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Criminogenic patterns in the management of Boko Haram's human displacement situation

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ABSTRACT

This article interrogates the management of the internal displacement caused by the activities of Boko Haram in Nigeria. The study utilizes qualitative methods to explicate the lived realities of internally displaced persons (IDPs) at three IDP camps. It accentuates the invention of criminogenic patterns that have fostered several state crimes in the management of the displacement situation. A series of cyclical patterns is highlighted: these patterns are constituted by and constitutive of the social conditions of the IDPs. The operations of a constellation of institutional and non-institutional actors in the displacement situation has led to (1) hoarding, diversion and theft of relief materials, (2) embezzlement of funds meant for IDPs, (3) use of ghost IDPs, (4) sexual and gender-based violence and (5) human trafficking and other forms of violence. The article concludes that this situation portends grave risks for state efforts to combat Boko Haram, as it may result in renewed grievances against the government.

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Introduction

Former president of the American Society of Criminology (ASC), William Chambliss introduced the idea of state-organised crime to the criminological lexicon. Chambliss defined state-organised crime as 'acts defined by law as criminal and committed by state officials in the pursuit of their jobs as representatives of the state'.¹ This definition legitimised the study of state crimes in the discipline of criminology² but specifically focused on acts that had been criminalised by the state.³ The limitation of this approach is inherent in the fact that states may have an interest to avoid criminalising their socially harmful acts.⁴ Chambliss refined his definition by including in the category state crime: 'behaviour that violates international agreements and principles established in the courts and treaties of international bodies'.⁵ Therefore, state crime is committed when international law is violated irrespective of breach of domestic law.⁶

The state crime framework has been applied in various contexts. For instance, scholars have investigated state crimes in the regime of King Leopold in the Congo, the use of laws against terrorism financing to buttress neo-colonial relations and enhance the dominance

of the US, the contributions of political and economic decisions to natural disasters and the state crimes committed by the US and the UK in the 2003 invasion and occupation of Iraq.⁷

This paper explores the interplay of state criminality, and social structure⁸ in the management of persons displaced by Boko Haram's operations in Nigeria. The central argument is: (1) there are observable criminogenic patterns in the management of internally displaced persons (IDPs) in Nigeria, (2) these patterns constitute state crime and (3) state and non-state actors (including a small number of IDPs) are involved. Therefore, the paper unpacks the involvement of institutional and individual actors in state crimes in the management of displaced persons in the northeast of Nigeria. Why should a crime committed by individual state officials and their collaborators be considered state crime? Chambliss argues that '(s) tate-organised crime does not include criminal acts that benefit only individual officeholders, such as the acceptance of bribes or the illegal use of violence by the police against individuals, unless such acts violate existing criminal law and are official policy.'⁹ Chambliss' theoretical schema was formulated based on evidence from a Western liberal democracy and does not engage with the intricacies of an illiberal, quasi-democratic neo-colonial state. Therefore, despite the utility of Chambliss' theoretical specification, this paper departs from Chambliss as regards individual benefits and what constitutes 'official policy'.

This is not unprecedented. Collins, for instance, uses contexts such as the US, Yemen, India and Saudi Arabia, among others, to analyse how states directly or indirectly perpetrate violence against women.¹⁰ Some of the ways in which state crimes are committed against women include policies and laws on marriage and family while others involve failure to act, such as the risk of sexual victimisation of women in the armed forces, street harassment and survival sex in harsh economic climate. One overarching argument behind Collins' analysis is that 'gender-based violence, even when perpetrated by one individual against another, can be facilitated directly or indirectly by the state.'¹¹

Following Collins, this paper argues that while the criminal actions and inaction of Nigerian government personnel are not *official policy*, the level of impunity, pervasiveness and normality of such actions on the one hand and rarity of legal conviction of such officials on the other hand suggest a tacit acceptance of such criminal conduct and arguably elevate such actions to the status of unwritten official policy. Such acts are in fact criminalised by the Criminal Code although convictions are rare. This issue goes beyond standard state weakness (discussed later in the paper). Weak states abound and display varying levels of corruption, governmental waste and nepotism. However, what this paper addresses concerns a criminogenic atmosphere where the state constitutes the worst abuser of human rights within its borders and state machinery is consciously deployed for purposes of criminally enriching a few individuals.¹²

While the causes and trajectories of the Boko Haram phenomenon,¹³ which has led to more than 20,000 deaths¹⁴ has garnered significant academic attention, there has been scant interrogation of the experiential realities of the two million persons who have been displaced by Boko Haram's atrocities.¹⁵ Given the enormity of the social problems caused by human displacement since 2009, scholarly investigations of the management of the displacement situation vis-a-vis the role of actors such as the state, emergency relief agencies, NGOs and international donor agencies are required.

This paper (1) highlights the lived realities of the IDPs created by Boko Haram; (2) problematises the crimes being committed by state agents in the course of managing the displacement situation and (3) articulates the coping mechanisms of the IDPs. The living

conditions of IDPs are explored under thematic such as shelter, food and nutrition, health and hygiene, security and education. Beyond highlighting the conditions of the IDPs, the paper argues that the social positionality of the IDPs in Nigeria speak to state criminality.

The paper is divided into five sections. The first part summarises the methodology of the study. The second part provides a brief overview of the Boko Haram phenomenon. The third part explores the governance of human displacement in Nigeria. The fourth section draws on the work of Chambliss¹⁶ to explicate the rise of a criminogenic structure in the management of IDPs in Nigeria. The fifth section explores the coping strategies of the IDPs. The final section maps out the consequences of the interplay of various actors in the processual invention of mechanisms for profiting from the misery of IDPs.

Data and methods

Data for this study were collected by the first author through in depth interviews, focus group discussions and participant observation. Data collection spanned four months (March–June 2015) primarily in Northeast Nigeria. Longer fieldwork in the research area was impossible due to the volatility of the region. Three IDP camps served as sites of field research. These are the IDP centre at the NYSC camp in Maiduguri, Damboa IDP camp in Borno and Kuchigoro camp in the Federal Capital, Abuja. The fieldwork involved daily visits to one camp at a time. On average, 16 days were spent on field visits to each of the camps. The visits to the camps were facilitated by security contacts. Access to displaced persons was difficult. Camp officials and security personnel were often within hearing range during discussions. Therefore, the researcher closely observed what was said and what was not being verbalised – mannerisms, facial cues and behaviour. The seemingly meddlesome approach of the camp officials is a limitation of this study, as it might have impacted the response of the participants. However, this was attenuated through close observation, and scrutiny of each interaction context.

The study involved 29 active/direct participants: 18 displaced persons, one National Emergency Management (NEMA) official, one Borno State Emergency Management (BOSEMA) official, two NGO staff, one member of the Victim Support Fund, four military officers and two representatives of international donor agencies. In addition, 46 indirect/passive participants comprising IDPs, repatriated refugees, volunteer teachers, state government officials, social media activists, journalists, members of corporate organisations who brought aid to the displaced persons, bloggers and security agents were observed at close range. Primary data are complemented by secondary sources, particularly newspaper reports.

Overview of the Boko Haram phenomenon¹⁷

The death of Boko Haram leader Mohammed Yusuf in police custody in July 2009 has heralded spectacular waves of violence by the organisation. The aftermath of Yusuf's extrajudicial murder by state agents supports the finding that killing leaders of terrorist or insurgent groups 'accelerates the insurgency's radicalization and use of more indiscriminate violence.'¹⁸ Scholars have interrogated the interplay of various factors in the rise of Boko Haram. These include the widespread impoverishment of the masses in northern Nigeria, religious

ideology, failure of the Nigerian intelligence architecture, political inertia, fragile institutions and reaction to the failure of Sharia implementation, among others.¹⁹

Others have argued that Boko Haram is neither new nor aberrational: it is simply the newest and arguably most violent trajectory in a longstanding Islamisation movement dating back to the Fulani jihad of 1804 led by Uthman Dan Fodio.²⁰ In other words, Northern Nigeria has been bequeathed a 'jihadist legacy'.²¹ The legacy is believed to have become romanticised against the backdrop of the failure of the neocolonial Nigerian state to live up to the promises of the jihadi legacy.²² Therefore, a sense of alienation from the state has developed and has played a catalytic role in the recruitment, mobilisation and spread of Boko Haram.²³

Findings from the Global Terrorism Database (GTD) reveal that Boko Haram killed 7112 people in 493 attacks in 2014.²⁴ On average, Boko Haram killed 15 persons per attack while the killing of 9324 individuals in 1241 attacks by ISIS means that seven persons were killed per attack.²⁵ The 2015 casualty rates have followed a similar trend. The lethality of Boko Haram eclipses that of ISIS despite the global attention to the latter. The primary target of Boko Haram (2009–2014) are private citizens and properties (35% or 429 incidents). Over 50% of Boko Haram's killings (5640 casualties) occur during attacks against private citizens and properties. The police are the second main target of the organisation (17% or 213 events). An estimated 60% of attacks against private citizens and properties involve firearms. This is followed by bombings and explosions (27%) against private citizens and property.²⁶

Two million people have been displaced by Boko Haram. Of this number, 44,800 are refugees in Cameroon, over 105,000 are in Diffa and other regions in Niger while Chad is offering refuge to about 15,000 persons. IDPs now reside in various locations in Nigeria. Borno state had 36 official IDP camps in 2015. There are also IDP camps in Adamawa, Yobe, Bauchi, Plateau, Kano and Gombe states as well as Abuja. About 90–91%²⁷ of the IDPs live with friends and families in host communities. This means that only 9–10% of IDPs live at the camps.

Governance of human displacement in Nigeria

The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) and the National Emergency Management Agency (NEMA) are the two national bodies responsible for management of human displacement in Nigeria. The NCFRMI was set up through Decree 52 of 1989 (now embedded in Cap. N21, Laws of the Federation of Nigeria, 2004 (NCFRMI Act)).²⁸ The NCFRMI has an internationalist focus. The Act establishing the organisation 'incorporated the 1951 United Nations Convention relating to the status of Refugees, its 1967 Protocol and the 1969 Organisation of African Unity Convention governing specific aspect of Refugees problems in Africa'.²⁹ In its original conceptualisation, NCFRMI was concerned with protecting and managing the affairs of refugees and persons seeking asylum in Nigeria. Its mission was expanded to encompass IDPs in 2002 and migrants in 2009.³⁰ Overall, the NCFRMI is responsible for six categories of persons called 'Persons of Concern'.³¹ These are: (1) Refugees, (2) Asylum Seekers, (3) Returnees, (4) Stateless Persons, (5) Internally Displaced Persons and (6) Migrants in Nigeria.³²

NEMA was set up in 1999 'via Act 12 as amended by Act 50 of 1999, to manage disasters in Nigeria'.³³ The agency is responsible for crafting policies on management of disasters, coordinating response to disasters and ensuring adequate preparation by all stakeholders.³⁴ The organisation has a zonal office in each of Nigeria's six geo-political zones. The efforts of

NEMA are complimented by a State Emergency Management Agency (SEMA) in each of Nigeria's 36 states. NEMA believes that such a decentred approach has improved its response to disasters in Nigeria. The work of NCFRMI, NEMA and SEMA are undergirded by a tripartite legal-ideational framework: Guiding Principles on Internal Displacement (GPID), the Kampala Convention and the Refugee Convention. The next section interrogates the contraventions of the legal framework of the operations of the agencies noted above.

State crime and criminogenic patterns in Nigeria's IDP management

This paper proceeds with the presupposition that the state is responsible for the management of human displacement within its jurisdiction. Principle 3(1) of the GPID states that 'National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction'. This is reiterated by Principle 25(1). Following Chambliss³⁵ and Kramer and Michalowski,³⁶ we assume that a breach of international law is a state crime and the state bears responsibility for the actions and inaction of its agents.³⁷

There are two sets of limitations to this approach. These are (1) issues that are immanent in the nature of the state in Africa and (2) the problematic of international law. First, state failure, particularly in Africa, has been the subject of numerous academic works. Parameters such as creation of perils for citizens and refugee flow through political instability, lack of capacity to monopolise the means of violence and the breakdown of law and order are a few of the scholarly exegesis of state failure.³⁸ Despite our reservations about the concept, one major commonality among such states is that the state's:

capacity to execute any form of policy has quite simply evaporated and its place has been taken, at least to some extent, by churches and religious solidarities, a burgeoning informal economy, and military organisations and militias or other armed movements.³⁹

This means that the state largely becomes a 'legal fiction'⁴⁰ due to the circumvention of state bureaucracies by extra-state machineries.⁴¹ None of these are new. However, what is critical for our analysis is that these are not aberrations fabricated by anomie. Rather, they are routine and relatively unspectacular aspects of the workings of state machinery. Therefore, our analysis risks overwork in that regard given the peculiarities of neocolonial social spaces.⁴² Nevertheless, to the extent that the Nigerian state is regarded as a state *qua* state in the comity of nations, administers an internationally recognised territory and maintains its seat at the UN General Assembly, the analysis is worth contemplating.

The second set of limitations concerns international law. International law is founded on the notion of state sovereignty. Sovereign states may engage in mass atrocities or refuse to act to prevent such incidents as violence in Bosnia-Herzegovina, Rwanda and the former Sudan demonstrate. Although Deng et al. have argued that sovereignty ought to signpost a state's responsibility towards its citizens,⁴³ that remains an idea in several parts of the world. Besides, sovereignty is in decline⁴⁴ and therefore of relatively limited utility in today's world, particularly as regards vulnerable populations.⁴⁵ The dominance of Euro-American societies in the formulation, implementation and interpretation of international law has also been criticised by post-colonial theorists, non-Western feminists and many other critical scholars.⁴⁶ The critiques centre around the problematic of universalistic and totalising discourses within international law. International law is believed to represent the values and priorities of Western countries and therefore represents their interests. The International Criminal Court

(ICC), for instance, is criticised for seemingly prosecuting only African suspects.⁴⁷ The Gambian information minister described the acronym ICC as ‘International Caucasian Court’ (*Premium Times*, 26 October 2016).

There is also growing debate over the centrality of human rights and appeals to ‘our common humanity’ in discourses of/on international law. In other words, the idea that every human being is right-bearing is viewed as theoretically sound but pragmatically tenuous. For instance, Douzinas argues that ‘(h)umanity has no foundation and no ends, it is the definition of groundlessness.’⁴⁸ Arendt emphasises the problematic and tautological nature of the idea of evoking humanity for the ‘right to have rights’⁴⁹ or the right to belong to humanity.⁵⁰ The treatment and experiences of refugees – encapsulated in the sea-washed lifeless body of a three-year-old Syrian boy, Aylan Kurdi – lay bare the limits of appeals to humanity and by implication international law (*The Guardian*, 2 September 2015).

In spite of these reservations over the ontology and praxiological value of international law, the idea of supposed colonisation of international law by Western powers is contentious given the lengthy discussions, negotiations and relatively open dialogue that herald much of what constitutes international law.⁵¹ Despite this debate, the widespread acceptance of international law is crucial.⁵² In addition, appeals to human rights and shared humanity while problematic contain a strong moral fibre. One contemporary example is the acceptance of thousands of Syrian migrants by Germany while states such as Saudi Arabia with arguably stronger cultural affinity with Syria have yet to do the same.

By analysing the acts of the Nigerian state that violate domestic and international law in the course of managing the human displacement situation caused by Boko Haram, this study aligns with the assertion that ‘human rights crimes are also criminological problems that should no longer be left out of ... criminology.’⁵³ In addition, such crimes should not be left out of the analysis of the social invention of terrorists.

The lived realities of persons displaced by Boko Haram is thematically explored and instances of state crime articulated using the provisions of the GPID and Kampala conventions and the 1999 Constitution and Criminal Code of Nigeria.

Shelter: Principle 18 (1) of the GPID states that ‘All internally displaced persons have the right to an adequate standard of living’. Section 2(b) also requires the provision of ‘Basic shelter and housing’. In addition, the Kampala conventions reiterate the obligation of the State to provide shelter for displaced persons. It stipulates that: ‘State Parties shall take necessary measures to ensure that internally displaced persons are received, without discrimination of any kind and live in satisfactory conditions of safety, dignity and security; and IDPs shall be provided with ... shelter, medical care and other health services, sanitation ... and any other necessary social services.’⁵⁴ The shelter provided for IDPs in Nigeria violates these provisions. The IDP camps demonstrate a striking similarity in the poor makeshift shelters they provide. IDP centres at the NYSC orientation camp and the Dalori Camp in Maiduguri and camps in Yola and Abuja are wooden structures made of plywood, and divided for individual families. Living spaces are overcrowded. Families of 10–15 are cramped into tents meant for five people. While some halls at the NYSC camp in Maiduguri had bunks and worn-out mattresses, Kuchigoro IDPs in Abuja are not that lucky and have to spread mats and worn out wrappers on the floor to sleep on. Dalori camp houses the highest number of displaced persons – over 19,000. Many displaced persons who have no spaces in the buildings in Dalori have converted uncompleted buildings to shelters. These living conditions among a section of citizens imply that the government is in breach of a fundamental

provision of the 1999 Constitution of Nigeria which states that ‘the security and welfare of the people shall be the primary purpose of government’ (Chapter II section 14 [2b]).

Food and Nutrition: Principle 18(2)(a) of the GPID states that ‘competent authorities shall provide internally displaced persons with ... (among other things): Essential food and potable water’. The food provided IDPs, however, breaches this provision. NEMA took over the feeding of IDPs in Borno state in June 2015.

Two patterns are discernible in the feeding of IDPs. First, food preparation at the camps is decidedly gendered. While some camps had cooks who were hired by the state government or emergency agencies, some others make use of female IDPs as cooks. Male IDPs are largely excluded from food preparation. Utilising female IDPs in this manner draws on entrenched patriarchal notions about gender roles and domesticity. Female IDPs deployed as cooks are essentialised as gendered beings and compelled to provide unpaid labour. It is unclear what consequences a female IDP may face if she refuses to provide labour for cooking. The relegation of female IDPs to domestic duties lends credence to the fact that the experiences of women in anomic situations is shaped by and reflects the status of women in peacetime. Therefore, the day-to-day management of IDPs reflects how gender serves as an organising principle at the individual, cultural and structural levels of society.⁵⁵ It also arguably contravenes Principle 4(1) of the GPID, which requires that there be no discrimination in the treatment of IDPs.

Second, supply of food items at the camps is irregular and available items lack the rudiments of basic human nutrition. This directly breaches Principle 10(2)(b) on ‘starvation’ of IDPs. The irregularity of food deliveries has taught the IDPs to go on strict rations. One participant⁵⁶ states that the only period in which supplies had been delivered on a weekly basis was before the 2015 general elections. The distribution of food at several camps is associated with a lot of commotion. Fisticuffs between food servers and displaced persons and among displaced persons routinely occur. These patterns constitute a breach of Principle 11(1) of the GPID, as regards ensuring the protection of the dignity of IDPs.

Health and Hygiene: IDPs at the camps and those living among the host communities receive healthcare from the camps. The health officials receive assistance from some displaced persons with little experience in health and medicine. Such displaced persons help when the officials have closed for the day. For instance, one Hajjo worked as attendant in the public health clinic in Damboa before she came to the camp, and began to offer health advice on pregnancy and childbirth despite limited training.⁵⁷ This suggests that health service delivery is inadequate at the camps. It also calls to question the quality of health care being provided.

Diseases such as cold, fever, malaria, pneumonia and diarrhoea are common at the IDP camps (*Daily Trust*, 11 April 2015). These diseases are widespread due to unhygienic practices. Unsanitary toilet facilities and limited water supply are major issues contributing to the spread of diseases. Displaced persons in the Dalori camp, for example, rely on a shallow stream for bathing, cooking and washing. This led to cholera which Médecins Sans Frontières estimated involved 117 cases and 16 deaths. In addition, the camps lack health personnel and prescription drugs to handle cases of Attention Deficit Disorder (ADD), psychological and psychiatric situations which were rampant among IDPs. Health officials admit that the numerous cases requiring attention necessitates focusing on life-threatening cases.

This situation violates Principle 18(2)(d) of the GPID on ensuring the provision of ‘Essential medical services and sanitation’ for IDPs. They also violate Principle 19(1): ‘All wounded and

sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services'. Our findings suggest that these provisions are being violated.

Security: Principle 11 of the GPID emphasises the obligation of states to secure the lives of IDPs. Section 2(a)(b)(c), in particular, stipulate that IDPs 'whether or not their liberty has been restricted, shall be protected in particular against: (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity; (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and (c) Acts of violence intended to spread terror among internally displaced persons'. These provisions reiterate elemental responsibilities of a state.

In the course of the fieldwork, armed soldiers and police personnel secured the gates and set up security checkpoints on roads leading to the IDP camps in Maiduguri. There were also some displaced persons working as security personnel. Access to the camps was closely monitored with a single entry and exit point. Bomb detectors were used to scan vehicles and individuals.

NGO staff and individuals who brought supplies were also scrutinised before being allowed into the camps. Researchers, journalists and other persons, especially those who came 'empty-handed' (i.e. had no items for distribution) or without prior notice to the camp officials or the security teams and were not accompanied by a camp official or security person had a difficult time accessing the camp. Several questions regarding identity, occupation, purpose of visit, type of research and so on were posed. Authorisation letters were requested from researchers. Researchers were handed over to camp officials who accompanied them on the camp tours and answered their questions, if security personnel were satisfied with the letters. The movement of displaced persons was not severely restricted as required by the GPID (Principle 14[2]). They were free to enter or leave the camp (except at night) but were also subjected to searches.

However, these security measures have not prevented serious breaches. For instance, Boko Haram members have been able to access the camps by posing as IDPs. This was the case with Usman Modu Tella and Kerewu Abubakar who were caught at Dalori camps (*Leadership Newspaper*, 3 December 2015). Boko Haram members were suspected to have disguised themselves and carried out the bomb attacks at Malkohi camp (September 2015) which killed seven and injured 13 persons (*Premium Times*, 11 September 2015), and Dikwa camp (February 2016) which killed 58 persons and injured 75 others (*Leadership Newspaper*, 3 December 2015).

Consequently, the extensive security measures at IDP camps have not translated to effective protection of the lives of IDPs. One major part of the security problem is that the host communities are not secured. This makes such communities incubators for attacks against IDP camps. This means that Principle 11 of the GPID is not being fully implemented.

Education: Principle 23 of the GPID states that IDPs have a right to education as other human beings. Section 2 states that authorities must ensure that IDPs

receive education which shall be free and compulsory at the primary level. Section 3 also emphasises that 'Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit'.

While there are some state efforts in this regard, inadequate infrastructure is proving to be a major impediment. Most of the camps were secondary and primary schools before the insurgency. Shelter needs have increased and are prioritised over the education of children. Therefore, there is constraint on classroom space: some students are tutored in the open air, under trees or on the floor. Others are lumped together based on age brackets. Most of the students had never attended school given the pre-existing educational problems in the North, particularly its gendered contours.⁵⁸ This poses a huge problem for curriculum development and implementation. Non-Hausa speaking teachers have a hard time since many students do not speak English.

Overall, NEMA's guiding principles stipulate that humanitarian assistance will be organised by observing principles of impartiality and planned responses will ensure that immediate needs are targeted. Contingency plans ought to adopt relevant internationally accepted guiding principles and laws to serve as operational basis for providing humanitarian assistance.⁵⁹ Despite these ideals, our findings indicate that there are state agents within the relief organisations working against the mission. Such actions are compounding the misery of IDPs.

Five sets of actors are involved. These are: (1) political leaders at the state and national level (with responsibility to oversee IDP camps); (2) officials of relief agencies (NEMA and SEMA); (3) security personnel (soldiers and police); (4) a small number of IDPs who are part of the camp bureaucracy; and (5) members of the public. The latter are mainly family members of government and/or camp officials.

Political leaders at the state and federal level are responsible for ensuring that citizens who have become displaced are taken care of. In this case, the Nigerian president, and governors of the worst affected states – Borno, Yobe and Adamawa – bear responsibility for the conditions of the IDPs. While we have no evidence of direct involvement in illegal acts by this set of actors, we consider that they are culpable given that they ought to exercise reasonable oversight on the welfare of the IDPs. Therefore, theirs is a case of failure to act.

Officials of the two relief agencies, NEMA and SEMA, constitute the epicentre of the state crimes in IDP management. They are assisted by security personnel to loot supplies intended for IDPs. Congruent with what Pierre Bourdieu calls the 'somatization of the relations of domination', some IDPs have been participating in their own subjugation by serving as 'middlemen' in the burgeoning criminal enterprise. Such IDPs serve as the eyes and ears of the camp management and receive favours that are not accorded other IDPs.

Several patterns are discernible in the operations of the actors noted above: (1) hoarding, diversion and theft of relief materials; (2) embezzlement of funds; (3) use of ghost IDPs; (4) sexual and gender-based violence; and (5) human trafficking and other forms of violence.

Hoarding, diversion and theft of relief materials

IDPs have become concerned that camp officials (SEMA staff, security personnel, representatives of IDPs and NEMA supervisors) are depriving them of relief materials through intentional hoarding and outright theft. Food availability in the camp stores does not guarantee that IDPs are fed three meals a day. Participants stated that breakfast is served around 12–1 pm at most camps. Lunch is often not served as breakfast is followed by dinner. Hunger is a daily reality of the IDPs. There is strong evidence suggesting that supplies, such as food and medications, are being smuggled out of the camps at night in the vehicles of officials

(*Daily Trust*, 9 August 2014). This is part of an illegal operation involving all the actors noted above. Security agents turn a blind eye by failing to search the vehicles of officials exiting the camp. IDPs allege that items being stolen out of the camps include mattresses, bottled water, tomato paste, bags of beans, rice, sugar, palm oil, drugs and other supplies.⁶⁰ NEMA has acknowledged receipt of reports detailing how SEMA officials divert bags of grains and cows from state warehouses and sell them to food dealers and restaurant owners in the host communities.⁶¹ Bags of rice and other supplies bearing the logos of donor agencies are being offered for sale in the open market in host communities. These actions are criminal under section 98B of the Criminal Code of Nigeria. The violation led to the rare conviction in May 2017 of a local government official, Umar Ibrahim, and an accomplice, Bulama Ali Zangebe, for stealing and diverting 245 bags of rice, which were donated by the Danish Refugee Council to IDPs in Borno state (*Premium Times*, 4 May 2017).

Embezzlement of funds

The displacement situation has led to cash donations by several organisations. USAID has donated US\$167,820,664, the Swiss government donated US\$8,000,000, the Central Emergency Respond Fund gave US\$3,550,000, Oxfam gave US\$2,200,000 and the EU donated ₦4,700,000,000. In addition, Governor Ambode of Lagos state donated ₦100,000,000, Aisha Buhari (spouse of President Muhammadu Buhari) donated drugs and relief materials worth ₦135,000,000. The Victim Support Fund has generated ₦58,790,000,000, the Adamawa state government made available ₦100,000,000 while the Deputy Senate President Ike Ekweremadu gave relief items worth ₦9,000,000.

Other donors include the Japanese government and General Electronics (GE) Africa, which gave UNICEF US\$3,400,000 and US\$1,000,000 respectively for displaced persons in Nigeria. This is in addition to the ₦600,000,000 the government of Borno state claim they spend per month on buying 470,000 bags of assorted food items for the displaced persons. There is no evidence at IDP camps to suggest that the huge sums of money are being effectively deployed for the welfare of IDPs.

One reason cited for the absence of any visible positive effect of the donations is that most of the international agencies spend their funds on overheads they incur, including payment of salaries and ‘flying private jets to go to the north east’, so that what is left as actual aids is mere crumbs that does not add value to the lives of the displaced persons.⁶² Nonetheless, this argument does not explain the use of the money and relief materials provided by Nigerian donors. For instance, Babachir Lawal, Secretary to the Government of the Federation, was indicted by a Senate panel in December 2016 for fraudulent activities at the Presidential Initiative on North East (PINE), which was set up to assist victims of Boko Haram. Lawal used one of his companies to secure a contract worth ₦233 million (or US\$742,000) to cut ‘invasive plant species’ or grasses around IDP camps in Yobe state (*The Sun* [Nigeria], 23 April 2017). Lawal’s company never executed the contract despite the spectacular inflation of the contract. Lawal’s actions arguably violate section 101 of the Criminal Code which forbids anyone in public service from:

a private interest in any contract or agreement which is made on account of the public service with respect to any matter concerning the department of the service in which he is employed, is guilty of a felony, and is liable to imprisonment for three years, and to be fined at the discretion of the court.

However, President Muhammadu Buhari defended Lawal in a letter to the Senate in January 2017 arguing that he was 'not given fair hearing before the indictment' (*Premium Times*, 24 January 2017). After three months of public outcry over the contract scam, Buhari reversed his earlier defence of Lawal over the 'grass-cutting scandal' and suspended him from office in April 2017.

Use of ghost IDPs

One of the criminogenic patterns at the IDP camps is the large-scale transportation of relatives and friends of camp officials prior to the visits of political leaders and other dignitaries to the IDP camps. The criminal idea behind this scheme is to enable camp officials to have sufficient bodies to justify the IDP numbers they had been reporting to the government and for which they had been receiving financial and material support. This amounts to the use of ghost IDPs. For instance, this happened during the visit of the Vice President of Nigeria, Professor Yemi Osinbajo to IDP camps (*Premium Times*, 12 July 2015). In addition, camp officials ensure that nutritious food that are rarely available at the camp is prepared during such visits. Performative preparations for such visits also include ensuring that the environment at the camps is clean.

The criminal performances unravelled during the visit of some senators led by the Deputy Senate President, Ike Ekwruemadu, at a camp in Adamawa state in August 2015. The NEMA coordinator, Sa'ad Bello, informed the senators that 'the agency was taking good care of the IDPs and that 80 per cent of the IDPs were willing to go back to their homes'. However, a female IDP

quickly cut Mr. Bello short and shouted, 'It is a lie. We are not well taken care of. We only eat twice daily and it is always rice. They sell the material brought to us. They also buy cows with money meant for our upkeep, please we want to go home'

(*Premium Times*, 5 August 2015)

The IDP quoted above was unauthorised to speak at the meeting. The established pattern at the camps is that the displaced persons to be seen by and allowed to speak with visiting dignitaries are carefully pre-selected in a manner reminiscent of Ervin Goffman's front-stage scenario. The role is reserved for a few selected IDPs (noted above) who for perks contribute to the impression management and false narrative being promoted by the camp officials. The status quo returns to the camps as soon as the visitors leave. These actions violate section 112 of the Criminal Code of Nigeria, which prohibits 'selling and trafficking in offices' and section 103 which prohibits false claims for purposes of financial or material benefit by public service workers and/or their accomplices.

Sexual and gender-based violence against female IDPs

A Human Rights Watch report on rape and other forms of sexual violence against female persons in seven IDP camps was released in October 2016. The report notes that:

Government officials and other authorities in Nigeria have raped and sexually exploited women and girls displaced by the conflict with Boko Haram. The government is not doing enough to protect displaced women and girls and ensure that they have access to basic rights and services or to sanction the abusers, who include camp leaders, vigilante groups, policemen, and soldiers.⁶³

Of the 43 persons who had been victims of sexual violence in the hands of state agents and were interviewed for the study, eight had been formerly abducted by Boko Haram and forced

to marry their fighters.⁶⁴ The fresh round of abuse in the hands of state agents therefore re-victimises them. The report also cites a poll which indicates that '66 percent of 400 displaced people in Adamawa, Borno and Yobe states said that camp officials sexually abuse the displaced women and girls'.⁶⁵ This gendered criminality also involves male authority figures at the camps who used their access to supplies to have sex with women in the poorly managed camps.⁶⁶ This suggests a criminal conspiracy involving withholding supplies from being distributed or feeding IDPs once a day in order to make them more vulnerable to engaging in survival sex.⁶⁷ These actions are prohibited by sections 357–362 of the Criminal Code of Nigeria. In addition, these issues arguably constitute corruption and abuse of office and therefore violate section 98(1)(ii) of the Criminal Code of Nigeria:

anything to be afterwards done or omitted, or any favour or disfavour to be afterwards shown to any person, by himself in the discharge of his official duties or in relation to any such matter as aforesaid, is guilty of the felony of official corruption and is liable to imprisonment for seven years.

Human trafficking and other forms of violence

In addition to failing to protect IDP camps from terrorist infiltration, various types of crimes are being committed at or through the IDP camps. These include domestic abuse and child trafficking. The ICIR cites a nurse at an hospital treating some young female IDPs: 'We have many of them. They'd been either raped in the camp or sold by those that should be protecting them in the camps' (*Premium Times*, 21 January 2015). The report highlights the case of one female IDP whose experiences demonstrate criminal conspiracy and the interconnectedness of child trafficking, domestic abuse and rape:

government officials came to the camp and took many young girls away and later sold them as slaves. (One of the girls, Lami) ... ended up in the house of one Alhaji Aliyu, whose brother and wife abused her. While Aliyu's brother repeatedly raped her, his wife weighed in with physical abuse.

The report finds that 'Lami's case, depressingly, is not an isolated one. Hundreds of girls are now being trafficked from some of the IDP camps in the North east set up to cater for people displaced by the insurgency, especially unregistered ones'.⁶⁸ There are other accounts on the sale, and trafficking of young female IDPs in particular (*BBC*, 10 February 2015). The failure to protect the IDPs, and engagement in their sale, rape and sexual enslavement constitute state crime, as they involve state agents who are carrying out the acts in the course of their occupational responsibilities.⁶⁹ These actions and failure to prosecute the perpetrators arguably violate sections 364(2) and 365 of the Criminal Code which prohibit human trafficking and enslavement in Nigeria.

Coping mechanisms of displaced persons

IDPs have developed various coping strategies. Most of the IDPs were farmers, fishermen or petty traders before the outbreak of violence. The situation has made several IDPs to undertake survival mechanisms such as begging and sale of relief materials. Some IDPs have received start-up cash from donors. Several male IDPs have been walking the streets with shovels and diggers looking for casual construction work. Some women engage in fetching water, washing clothes or performing housekeeping chores for meagre fees. Other women who had received start-ups are now food vendors near the camps.

There is a growing sense of fatalism in the reaction of some IDPs to their conditions in spite of their innovativeness. At a camp housing about 5732 persons,⁷⁰ one participant responded to a question about how she felt about being displaced: 'Godiya mu ke (we are thankful). Some people were given graveyards to sleep in ... Godiya mu ke.'⁷¹ Another participant responded 'mun bar ma Allah zabi (we live the choice to God)'.⁷² The second participant understood that their condition was dehumanising but they were resigned to fate as they had no choice. Her position also portrayed the fear to directly express opinions that are critical of camp management for fear of being evicted.

In addition, the mechanisms of survival have taken a decidedly gendered turn partly because of the exclusion of female IDPs from camp management and their vulnerability to sexual exploitation. Several teenage girls at the Dalori and Abuja camps, for instance, engage in prostitution, an illegal act in Nigeria. The clients of such young girls are often male soldiers and other men from host communities.

There is evidence suggesting that the families of the young sex workers are aware of their children's involvement but do not prevent them from such exploitation because the girls are perceived as contributing 'their quota' to the survival of their families. This growing change in the moral fabric of families in a highly conservative cultural milieu portends major problems for the future. It may make reintegration of such girls and their families more difficult. They may become objects of ridicule when they return to their communities. More immediate consequences such as the risk of sexually transmitted diseases, gendered and sexual based violence in the hands of male patrons, disappearance and death are real possibilities given the insecurity in the Northeast.

In addition, drug abuse by IDPs is a major concern. Ona Ogilegwu, the Commandant of the National Drug Law Enforcement Agency (NDLEA) in Borno state states that:

I don't know what is wrong with these people, but I will tell you that the level of drug intake among men and women in IDPs camps is more than you can imagine. We have heard several reports and we have sent our men in all the 28 IDPs camps to ensure we mop up of all nefarious activities in the camps (*Premium Times*, 13 March 2016).

The consequences of widespread use of illicit drugs, particularly among young people, are dire.

One parent at the IDP camp in Dikwa Borno state expresses the concerns of parents about their children: 'I fear for their future, because one does not have control over one's family here'. Besides the socio-psychological effects of drugs on the young people, there are concerns over negative representation of IDPs in the media. Displaced persons are beginning to make newspaper headlines for illicit drug use. A newspaper headline on 13 March 2016 was captioned: 'Boko Haram: Nigerian agency laments increase in cocaine, illicit drug use in IDP camps' (*Premium Times*, 13 March 2016). Such headlines may overtime establish a reductionist representation of IDPs as undeserving victims. This type of narrative is not new. It is similar to the negative and stereotypic portrayal of welfare recipients in the US.⁷³

Drugs are consumed by the poor to cope with alienation and oppression.⁷⁴ However, drug use by IDPs may become decontextualised in the media and the public imaginary. Therefore, rather than viewed as a product of the frustrations over their displacement, abject material circumstances and the criminal exploitation of their situation by a constellation of state agents, IDPs may be portrayed as law-breaking drug addicts. This narrative is already gathering momentum. Ogilegwu's comment signposts a growing belief about and irritation of state agents towards IDPs. It is instructive that Ogilegwu does not see any link between

the facticity of Borno state as a drug transit hub (*Premium Times*, 26 March 2012) and drug abuse at IDP camps in Borno.

Conclusion

There is scholarly consensus that in matters concerning terrorism – for better or worse – state action is a fundamental ‘signifier’.⁷⁵ The ‘entrepreneurs of violence’ not only specialise in hyperbolising actions by the government, they present such actions as ‘illegitimate, unjust or hostile’.⁷⁶ This meaning or ideational work is critical for purposes of terrorist recruitment, motivation and mobilisation. Consequently, the intrinsically criminogenic patterns instituted by state agents in Nigeria directly serve to conduct the requisite ‘framing of injustice’⁷⁷ for Boko Haram and other non-state violent actors. Sexual and gender-based violence against female IDPs, hoarding of relief materials and other criminal practices in the management of IDPs has potential contribute to Boko Haram recruitment, although we have no evidence that any IDP has joined Boko Haram because of how they have been treated. While the role of material deprivation, religious ideology, failure of intelligence and state repression, among others, in the ascendance of Boko Haram is firmly established in the literature, policy-makers and scholars need to be cognisant of how management of victims of terrorism may lead to further victimisation and make being on the ‘government side’ unattractive to young males and females in particular.

State crime in IDP management is creating more impediments to the reintegration and socio-psychological well-being of IDPs. Further alienation from the body politic and grievances against the government are probable consequences of these criminal activities. Former US Secretary of State John Kerry’s remarks at the 2016 Anti-corruption Summit in London is didactic:

Criminal activity literally is a destroyer of nation-states because it ... becomes the facilitator of activities that create sub-states – in some cases deep states – within states ... *It is a contributor to terrorism ... in many different ways ... (T)he extremism that we see in the world today comes in no small degree from the utter exasperation that people have with the sense that the system is rigged ... People are angry and the anger is going to grow unless we shut the doors and try to prove to people there’s a fairness that can be established in the system.*⁷⁸ (Italics added).

The anger and frustrations with the system sound eerily familiar as they are some of the variables that led to the rise of Boko Haram.⁷⁹

The findings of this paper have implications for national and international legal frameworks for managing IDPs. The criminal behaviour of state agents accentuates a major limitation of the various frameworks regulating IDP management, especially as regards protection from violence. The provisions do not envisage that state agents responsible for caring for IDPs could organise themselves into syndicates for the commodification and sexual enslavement of IDPs. Therefore, the frameworks need to recognise that state agents may engage in the criminal acts they are meant to prevent. Therefore, mechanisms to address such scenario need to be part of such national and international frameworks.

While this paper has focused on the actions of state agents, the aim is not to suggest that non-state agents are excluded from the performative fray. For instance, the role of international aid agencies may be considered. Future studies may also explore how gender is performed at the IDP camps. Although the current study noted the delegation of domestic

duties to female IDPs, this is no substitute for a gender(ed) analysis particularly concerning camp leadership, decision-making and representation.

Disclosure statement

No potential conflict of interest was reported by the authors.

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Notes

1. Chambliss, "State-Organized Crime," 184.
2. Friedrichs, *Trusted Criminals*.
3. Kramer and Michalowski, "War, Aggression and State Crime," 447.
4. Ibid.
5. Chambliss, "Commentary."
6. Kauzlarich, Kramer, and Smith, "Toward the Study of Governmental Crime."
7. Ward, "State Crime in the Heart of Darkness"; McCulloch and Pickering, "Suppressing the Financing of Terrorism"; Green, "Disaster by Design"; Kramer and Michalowski, "War, Aggression and State Crime."
8. Chambliss, "State-Organised Crime," 184; Comaroff and Comaroff, "Law and Disorder."
9. Chambliss, "State-Organised Crime," 184.
10. Collins, *State Crime, Women and Gender*.
11. Ibid., 21.
12. A 2014 recruitment scandal by the Nigeria Immigration Service also embodies the texture of state crime in Nigeria. An estimated 520,000 candidates applied for 4556 positions that were available. The recruitment test was shoddily organised and at least a dozen candidates died across the country while at the venues of the test. No one has been convicted for involvement in the scandal (as of July 2017). The court case over embezzlement of application fees against Abba Moro, who was interior minister at the time of the scandal, has largely stalled, as reported in June 2017 by major news organisations in Nigeria. Prosecuting witnesses have failed to show up in court, among other issues.
13. Akinola, "Boko Haram Insurgency."
14. Amnesty International, "Our Job is to Shoot"; Amnesty International, "Stars on their Shoulders."
15. United States Agency for International Development, "Nigeria-Complex Emergency."
16. Chambliss, "State-Organised Crime."
17. A comprehensive analysis of the ascendance of Boko Haram is beyond the scope of this paper.

18. Dear, "Beheading the Hydra?" However, scholars are divided on the validity of this assertion vis-à-vis al-Qaeda. See Gerges, *Rise and Fall of al-Qaeda*; Smith and Walsh, "Do Drone Strikes Degrade al-Qaeda?"
19. Gray and Adeakin, "Evolution of Boko Haram"; Onuoha, "The Islamist Challenge"; Aghedo and Osumah, "Boko Haram Uprising"; Osumah, "Boko Haram Insurgency."
20. Loimeier, "Boko Haram"; Aghedo, "Old Wine in a New Bottle"; Iyekekpolo, "Boko Haram."
21. Azumah, "Boko Haram in Retrospect"
22. *Ibid.*, 33.
23. *Ibid.*, 33.
24. Oriola, "Unwilling Cocoons."
25. *Ibid.*
26. Oriola, "Unwilling Cocoons."
27. International Organisation for Migration, "Displacement Tracking Matrix"
28. National Commission for Refugees, Migrants and Internally Displaced Persons, "About NCFRI."
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*
33. National Emergency Management Agency, "About NEMA."
34. *Ibid.*
35. Chambliss, "Commentary," 9.
36. Kramer and Michalowski, "War, Aggression and State Crime."
37. Jamieson and McEvoy, "State Crime by Proxy."
38. Helman and Ratner, "Saving Failed States"; Ignatieff, "Human Rights"; Zartman, *Collapsed States*.
39. Bayart, Ellis, and Hibou, "From Kleptocracy to the Felonious State?"
40. *Ibid.*, 21.
41. Oriola, *Criminal Resistance?*
42. Mbembe, *On the Postcolony*; Comaroff, and Comaroff, "Law and Disorder in the Postcolony."
43. Deng et al., *Sovereignty as Responsibility*.
44. Brown, *Walled States*.
45. Hardt and Negri, *Empire*.
46. Kauzlarich, Kramer, and Smith, "Toward the Study of Governmental Crime."
47. York, "African Union demands ICC exempt leaders from prosecution." See also debates over the 'Africa question' – "Is the International Criminal Court (ICC) targeting Africa inappropriately?" – at <https://iccforum.com/africa> Accessed 25 April 2016.
48. Douzinas, "Speaking Law."
49. Arendt, *Origins of Totalitarianism*.
50. Oriola, "Counter-Terrorism and Alien Justice."
51. Engaging with this body of work is beyond the purview of this paper. See Steiner and Alston, *International Human Rights*.
52. Kramer and Michalowski, "War, Aggression and State Crime."
53. Agozino, "Imperialism, Crime and Criminology."
54. African Union, "Convention for the Protection and Assistance of Internally Displaced Persons."
55. Meger, "Toward a Feminist Political Economy."
56. Participant 11, Female, IDP at NYSC camp Maiduguri, personal interview, June 2015.
57. Participant 02, Female, IDP at Damboa Camp, Damboa, personal interview, April 2015.
58. Erulka and Bello, "Experience of Married Adolescent Girls"; British Council, "Gender in Nigeria Report."
59. National Emergency Management Agency, "National Contingency Plan."
60. Focus group discussions with IDPs in Daboa and NYSC camp, Maiduguri.
61. Participant 51, Male, Spokesperson of the Victim Support Fund, Zurich, personal interview, April 2016.
62. Participant 51, Male, Spokesperson of the Victim Support Fund, Zurich, personal interview, April 2016.

63. Human Rights Watch, "Nigeria."
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Chambliss, "State-Organised Crime."
70. Nigeria Food Security Sector, Summary on Camp Food Shortages, 3 March 2016.
71. Participant 11, Female, IDP at NYSC camp Maiduguri, personal interview, May 2015.
72. Participant 09, Female, IDP at NYSC camp Maiduguri, personal interview, May 2015.
73. Gilens, *Why Americans Hate Welfare*.
74. Gordon, "Neoliberalism and Racism."
75. Demant and de Graaf, "How to Counter Radical Narratives," 410.
76. Ibid.
77. Ibid.
78. Kerry, "Remarks at Anti-Corruption Summit."
79. Cook, "Boko Haram."

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