

## **REPRISAL ATTACKS BY THE MILITARY AND OTHER SECURITY AGENCIES AGAINST UNARMED CIVILIANS IN NIGERIA AND BURKINA FASO - THE BANE OF HUMAN RIGHTS ABUSE**

**Frederick Omoyoma Odorige**

Doctoral School of Military Science, Budapest Hungary.

**Email:** [fodorige@hotmail.com](mailto:fodorige@hotmail.com)

DOI: <https://doi.org/10.5281/zenodo.13782516>

**Abstract:** Whenever conflicts lead to the death of members of the armed forces or other security agencies in Nigeria and Burkina Faso, innocent civilians and their communities suffer the brunt of reprisal attacks against the law and the rights of the people. The illegality of these reprisals has been repeatedly dismissed as epiphenomenal to the need to restore order within these countries. In most of these cases, the victims were not involved in the events leading to the crisis. Finally, the victims are killed, brutalized, detained, and their communities are destroyed. In this aberration, Article 6 of the International Covenant on Civil and Political Rights, which recognizes the inherent right of every person to life, is desecrated. It clearly states that *no one shall be arbitrarily deprived of life*. From Okuama to Olota, Odi to Zaki-Biam in Nigeria, and Nondin and Soro in Burkina Faso, these reprisal attacks have become flashpoints for crimes against humanity. There is a need to address this problem. Using narrative analysis, this paper concludes that colonial and military rules which came with high handedness against the people, has been inherited as a form of governance. It recommends that every reprisal attack against innocent people must call for justice. The goal is to ensure that rights are respected and that future reprisals and consequent tragedies are prevented. It is further suggested that whenever clashes occur between people and security agencies, nobody should be treated as being above the law. On the other hand, civil matters such as land disputes and other disputes must be resolved expeditiously by the police according to the rule of law.

**KEYWORDS:** Army, Burkina-Faso, Human rights, Nigeria, Reprisal.

*There were about 10 of us. On February 25, we dug two mass graves from 4 p.m. to 7 p.m. The next day, we dug 6 more mass graves. In the first one, we put 39 bodies of men; in the second one, we put 51 bodies of women and children; in the third one, we put 12 bodies of men; in the fourth, we put children ages 6, 7, and 8 there. ... I don't remember how many of them, but they were between 9 and 10 children; in the fifth one, we put 14 bodies of men; in the sixth one, we put 15 bodies of women. For the seventh and eighth graves, I was too tired to watch...*

- Eye witness report, Burkina Faso (Human Rights Watch, 2024)

**INTRODUCTION**

There have been several cases in Nigeria and Burkina Faso (former Upper Volta) in which security agencies with the support of the government, used the privileges of their official capacities and the barrels of the gun, to trample on the rule of law through reprisal attacks against unarmed citizens. In so doing, they harm, coerce, or take advantage of helpless citizens, thereby causing the loss of life, wanton destruction of property, and the denial of their rights to justice. In response to their attacks, it has become customary for security officers to deny their actions.

The concept of violent reprisals by security forces in these countries is Machiavellian; based on the political ideology of Italian historian and philosopher Niccolò Machiavelli (1469-1527). Machiavelli’s political theory is rooted in his *Prince* (1513). He posits that moral corruption is necessary to achieve stability and security. A ruler must be immoral without concern for religion or what is right. Machiavelli believed that a ruler should not be constrained by law. He must be widely feared rather than greatly loved; a loved ruler retains authority by obligation, whereas a feared leader rules by fear of punishment. As a political theorist, Machiavelli emphasized the occasional need for the methodical exercise of brute force or deceit, including the extermination of entire noble families, to ward off any chance of a challenge to the prince’s authority. He believes that violence is necessary to ensure success in governance and to stabilize power. It is also necessary to effectively introduce new legal institutions. *Force may be used to eliminate political rivals, coerce resistant populations, and to purge the community of other men strong enough of a character to rule, who will inevitably attempt to replace the ruler.* Machiavelli has become infamous for his such political advice, ensuring that he would be remembered in history through the adjective, "Machiavellian".

When reprisal attacks in Nigeria and Burkina Faso are examined on this background, similarities could be drawn to confirm that the notion of leadership in both military and civilian governments is mostly in alignment with Machiavellian ideology. Over the years, this ideology has been used to violently suppress the rights of the people.

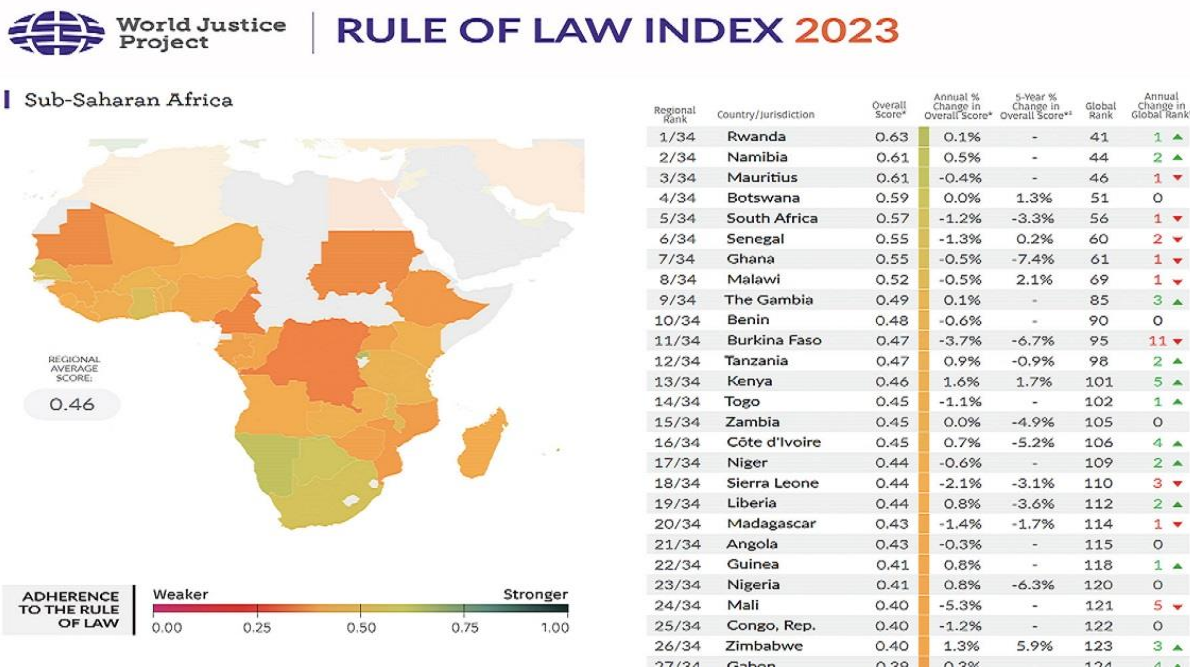


Figure 1. Rule of Law Index 2023.

Source: World Justice Project 2024, <https://worldjusticeproject.org/rule-of-law-index/>

The low level of respect for the rights of the people is reflected in the ranking of both countries on the human rights index. While Nigeria ranks 120<sup>th</sup>, Burkina Faso ranks 95<sup>th</sup> out of 142 countries in the rule of law index in 2023. Unlawful and violent reprisal attacks by security forces must be stopped because, apart from their illegality, they do not solve or address socio-ethical issues.

The denial of the right to life is contrary to international and national laws. The international and national laws of Nigeria and Burkina Faso clearly highlight the inalienable right to life. Article 6 of the International Covenant on Civil and Political Rights (1992/72) recognizes the inherent right of every person to life, adding that this right "*shall be protected by law*" and that "*no one shall be arbitrarily deprived of life*". On the other hand, Section 33 of the Nigerian constitution (1999) provides that: *Every person has a right to life, and no one shall be deprived intentionally of his life, save in the execution of the sentence of a court in respect of a criminal offense of which he has been found guilty*. Article 2 of the 1991 (rev. 2015) constitution of Burkina Faso on the right to life states that *the protection of life, security, and physical integrity are guaranteed*. Nigeria and Burkina Faso are signatories and are bound by international humanitarian law, which includes Common Article 3 to the 1949 Geneva Conventions and customary international law. Common Article 3 prohibits murder, torture, and the ill-treatment of civilians and captured fighters. It also states that Commanders who knew or should have known about how to take appropriate action, but refused to do so, may be prosecuted because it is a matter of command responsibility. As both countries continue to indulge in actions that deprive citizens of their rights to life, they flout their commitments to national and international laws.

The Charter of the United Nations, declares that the use of force through reprisals is illegal. Although the words "reprisals" and "retaliation" are not expressly used in the Charter, this proposition is understood by writers and the Security Council as the logical interpretation of the prohibition of force in Article 2(4) and the directive to settle disputes peacefully as stated in Article 2(3), including the limitation of force by states in the course of self-defense. The U.N. The Declaration on Principles of International Law in relation to Friendly Relations and Co-operation among States, which was adopted by General Assembly Resolution 2625 (XXV) on October 24, 1970, mandates that *States have a duty to refrain from acts of reprisal involving the use of force*.

Two peculiarities between the two West African countries, is that they experienced years of military regimes and colonialism. While Nigeria was under military rule for 29 years between 1966 and 1998, Burkina Faso has experienced military rule for 43 years through seven coups that occurred between 1966 and 2022. While Burkina Faso was colonized in 1896 by France, Nigeria was colonized in 1885 by Britain. Similarly, both countries gained independence in 1960. During these periods, several atrocities have been committed in both countries. For example, during the colonial era, the British invaded the Benin kingdom in 1897, killed several persons, razed their houses, stole their artifacts, and forcefully sent Oba Ovonramwen Nogbaisi, the Oba of Benin on exile and absorbed the kingdom into colonial Nigeria. Those actions were practical terrorism. However, the reprisal was reportedly in response to the ambush and slaughter of a 250 strong party led by British Acting Consul General James Philips of the Niger Coast Protectorate (Obinyan, 1988). In the same way, Nigerian soldiers invaded Odi, Zaki-biam, Okuama, and other places, with catastrophic reprisals when their officers were ambushed and killed. On the other hand, colonial rule in Burkina Faso was administered through high handedness and forced labor. In 1896, French troops marched to Ouagadougou. Naaba Koutou, also known as Wobgo ('the Elephant Emperor')

was forced to escape into exile. All the territories of present-day Burkina Province later became part of French West Africa (Sharp, n.d).

It appears that the long years of military rule and colonialism, which had their peculiar ways of implementing their activities, taught security agencies such as the army and the police, to act arbitrarily. Who has the authority to stop this continuing aberration and cure the unhealed wounds of colonialism and military dictatorship?

### **METHODOLOGY**

This research uses narrative analysis to highlight its objectives. This method was used due to its ability to interpret, analyze, and provide valuable insights into the complexities of this topic. The goal includes capturing and reviewing existing literature and other references, to arrive at conclusions and results that provide recommendations that may be applied in ways that human rights are unconditionally respected.

The sources for this research were drawn from books, journals and internet materials, including newspapers that gave updates on information that are yet to be vigorously and academically discussed.

The research is structured into four parts. The first part introduces the background of the study. This section is followed by the second section, which examines cases of reprisal attacks in Nigeria and Burkina Faso. The third and fourth parts respectively provide the conclusion and recommendations.

### **THEORETICAL FRAMEWORK**

The theoretical framework of this study is hinged on the concept by Stathis Kalyvas (2008). In his writing on order, conflict, and violence, Kalyvas stated that order *requires the active taming of conflict*. I believe that, in whatever form the *taming* is carried out, it must be guided by the rule of law. It does not have to include violence against innocent people. Kalyvas believes that reprisal does not occur in isolation. To him, *this is often impossible without an actual or threatened recourse to violence*. It is usually a response or continuation of earlier violence. However, when the response is not commensurate, it becomes an abuse of power. Kalyvas states that, in game theory, *violence is off the equilibrium path of order. On the other hand, violent conflict involves the successful contestation of an existing order and its collapse*. When security agencies attack innocent citizens because of previously provoked violence, the outcome cannot be considered a *successful contestation* if the rules of engagement are flouted. Though peace may be restored, such peace could be termed as bad peace because it is not sustainable and may further attract a new wave of reprisal.

### **LITERATURE REVIEW**

Reprisal is a concept established within international law. It is sometimes used interchangeably with *retaliation*. Reprisal has been defined as *retaliation against an enemy for injury received; equal or greater injuries* (Dictionary, n.d). Kelsen (1952) believes that reprisals are *acts, which normally illegal, are exceptionally permitted as reaction of one state against a violation of its right by another state*. On the other hand, retaliation (Oxford, 2003) is *an attack or assault in return for a similar attack*.

Whether as reprisal or retaliation, it cannot be justified when the military within a country uses their might to attack fellow citizens who are innocent of an offense. Anyhow, reprisal measures ought to be proportionate. Customarily, Proportionality is part of international law and is applicable both in international and non-international armed conflicts. Article 51 (5 a and b) states that acts of disproportionality include *(a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and*

*(b) an attack may be expected to cause loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.* From Okuama to Olota, Odi, Zaki-Biam and Konshisha in Nigeria; to Nondin and Soro in Burkina Faso, reprisal attacks against civilians have been disproportionate, dastardly and grossly inhuman.

The major objective of the military is to defend the country. The role of Nigeria's armed forces is detailed in Section 217-220 of the 1999 constitution. It was established to defend territorial integrity and other national interests.

Colonialism was accompanied by the exercise of brute force, mostly with guns and whips. The people were killed, beaten and unlawfully detained. That was the genesis of terrorism. As African countries began to gain independence, inherited force was used by the military and the police to quell conflicts and oppress others through the same means used by colonialists. Among others, such violent reprisals of killing and violent detention have been observed in Nigeria from #EndSARS to Okuama and #EndBadGovernance protests. Although the formation of the Organization of African Unity (OAU) in 1963 and the African Union (AU) in 2002 focused on efforts to protect and respect international borders, nations wielded iron sticks to contain the people. However, high-handed governance did not prevent wars in countries such as Rwanda, Sierra Leone, Sudan, Congo, Liberia, Nigeria, Ethiopia, Angola, and Somalia.

In 2024, more than 220 civilians, including at least 56 children, were massacred by Burkina Faso's military in a single day (Human Rights Watch, 2024). In March 2024, at least 11 people were killed and 413 houses were destroyed by the Nigerian army in reprisal attacks in the Okuama community (Vanguard, 2024).

Torture and crime against humanity are instruments of reprisal. Torture transgresses article 5 of the Universal Declaration of Human Rights and Article 7 of the 1966 International Covenant on Civil and Political Rights states that *No one shall be subjected to torture, or to cruel, inhuman degrading treatment or punishment.* Article 10 (1) states that *All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*

'Crimes against humanity' was first given a definition by the International Military Tribunal in Nuremberg in 1945, 6(c), as, *extermination, enslavement, deportation, and other inhumane acts committed against any civilian population or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated* (Hwang, 1998). In the context of this definition, the location of victims does not matter. Schaack (1999) posited that the crime against humanity charges confirmed that citizens are protected by international law even when they are victimized by compatriots. In Article 2(1)(c) of the Allied Control Council Law, crimes against humanity were defined as *atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or on political, racial religious grounds or not in violation of the domestic laws of the country where perpetrated.*

In the definitions of reprisals, the focus is mostly on crimes committed against the civilian population. There must be a balance. Crimes committed against the police and military such as the killing of 17 soldiers in Okuama and the killing of 19 soldiers in Zaki-Biam in Nigeria, are also crimes that must attract punishments against civilians in line with the rule of law because nobody is above the law. It was appropriate that in 1970, the United Nations General Assembly declared in Resolution 2625 that *states have a duty to refrain from acts of reprisal involving the use of force.*

To what extent have these resolutions and laws against reprisals been adhered to? This will be examined herein.

## REPRISAL ATTACKS IN NIGERIA

*20 November 1999, Odi, Bayelsa state*

During the civilian administration of President Olusegun Obasanjo, there was a report that 12 police officers were murdered in Odi, an oil-rich Ijaw community in the Kolokuma/Opokuma Local Government Area of Bayelsa State. This community was known for its activism against environmental pollution and agitations for the compensation of resources produced in their communities. The killing of the police officers was condemnable. However, the reprisal action taken by the incensed military officers was equally against the law. Soldiers took laws into their hands by engaging in murderous reprisal attacks on November 20, 1999. Unarmed civilians—old, young and women—were massacred and the entire village was literally razed. An estimated 2500 Nigerians were killed (Bassey, 2006) for the offense committed by other persons. According to the estimation of the Nigerian government, 43 people were killed (Human Rights Watch, 1999).

Although a truce was later established between the federal government and the people, intermittent conflicts with militants continued to be recurring. Such conflicts are mostly difficult to completely resolve because of unforgiveness in the loss of loved ones and property. The Odi massacre *led to the spread of militancy throughout the entire Niger Delta.* (Onyeji, 2019). The affected community went to court to seek redress in February 2013 and the Federal High Court ordered the Federal Government to pay an equivalent of approximately 37.6 billion naira (37.6m USD) as compensation to the people of Odi. The action was a *brazen violation of the movement, life in their ancestral home.* (Onyeji, 2019). Militancy and oil bunkering continued in that area because although the government succeeded in its battle against the agitations, it did not sustain peace thereafter.

*October 10, 2001, Zaki-Biam massacre, Benue state: Operation No Living Thing*

On October 10, 2001, suspected Tiv militias reportedly captured 19 soldiers in Vaase. Two days later, the bodies of the soldiers were recovered near a primary school in the Zaki-Biam community. This was followed by a reprisal attack by the army in what was known as *Operation No Living Thing* between October 20 and 24 that year. The Nigerian Army massacred people in Vaase, Gbeji, Anyiin, Iorja, Ugba, Tse-Adoor, Sankera, Kyado Zaki-Biam, although they denied it. On November 6, 2007, the then chief of Army Staff, Lt. General Luka Yusuf publicly apologized to the people of Benue State for the killings. Later, former President Umaru Yar'Adua also visited Benue State to personally apologize on behalf of the Federal Government of Nigeria.

There have been historical clashes between the Tivs and Jukuns *over land, indigeneship, economic political power.* (Iyorwuese, 2002, p.40). Though Lt. General Luka Yusuf apologized for the killing that occurred in 2007, but it was significant that it took six years of denial before the army admitted the offense. Nobody was prosecuted on behalf of the military, and President Obasanjo neither apologized nor recompensed.

There were reports that Retired Lt. General Victor Malu, a Tiv, accused the then minister of defense Lt. General Theophilus Danjuma, from the Jukun tribe, for ordering the 3rd armored division to execute the onslaught against the Tivs. However, such actions could not have happened if it had not received the approval of Olusegun Obasanjo, the President and commander-in-chief of the armed forces of the Federal Republic of Nigeria. Once again, in gross abuse of power, lives and property were destroyed by the same individuals statutorily expected to protect the people. The major question is: If such a murderous response can be unleashed on fellow citizens of a country, how can the same soldiers justify their presence in peacekeeping operations in other countries?

*14 March 2024, Okuama and others*

A tragedy struck in the Okuama community in the Ughelli south local government area of Delta State Nigeria when 17 soldiers were killed under controversial circumstances. In retaliation, the army laid siege on the community, killed at least 100 persons and destroyed 413 houses, while over 12 other people who escaped to the forest reportedly died from starvation and snake bites diseases (Vanguard, 2024). Just as the army initially denied killing civilians in Zaki-Biam, they also denied killing in Okuama. On the other hand, just like the land dispute between the Tivs and Jukuns that precipitated the crises in Zaki-Biam, it was reported that the army visited Okuama on a peace mission that was also related to a land dispute between the Okuama and Okoloba communities.

The army declared some persons wanted in connection with the killing of the 17 soldiers. Among them was the King of the community, referred to as the Ovie of Ewu Kingdom in the Ughelli South Local Government Area of Delta State, His Royal Majesty Clement Ikolo. He surrendered and declared his innocence to the police on March 29, 2024. Against the law, the police handed him over to the army who flew him to Abuja, the Federal Capital Territory. He was unlawfully detained for 21 days without prosecution until his conditional release on April 19, 2024 (This Day, 2024)

#### ***Olota***

As an extension of the reprisal, the army went to neighboring communities in search of the killers of the 17 soldiers. One of such places they traveled to, was the Olota community, which is around 50 kilometers from Okuama. In this community, *Joseph Willie was tortured, slumped, and died after the military brutality... this is even as the eardrum of one brutalized victim, Reuben Awanriarere, has been impaired, while another villager, Okwagbe Ebirie, cannot walk after the severe beating he received* (Vanguard, 2024). Troops of the Nigerian Army arrested 10 persons at an unknown destination, razed houses, and looted speed boats in Olota under the guise of investigating the killing of 17 soldiers. There were fears that the arrested persons would not return alive. The brutal harassment continued as the army embarked on stop and search operations in the streets. The people did not only live in fear; their freedom of movement was also restricted. When a camp for Internally Displaced Persons was finally built by the state government to accommodate displaced persons, the people did not trust the government enough to return.

#### ***Igbomotoru***

Nevertheless, regarding the 17 soldiers killed in Okuama, troops of the Nigerian Army stormed the Igbomotoru community in the Southern Ijaw Local Government Area of Bayelsa State to commit crimes against humanity. They razed houses and killed at least 11 persons under the guise of investigating the deaths of 17 soldiers (Daily Post, 2024).

#### ***Usokun***

Again, troops of the Nigerian Army stormed the residence of Sobomabo Jackrich in Usokun, Degema Local Government Area of Rivers State and killed two of his aides in the course of `investigating` the killing of 17 soldiers (Arise TV, 2024). They searched his residence extensively, but nothing incriminating was found. The irony of the killing and torture of innocent civilians is that, in all these cases, some of the purported killers of the 17 soldiers were yet to be arrested and arraigned.

#### ***Bloodbath in Konshisha, Benue State, April 2021***

In 2021, the Nigerian Army went on a killing spree after 11 soldiers and a commander were slaughtered by a militant group known as Bonta Boys, in Bonta, a town in the Konshisha area of Benue State. The soldiers were accused of supplying arms to a rival group and providing other logistical support. Thereafter, fully armed soldiers

invaded the community, shooting sporadically at many houses and destroying many farm stores. Again, the army denied the murderous invasion and claimed that they only entered the community in search of the `bandits` who murdered their colleagues and seized their firearms. However, they later admitted to killing ten bandits and challenged anyone to produce evidence of their mass killing of innocent civilians. The official statement of the army headquarters read thus: *The Defense Headquarters wishes to put it on record that apart from these initial 10 bandits, there are no other civilian casualties recorded in any part of Konshisha till date,*” a statement by the military reads. *We, therefore, challenge anybody from Konshisha to present to the public the 200, 70, or 30 dead bodies of innocent men, women, or children killed by troops in Konshisha. There by some mischief-makers* (Foundation for Investigative Journalism, 2021). In communities where surveillance cameras are absent, it is always difficult to show evidence of murderers. This is compounded by the fact that during such shootings, people tend to focus on escaping rather than planning for proof or evidence. On the other hand, when security agencies carry out unlawful activities, they usually remove traces of evidence. For example, during the EndSARS killing of unarmed protesters in Nigeria, CCTV footage was removed before the soldiers moved in to kill unarmed citizens (Premium Times, 2020).

It was recorded that over 50 people were killed during the attacks in Konshisha. Approximately 34% of the massacred villagers were children and adolescents between the ages of 0 and 17. Approximately 42% of youths, while approximately 24% were adults. Many of these casualties either died of military airstrikes or direct gunfire from the soldiers. Very few persons died of a heart attack due to the Army’s fatal violence (Foundation for Investigative Journalism, 2021).

#### **6 May 2024, Reprisal in Iggah community**

There was a crisis in the Iggah community of Uzo Uwani Local Government Area of Enugu State of Nigeria when soldiers and police officers took over the community with barrages of gunfire and wanton destruction of property. Three people were reportedly killed, including two police officers.

The problem started when the Adani community allegedly sold Ada Rice farmland, part of which belongs to Iggah, Ojor, Adani Omasi communities in Anambra State without the permission of other co-owners. A notorious land speculator from Adani reportedly mobilized policemen on mufti and other mercenaries to Iggah to attack the people. A policeman allegedly shot and killed an Iggah indigene and it was this action that sparked the crisis. The infuriated members of the Iggah community descended on the plain-clothed police officer and two of them were killed, including an assistant superintendent of police (Vanguard, 2024). In response to the deaths of the police officers, soldiers and other police officers were mobilized to unleash mayhem on the community.

#### **REPRISAL ATTACKS IN BURKINA FASO**

Burkina Faso is a state party to the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights, which provide for the right to life and the prohibition of extrajudicial execution. Burkina Faso signed the Rome Statute on 30 November 1998, and ratified on 16 April 2004, becoming the 93rd State Party (Stone and Plessis, n.d).

#### **16-20 September 2015**

In Ouagadougou between 16 September and 20 September, some individuals participated in peaceful demonstrations against the coup d’état. Others welcomed the coup and jubilated in response. The protestors held their hands in the air to show that they were not armed. However, despite their clear display of peaceful behavior, the soldiers opened fire on protestors and bystanders, leading to the deaths of 14 unarmed civilians. Two children were among those killed. As people ran away, they were chased by the Presidential Security Regiment (RSP) on



motorbikes, and shots were fired. Government figures have reported that 271 people were injured during the post-coup violence (Amnesty International, 2015).

**25 February 2024, Nondin and Soro, Burkina Faso**

On February 24 and 25, 2024, armed Islamist groups ravaged several military settlements across the country, including barracks and civilian infrastructures, such as religious sites, killing scores of civilians, soldiers, and militia members. Thereafter, the army was let loose, leading to the mass killing of civilians in Nondin and Soro. They were accused of complicity with the Jihadists and of failing to cooperate with the army because they did not inform them of the movement of the jihadists. The soldiers went from door to door, ordering people out of their homes and requesting that they show their identity cards. They later rounded up the villagers in groups before opening fire at them. Soldiers also shot at people who tried to flee or hide. The army executed at least 223 civilians, including at least 56 children. They killed 44 people, including 20 children, in Nondin Village and 179 people, including 36 children in nearby Soro Village (Human Rights Watch, 2024).



Figure 2. Locations of the eight graves and the number of reported bodies found in Soro, Burkina Faso on 15 March 2024. Source: Planet Labs PBC 2024, with Graphic and analysis by Human Rights Watch, <https://www.hrw.org/news/2024/04/25/burkina-faso-army-massacres-223-villagers>.

**CONCLUSION**

Nigeria and Burkina Faso have each experienced years of colonial rule from Britain and France, respectively. They have also experienced military rule over various periods. Both colonialism and military rule came with high handedness to their civilian population.

Violent reprisals in both countries and the consequent abuse of the rights of their people are reflected in their low rankings in the human rights index. Colonialism and the Machiavellian ideology of governance inform the methods of brute force and deceit used by most rulers in both countries.

Just as the military commit crimes against civilians, there have been several cases in which civilians have committed equal crimes against the military. For example, security officers were killed in Okuama, Zaki-Biam, and Iggah communities in Nigeria, and Nondin and Soro in Burkina Faso. This situation confirms the statement by Stathis Kalyvas when he wrote that such reprisals are *often impossible without an actual or threatened recourse*

*to violence*. It is therefore, equally important that people must also avoid actions against security agencies that may provoke them into making unlawful reactions. On the other hand, security forces are agent provocateurs. They cause most of the actions that incite people to react. Most of the peaceful protests in Nigeria and Burkina Faso worsened when security agents released tear gas on the protesters. When the people scatter in disarray, they are followed by live bullets with the clear intention to kill.

Reprisal attacks are not proportionate because they transgress the rights of innocent citizens. In many reprisal attacks by the military and police, they usually deny their actions. In some cases, they deliberately reduce the number of casualties to undermine the issue. In other cases, they reluctantly take responsibility after some time. Civil matters such as land disputes or between civilians, have attracted the interference and consequent violent interventions of the military, who mostly act outside the scope of their statutory duties. In matters that ought to have been handled by the police, the military is usually brought in to commit atrocities against the fundamental human rights of citizens.

### RECOMMENDATIONS

*Nobody must be treated as being above the law*. When the army or civilian kill any one, equal justice must be served. When justice is not provided, reprisal attacks will continue because of unforgiveness.

*Issues concerning land disputes and other civil matters must be resolved by the police in a timely manner*. Such duties fall outside the purview of the army. The land disputes that led to the crises in Okuama, Zaki-Biam and other places, could have been averted.

*The international community must be proactive and act swiftly* when crises are brewing in states that are signatories to their rules. Such actions could prevent tragedies and save lives and property.

### REFERENCES

Amnesty International (2015). No Amnesty for Soldiers Who Killed Unarmed Civilians, <https://www.amnesty.ie/burkina-faso-no-amnesty-soldiers-killed-unarmed-civilians/>

AriseTV, (16 April, 2024), *Okuama: Nigerian Army Invaded My House, Killed Two of My Aides- Jackrick-Egberipapa*, <https://www.youtube.com/watch?v=a511sVb5qdM>

Bassey Nnimo, (1 June 2006), Pambazuka News, *Trade and human rights in the Niger Delta*, <https://www.pambazuka.org/governance/trade-and-human-rights-niger-delta>

Beth Van Schaack, *The Definition of Crimes Against Humanity: Resolving the Incoherence*. 37 Colum. J. Transnat'l. L. 787, 791 (1999) (citing Agreement for the Prosecution and

Dictionary.com (n.d), <https://www.dictionary.com/browse/reprisal>

Daily Post, (18 March 2024), *Scores killed as angry soldiers raze houses in Bayelsa over Okuama massacre*, <https://dailypost.ng/2024/03/18/scores-killed-as-angry-soldiers-raze-houses-in-bayelsa-over-okuama-massacre/>

- Foundation for Investigative Journalism, (9 September 2021), *Memoirs of Carnage: Names, Photos, Videos....How Nigerian Soldiers Massacred over 50 Villagers in Benue*, <https://fij.ng/article/memoirs-of-carnage-names-photos-videos-how-nigerian-soldiers-massacred-over-50-villagers-in-benue/>
- General Assembly Resolution 2625 (XXV), 24 October 1970.
- Human Rights Watch, (22 December 1999), *The Destruction of Odi and Rape in Choba*, <https://www.hrw.org/legacy/press/1999/dec/nibg1299.htm>
- Human Rights Watch, Available at: <https://www.hrw.org/news/2024/04/25/burkina-faso-army-massacres-223-villagers>
- Hwang, P. (1998). Defining Crimes Against Humanity in the Rome Statute of the International Criminal Court. 22 *Fordham International, L. J.* 457, 462-3.
- Iyorwuese, H. (2002). *Beyond Hate and Violence: Understanding the Tiv Struggle for Citizenship Rights and Social Justice in Nigeria*. Ibadan: Caltop Publications (Nigeria) Ltd. pp. 40
- Kalyvas, S. N., Shapiro I, Masoud T, eds. (2008). *Order, Conflict, and Violence*. Cambridge University Press.
- Kelsen, H. (1952), *Principles of International Law*, Rinehart & Company, New York, p. 23
- Machiavelli, Niccolò (1532), *The Prince*. Italy. pp. 120–21
- Leadership, (12 April 2024), *Okuama 17: Soldiers invade Neighboring Community, Arrest 10 persons*. Online: <https://leadership.ng/okuama-17-soldiers-Invade-neighbouring-community-arrest-10-persons/>
- Obinyan, T. U. (September 1988). "The Annexation of Benin". *Journal of Black Studies*. 19 (1): 29–40.
- Onyeji Ebuka, (23 November 2029), *INTERVIEW: Odi 1999 Massacre: Why we will never forgive Obasanjo, Alamiyeseigha – Odi Community Chairman*, <https://www.premiumtimesng.com/features-and-interviews/364370-interview-odi-1999-massacre-why-we-will-never-forgive-obasanjo-alamiyeseigha-odi-community-chairman.html?tztc=1>
- Planet Labs PBC 2024, with Graphic and analysis by Human Rights Watch, <https://www.hrw.org/news/2024/04/25/burkina-faso-army-massacres-223-villagers>
- Premium Times, (2020), *#EndSARS: Despite contrary evidence, Nigerian Army denies shooting at protesters* <https://www.premiumtimesng.com/news/headlines/422021-endsars-despite-contrary-evidence-nigerian-army-denies-shooting-at-protesters.html>
- Punishment of the Major War Criminals of the European Axis, Art. 6(c), Aug. 8, 1945, 82 U.N.T.S. 279-287-88

Sharp Robin (n.d) in Oxfam's Country Brief Series on Burkina Faso. <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/125821/bk-country-profiles-burkina-faso-part5-010190-en.pdf;jsessionid>

Stone, L. and Plessis, M. (n.d). Compilations of *The Implementation of the Rome Statute of the International Criminal Court (ICC) in African Countries*.

The Oxford Compact English Dictionary, 2nd ed., Oxford University Press, 2003, pp. 974.

This Day, (19 April 2024), *Delta Killings: Army Releases Detained Monarch...*<https://www.thisdaylive.com/index.php/2024/04/19/delta-killings-army-releases-detained-monarch-hands-him-over-to-senator-dafinone>

Vanguard, (22 April 2024), *Okuama-Ewu identifies 11 persons killed by military, 413 houses destroyed*, <https://www.vanguardngr.com/2024/04/okuama-ewu-identifies-11-persons-killed-by-military-413-houses-destroyed/#:~:text=UGHELLI%2D%20Okuama%2DEwu%20in%20Ughelli,riverside%20town%20on%20March%202014>.

Vanguard, (25 April 2024), *Okuama-Ewu: Over 12 residents trapped in forests die of hunger, sickness*, <https://www.vanguardngr.com/2024/04/okuama-ewu-over-12-residents-trapped-in-forests-die-of-hunger-sickness/>

Vanguard, (5 April 2024), *Okuama Killings: Army recovers stolen weapons*.

<https://www.vanguardngr.com/2024/04/okuama-killings-army-recovers-stolen-weapons/>

Vanguard, (6 May 2024), *Army, Police sack Enugu community over alleged killing of police officers*

<https://www.vanguardngr.com/2024/05/army-police-sack-enugu-community-over-alleged-killing-of-police-officers/>

World Justice Project. (2024). *The Global Rule of Law Recession Continues*, <https://worldjusticeproject.org/rule-of-law-index/>