

A BILL

FOR

AN ACT TO AMEND THE EXTRADITION ACT CAP E25, LAWS OF THE
FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS.

Sponsored by Hon. Solomon Ahwinahwi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria As Follows:

1 1. The Extradition Act, Cap. E25, Laws of the Federation of
2 Nigeria, 2004 (hereinafter referred to as "the Principal Act") is amended as
3 set out in this Bill,

Amendment of
the Principal Act

4 2.-(a) in subsection (2) by respectively substituting for the words "a
5 magistrate", and the "the magistrate" in line 2, the words "a judge of the
6 Federal High Court", and "the judge of the Federal High Court".

Amendment of
Section 6

7 3.-(a) in the sectional notes by substituting for the word,
8 "magistrate", the words, "the Federal High Court";

Amendment of
Section 7

9 (b) in subsection (3) by substituting for the word, "magistrate" in
10 line 2, the words "a judge of the Federal High Court".

11 4.-(a) in subsection (1) by respectively substituting for the word
12 "the magistrate in lines 2 and 4, the words "the judge of the Federal High
13 Court";

Amendment of
Section 8

14 (b) in subsection (3) by substituting for the words "A magistrate" in
15 line 1, the words "a judge of the Federal High Court";

16 (c) in subsection (5) by respectively substituting for the words "a
17 magistrate" and "the magistrate", the words "a judge of the Federal High
18 Court", and "the judge of the Federal High Court"

19 (d) in paragraph (b) of subsection (5) the words "the magistrate" in
20 line 3, the words "the judge of the Federal High Court"

Amendment of
Section 9

- 1 5.-(a) in the sectional note by substituting for the word "magistrate",
2 the words "a judge of the Federal High Court"
- 3 (b) in subsection (1) by respectively substituting for the words
4 "magistrate", in lines 1, 2 and "the magistrate in lines 4 and 5, the words, "a
5 judge of the Federal High Court", and "the judge of the Federal High Court".
- 6 (c) in subsection (2) by respectively substituting for the words "the
7 magistrate" in line 1, the words "the judge of the Federal High Court"
- 8 (d) in subsection (3) by respectively substituting for the words "the
9 magistrate" in line 2 and 3, the words "the judge of the Federal High Court"
- 10 (e) in paragraph (d) of subsection (3), substituting for the words "the
11 magistrate" in line 6, the words "the judge of the Federal High Court".
- 12 (f) in subsection (4) by substituting for the words "the magistrate" in
13 line 2, the words "the judge of the Federal High Court".
- 14 (g) in paragraph (c) subsection (4) by substituting for the words "the
15 magistrate" in line 6, the words "the judge of the Federal High Court"
- 16 (h) in subsection (5) by substituting for the words "the magistrate" in
17 line 2, the words "the judge of the Federal High Court".
- 18 (i) in paragraph (b) subsection (5) by substituting for the words "the
19 magistrate" in line 2, the words "the judge of the Federal High Court".
- 20 (j) in subsection (7) by respectively substituting for the words "the
21 magistrate" in lines 1 and 2, the words "the judge of the Federal High Court"
- 22 (k) by inserting a new subsection (6) and (7) immediately after the
23 existing subsection (6) and re-numbering accordingly as follows:
- 24 (6) where a claim of mistaken identity is raised by a Nigerian citizen
25 who is the defendant in an extradition case that has been concluded in any of
26 these countries including Nigeria, hearing held in accordance with the
27 provisions of this Act, the court shall dismiss the application for extradition
28 order and accordingly order the defendant discharged
- 29 (7) where no evidence is led by the plaintiff or the requesting country
30 to satisfactorily rebut the claim of mistaken identity as raised by the defendant.

1 or where judgement has not been appealed or set aside within 2 years, or a
2 case that has been concluded by way of judgement in any country that shares
3 extradition treaty or similar extradition laws with Nigeria. The defendant
4 shall not be exposed to arrest, interrogation, detention, charge or conviction.

5 6. Section 15 of the Principal Act is amended by inserting the
6 following new paragraph "(c)" after the existing paragraph "(b)", that is:

Amendment of
Section 15

7 (c) No Nigerian citizen surrendered to Nigeria in accordance with
8 the provisions of this section shall be arrested, detained, extradited,
9 proceeded against or otherwise dealt with in Nigeria or any other country
10 within the Commonwealth or country that have same Extradition
11 Agreement with Nigeria, if the proceeding relates to:

12 (i) an offence for which he has been previously convicted or
13 acquitted in the requested country for which extradition is sought by the
14 Nigerian authorities;

15 (ii) no appeal is pending or has been initiated against the acquittal
16 or conviction of the Nigerian fugitive by the requesting country within 2
17 years of his conviction or acquittal; or

18 (iii) any person that has been exonerated as fugitive cannot be
19 extradited.

20 7. This Bill may be cited Extradition Act (Amendment) Bill, 2017.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the extant extradition Act to give effect to the rule against double jeopardy as recognized under the Constitution, provide procedural safeguards to avoid extradition of Nigerian citizens with irrefutable and uninvestigated cases of mistaken identity and to effect appropriate modifications on the Act to conform with the provisions of the 1999 Constitution of the Federal Republic of Nigeria, as amended.

