights-based groups. Basically, the interface between CT frameworks and civil society in Kenya is two-pronged: firstly, the shift in U.S foreign policy posture towards more prioritization of security dwindle U.S. support for civil society in Kenya after decades of galvanizing support to advance human rights and democracy (Barkan 2004). Secondly, CT measures in Kenya and attendant rights violations puts CSOs at the frontline as they have repeatedly been labeled as either sponsors of terrorism or sympathizers of terrorists networks.

Howell and Lind (2010) reveals that CSOs that have strived to give voice to the marginalized and vulnerable and advocating the protection of rights via conducting investigations and lobbying lawmakers, were classified as enemies of the state and an obstacle to an effective anti-terrorism campaign (Lind and Howell 2010; Rosand *et al.* 2008).

The confrontational relations between Kenya's CT regime and mechanisms and CSOs was succinctly captured by a Human Rights Watch (HRW) reports which reveals

how CT measures not only stifle CSOs but also families of victims and witnesses. The reports posits thus:

Government officials and security officials have threatened and intimidated local human rights organizations calling for investigations and accountability for abuses occurring in the context of Kenya's counterterrorism operations. Journalists and media houses reporting on killings and enforced disappearances in response to attacks in the country have also faced threats (HRW 2014).

While the dominant literature highlights cases of monitoring, intimidation and outright conscription of CSOs in the context of Kenya's CT frameworks, Ruteere and Ogada (2010) however faults most Kenyan CSOs as having "an approach that appears uncoordinated, focused more on individual cases and less targeted at influencing policy making."

### **Book Haram Terrorism: Counterterrorism (CT) Laws and Mechanisms in Nigeria**

The emergence of the radical Boko Haram Islamist sect ushered the Nigerian state unto the GWOT campaign. For almost a decade, Boko Haram has perpetrated terror against ordinary men, women, children, security outfits, public officials and institutions thereby wreaking havoc on the Nigerian state (Danjibo 2009; Adesoji 2012). As a local *Salafist* group which transformed into a terrorist organization in 2009 (Njoku 2017), Boko Haram gained international profile after well-coordinated car bombing at the headquarters of the Nigeria Police Force and the United Nations country headquarters in Abuja in 2011 (Bolaji 2010). Again, the abduction of over 276 school girls from Chibok

town in April 2014 sparked global condemnation. Hence, the sect reportedly killed an estimated 10,000 people in 2014 alone (Ezewudo 2012; Nnabueze 2011b). Furthermore, a string of massive attacks by Boko Haram terrorist lasting over 5 days on the north-eastern Nigerian town of Baga in January 2015 culminated with the massacre of over 2,000 people with thousands injured and displaced (Alexander 2015).

As with Kenya, the recurring terrorist attacks in Nigeria informed governments adoption of mainly reactionary stringent measures to combat terrorism. In this light, a range of CT laws were enacted by the Nigerian government. These include Terrorism Prevention Act (TPA) 2011 (as amended) and the Money Laundering Prohibition Act 2011 (Agande 2012). Drawing on these legal frameworks the Nigerian government adopted other CT measures like the declaration of state of emergency in the terror hotspots in the north-eastern region, the setting-up of Counter Terrorism Squad (CTS) in the Nigeria Police Force, and also the Armed Force Special Force (AFSF) trained in Russia and Belarus (Nnabueze 2013).

However, these CT measures have birthed recurrent accusations of gross human rights violations and the victimization of civil society organizations in Nigeria. This echoes Chondhury and Fenwicks position that CT measures may themselves feed and sustain terrorism (Chondhury and Fenwick 2011).

### **Counterterrorism, Human Rights Debacle and Civil Society Space in Nigeria**

Nigeria's legal and military responses to the Boko Haram crisis have beamed the searchlight on the possible implications of such measures for human rights and rights-based CSOs. A Human Rights Watch (HRW) report of 2013 documented the killing of over 183 people in April 2013 in the north-eastern Nigerian town of Baga during a CT

operation by the 7<sup>th</sup> Division of the Nigerian Army. The operation also destroyed over 2,275 homes (HRW 2013). In the same vein, Amnesty International (AI) in its 2016/2017 report on “The State of World’s Human Rights’ submits that:

In response to Boko Haram attacks, the [Nigerian] military continued to carry out arbitrary arrests, detentions, ill-treatments and extrajudicial executions of people suspected of being Boko Haram fighter —acts which amounted to war crimes and possible crimes against humanity (Amnesty International 2017)

The report further unearths that in 2016 alone, 240 suspected Boko Haram detainees died in the notorious, overcrowded Giwa Barracks detention facility in north-eastern Nigeria where ‘disease, dehydration and starvation was rife’. These casualties, the report states, included at least 29 children and babies, aged between newborn and five years (Amnesty International 2017). It is therefore in further stressing the human right debacle of Nigeria’s CT measures that Gaskia (2015) opines thus:

To allow the seemingly rampant violation of the rights of citizens simply because Boko Haram operated in their communities is to throw such communities and citizens into a context of double jeopardy. It does not help the war and counterterrorism efforts, nor does it help bridge the trust gap between the citizen and the state (Gaskia 2015).

In the same trajectory, there have been reported cases of how Nigeria’s CT operations and the legal frameworks which underpins them undermines civil society freedoms. With numerous CSOs offering legal aid, humanitarian interventions, refugee

relocation and religious education in the north–eastern region of Nigeria, there have been reported cases of flagrant violation of civil society spaces by security operatives in the context of CT (Nnabueze 2013; Gaskia 2015; Adesoji 2012).

A study by Njoku (2017) detailed first-hand experiences of the interface between Nigeria’s security personnel in CT operations and CSOs in the terror-plagued north-eastern region. The seemingly laudable CT laws and measures adopted by both Kenya and Nigeria notwithstanding, it has been extensively argued that such CT frameworks are basically to appease Western concerns, as their domestication was implemented without extensive rapport with stakeholders and CSOs before they were institutionalized (Ezewudo 2012). Critically also, the law failed to take adequate steps to checkmate possible excesses by the numerous institutions established to fight terrorism in both countries.

As I show empirically in the following section, the CT laws and measures of both Kenya and Nigeria significantly undermined human rights and affected the capacity of rights-based CSOs to fully operate. Before presenting the data, it is important to begin with an elaboration of the research design employed for this study.

### **Methods of Data Collection**

To test, on a comparative basis, the interface between CT laws and human rights as well as rights-based CSOs in Kenya and Nigeria, I adopted an ex-post-facto research design. This design helped to quantitatively analyze the relationship between the Kenyan and Nigerian states’ CT frameworks and human rights as well as rights-based CSOs. This is imperative as extant theoretical submissions have revealed diverse degree of

inconsistencies in different political contexts and lacks a comparative dimension to the growing body of literature. Thus, there is need to build on theoretical postulations through quantitative study of the relationship between these variables and to compare findings.

## **Data**

Survey was used to collect data from civilians affected by CT laws and measures, and programme officers and executives of CSOs respectively. These include human rights, youth/children, women and faith-based group whose operational focus is on humanitarian, peace building, refugees, human rights advocacy, protection and education. The data was collected over a 12-month period which was from July, 2016 to July, 2017.

## **Empirical Strategies**

In order to sample a fair percentage of representation of the respondents across the aforementioned CSOs in Kenya and Nigeria, the overall population of programme officers and executives are summed up and subjected into the formula given by Cochran (1977):

$$n_0 = \frac{z^2 pq}{e^2}$$

Where:

$n_0$  is the sample size per country

$z$  is the selected critical value of desired confidence level

$p$  = total number of estimated staff across the civil society organisations per country, and

$q = 1 - p$  and  $e$  is the desired level of precision.

Hence, to calculate a sample size of a large population of staff of civil society organizations in Nigeria and Kenya that has an unknown degree of variability, maximum variability which is equal to 50% ( $p = 0.5$ ) and taking 95% confidence level with  $\pm 5\%$  precision, the calculation for sample size would be as follows:

$$p = 0.5 \text{ and hence } q = 1 - 0.5 = 0.5; e = 0.05; z = 1.96$$

$$\text{So, } n_o = \frac{(1.96)^2 (0.5) (0.5)}{(0.05)^2} = 384.16 = 384$$

The algorithm above gave a total of 384, which distinctly represents the sample size for Nigeria and also 384 for Kenya respectively. This means that for Nigeria, 384 staff across the selected civil society organisations were selected as a representative population. After this figure was obtained, the proportionate sampling technique was employed to ascertain the exact number of respondents (staff) in each civil society organisations that were administered copies of questionnaire in relation to their population. However, out of the 384 copies administered, 304 were successfully collected and used for analysis, while 80 copies were not returned. For Kenya, the sample size was also 384, but out of the 384 questionnaires administered, only 299 were retrieved while 85 were not returned.

Moreover, a total of 16 In-Depth Interviews (IDI), were conducted. That is, 8 for Nigeria and 8 for Kenya. The multi-stage sampling technique was adopted in selecting

the 16 refugees and civil society operators. Then the stratified sampling technique was employed to select a number of civil society organizations concerned with human rights, women, youths/children and faith-based groups. The purposive type of non-probability sampling technique was then adopted to select interviewees drawn from selected organizations among those groups whose institutional objectives are in the areas of humanitarian assistance, human rights advocacy, peace building, refugees, protection and education in Nigeria and Kenya respectively.

Mainly two statistical tools namely: frequency distribution and charts and T-test were employed in the analyses of the primary data gathered from the field. Descriptive statistics such as frequency distribution and charts were used for data analysis and presentation, while, inferential statistics, specifically T-test were used to test the formulated hypothesis. These analyses were carried out through the SPSS Version 20.0.

## Main Findings

### Socio-demographic Information of Respondents

**Table 1.0: Socio-demographic information of respondents from Nigeria and Kenya**

SN	Variable	Response	Nigeria		Kenya	
			Frequency	Percent (%)	Frequency	Percent (%)
1	Type of organization	Youth/children	54	17.8	30	10
		Women	80	26.3	82	27.4
		Faith based	118	38.8	139	46.5
		Human Right	52	17.1	48	16.1
2	Nature of Organization	Domestic	200	65.8	204	68.2
		International	104	34.2	95	31.8
3	Areas of operation	Humanitarian	5	1.6	15	5
		Peace Building	19	6.3	22	7.4
		Refugees	160	52.6	122	40.8
		Human Rights				

		Advocacy	105	34.5	140	46.8
		Protection	8	2.6	0	0
		Education	7	2.3	0	0
4	No of branches	One	0	0	1	0.3
		Two	30	9.9	55	18.4
		Three	116	38.2	148	49.5
		Four	152	50	86	28.8
		Five	6	2	9	3
5	Sex	Male	197	64.8	202	67.6
		Female	107	35.2	97	32.4

**Source: Derived from field investigation, 2017**

From Table 1.0, In Nigeria, frequency distribution showed that there are more of faith based organization 118 (38.8%), followed by women organization 80 (26.3%), 54 (17.8%) were youth and children organization, while the other 52 (17.1%) were human right organizations. According to nature of organization, more of the organizations 200 (5.8%) were domestic, while the other 104 (34.2%) were international. Frequency distribution for area of operation showed that more of the respondents 160 (52.6%) were focused on refugees, 105 (34.5%) were concerned with human right advocacy, 19 (6.3%) were for peace building, 8 (2.6%) were for protection, 7 (2.3%) were for education, while the other 5 (1.6%) were for humanitarian services. As regards sex distribution, more of the respondents 197 (64.8%) indicated to be males, while the other 107 (35.2%) signified to be females.

In Kenya, there are more of faith based organization 139 (46.5%), followed by 82 (27.4%) for women, 30 (10%) were youth and children organization, while the other 48 (16.1%) were human right organization. According to nature of organization, more of the organizations 204 (68.2%) were domestic, while the other 95 (31.8%) were international organizations. As regards area of operation, more of the organizations in Kenya 140 (46.8%) were more focused on human right advocacy, 122 (49.8%) were concerned with

refugees, 22 (7.4%) were for peace building, while the other 15 (5%) were for humanitarian services. Sex distribution revealed that more of the respondents 202 (67.6%) were males, while the other 97 (32.4%) were females.

**Objective One: To examine the nature, character and key elements of the Kenyan and Nigerian counterterrorism laws**

**Table 1.2: Nature, character and key elements of the Kenyan and Nigerian counterterrorism laws**

S/N	Item	Nigeria		Kenya	
		No(%)	Yes(%)	No(%)	Yes(%)
I	Were you involved or consulted in the formulation of government counter-terrorism policies?	223(73.4)	81(26.6)	147(49.2)	152(50.8)
ii	Are the guidelines given on the implementation of counterterrorism legislation and policy clear and consistent?	224(73.7)	80(26.3)	156(52.2)	143(47.8)
iii	Were there orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice?	240(78.9)	64(21.1)	200(66.9)	99(33.1)
iv	Were there measures put in place to guarantee that those carrying out policy/practice/measure abide by the guidelines?	178(58.6)	126(41.4)	161(53.8)	138(46.2)
v	Are the legislation, policy and practice been useful/necessary?	217(71.4)	87(28.6)	156(52.2)	143(47.8)
vi	Do you feel the legislation/policy/practice is a reasonable response to the level of threat?	243(79.9)	61(20.1)	140(46.8)	159(53.2)
vii	Do you feel that any of the legislation/policy/practice has been	37(12.2)	267(87.8)	84(28.1)	215(71.9)

	discriminatory?				
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**Source: Derived from field investigation, 2017**

Table 1.2 presents the nature, character and key elements of the Kenyan and Nigerian counterterrorism laws in achieving the first objective. As regards Nigeria, more of the respondents 223 (73.4%) indicated that they were not involved or consulted in the formulation of government counter-terrorism policies, while the other 81 (26.6%) indicated to be involved. More of the participants 224 (73.7%) indicated that the guidelines given on the implementation of counterterrorism legislation and policy were not clear and consistent; also, an overwhelming proportion of the respondents 240 (78.9%) signified that there were no orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice; in addition, more of the respondents 178 (58.6%) were of the opinion that there were no measures put in place to guarantee that those carrying out policy/practice/measure abide by the guidelines; furthermore, most of the participants 217 (71.4%) were of the view that the legislation, policy and practice were not useful and unnecessary; furthermore, an overwhelming number of the respondents 243 (79.9%) opined that they do not feel that the legislation/policy/practice is a reasonable response to the level of threat. Finally, almost all of the participants 267 (87.8%) agreed that they feel that any of the legislation/policy/practice has been discriminatory.

As regards Kenya, more of the respondents 152 (50.8%) indicated that they were involved or consulted in the formulation of government counter-terrorism policies; more of the participants 156 (52.2%) indicated that the guidelines given on the implementation of counterterrorism legislation and policy were not clear and consistent; also, an

overwhelming proportion of the respondents 200 (66.9%) signified that there were no orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice; in addition, more of the respondents 161 (53.8%) were of the opinion that there were no measures put in place to guarantee that those carrying out policy/practice/measure abide by the guidelines; furthermore, most of the participants 156 (52.2%) were of the view that the legislation, policy and practice were not useful and unnecessary. From Table 4.2 also, more of the participants 159 (53%) indicated that there were orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice; finally, almost all of the participants 215 (71.9%) agreed that they feel that any of the legislation/policy/practice has been discriminatory.

**Objective two: To investigate the extent to which counterterrorism laws impinge on the operations of civil society organizations to protect human rights in Kenya and Nigeria**

Table 1.3: The Impact of Counter-Terrorism Laws/policies on Civil Society Organizations

S/N	Item	Nigeria		Kenya	
		Yes(%)	No(%)	Yes(%)	No(%)
1	Have the presence of violent sects affected your ability to work?	262(86.2)	42(13.8)	216(72.2)	83(27.8)
2	Have the activities of the security agencies affected your ability to work?	256(84.2)	48(15.8)	220(73.6)	79(26.4)
3	Have you been threatened by security agencies?	256(84.2)	48(15.8)	200(66.9)	99(33.1)

4	Have you been attacked by security agents?	244(80.3)	60(19.7)	107(35.8)	192(64.2)
5	Have your offices been robbed or attacked by security agents?	58(19.1)	246(80.9)	116(38.8)	183(61.2)
6	Have you been denied access to civilians or victims of terrorist attacks?	251(82.6)	53(17.4)	173(57.9)	126(42.1)
7	Have you been denied access to information about a terrorist attacks?	62(20.4)	242(79.6)	159(53.2)	140(46.8)
8	Have you been forced to adjust, amend or close a programme due to concerns over compliance with counter terrorism regulations?	244(80.3)	60(19.7)	157(52.5)	142(47.5)
9	Have you avoided the implementation of a programme due to concerns over counterterrorism regulations?	255(83.9)	49(16.1)	162(54.2)	137(45.8)

**Source: Derived from field investigation, 2017**

Table 1.3 presents responses on the extent to which counter terrorism laws impinge on the operations of civil society organizations to protect human rights in Kenya and Nigeria. As regards Nigeria, more of the respondents 262 (86.2%) indicated that the presence of violent sects affected their ability to work; also, an overwhelming number of the participants 256 (84.2%) opined that the activities of the security agencies affected their ability to work; furthermore, more of the respondents 256 (84.2%) agreed that they have been threatened by security agencies; in addition, majority of the respondents 244 (80.3%) agreed that they have been attacked by security agents in some occasions. From Table 4.3 as well, more of the participants 246 (80.9%) disagreed that their offices had been robbed or attacked by security agents; more of the respondents 251 (82.6%) indicated that they have been denied access to civilians or victims of terrorist attacks; majority of the respondents 242 (79.6%) indicated that they do have access to information about terrorist attacks; an overwhelming proportion of the participants 244 (80.3%) agreed that they have been forced to adjust, amend or close a program due to

concerns over compliance with counter terrorism regulations. Finally, more of the respondents 255 (83.9%) agreed that they have avoided implementation of program due to concerns over counterterrorism regulations.

As regards Kenya, more of the respondents 216 (72.2%) indicated that the presence of violent sects affected their ability to work; also, an overwhelming number of the participants 220 (73.6%) opined that the activities of the security agencies affected their ability to work; furthermore, more of the respondents 200 (73.6%) agreed that they have been threatened by security agencies; in addition, majority of the respondents 192 (64.2%) disagreed that they have been attacked by security agents in some occasions. From Table 4.3 as well, more of the participants 183 (61.2%) disagreed that their offices had been robbed or attacked by security agents; more of the respondents 173 (57.9%) indicated that they have been denied access to civilians or victims of terrorist attacks; majority of the respondents 159 (53.2%) indicated that they do have access to information about terrorist attacks; more of the participants 157 (52.5%) agreed that they have been forced to adjust, amend or close a program due to concerns over compliance with counter terrorism regulations. Finally, more of the respondents 162 (54.2%) agreed that they have avoided implementation of program due to concerns over counterterrorism regulations.

**Objective three: To examine how counterterrorism laws have affected the relationship between the state and civil society organizations in Kenya and Nigeria**

**Table 1.4: How Counterterrorism Laws/policies/practices has affected civil society and government relations**

NB: Strongly Disagree (SD), Disagree (D), Agree (A), Strongly Agree (SA)

S/N	Item	Nigeria				Kenya			
		SD(%)	D(%)	A(%)	SA(%)	SD(%)	D(%)	A(%)	SA(%)
i.	Government's security agents perceive your activities as counter-productive to countering terrorism	101(33.2)	119(39.1)	69(22.7)	15(4.9)	148(49.5)	56(18.7)	55(18.4)	40(13.4)
ii.	Government's security agents believe that you provide material or moral support to groups engaged in terrorism	14(4.6)	89(29.3)	141(46.4)	60(19.7)	72(24.1)	49(16.4)	84(28.1)	94(31.3)
iii.	Government's security agents believe that you provide financial support to groups engaged in terrorism	16(5.3)	99(32.6)	114(37.5)	75(24.7)	92(30.8)	59(19.7)	54(18.1)	94(31.4)
iv.	Government's security agents believe that your organization is an ideological root for groups engaged in terrorism	101(33.2)	127(41.8)	23(7.6)	53(17.4)	167(55.9)	85(28.4)	47(15.7)	0
v.	Government's security agents believe that your organization is a recruitment ground for would-be violent groups that will engage in terrorism	80(26.3)	138(45.4)	21(6.9)	65(21.4)	126(42.1)	97(32.4)	73(24.4)	3(1)
vi.	Government officials/security agents reached out to your organization to discuss counter-terrorism legislation/policies/practices	149(49)	79(26)	62(20.4)	14(4.6)	76(25.4)	92(30.8)	128(41.8)	3(1)
vii.	Government engaged your organization in countering terrorism?	95(31.3)	82(27.0)	109(35.9)	18(5.9)	15(8.4)	47(15.7)	215(71.9)	12(4)

viii.	Your organization was pressured/forced to join the government in countering-terrorism	29(42.4)	28(42.1)	46(15.1)	1(0.3)	74(24.7)	3(1)	170(56.9)	52(17.4)
ix.	Your organizations' engagement with government security agents in countering terrorism conform to your organizational principles?	4(4.6)	56(18.4)	149(49)	85(28)	52(17.4)	58(19.4)	186(62.2)	3(1)

**Source: Derived from field investigation, 2017**

As regards Nigeria, more of the respondents 72.3% were of the view that government's security agents do not perceive their activities as counter-productive to countering terrorism, while the other 27.7% indicated that the government's security agents still sees them as preventing the lessening of terrorism. Also, more of the respondents 66.1% agreed that government's security agents believe that they provide material or moral support to groups engaged in terrorism; more of the respondents 55.5% agreed that government's security agents believe that they provide financial support to groups engaged in terrorism; in addition, more of the respondents 75% opined that government's security agents do not believe that their organization is an ideological root for groups engaged in terrorism; more of the respondents 71.7% indicated that government's security agents do not believe that their organization is a recruitment ground for would-be violent groups that will engage in terrorism; also, majority of the respondents 75% disagreed that government officials/security agents reached out to your organization to discuss counter-terrorism legislation/policies/practices; in addition, more of the respondents 58.3% disagreed that government engaged their organization in countering terrorism; more of the participants 84.5% disagreed that their organization was pressured/forced to join the government in countering terrorism; finally, an

overwhelming proportion of the respondents 77% agreed that their organizations' engagement with government security agents in countering terrorism conform to your organizational principles.

As regards Kenya, more of the respondents 68.2% were of the view that government's security agents do not perceive their activities as counter-productive to countering terrorism, while the other 31.8% indicated that the government's security agents still sees them as preventing the lessening of terrorism. Also, more of the respondents 59.4% agreed that government's security agents believe that they provide material or moral support to groups engaged in terrorism; more of the respondents 50.5% disagreed that government's security agents believe that they provide financial support to groups engaged in terrorism; in addition, more of the respondents 84.3% opined that government's security agents do not believe that their organization is an ideological root for groups engaged in terrorism; more of the respondents 74.5% indicated that government's security agents do not believe that their organization is a recruitment ground for would-be violent groups that will engage in terrorism; also, majority of the respondents 56.2% disagreed that government officials/security agents reached out to your organization to discuss counter-terrorism legislation/policies/practices; in addition, more of the respondents 75.9% agreed that government engaged their organization in countering terrorism; more of the participants 74.3% agreed that their organization was pressured/forced to join the government in countering terrorism; finally, an overwhelming proportion of the respondents 63.2% agreed that their organizations' engagement with government security agents in countering terrorism conform to your organizational principles.

**Objective four: To analyze the responses of civil society organizations to counterterrorism laws/practices in Kenya and Nigeria**

**Table 1.5: Civil Society’s Response to Government’s Counter-terrorism Security Framework**

NB: Strongly Disagree (SD), Disagree (D), Agree (A), Strongly Agree (SA)

S/N	Item	Nigeria				Kenya			
		SD(%)	D(%)	A(%)	SA(%)	SD(%)	D(%)	A(%)	SA(%)
i.	Your organization supports Governments’ counter-terrorism legislation/ policies and practices?	54(17.8)	54(17.8)	106(34.9)	90(29.6)	54(18.1)	40(13.4)	201(67.2)	4(1.3)
ii.	Your organization have carried out campaigns to sensitize the people on the need to support of government counter terrorism security framework	36(11.8)	0	155(50.3)	113(37.2)	28(9.4)	30(10)	231(77.3)	10(3.3)
iii.	Your organization uses the mass media to push for support of Governments’ counter terrorism security framework	19(6.3)	80(26.3)	109(35.9)	96(31.6)	24(8)	45(15.1)	222(74.2)	8(2.7)
iv	Your organization opposes Governments’ counter-terrorism legislation/ policies and practices	189(62.1)	89(29.3)	26(8.6)	0	14(4.7)	244(81.6)	29(9.7)	12(4)
v	Your organization carried out campaigns to sensitize the people on the need to reject Government’s counter terrorism security framework	97(31.9)	64(21.1)	48(15.8)	95(31.3)	18(6)	186(62.2)	42(14)	53(17.7)
vi	Your organization use press releases, newspapers editorials, educational materials to criticize Governments’ counter terrorism security framework	26(8.6)	95(31.3)	108(35.5)	75(24.7)	34(11.4)	50(16.7)	190(63.5)	25(8.4)
vii	Your organization carried out protest against government’s counter terrorism security framework	26(8.6)	70(23)	90(29.6)	118(38.8)	46(15.4)	57(19.1)	175(58.5)	21(7)
viii	Your organization does not comply to the Government’s counter-terrorism legislations, policies and practices	125(41.1)	82(27)	64(21.1)	33(10.9)	36(12)	98(32.8)	87(29.1)	78(26.1)
ix	Your organization complies minimally to the Government’s counter-terrorism legislations, policies	111(36.5)	92(30.3)	80(26.3)	21(6.9)	23(7.7)	49(16.4)	206(68.9)	21(7)

	and practices								
x	Your organization have testified before legislative committees on the Government's counter terrorism activities	62(20.4)	88(28.9)	125(41.1)	29(9.5)	18(6)	48(16.1)	190(63.5)	43(14.4)
xi	Your organization lobby the government to change or amend some of her counter terrorism legislations, policies and practices	80(26.3)	31(10.2)	67(22)	126(41.4)	33(11)	51(17.1)	171(57.2)	44(14.7)
xii	Your organization has given expert advice to the government on their counter terrorism legislations, policies and practices	62(20.4)	72(23.7)	149(49)	21(6.9)	38(12.7)	45(15.1)	170(56.9)	46(15.4)
xiii	Your organization has taken the government to court to clarify certain provisions in the law and the extent of government authority to enforce new regulations	68(22.4)	62(20.4)	131(43.1)	43(14.1)	117(39.1)	7(2.3)	131(43.8)	44(14.7)

**Source: Derived from field investigation, 2017**

As regards Nigeria, more of the respondents 64.5% agreed that their organization supports government's counter terrorism legislation/policies and practice; more of the respondents 87.5% disagreed that their organization have carried out campaigns to sensitize the people on the need to support of government counter terrorism security framework; more of the respondents 67.5% agreed that their organization uses the mass media to push for support of Governments' counter terrorism security framework; majority of the participants 91.4% disagreed that their organization opposes Governments' counter-terrorism legislation/ policies and practices; more of the respondents 53% disagreed that their organization carried out campaigns to sensitize the people on the need to reject Government's counter terrorism security framework; most of the participants 60.2% agreed that their organization use press releases, newspapers editorials, educational materials to criticize Governments' counter terrorism security framework; furthermore, majority of the participants 68.4% agreed that their organization

carried out protest against government's counter terrorism security framework; more of the respondents 68.8% disagreed that their organization does not comply to the Government's counter-terrorism legislations, policies and practices; in addition, more of the respondents 66.8% disagreed that their organization complies minimally to the Government's counter-terrorism legislations, policies and practices; more of the respondents 50.6% agreed that their organization have testified before legislative committees on the Government's counter terrorism activities; majority of the respondents 63.4% agreed that their organization lobby the government to change or amend some of her counter terrorism legislations, policies and practices; more than half of the respondents 56.8% agreed that their organization has given expert advice to the government on their counter terrorism legislations, policies and practices; finally, more of the respondents 57.2% agreed that there has taken the government to court to clarify certain provisions in the law and the extent of government authority to enforce new regulations.

As regards Kenya, more of the respondents 68.5% agreed that their organization supports government's counter terrorism legislation/policies and practice; more of the respondents 87.5% disagreed that their organization have carried out campaigns to sensitize the people on the need to support of government counter terrorism security framework; more of the respondents 80.6% agreed that their organization uses the mass media to push for support of Governments' counter terrorism security framework; majority of the participants 76.9% disagreed that their organization opposes Governments' counter-terrorism legislation/ policies and practices; more of the respondents 86.3% disagreed that their organization carried out campaigns to sensitize

the people on the need to reject Government's counter terrorism security framework; most of the participants 68.2% disagreed that their organization use press releases, newspapers editorials, educational materials to criticize Governments' counter terrorism security framework; furthermore, majority of the participants 71.9% agreed that their organization carried out protest against government's counter terrorism security framework; more of the respondents 65.5% agreed that their organization does not comply to the Government's counter-terrorism legislations, policies and practices; in addition, more of the respondents 55.2% agreed that their organization complies minimally to the Government's counter-terrorism legislations, policies and practices; more of the respondents 75.9% agreed that their organization have testified before legislative committees on the Government's counter terrorism activities; majority of the respondents 71.9% agreed that their organization lobby the government to change or amend some of her counter terrorism legislations, policies and practices; more than half of the respondents 72.3% agreed that their organization has given expert advice to the government on their counter terrorism legislations, policies and practices; finally, more of the respondents 58.5% agreed that there has taken the government to court to clarify certain provisions in the law and the extent of government authority to enforce new regulations.

### **Testing of Hypothesis**

**Hypothesis 1:** The counterterrorism laws/practices implemented by state's security agents significantly influenced civil society organization's role to protect human rights.

This was tested using test for independent samples and the result is presented on Table 1.6

**Table 1.6: Summary of t-test for independent sample showing the influence of counterterrorism laws/practices implemented by state’s security agents on civil society organization’s role to protect human rights**

Country	Counter terrorism laws and practices	N	Mean	Std. Dev.	t-value	df	p
Nigeria	High	158	27.66	7.38	1.17	302	>.05
	Low	146	16.29	8.89			
Kenya	High	119	17.58	6.43	3.04	297	<.05
	Low	180	25.24	7.05			

**Source: Derived from field investigation, 2017**

Table 1.6 presents the influence of counterterrorism laws/practices implemented by state’s security agents on civil society organization’s role to protect human rights. It is presented that counter terrorism laws and practices had no significant influence on civil society organization’s role to protect human in Nigeria [ $t(302) = 1.17; p > .05$ ]. However, counter terrorism laws and practices had significant influence on civil society organization’s role to protect human rights in Kenya [ $t(297) = 3.04; p < .05$ ].

### **Contributions to Knowledge**

This study makes two significant contributions. First, it represents one of the first attempts to quantitatively test the link between counter-terrorism measures of states and civil society organizations on a comparative basis between Nigeria and Kenya. It empirically augments the debates on the many guises and entrenched nature of the post-9/11 global war on terrorism, specifically the effects of the War on terror on civil society organizations, the changing roles of civil society organizations and its relationship with the state. Secondly, the study further embellishes the growing literature on counter-

terrorism and civil society studies, specifically the effects of emergent counter-terrorism measures in shaping state-civil society relations in the global South.

The study therefore recommends that the Kenyan CT laws and measures be overhauled to stem the violation of human rights and an impinging on the capacity of CSOs to protect the human rights of citizens, while more frameworks should be established to prevent the Nigerian state from adopting laws and practices that would violate human rights and impinge on the spaces of rights-based CSOs. Therefore, there is a need to review extant CT regimes in order to advance human rights and enhance CSOs capacity in to protect human rights mainly in Kenya. and to an extent in Nigeria also.

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### Appendix 1: List of Civil Society Organizations Surveyed in Nigeria

S/N	Civil Society Organizations (CSOS/CBOs/NGOs)	No. of Programme Officers Surveyed	Estimated Staff Strength of (CSOs/CBOs/NGOs)	Location (States Surveyed & other branch Locations)
Thematic Goals (A)	<b>PEACE BUILDING</b>			
1.	Network of Police Reform in Nigeria	1	5	Lagos
2.	MUSWEN	8	15	Oyo
3.	Centre for Peace Advancement in Nigeria	5	11	Plateau
4.	CLEEN Foundation	9	17	Abuja/Lagos
5.	WANEP	8	12	Lagos
6.	Society for Peace & Mutual Coexistence	10	14	Lagos
	<b>Total</b>	<b>41</b>	<b>74</b>	
	<b>DEVELOPMENT</b>			
I.	NACOMYO	13	17	Ogun
II.	Federation of Women Association	11	32	Gombe
III.	Centre for Democracy and Development	nil	10	Abuja
IV.	African Youth Foundation	nil	4	Abuja
VI.	OXFAM	4	15	Abuja
VII.	African Development Foundation	nil	4	Abuja
	<b>Total</b>	<b>28</b>	<b>82</b>	
Thematic Goals (C)	<b>HUMAN RIGHTS ADVOCACY</b>			
a.	League of Human Rights	22	31	Plateau
b.	ECOWA	1	3	Lagos
c.	JDPC	12	17	Abuja/Lagos

d.	Network for Justice and Democracy	5	7	Edo
e	ISHD	9	15	Lagos
f.	WLDC	8	12	Lagos
g.	Women Law and Development	9	15	Lagos
h.	Fahariya Adolescent Network	10	17	Plateau
i.	Community Action for Popular Participation	22	27	Gombe
	<b>Total</b>	<b>98</b>	<b>123</b>	
Thematic Goals (D)	<b>HUMANITARIAN ASSISTANCE</b>			
1.	Catholic Caritas	14	30	Abuja (Other States)
2.	Glorious Mission	12	33	Adamawa
3.	Christian Health Association	39	52	Adamawa
4.	Unique Foundation	21	30	Lagos
5.	Hall Mark for Labour Foundation	19	5	Lagos
	<b>Total</b>	<b>105</b>	<b>124</b>	
	<b>EDUCATION</b>			
A.	TY Danjuma Foundation	8	21	Abuja
B.	CHRISTIAN CARE FOUNDATION	9	30	Abuja/Lagos
C.	Civil Society Action Coalition on Education for All (CSACEFA)	4	19	Lagos
D.	EDUCATIONAL CO-OPERATION SOCIETY (ECS)	nil	22	Abuja/Lagos
E.	Global Integrated Education Volunteers Association (GIEVA)	11	18	Abuja
	<b>Total</b>	<b>32</b>	<b>110</b>	
	<b>GRAND TOTAL</b>	<b>304</b>	<b>513</b>	

**Appendix 2: List of Civil Society Organizations Surveyed in Kenya**

S/N	Civil Society Organizations (CSOS/CBOs/NGOs)	No. of Programme Officers Surveyed	Estimated Staff Strength of (CSOS/CBOs/NGOs)	Location (States Surveyed & other branch Locations)
Thematic Goals (A)	<b>PEACE BUILDING</b>			
a.	Africa Peace Forum	nil	5	Nairobi
b.	UNITED GLOBAL VOLUNTEERS INTERNATIONAL	2	10	Nairobi/Mombasa
c.	African Christian Mission International	14	21	Nairobi
d.	Viafrica Kenya Foundation	8	17	Nairobi
e.	GENERATIONS ALIVE AFRICA	3	22	Nairobi/Mombasa
f.	Volunteers for Africa	1	4	Nairobi
	<b>Total</b>	<b>28</b>	<b>79</b>	
Thematic Goals (B)	<b>DEVELOPMENT</b>			
I.	ABYEI COMMUNITY ACTION FOR DEVELOPMENT	9	17	Mombasa
II.	Action Aid international Kenya	21	62	Nairobi
III.	ACTION FOR EMPOWERMENT	5	10	Nairobi/Mombasa
IV.	African Youth Foundation	2	4	Nairobi/Mombasa
V.	Africa Community Development Foundation	8	18	Nairobi
VI.	African Network for Internationalization of Education	14	22	
VII.	OXFAM	nil	15	Nairobi
VIII.	ACTION NOWKENYA	nil	4	Nairobi
IX.	Advanced Initiatives for Population and	6	13	Nairobi/Mombasa

	Development			
X.	Coast Women in Development	8	24	Mombasa
XI.	Full Gospel Churches of Kenya Development Projects	14	30	Nairobi/Mombasa
	<b>Total</b>	<b>86</b>	<b>219</b>	
Thematic Goals (C)	<b>HUMAN RIGHTS ADVOCACY</b>			
a.	Centre for Legal Rights, Education, Advocacy and Development	12	31	Mombasa
b.	BEACON OF HOPE	10	23	Nairobi/Kisumu
c.	Child Refuge Centres International	2	17	Nairobi/Mombasa
d.	Free the Children	11	17	Nairobi/Mombasa
e.	HUMAN RIGHTS WATCH	nil	10	Nairobi/Mombasa
f.	Stichting Centre on Housing Rights and Evictions	16	33	Mombasa
g.	Human Appeal International (Kenya)	nil	15	Nairobi/Mombasa
h.	SOMALI MINORITY RIGHTS AND AID FORUM	10	17	Mombasa
	<b>Total</b>	<b>61</b>	<b>163</b>	
Thematic Goals (D)	<b>HUMANITARIAN ASSISTANCE</b>			
1.	African Network for the Prevention and Protection against child Abuse and Neglect (Kenya Chapter)	11	30	Nairobi
2.	Islamic Relief-Kenya	17	37	Nairobi/Mombasa
3.	Action for Children in Conflict UK in Kenya	20	33	Nairobi/Mombasa
	Africa Refugee Relief	25	52	Nairobi/Mombasa

4.	and Development Organization			
5.	Care Highway Humanitarian Aid	7	24	Mombasa/Kisumu
6.	Centrale Humanitaire Medico – Pharmaceutique	3	9	Nairobi/Mombasa
7.	Caring Citizens International Foundation	9	25	Mombasa
	Himilo Relief and Development Association	nil	14	Mombasa
	<b>Total</b>	<b>92</b>	<b>324</b>	
	<b>EDUCATION</b>			
a.	MACHEO CHILDREN'S CENTRE	3	9	Nairobi/Mombasa
b.	Muslim Education and Welfare Association	8	24	Mombasa/Kisumu
c.	Mathare Youth Sports Association	nil	5	Nairobi
d.	REFUGEE EDUCATION TRUST KENYA	9	21	Mombasa
e.	Source – Net Women Empowerment Program	2	12	Nairobi
f.	THE EDUCATION KENYA INTERNATIONAL FUND	6	20	Nairobi/Mombasa
g.	To Love Children Educational Foundation International – Kenya	4	10	Nairobi
	<b>Total</b>	<b>32</b>	<b>101</b>	
	<b>GRAND TOTAL</b>	<b>299</b>	<b>886</b>	

**APPENDIX 3: QUESTIONNAIRE FOR CIVIL SOCIETY ORRGANIZATIONS**

**ON-GOING RESEARCH PROGRAMME  
QUESTIONNAIRE FOR CIVIL SOCIETY ORGANIZATIONS  
(NIGERIA)**

Dear Respondent,

This questionnaire is designed to collect information on the "Interface/impact of counter-terrorism laws, institutions and policies on human rights and civil society organizations in Kenya and Nigeria". You are therefore implored to provide as accurate as possible answers to the questions. Information provided shall be used for academic purposes only. Thank you.

**Section A: Background Information (Tick as Appropriate)**

1. Type of Organization: Youth/Children [ ] Women [ ] Faith-Based [ ] Human Rights [ ]
2. Nature of Organization Domestic [ ] International [ ]
3. Areas of operation: Humanitarian [ ] Peace building [ ] Refugees [ ] Human Rights advocacy [ ] Education [ ]
4. Head Office Location ..... Number of Branch(es) .....
5. Country .....
6. Year of establishment.....
7. Sex: Male [ ] Female [ ]

**Section B: Counter-terrorism Legislation, Policy, Practice of the Nigerian Government**

1. What counter-terrorism laws, policy and practice are you aware of? (Tick as appropriate)  
 Countering Violent Extremism Programme [ ] Terrorism Prevention Act 2013 (Amended) [ ]  
 Money Laundering Prohibition Act 2011 [ ]  
 Military campaigns [ ] Others ..... (Please specify)

**Please tick as appropriate**

S/N	Item	Yes	No
I	Were you involved or consulted in the formulation of government counter-terrorism policies?		
ii	Are the guidelines given on the implementation of counterterrorism legislation and policy clear and consistent?		
Iii	Were there orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice?		
iv	Were there measures put in place to guarantee that those carrying out policy/practice/measure abide by the guidelines?		
v	Are the legislation, policy and practice been useful/necessary?		

vi	Do you feel the legislation/policy/practice is a reasonable response to the level of threat?		
vii	Do you feel that any of the legislation/policy/practice has been discriminatory?		

**Section C: The Impact of Counter-Terrorism Policies on Civil Society Organizations**

Please, tick only one option to these questions Not at all=1 Not often=2 occasionally=3 Often=4

Very often=5

S/N	Item	1	2	3	4
a	Have the presence of violent sects affected your ability to work?				
b	Have the activities of the security agencies affected your ability to work?				
c	Have you been threatened by security agencies?				
d	Have you been attacked by security agents?				
e	Have your offices been robbed or attacked by security agents?				
f	Have you been denied access to civilians or victims of terrorist attacks?				
g	Have you been denied access to information about a terrorist attacks?				
h	Have you been forced to adjust, amend or close a programme due to concerns over compliance with counter terrorism regulations?				
l	Have you avoided the implementation of a programme due to concerns over counterterrorism regulations?				

**Section D: How Counterterrorism Laws/policies/practices has affected civil society and government relations**

Please, tick only one option to these questions Undecided= 1 Strongly Disagree = 2 Disagree = 3 Agree= 4 Strongly Agree = 5

S/N	Item	1	2	3	4	5
i.	Government's security agents perceive your activities as counter-productive to countering terrorism					
ii.	Government's security agents believe that you provide material or moral support to groups engaged in terrorism					

iii.	Government's security agents believe that you provide financial support to groups engaged in terrorism				
iv.	Government's security agents believe that your organization is an ideological root for groups engaged in terrorism				
v.	Government's security agents believe that your organization is a recruitment ground for would-be violent groups that will engage in terrorism				
vi.	Government officials/ security agents reached out to your organization to discuss counter-terrorism legislation/policies/practices				
vii.	Government engaged your organization in countering terrorism?				
viii.	Your organization was pressured/forced to join the government in countering-terrorism				
ix.	Your organizations' engagement with government security agents in countering terrorism conform to your organizational principles?				

**Section E: Civil Society's Response to Government's Counter-terrorism Security Framework**

What is the level of involvement of your organization in the counter-terrorism security framework? None [ ] Direct [ ] Indirect [ ]

Please, tick only one option to these questions Undecided= 1 Strongly Disagree = 2 Disagree = 3 Agree= 4 Strongly Agree = 5

S/N	Item	1	2	3	4
i.	Your organization supports Governments' counter-terrorism legislation/ policies and practices?				
ii.	Your organization have carried out campaigns to sensitize the people on the need to support of government counter terrorism security framework				
iii.	Your organization uses the mass media to push for support of Governments' counter terrorism security framework				
iv	Your organization opposes Governments' counter-terrorism legislation/ policies and practices				
v	Your organization carried out campaigns to sensitize the people on the need to reject Government's counter terrorism security framework				
vi	Your organization to use press releases, newspapers editorials, educational materials to criticize Governments' counter terrorism security framework				
vii	Your organization carried out protest against government's counter terrorism security framework				

viii	Your organization does not comply to the Government's counter-terrorism legislations, policies and practices				
ix	Your organization complies minimally to the Government's counter-terrorism legislations, policies and practices				
x	Your organization have testified before legislative committees on the Government's counter terrorism activities				
xi	Your organization lobby the government to change or amend some of her counter terrorism legislations, policies and practices				
xii	Your organization has given expert advice to the government on their counter terrorism legislations, policies and practices				
xiii	Your organization has taken the government to court to clarify certain provisions in the law and the extent of government authority to enforce new regulations				

**APPENDIX 4: QUESTIONNAIRE FOR CIVIL SOCIETY ORRGANIZATIONS**

**ON-GOING RESEARCH PROGRAMME  
QUESTIONNAIRE FOR CIVIL SOCIETY ORGANIZATIONS  
(KENYA)**

Dear Respondent,

This questionnaire is designed to collect information on the "Interface/impact of counter-terrorism laws, institutions and policies on human rights and civil society organizations in Kenya and Nigeria". You are therefore implored to provide as accurate as possible answers to the questions. Information provided shall be used for academic purposes only. Thank you.

**Section A: Background Information (Tick as Appropriate)**

1. Type of Organization: Youth/Children [ ] Women [ ] Faith-Based [ ] Human Rights [ ]
2. Nature of Organization Domestic [ ] International [ ]
3. Areas of operation: Humanitarian [ ] Peace building [ ] Refugees [ ] Human Rights advocacy [ ] Education [ ]
4. Head Office Location .....Number of Branch(es) .....
5. Country .....
6. Year of establishment.....
7. Sex: Male [ ] Female [ ]

**Section B: Counter-terrorism Legislation, Policy, Practice of the Kenyan Government**

2. What counter-terrorism laws, policy and practice are you aware of? (Tick as appropriate)  
 Prevention of terrorism Act of 2012 [ ] Proceeds of Crime and Anti-Money Laundering Act of 2009 [ ] Military/APTU campaigns [ ] Others .....(Please specify)

**Please tick as appropriate**

S/N	Item	Yes	No
I	Were you involved or consulted in the formulation of government counter-terrorism policies?		
ii	Are the guidelines given on the implementation of counterterrorism legislation and policy clear and consistent?		
iii	Were there orientations/support given to aid the understanding of the counter terrorism legislation/policy/practice?		
iv	Were there measures put in place to guarantee that those carrying out policy/practice/measure abide by the guidelines?		
v	Are the legislation, policy and practice been useful/necessary?		
vi	Do you feel the legislation/policy/practice is a reasonable response to the level of threat?		
vii	Do you feel that any of the legislation/policy/practice has been discriminatory?		

**Section C: The Impact of Counter-Terrorism Policies on Civil Society Organizations**

Please, tick only one option to these questions Not at all=1 Not often=2 occasionally=3 Often=4

Very often=5

S/N	Item	1	2	3	4
a	Have the presence of violent sects affected your ability to work?				
b	Have the activities of the security agencies affected your ability to work?				
c	Have you been threatened by security agencies?				
d	Have you been attacked by security agents?				
e	Have your offices been robbed or attacked by security agents?				
f	Have you been denied access to civilians or victims of terrorist attacks?				
g	Have you been denied access to information about a terrorist attacks?				
h	Have you been forced to adjust, amend or close a programme due to concerns over compliance with counter terrorism regulations?				
1	Have you avoided the implementation of a programme due to concerns over counterterrorism regulations?				

**Section D: How Counterterrorism Laws/policies/practices has affected civil society and government relations**

Please, tick only one option to these questions Undecided= 1 Strongly Disagree = 2 Disagree = 3 Agree= 4 Strongly Agree = 5

S/N	Item	1	2	3	4	5
i.	Government’s security agents perceive your activities as counter-productive to countering terrorism					
ii.	Government’s security agents believe that you provide material or moral support to groups engaged in terrorism					
iii.	Government’s security agents believe that you provide financial support to groups engaged in terrorism					
iv.	Government’s security agents believe that your organization is an ideological root for groups engaged in terrorism					
v.	Government’s security agents believe that your organization is a recruitment ground for would-be violent groups that will engage in terrorism					
vi.	Government officials/ security agents reached out to your organization to discuss counter-terrorism legislation/policies/practices					
vii.	Government engaged your organization in countering terrorism?					
viii.	Your organization was pressured/forced to join the government in countering-terrorism					
ix.	Your organizations’ engagement with government security agents in countering terrorism conform to your organizational principles?					

**Section E: Civil Society’s Response to Government’s Counter-terrorism Security Framework**

What is the level of involvement of your organization in the counter-terrorism security framework? None [ ] Direct [ ] Indirect [ ]

Please, tick only one option to these questions Undecided= 1 Strongly Disagree = 2 Disagree = 3 Agree= 4 Strongly Agree = 5

S/N	Item	1	2	3	4	5
i.	Your organization supports Governments’ counter-terrorism legislation/ policies and practices?					

ii.	Your organization have carried out campaigns to sensitize the people on the need to support of government counter terrorism security framework				
iii.	Your organization uses the mass media to push for support of Governments' counter terrorism security framework				
iv	Your organization opposes Governments' counter-terrorism legislation/ policies and practices				
v	Your organization carried out campaigns to sensitize the people on the need to reject Government's counter terrorism security framework				
vi	Your organization to use press releases, newspapers editorials, educational materials to criticize Governments' counter terrorism security framework				
vii	Your organization carried out protest against government's counter terrorism security framework				
viii	Your organization does not comply to the Government's counter-terrorism legislations, policies and practices				
ix	Your organization complies minimally to the Government's counter-terrorism legislations, policies and practices				
x	Your organization have testified before legislative committees on the Government's counter terrorism activities				
xi	Your organization lobby the government to change or amend some of her counter terrorism legislations, policies and practices				
xii	Your organization has given expert advice to the government on their counter terrorism legislations, policies and practices				
xiii	Your organization has taken the government to court to clarify certain provisions in the law and the extent of government authority to enforce new regulations				