

TERRORISM (PREVENTION AND PROHIBITION) BILL, 2018

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SCHEDULE

A BILL

FOR

AN ACT TO REPEAL THE TERRORISM (PREVENTION) ACT, 2011 (AS AMENDED) AND TO ENACT THE TERRORISM (PREVENTION AND PROHIBITION) ACT TO PROVIDE FOR MEASURES FOR THE PROHIBITION, PREVENTION AND COMBATING OF TERRORIST ACTIVITIES IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Kayode Oladele

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - OBJECTIVE AND PROHIBITION

1. The objective of this Act is to provide for:

Objective

(a) an effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism and other related matters in Nigeria;

(b) measures under Nigerian law for the implementation and enforcement of Regional and International counter terrorism conventions and Agreements for the combating of terrorism, terrorist financing and related offences;

(c) the procedure for the declaration of organisations as terrorist entities;

(d) extra territorial jurisdiction of the courts in relation to acts of terrorism;

(e) measures to enable Nigeria to act effectively in the fight against the financing of terrorism, including mechanisms regarding reporting of suspected incidents of financial and other support for terrorist entities;

(f) measures for the detention, freezing, search and seizure,

Prohibition of
acts of terrorism

1 confiscation and forfeiture of terrorist property; and

2 (g) the compensation of victims of terrorist activities.

3 2.-(1) All acts of terrorism and the financing of terrorism are
4 prohibited.

5 (2) A person or body corporate who knowingly, in or outside Nigeria,
6 directly or indirectly, willingly:

7 (a) does, attempts or threatens to do any act of terrorism;

8 (b) commits an act preparatory to or in furtherance of an act of
9 terrorism;

10 (c) omits to do anything that is reasonably necessary to prevent an act
11 of terrorism;

12 (d) assists or facilitates the activities of persons engaged in an act of
13 terrorism;

14 (e) participates as an accomplice in or contributes to the commission
15 of any act of terrorism or offences under this Act;

16 (f) assists, facilitates, organizes or directs the activities of persons or
17 organizations engaged in any act of terrorism or is an accessory to any offence
18 under this Act;

19 (g) incites, induces any person by any means whatsoever or promises
20 any person any reward; to commit any act of terrorism or any of the offences
21 referred to in this Act; or

22 (h) recruits for terrorists groups for any purpose including the
23 commission of acts of terrorism;

24 commits an offence and is liable on conviction to the punishment prescribed
25 under this Act.

26 (3) In this Act, "act of terrorism" means an act which is deliberately
27 done with malice aforethought and which:

28 (a) may seriously harm or damage a country or an international
29 organization,

1 (b) is intended or can reasonably be regarded as having been
2 intended to:

3 (i) unduly compel a government or international organization to
4 perform or abstain from performing any act;

5 (ii) seriously intimidate a population;

6 (iii) seriously destabilize or destroy the fundamental political,
7 constitutional, economic or social structures of a country or an international
8 organization; or

9 (iv) otherwise influences such government or international
10 organization by intimidation or coercion; and

11 (d) involves or causes, as the case may be:

12 (i) an attack upon a person's life which may cause serious bodily
13 harm or death;

14 (ii) kidnapping of a person;

15 (iii) destruction to a Government or public facility, a transport
16 system, an infrastructural facility, including national critical information
17 infrastructure, a fixed platform located on the continental shelf, a public
18 place or private property, likely to endanger human life or result in major
19 economic loss;

20 (iv) the seizure of an aircraft, ship or other means of public or goods
21 transport and diversion or the use of such means of transportation for the
22 purposes of paragraph (b) (iv) of this subsection;

23 (v) the manufacture, possession, acquisition, transportation,
24 transfer, supply or use of weapons, including explosives or biological,
25 chemical, radiological or nuclear weapons ("BCRN weapons") as well as
26 research into and development of BCRN weapons without lawful authority,
27 and the receipt, possession, use, transfer, alteration, disposal or dispersal of
28 nuclear or other radioactive material or devices;

29 (vi) the release of dangerous substance or causing of fire,
30 explosions or floods, the effect of which is to endanger human life;

1 (vii) interference with or disruption of the supply of water, power or
2 any other fundamental natural resource, the effect of which is to endanger
3 human life;

4 (viii) releasing into the environment or any part thereof or distributing
5 or exposing the public or any part to dangerous, hazardous, nuclear or other
6 radioactive or harmful substance, any toxic chemical, any microbial or other
7 biological agent or toxin, the effect of which is to endanger human life or to
8 provoke substantial damage to property or to the environment;

9 (ix) the endangering of or engaging in acts likely to endanger the
10 safety of an aircraft, ship, train or any other means of transportation;

11 (x) bombing and other acts of violence at airports and other public
12 places;

13 (xi) the disruption of any computer system or the provision of services
14 directly related to the supply of water, power, communications, infrastructure,
15 banking or financial services, utilities, transportation, other essential
16 infrastructure or any other fundamental natural resources, the effect of which is
17 to endanger human life;

18 (xii) the disruption of the provision of essential emergency services
19 such as police, civil defence, medical or acts prejudicial to national security or
20 public safety;

21 (xiii) the propagation and dissemination of information or
22 information materials in any form or mode calculated to cause panic, evoke
23 violence or intimidate a government, person or group of persons; or

24 (xiv) an act directed against a nuclear facility, or an act interfering
25 with the operation of a nuclear facility, where the offender intentionally causes,
26 or where he knows that the act is likely to cause, death or serious injury to a
27 person or substantial damage to property or to the environment by exposure to
28 radiation or release of radioactive substance, unless the act is undertaken in
29 conformity with the provisions of existing laws.

30 (4) An act which disrupts a service but is committed in pursuance of a

1 protest, demonstration or stoppage of work is not a terrorist act within the
2 meaning of this definition provided that the act is not intended to result in
3 any harm referred to in subsection (3) (b) and (c), of this section.

4 PART II - NATIONAL COORDINATION AND ENFORCEMENT

5 3.-(1) The Attorney-General shall be the co-ordinating authority
6 for the effective implementation and administration of this Act.

Role of the
Attorney-General

7 (2) The Attorney-General shall be responsible for strengthening
8 and enhancing the existing legal framework on combating terrorism and
9 terrorism financing to ensure:

10 (a) conformity of Nigeria's counter - terrorism laws, policies and
11 other measures with United Nations Conventions on Terrorism and
12 terrorism financing, international standards and maintain international co-
13 operation required for preventing and combating international acts of
14 terrorism; and

15 (b) the prosecution of terrorism and terrorism financing offences,
16 and other offences under this Act.

17 4. The National Security Adviser shall be the coordinating
18 authority for all security and enforcement agencies under this Act and shall:

Role of the
National Security
Adviser

19 (a) formulate policies for the effective implementation of
20 concerted counter-terrorism efforts;

21 (b) ensure the effective formulation and implementation of a
22 comprehensive counter- terrorism strategy in Nigeria;

23 (c) establish and operate an intelligence data base for the receipt
24 and dissemination of intelligence on terrorists and terrorists operations and
25 make the data base accessible to all security and relevant law enforcement
26 agencies; and

27 (d) do such other acts or things that the President may deem
28 necessary for the effective implementation of counter-terrorism measures
29 under this Act.

Role of the State
Security Service

1 5.-(1) The State Security Service shall be the lead Agency for all
2 relevant agencies and be responsible for the gathering of intelligence and
3 investigation of the offences provided for under this Act.

4 (2) The State Security Service shall, in collaboration with law
5 enforcement, security and other relevant agencies:

6 (a) enforce all laws and regulations on counter - terrorism in Nigeria;

7 (b) adopt measures to prevent and combat acts of terrorism in Nigeria;

8 (c) facilitate the detection and investigation of acts of terrorism in
9 Nigeria;

10 (d) establish, maintain and secure communications, both domestic
11 and international, to facilitate the rapid exchange of information concerning
12 acts that constitute terrorism;

13 (e) conduct research with the aim of improving preventive measures
14 to efficiently and effectively combat terrorism in Nigeria; and

15 (f) partner with Civil Society Organizations and the Nigerian public
16 to provide necessary education, support, information, awareness and
17 sensitization towards the prevention and elimination of acts of terrorism.

18 (3) Subject to the provisions of this Act, the State Security Service and
19 other relevant agencies, shall have power to:

20 (a) investigate whether any person or entity has directly or indirectly
21 committed an act of terrorism, is about to commit an act of terrorism or has
22 been involved in an act of terrorism under this Act or under any other law;

23 (b) execute search warrants authorizing its officers or any other law
24 enforcement officer to enter into any premises, property or conveyance for the
25 purpose of conducting searches in furtherance of its functions under this Act or
26 any other law;

27 (c) investigate, arrest and provide evidence for the prosecution of
28 offenders under this Act or any other-law on terrorism applicable in Nigeria;

29 (d) seize, freeze or maintain custody over terrorist property or fund for
30 the purpose of investigation, prosecution or recovery of any property or fund

1 which the State Security Service or relevant Agency reasonably believes to
2 have been involved in or used in the perpetration of terrorist activities in
3 Nigeria or outside Nigeria;

4 (e) seal up premises upon reasonable suspicion of such premises
5 being involved with or being used in the perpetration of acts of terrorism;

6 (f) adopt measures to identify, trace, freeze, seize terrorist
7 properties as required by law and seek for the confiscation of proceeds
8 derived from terrorist activities whether situated within or outside Nigeria;

9 (g) enter into co-operation agreements, Memorandum of
10 Understanding or arrangements with any national or international body,
11 other intelligence, enforcement or security agencies or organizations which
12 in its opinion will facilitate the discharge of its functions under this Act, in
13 consultation with the Attorney-General;

14 (h) request, demand or obtain from any person, agency or
15 organization, information, including any report or data that may be relevant
16 to its functions; and

17 (i) appoint experts or professionals, where necessary, to execute
18 the powers required in furtherance of its functions under this Act.

19 (4) All relevant agencies may initiate, develop or improve on,
20 specific training programmes for their officers charged with the
21 responsibilities for the detection, prevention, prohibition, investigation,
22 elimination and prosecution of terrorism activities in Nigeria.

23 PART III - OFFENCES AND PENALTIES

24 6.-(1) Any person who intentionally:

25 (a) murders, kidnaps or commits other attacks on the person or
26 liberty of an internationally protected person;

27 (b) carries out a violent attack on the official premises, private
28 accommodation or means of transport of an internationally protected person
29 in a manner likely to endanger his person or liberty; or

Offences against
internationally
protected persons

1 (c) threatens to commit any such attack, commits an offence under
2 this Act.

3 (2) A person who commits an offence under subsection (1) of this
4 section is liable on conviction, where death:

5 (a) does not result from the act, to a term of imprisonment of not less
6 than twenty - five years; and

7 (b) results from the act, to a death sentence, provided that in the case
8 of the offence under subsection (1) (c) of this section, the court may sentence
9 the person to a term of imprisonment of not more than fifteen years.

Terrorist meetings

10 7. Any person who:

11 (a) arranges, manages, assists in arranging or managing, participates
12 in a meeting or an activity, which in his knowledge is concerned or connected
13 with an act of terrorism or terrorist group;

14 (b) collects, or provides logistics, equipment, information, articles or
15 facilities for a meeting or an activity, which in his knowledge is concerned or
16 connected with an act of terrorism or terrorist group; or

17 (c) attends a meeting, which in his knowledge is to support a
18 proscribed entity or to further the objectives of a proscribed organization,
19 commits an offence under this Act and is liable on conviction to imprisonment
20 for a term of not less than twenty years.

Soliciting and
giving support
to terrorist groups
for the commission
of terrorist act

21 8.-(1) Any person who knowingly, in any manner, directly or
22 indirectly, solicits or renders support:

23 (a) for the commission of an act of terrorism; or

24 (b) to a terrorist group, commits an offence under this Act and is liable
25 on conviction to life imprisonment.

26 (2) For the purposes of subsection (1) of this section, "support"
27 includes:

28 (a) incitement to commit a terrorist act through the internet, or any
29 electronic means or through the use of printed materials or through the
30 dissemination of terrorist information;

(b) receiving or providing material assistance, training, transportation, false documentation or identification to terrorists or terrorist groups;

(c) receiving or providing information or moral assistance to a terrorist act or terrorist group, including invitation to adhere to a terrorist or terrorist group;

(d) entering or remaining in a country for the benefit of, or at the direction of or in association with a terrorist group; or

(e) providing or making available, such financial or other related services prohibited under this Act or as may be prescribed by regulations made pursuant to this Act.

(3) In this section, it shall not be necessary to prove that the material, information, facilities or financial assistance was actually used if it can be reasonably established that the person collected on behalf of or provided the material, information, facilities or financial assistance to a terrorist or terrorist groups.

9. Any person, who knowingly harbours, conceals or causes to be harboured or concealed, hinders or interferes with the arrest of a person whom to his knowledge:

Harbouring terrorists or hindering the arrest of a terrorist

(a) has committed or about to commit an act of terrorism;

(b) is planning to commit an act of terrorism;

(c) is a member of a terrorist group;

(d) has been convicted of an act of terrorism but escaped from punishment; or

(e) a warrant of arrest had been issued, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

10. Any person who, knowingly agrees to provide or receives training, training material or instructions:

Provision of training and instruction to terrorist groups or terrorists

1 (a) in the making or use of any form of explosive or other lethal
2 devices;

3 (b) in carrying out a terrorist act, to a member of a terrorist group;

4 (c) to a person engaging in or preparing to engage in the commission
5 of a terrorist act; or

6 (d) in the practice of a military exercise or movements but who is not
7 an authorized officer acting in the performance of an official duty, commits an
8 offence under this Act and is liable on conviction to life imprisonment.

Concealing of
information about
acts of terrorism

9 11.-(1) Subject to the provisions of subsections (2) and (3) of this
10 section, where a person has information which he knows or believes to be of
11 material assistance in:

12 (a) preventing the commission by any person or an organization of an
13 act of terrorism; or

14 (b) securing the apprehension, prosecution or conviction of another
15 person for an offence under this Act, and fails to disclose such information to
16 the State Security Service or relevant Agency as soon as reasonably
17 practicable, commits an offence under this Act and is liable on conviction to
18 imprisonment for a term of not less than ten years.

19 (2) Subsection (1) of this section does not require disclosure by a legal
20 practitioner of any information, belief or suspicion based on any information,
21 which he obtained in privileged circumstances.

22 (3) For the purpose of subsection (2) of this section, information is
23 obtained by a legal practitioner in privileged circumstances where it is
24 disclosed to him by:

25 (a) his client in connection with the provisions of legal advice, not
26 being a disclosure with a view to furthering a criminal purpose or concealing a
27 crime; or

28 (b) any person for the purpose of actual or contemplated legal
29 proceeding and not with a view to furthering a criminal purpose or concealing a

1 12. Any person who knowingly offers to provide, or provides any
2 weapon, explosive, biological, chemical, nuclear or other lethal device to a
3 terrorist group, a terrorist or any other person for use by, or for the benefit of,
4 a terrorist group or a member of a terrorist group, commits an offence and is
5 liable on conviction to a term of imprisonment of not less than twenty years
6 up to a maximum of life imprisonment

Provision of
devices to a
terrorist

7 13. Any person who knowingly agrees to recruit, or recruits
8 another person to be a member of a terrorist group or participate in the
9 commission of a terrorist act commits an offence under this Act and is liable
10 on conviction to a term of imprisonment of not less than twenty years up to a
11 maximum of life imprisonment.

Recruitment of
persons to be
members of
terrorist groups
or to participate
in terrorist acts

12 14. Any person, who knowingly solicits property for the benefit of
13 a terrorist group or for the commission of a terrorist act commits an offence
14 under this Act and is liable on conviction to imprisonment for a term of not
15 less than twenty years.

Promotion or
solicitation of
property for the
commission of
terrorist acts

16 15. Any person who being:

Provision of
facilities in
support of
terrorist acts

17 (a) the owner, occupier, lessee or person in charge of any building,
18 premises, room, or place knowingly permits a terrorist meeting to be held in
19 that building, premises, room or place;

20 (b) the owner, charterer, lessee, operator, agent of a conveyance or
21 master of a vessel, or the pilot in charge of an aircraft; or driver of any other
22 means of conveyance who knowingly permits that vessel, aircraft or other
23 means of conveyance to be used for terrorist activities; or

24 (c) the owner, lessee or person in charge of any equipment or
25 facility that allows for recording, conferencing or meetings through the use
26 of technological devices; knowingly permits that equipment, facility or
27 devices to be used for purposes of committing an offence under this Act or
28 for planning, promoting or supporting the commission of a terrorist act,
29 commits an offence under this Act and is liable on conviction to
30 imprisonment for a term of not less than twenty years.

Financing of
terrorism

1 16.-(1) A person or entity who, within or outside Nigeria, in any
2 manner, directly or indirectly, willingly provides, solicits, acquires, collects,
3 receives, possesses or makes available property, funds or other services, or
4 attempts to provide, solicit, acquire, collect, receive, possess or make available
5 property, funds or other services with the intention or knowledge or having
6 reasonable grounds to believe that it will be used, in full or in part to:

7 (a) finance a terrorist or terrorist group;

8 (b) commit an offence in breach of this Act or an offence specified in
9 any relevant law or enactment referred to under this Act; or

10 (c) do any other act intended to cause death or serious bodily injury to
11 a civilian or any other person not taking active part in the hostilities in a
12 situation of armed conflict, when the purpose of such act, by its nature or
13 context, is to intimidate a group of people or to compel a government or an
14 international organization to do or abstain from doing any act, commits an
15 offence under this Act.

16 (2) A person who commits an offence under subsection (1) of this
17 section is liable on conviction to life imprisonment and in the case of a
18 corporate body:

19 (a) to a fine of not less than two hundred million Naira;

20 (b) the prosecution of the principal officers of the corporate body who
21 shall on conviction be liable to a term of imprisonment of not less than twenty
22 years to a maximum of life imprisonment; and

23 (c) the winding up of the corporate body and prohibition from its
24 reconstitution or incorporation under any form or guise,

25 (3) Any person who knowingly enters into, or becomes involved in an
26 arrangement:

27 (a) which facilitates the acquisition, retention or control by or on
28 behalf of another person of terrorist fund by concealment, removal out of
29 jurisdiction, transfer to a nominee or in any other way; or

30 (b) as a result of which funds or other property is to be made available

1 for the purposes of terrorism or for the benefit of a specified entity or
2 proscribed organization, commits an offence under this Act.

3 (4) A person who commits an offence under subsection (3) of this
4 section is liable on conviction to imprisonment for a term of not less than
5 twenty years and in the case of a corporate body:

6 (a) to a fine of not less than one hundred million Naira;

7 (b) the prosecution of the principal officers of the corporate body
8 who shall on conviction be liable to imprisonment for a term of not less than
9 twenty years; and

10 (c) the winding up of the corporate body and prohibition from its
11 reconstitution or incorporation under any form or guise,

12 (5) An offence under this section shall apply, regardless of whether
13 the person alleged to have committed the offence is in the same country or a
14 different country from the one in which:

15 (a) the terrorist, terrorist group or proscribed entity is located; or

16 (b) the terrorist act occurred or is planned to occur,

17 (6) In proving the offence of terrorist financing, it shall not be
18 required that the funds:

19 (a) were actually used to carry out terrorist acts;

20 (b) were used to attempt a terrorist act; or

21 (c) be linked to a specific terrorist act.

22 (7) For the purpose of this section, intention may be inferred from
23 objective factual circumstances.

24 17.-(1) A person or entity who, knowingly:

25 (a) deals, directly or indirectly, in any terrorist funds or property;

26 (b) acquires or possesses terrorist funds or property;

27 (c) enters into, or facilitates, directly or indirectly, any transaction
28 in respect of a terrorist funds or property;

29 (d) converts, conceals, or disguises terrorist funds or property; or

30 (e) provides financial or other services in respect of terrorist fund

Dealing in
terrorist property

1 or property at the direction of a terrorist or terrorist group, commits an offence
2 under this Act and is liable on conviction to life imprisonment.

3 (2) In this section, the word 'knowingly' referred to in subsection (1)
4 of this section may be inferred from the objective factual circumstances of the
5 case,

Hostage taking,
kidnapping,
hijacking etc.

6 18.-(1) Any person who knowingly:

7 (a) seizes, detains or attempts to seize or detain any person property or
8 facility in order to compel a third party to do or abstain from doing any act;

9 (b) threatens to kill, injure or continue to detain a person in order to
10 compel a third party to do or abstain from doing any act; or

11 (c) gives an explicit or implicit condition for the release of the person
12 held hostage or the property or facility detained commits an offence under this
13 Act.

14 (2) A person who commits an offence under subsection (1) of this
15 section is liable on conviction, where death:

16 (a) does not result from the act, to life imprisonment; and

17 (b) results from the act, to a death sentence.

18 (3) In this section:

19 (a) a "third party" means a State, an international governmental
20 organisation, a natural or legal person or a group of persons; and

21 (b) the word 'knowingly' referred to in subsection (1) of this section
22 may be inferred from the objective factual circumstances of the case.

Membership of
a terrorist group
or proscribed
entity

23 19.-(1) Any person who is a member or professes to be a member of a
24 terrorist group or a proscribed entity, in or outside Nigeria, commits an offence
25 and shall on conviction be liable to imprisonment for a term of not less than
26 twenty years.

27 (2) It is a defence for a person charged with an offence under this
28 section to prove that the entity in respect of which the charge is brought was not
29 a terrorist group or a proscribed entity at the time that he:

30 (a) became a member of that group or entity;

(b) professed to be a member of that group or entity; or

(c) has not taken part in the activities of that group or entity, after it became a terrorist group or proscribed entity

(3) A person who belongs or professes to belong to a proscribed entity in or outside Nigeria, commits an offence under this Act and is liable on conviction to life imprisonment.

(4) A person charged with an offence under subsection (3) of this section may prove that the entity had not been declared a proscribed entity at the time the person charged became or began to profess to be a member of the entity and that he has not taken part in the activities of the organisation at any time after it has been declared to be a proscribed entity.

20. Any person who conspires with another to commit an offence under this Act in Nigeria, or to commit a terrorist act in any place outside Nigeria being an act, which if done in Nigeria would have constituted an offence under this Act shall be deemed to have conspired to do that act in Nigeria and shall be liable on conviction to the same punishment as provided under this Act for the offence to which the conspiracy relates.

Conspiracy

21. -(1) A person who knowingly, directly or indirectly-

(a) aids and abets;

(b) induces, instigates, instructs; or

(c) counsels or procures another person by any means whatsoever to commit an act of terrorism, commits an offence.

Aiding and
abetting

(2) A person who commits an offence under subsection (1) of this section is liable on conviction, where-

(a) the offence is committed, to the same punishment as provided under this Act for the offence to which the offence relates; and

(b) the offence is not committed, to an imprisonment for a term of not less than ten years.

22. Any person who -

(a) being in lawful custody for act of terrorism, escapes; or

Escape or aiding
and abetting escape

- 1 (b) aids, facilitates or abets the escape of a person who is-
- 2 (i) in lawful custody of the State Security Service or a relevant
- 3 Agency for any act of terrorism, or
- 4 (ii) suspected to have committed an offence under any of the
- 5 provisions of this Act, commits an offence under this Act and is liable on
- 6 conviction to imprisonment for a term of not less than twenty years.

Attempt to
commit an offence
under this Act

7 **23.**-(1) Any person who attempts to commit any offence under this

8 Act shall be liable on conviction to the same punishment as provided under this

9 Act for the offence to which the attempt relates.

10 (2) Where a person is charged with any of the offences under this Act

11 and the evidence establishes an attempt to commit that offence, he may be

12 convicted of having attempted to commit the offence and is liable on

13 conviction to the same punishment as provided under this Act for the offence to

14 which the attempt relates.

15 (3) Where a person is charged with an attempt to commit an offence

16 under this Act, but the evidence establishes the commission of the full offence,

17 the offender shall not be entitled to acquittal but shall be convicted for the

18 commission of the offence and is liable on conviction to the same punishment

19 as provided under this Act for the offence to which the attempt relates.

Preparation to
commit acts of
terrorism

20 **24.** Any person who engages in any conduct in preparation to commit

21 an act of terrorism or assists another person to commit an act of terrorism

22 commits an offence under this Act and is liable on conviction to a term of

23 twenty years imprisonment.

Unlawful
assumption of
character of officer
of the State Security
Service or relevant
Agency

24 **25.** Any person who, with intent to deceive, unlawfully assumes the

25 name, character or designation of an officer of the State Security Service or

26 relevant Agency in order to perpetrate acts of terrorism commits an offence

27 under this Act and shall be liable on conviction to imprisonment for a term of

28 not less than seven years.

Tampering with
evidence or
Witness

29 **26.** In any case of terrorism under this Act, a person who tampers

30 with:

- 1 (a) a witness by intimidation, threats, blackmail or similar acts, or
2 (b) evidence or exhibit, by falsification, conversion, destruction or
3 forgery, commits an offence and is liable on conviction to imprisonment for
4 a term of not less than five years.

5 27.-(1) A person who:

- 6 (a) wilfully obstructs an authorized officer of the State Security
7 Service or a relevant Agency in the exercise of any of the powers conferred
8 on it by this Act; or

Obstruction of
an authorized
officer of the
State Security
Service or a
relevant Agency

- 9 (b) fails to comply with any lawful enquiry, request or information,
10 wherever located, made by any authorized officer in accordance with the
11 provisions of this Act, commits an offence and is liable on conviction to
12 imprisonment for a term of not less than five years.

13 (2) Any person who:

- 14 (a) refuses any authorized officer of the State Security Service or
15 relevant Agency access to any premises, or fails to submit to a search by a
16 person authorized to search him under this Act;

- 17 (b) assaults or obstructs an authorized officer of the State Security
18 Service or relevant Agency in the execution of his duty under this Act; or

- 19 (c) fails to produce or conceals or attempts to conceal from an
20 authorized officer of the State Security Service or relevant Agency, any
21 book, document, information storage system or article in relation to which
22 such officer has reasonable grounds for suspecting or believing that an
23 offence under this Act or any other law prohibiting terrorism has been or is
24 being committed, or which is liable to seizure under this Act; commits an
25 offence and is liable on conviction to imprisonment for a term of not less
26 than five years.

27 (3) Any person who:

- 28 (a) discloses to another anything which is likely to prejudice a
29 terrorist investigation; or

- 30 (b) interferes with material which is likely to undermine a terrorist

1 investigation, or likely to be relevant to a terrorist investigation, commits an
2 offence under this Act and shall on conviction be liable to imprisonment for a
3 term of not less than five years.

4 (4) It is a defence for a person charged with an offence under
5 subsection (3) of this section to prove that he did not know and had no
6 reasonable cause to suspect that the disclosure was likely to affect a terrorist
7 investigation.

Offences by an
entity

8 **28.**-(1) Where an offence under this Act committed by an entity is
9 proved to have been committed on the instigation or with the connivance of, or
10 is attributable to any neglect on the part of a director, manager, secretary of the
11 entity or any person purporting to act in any such capacity, the officer shall be
12 liable on conviction to the same punishment as provided under this Act for the
13 offence.

14 (2) Where an entity is convicted of an offence under this Act, it shall
15 be liable to the forfeiture of any assets, funds or property used or intended to be
16 used in the commission of the offence and the court may issue an order to wind-
17 up the entity or withdraw the practice licence of the entity and those of its
18 principal officers or both.

19 (3) Where the Court orders the entity to be wound up its assets and
20 properties shall be transferred to any fund or Agency established under any law
21 for the recovery of proceeds of crime; and the entity shall be prohibited from
22 reconstitution or incorporation under any other form or guise.

23 (4) Nothing contained in subsections (1) and (2) of this section shall
24 render any person liable to punishment if he proves that the offence was
25 committed without his knowledge or that he exercised all due diligence to
26 prevent the commission of such offence.

27 **PART IV - OFFENCES RELATING TO CIVIL AVIATION, SAFETY OF**
28 **SHIPS AND FIXED PLATFORMS**

Hijacking of
aircrafts

29 **29.** Any person who, on board an aircraft in flight seizes or exercises
30 control of that aircraft by force, threat or any other form of intimidation,

1 commits an offence under this Act and shall on conviction be liable to life
2 imprisonment.

3 30.-(1) Any person who:

4 (a) commits an act of violence against a person on board an aircraft
5 in flight, if that act is likely to endanger the safety of that aircraft;

Offences against
the safety of civil
aviation

6 (b) destroys an aircraft in service, or causes damage to such an
7 aircraft which renders it incapable of flight or which is likely to endanger its
8 safety in flight;

9 (c) places or causes to be placed on an aircraft in service, by any
10 means whatsoever, a device or a substance which is likely to destroy that
11 aircraft, or causing damage to it which renders it incapable of flight, or
12 causing damage which is likely to endanger its safety in flight;

13 (d) destroys or damages air navigation facilities or interfering with
14 their operation, if any such act is likely to endanger the safety of the aircraft
15 in flight; or

16 (e) communicates information which the person knows to be false,
17 thereby endangering the safety of the aircraft in flight, commits an offence
18 under this Act and shall on conviction be liable to imprisonment for a term of
19 not less than twenty years.

20 (2) A person who threatens, with the aim of compelling the State or
21 a person to do or refrain from doing any act, to commit an offence provided
22 for under subsection (1)(a), (1)(b), or (1)(d) of this section, where the threat
23 is likely to endanger the safety of the aircraft, commits an offence under this
24 Act and shall on conviction be liable to imprisonment for a term of not less
25 than twenty years.

26 31.-(1) Any person who:

27 (a) commits an act of violence against a person at an airport serving
28 military or civil aviation which causes or is likely to cause serious injury or
29 death; or

30 (b) destroys or seriously damages the facilities of an airport serving

• Offences against
safety at airports
serving military
or civil aviation

1 military or civil aviation or aircraft not in service located thereon or disrupting
2 the services of the airport, using any device, substance or weapon, where such
3 acts are likely to endanger the safety at an airport serving military or civil
4 aviation; commits an offence under this Act and shall on conviction be liable to
5 imprisonment for a term of not less than twenty years.

6 (2) A person who threatens with the aim of compelling the State or a
7 person to do or refrain from doing any act, to commit any of the offences
8 provided for in subsection (1) of this section, if the threat is likely to endanger
9 the safety at an airport serving military or civil aviation, commits an offence
10 under this Act and shall on conviction be liable to imprisonment for a term of
11 not less than ten years.

Offences against
the safety of ships
or fixed platforms

12 32.-(1) Any person who:

13 (a) seizes or exercises control of a ship or a fixed platform by force,
14 threat or any other form of intimidation;

15 (b) commits an act of violence against a person on board a ship or a
16 fixed platform, if that act is likely to endanger the safety of the ship or fixed
17 platform;

18 (c) destroys a ship or causes damage to a ship or its cargo;

19 (d) places or causes to be placed on a ship, by any means whatsoever, a
20 device or substance likely to destroy or cause damage to the ship or its cargo;

21 (e) destroys a fixed platform or causes damage to it which is likely to
22 endanger its safety, or places or causes to be placed on a fixed platform, by any
23 means whatsoever, a device or substance likely to destroy that fixed platform
24 or to endanger its safety;

25 (f) destroys or damages maritime navigational facilities or interferes
26 with their operation, if any such act is likely to endanger the safe navigation of a
27 ship;

28 (g) communicates information which that person knows to be false,
29 thereby endangering the safe navigation of a ship; or

30 (h) injures any person in connection with the commission of any of

the offences provided for in paragraph (a) to (g) of this subsection, commits an offence under this Act and shall on conviction be liable to imprisonment for a term of not less than twenty years.

(2) Where death results from any of the offences provided for in subsection (1) of this section, the person shall on conviction be sentenced to death.

(3) A person who threatens, with the aim of compelling the State or a person to do or refrain from doing any act, to commit any of the offences provided for in subsection (1) (b), (c), (e) and (f) of this section, if the threat is likely to endanger the safe navigation of a ship or the safety of the fixed platform, commits an offence under this Act and shall on conviction be liable to imprisonment for a term of not less than ten years.

33.-(1) Any person who:

(a) uses against or on a ship or a fixed platform, or discharges from a ship or a fixed platform any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage;

Use and discharge of BCN weapons and other substances from a ship or fixed platform

(b) discharges, from a ship or fixed platform, oil, liquefied natural gas or other hazardous or noxious substance, which is not covered by paragraph (a) of this subsection, in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(c) uses a ship in a manner that causes death or serious injury or damage, where the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act; commits an offence under this Act and shall on conviction be liable to imprisonment for a term of not less than twenty years.

(2) A person who threatens to commit any of the acts provided under subsection (1) of this section, commits an offence under this Act and shall on conviction be liable to imprisonment for a term of not less than

1 twenty years.

Transportation
of BCN weapons
or other dangerous
substances on
board a ship

2 34.-(1) A person who transports:

3 (a) any explosive or radioactive material, knowing that it is intended
4 to be used:

5 (i) to cause death or grievous bodily harm or damage, or

6 (ii) in a threat to cause death or grievous bodily harm or damage, for
7 the purpose of intimidating a population, or compelling a government or an
8 international organization to do or to abstain from doing any act;

9 (b) any BCN weapon, knowing it to be a BCN weapon;

10 (c) any source of material, special fissionable material, or equipment
11 or material especially designed or prepared for the processing, use or
12 production of special fissionable material, knowing that it is intended to be
13 used in a nuclear explosive activity or in any other nuclear activity not under
14 safeguards agreement;

15 (d) any equipment, materials or software or related technology that
16 significantly contributes to the design, manufacture or delivery of a BCN
17 weapon, with the intention that it will be used for such purpose, commits an
18 offence under this Act and shall on conviction be liable to imprisonment for a
19 term of not less than twenty years.

20 (2) Any person who causes injury to a person in connection with the
21 perpetration of any of the offences provided for under subsection (1) of this
22 section, commits an offence under this Act and shall on conviction be liable to
23 imprisonment for a term of not less than twenty years.

Transportation
of persons intending
to commit offences
on board of ships

24 35. A person who transports another person on board a ship, knowing
25 that the person intends to commit an act that constitutes an offence under this
26 Act commits an offence under this Act and shall on conviction be liable to
27 imprisonment for a term of not less than twenty years.

Transportation
of certain offenders
on board ships

28 36. A person who transports another person on board a ship, knowing
29 that the person has committed an act that constitutes an offence under this Act
30 and intending to assist that person to evade criminal prosecution, commits an

1 offence under this Act and shall on conviction be liable to imprisonment for
2 a term of not less than ten years.

3 37.-(1) A person who delivers, places, discharges or detonates an
4 explosive or other lethal device into or against a place of public use, a State
5 or government facility, a transportation system or an infrastructure facility
6 with the intent to cause:

Offences with
explosives or
other lethal
devices

7 (a) death or grievous bodily harm; or

8 (b) extensive destruction of such a place, facility or system, where
9 such destruction results in, or is likely to result in, major economic loss,
10 commits an offence under this Act and shall on conviction be liable to
11 imprisonment for a term of not less than twenty years.

12 (2) Where death results from any of the offences provided for in
13 subsection (1) of this section, the person shall on conviction be sentenced to
14 death.

15 38.-(1) Any person who, without lawful authority, receives,
16 possesses, transfers, alters, or disposes radioactive, nuclear materials or
17 possesses a device:

Handling of
radioactive,
nuclear materials
or devices

18 (a) with the intent to cause death or grievous bodily harm; or
19 substantial damage to property or to the environment; or

20 (b) which causes or is likely to cause death or grievous bodily harm
21 to any person or substantial damage to property or to the environment,
22 commits an offence under this Act and shall on conviction be liable to
23 imprisonment for a term of not less than twenty years.

24 (2) Where death results from any of the offences provided for in
25 subsection (1) of this section, the person shall on conviction be sentenced to
26 death.

27 (3) Any person who commits:

28 (a) a theft or robbery of radioactive or nuclear material;

29 (b) an embezzlement or fraudulently obtains a radioactive or
30 nuclear material; or

1 (c) an act which constitutes the carrying, sending, or moving of
2 radioactive material into or out of Nigeria without lawful authority, commits an
3 offence under this Act and shall on conviction be liable to imprisonment for a
4 term of not less than twenty years.

5 (4) Any person who threatens to commit an offence set forth under
6 subsection (2) (a) of this section in order to compel a natural or legal person,
7 international organization or State to do or to refrain from doing any act,
8 commits an offence under this Act and shall on conviction be liable to
9 imprisonment for a term of not less than twenty years.

10 (5) Any person who demands radioactive /nuclear material or a
11 device by threat, or by use of force, or by any other form of intimidation,
12 commits an offence under this Act and shall on conviction be liable to
13 imprisonment for a term of not less than twenty years.

Use of radioactive
or nuclear material

14 39.-(1) Any person who, without lawful authority, uses or disperses in
15 any way radioactive /nuclear material or makes or uses a device:

16 (a) with the intent to cause:

17 (i) death or grievous bodily harm, or

18 (ii) substantial damage to property or the environment;

19 (b) to compel a natural or legal person, an international organization,
20 or a State to do or refrain from doing an act; or

21 (c) which causes or is likely to cause death or grievous bodily harm to
22 any person or substantial damage to property or to the environment, commits
23 an offence under this Act and shall on conviction be liable to imprisonment for
24 a term of not less than twenty years.

25 (2) Any person who threatens to commit an offence provided in
26 subsection (1) of this section, commits an offence under this Act and shall on
27 conviction be liable to imprisonment for a term of not less than twenty years.

Measures relating
to nuclear facilities

28 40.-(1) Any person who uses or damages a nuclear facility, interferes
29 with its operation, or commits any other act directed against a nuclear facility,
30 in a manner which releases or risks the release of radioactive material,

1 (a) with the intent to cause:
2 (i) death or serious bodily injury; or
3 (ii) substantial damage to property or to the environment;
4 (b) with knowledge that the act is likely to cause death or grievous
5 bodily harm to any person or substantial damage to property or to the
6 environment by exposure to radiation or release of radioactive substances
7 unless the act is undertaken in conformity with the existing laws and
8 regulations; or

9 (c) to compel a natural or legal person, an international
10 organization or a State to do or refrain from doing an act, commits an offence
11 under this Act and shall on conviction be liable to imprisonment for a term of
12 not less than twenty years.

13 (2) Any person who threatens to commit an offence set forth in
14 subsection (1) of this section, commits an offence under this Act and shall on
15 conviction be liable to imprisonment for a term of not less than twenty years.

16 (3) Any person who demands for a nuclear facility by threat, or by
17 use of force or by any other form of intimidation, commits an offence under
18 this Act and shall on conviction be liable to imprisonment for a term of not
19 less than ten years.

20 **41.** Any person who supplies, sells, or transfers, directly or
21 indirectly, to individuals placed on the Consolidated List, arms and related
22 materiel of all types including weapons and ammunition, military vehicles
23 and equipment, paramilitary equipment, and spare parts for the
24 aforementioned as well as technical advice, assistance, or training related to
25 military activities, whether this conduct is carried out within the territories
26 of Nigeria or by nationals of Nigeria abroad, or by anyone using flag vessels
27 or aircraft from Nigeria, commits an offence under this Act and shall on
28 conviction be liable to imprisonment for a term of not less than twenty years.

Arms embargo

29 **42.** Individuals placed on the Consolidated List shall not be
30 allowed entry into, or transit through, the territory of Nigeria, unless such

Travel ban

1 individuals are nationals of Nigeria.

2 PART V - DESIGNATION OF SPECIFIED ENTITIES AND

3 REVOCATION OF CHARITIES

Orders designating
certain entities to
be specified entities

4 43.-(1) Where the Attorney - General, based on intelligence provided
5 by or on the recommendation of the National Security Adviser, the State
6 Security Service or any other relevant Agency, has reasonable grounds to
7 suspect that an entity has knowingly committed, attempted to commit,
8 participated in committing, facilitated the commission of a terrorist act, or an
9 entity is knowingly acting on behalf of, at the direction of, or in association
10 with an entity referred to in section 44 of this Act, he may make an order under
11 subsection (2) of this section in respect of that entity .

12 (2) Where the Attorney - General is satisfied that there is evidence to
13 support the recommendation from the National Security Adviser, State
14 Security Service or any other relevant Agency under subsection (1) of this
15 section, he may by an order published in the Federal Gazette designate an entity
16 in respect of which the recommendation was made to be a specified entity.

17 (3) Within sixty days of the publication in the Gazette, a specified
18 entity may make an application in writing to the Attorney - General for the
19 revocation of an order made under subsection (2) of this section.

20 (4) Where an application is made under subsection (3) of this section,
21 the Attorney-General shall consult the National Security Adviser, State
22 Security Service or the relevant Agency that recommended the order on the
23 specified entity and shall decide:

24 (a) whether there are reasonable grounds for revocation, and where he
25 is satisfied that reasonable grounds exists, revoke the order and publish the
26 notice of revocation in the Federal Gazette; or

27 (b) decide that there are no reasonable grounds for revocation of the
28 order, and refuse the application.

29 (5) The Attorney-General shall within sixty days of receiving the
30 application referred to in subsection (4) of this section, inform the applicant of

1 any decision to revoke or not to revoke the order.

2 (6) A specified entity which is aggrieved by the decision of the
3 Attorney - General under this section may apply to the Court for a review of
4 that decision within a period of thirty days from the date of the decision.

5 44.-(1) Where two or more persons associate for the purpose of or
6 where an entity engages in: Proscription of
an entity

7 (a) participating or collaborating in an act of terrorism;

8 (b) promoting, encouraging or exhorting others to commit an act of
9 terrorism; or

10 (c) setting up or pursuing acts of terrorism, the Attorney-General
11 shall on the approval of the President, apply to a Judge in Chambers to
12 declare any entity to be a proscribed entity and the notice of the Proscription
13 Order shall be published in the Federal Gazette and in two widely circulated
14 national newspapers and at such other places as the Judge in Chambers may
15 determine.

16 (2) A publication made under subsection (1) of this section shall
17 contain such relevant particulars as the Judge in Chambers may specify.

18 (3) A person who belongs or professes to belong to a proscribed
19 entity commits an offence under this Act and is liable on conviction to
20 imprisonment for a term of not less than twenty years.

21 (4) It is a defence for a person charged under subsection (3) of this
22 section to prove that the entity was not involved in any form of terrorist acts
23 at the time the person charged became or began to profess to be a member of
24 the entity and that he has not taken part in the activities of the entity at any
25 time after it has been declared to be a proscribed entity.

26 (5) Without prejudice to the provisions of section 46 of this Act, the
27 Attorney-General may upon the approval of the President, apply to the
28 Court for the revocation of the Proscription order where:

29 (a) the proscribed entity affected by the order makes an application
30 to the Attorney-General to that effect; and

1 (b) he is satisfied that a proscribed entity has ceased to engage in the
2 acts specified in subsection (1) of this section.

3 (6) The revocation of the Proscription order under subsection (5) of
4 this section shall be published in the Federal Gazette.

Refusal of
application for
registration and
the revocation of
charities linked to
terrorist groups

5 **45.-(1)** The Registrar - General of the Corporate Affairs Commission
6 may sign a certificate refusing or revoking the registration of any charity:

7 (a) based on national security or criminal intelligence reports; or

8 (b) where there are reasonable grounds to believe that an applicant for
9 registration as a registered charity has made, is making or is likely to make
10 available any resources, directly or indirectly, to a terrorist group.

11 (2) A copy of the signed certificate under subsection (1) of this section
12 shall be served on the applicant or the registered charity at its registered office
13 address or by registered letter sent to its last known address.

14 (3) The certificate or any matter arising out of it shall not be subject to
15 review or be reinstated, set aside or otherwise dealt with, except in accordance
16 with the provisions subsection (4) of this section.

17 (4) The Registrar-General of the Corporate Affairs Commission may
18 authorise the withdrawal of a certificate refusing or revoking the registration of
19 any charity where:

20 (a) the promoters or the charity affected by the certificate makes an
21 application to the Registrar - General attaching the Court order under section
22 46 of this Act, approving the registration or relisting of the charity; and

23 (b) he is satisfied that the acts or circumstances specified in
24 subsection (1) of this section upon which the certificate was issued no longer
25 exist.

26 (6) The withdrawal of a certificate refusing or revoking the
27 registration of any charity under subsection (4) of this section shall be
28 published in the Federal Gazette.

Application for
judicial review

29 **46.-(1)** Within sixty days of receipt of a copy of the refusal to cancel a
30 Proscription order and notice of revocation of registration under section 45 of

1 this Act, or Notice of Revocation of Registration under section 44 of this
2 Act, the applicant or the registered charity may make an application to the
3 Court on Notice for a review.

4 (2) In consideration of the application under subsection (1) of this
5 section, the Court shall:

6 (a) examine the security, criminal or intelligence report at the
7 disposal of the Registrar-General of the Corporate Affairs Commission and
8 any evidence or information presented by or on behalf of the Attorney -
9 General;

10 (b) provide the applicant or registered charity with a reasonable
11 opportunity to be heard; and

12 (c) determine whether the Proscription or Revocation order or
13 certificate is reasonable on the basis of all the information available to the
14 Court;

15 (3) Where the Court determines that the revocation order or
16 certificate is not reasonable, the Court shall order the registration or relisting
17 of the charity or the vacation of the revocation order.

18 (4) Where the Court determines under subsection (2) of this section
19 that the revocation order or the certificate issued is reasonable or where no
20 application is brought within sixty days from the date of issuance of the
21 certificate and the decision to uphold the revocation order, the Registrar-
22 General of the Corporate Affairs Commission shall cause the certificate or
23 the revocation Order to be published in the Federal Gazette,

24 (5) A certificate determined to be reasonable or that is not objected
25 to within sixty days after its issuance shall be deemed for all purposes to be
26 sufficient grounds for the refusal of the application for registration of the
27 charity or the revocation of the registration of the charity referred to in the
28 certificate.

29 (6) Where the certificate under subsection (5) of this section is in
30 respect of a revocation, the Registrar-General of the Corporate Affairs

1 Commission shall publicize the names of the entity to the general public.

2 (7) The Attorney-General shall review all the Orders made under this
3 Part every twelve months to determine whether there are still reasonable
4 grounds, for any such Order to continue to apply to a specified entity,
5 proscribed entity or Charity, and if it is determined that there are no such
6 reasonable grounds, he shall inform the Security State Service or any relevant
7 Agency of the decision to revoke the Order in respect of the specified,
8 proscribed entity or Charities unless there is proof to warrant the continued
9 application of the Order.

Designation of
a terrorist or
terrorist group

10 47.-(1) The Attorney-General may, on the recommendation of the
11 State Security Service or a relevant Agency designate a person or group to be a
12 terrorist where it is reasonably suspected that the person or group:

13 (a) is or has been involved in the commission, preparation or
14 instigation of acts of terrorism;

15 (b) is a member of or belongs to a terrorist group or recognized as such
16 under the provisions of this Act; or

17 (c) has a link with a terrorist group and the State Security Service or a
18 relevant Agency reasonably believes that the person or group is a risk to
19 national security;

20 (2) The Attorney- General may, on the recommendation of the State
21 Security Service, a relevant Agency or based on information provided by the
22 Minister of Foreign Affairs designate a person or group to be an international
23 terrorist or terrorist group where the person or group is:

24 (a) subject to the control or influence of persons outside Nigeria, and
25 it is reasonably suspected that the person or group is involved in the
26 commission, preparation or instigation of acts of international terrorism;

27 (b) listed as a person, group or entity involved in international terrorist
28 acts in any Resolution of the United Nations Security Council or any instrument
29 of the African Union or the Economic Community of West African States; or

30 (c) considered as a person, group or entity involved in international

1 terrorist acts by the competent authority of a foreign State or organisation.

2 (3) Where the Attorney-General makes a declaration under this
3 section, the State Security Service and the relevant Agencies shall take
4 necessary steps to apprehend and prosecute the terrorist or proscribe the
5 terrorists group in accordance with the provisions of this Act.

6 (4) Where a person designated as a terrorist under this section is a
7 citizen of Nigeria other than by birth and a citizen of any other country or
8 State, such a person may be deprived of his Nigerian citizenship in
9 accordance with the provisions of the Constitution of the Federal Republic
10 of Nigeria.

11 48. Any declaration made under sections 43 and 47 of this Act shall
12 be published by the Attorney-General in the Federal Gazette. Publication of
declarations

13 PART VI - NIGERIA SANCTIONS COMMITTEE

14 49. There shall be constituted by the Attorney-General with the Constitution of
the Nigeria
Sanctions
Committee
15 approval of the President, the Nigeria Sanctions Committee (the
16 Committee") which shall comprise of:

- 17 (a) Attorney-General as Chairman,
18 (b) Minister of Finance,
19 (c) Minister of Foreign Affairs,
20 (d) Minister of Interior;
21 (e) National Security Adviser,
22 (f) Director-General, State Security Service,
23 (g) Governor Central Bank of Nigeria,
24 (h) Inspector-General of Police, and
25 (i) Director-General, Nigerian Intelligence Agency;
26 (j) a representative of the Chief of Defence Staff,
27 (k) Director, Nigeria Financial Intelligence Unit as Secretary; and
28 (l) any other relevant person or institution that the President may
29 incorporate into the Committee, from time to time.

30 50. The Committee shall formulate and provide general policy

Functions and
powers of the
Nigeria Sanctions
Committee

Proceedings of
the Committee

1 guidelines on designation and advice on the effective implementation of the
2 United Nations Security Council Resolutions, and allied instruments of the
3 African Union and the Economic Community of West African States.

4 51.-(1) The Nigeria Sanctions Committee shall meet at least twice in a
5 year and any other time the Committee is summoned by the Attorney - General.

6 (2) The Nigeria Sanctions Committee shall, prepare and submit to the
7 President and the National Assembly a report on its activities during the
8 preceding year, not later than 31st day of September in each year.

9 PART VII - RESPONSIBILITIES OF AIRLINES, COMMERCIAL CARRIERS, TOUR
10 OPERATORS AND TRAVEL AGENTS

Responsibilities
of Airlines,
commercial
carriers, tour
operators and
travel agents

11 52.-(1) Every airline operator, sea vessel operator, commercial
12 carrier, tour operator and travel agent is under obligation not to aid and abet,
13 facilitate and promote terrorist activities.

14 (2) Every airline operator, sea vessel operator, commercial carrier,
15 tour operator and travel agent shall notify its clients of its obligation under
16 subsection (1) of this section.

17 (3) Every airline operator, sea vessel operator, commercial carrier,
18 tour operator and travel agent is required to:

19 (a) insert in contracts with corresponding suppliers in destination
20 countries, clauses requiring the suppliers to comply with the obligations stated
21 in subsections (1) and (2) of this section;

22 (b) refrain from utilizing messages on printed materials, video or the
23 internet that could suggest or allude to behaviour incompatible with the
24 objectives of this Act;

25 (c) inform their staff of their obligations under this Act; and

26 (d) include clauses regarding their obligations under this Act in their
27 conditions of service.

28 (4) The operator of an aircraft or master of a vessel departing from
29 Nigeria or registered in Nigeria but departing from any point outside Nigeria
30 shall, subject to regulations made pursuant to this Act, provide to the:

(a) State Security Service or relevant Agencies any information in his possession, relating to persons on board or expected to be on board the aircraft or vessel as the case may be; or

(b) competent authority in a foreign State any information in his possession relating to persons on board or expected to be on board the aircraft or vessel as the case may be.

(5) Every airline operator, sea vessel operator, commercial carrier, tour operator and travel agent who fails to comply with the provisions of this Act or violates the provisions of this section commits an offence and in addition to any other penalty provided in this Act shall be liable on conviction to a fine of not less than ten million Naira or the forfeiture of the vessel or aircraft belonging to the entity to any fund or agency established under any law for the recovery of proceeds of crime, or both.

PART VIII - INVESTIGATION AND PROSECUTION

53.-(1) An authorised Officer of the State Security Service or a relevant Agency may apply ex-parte to the Court for the issuance of a warrant for the purposes of a terrorist investigation.

Issuance of
warrant for
terrorist
investigation

(2) The Court may issue a warrant authorizing an officer of the State Security Service or any relevant Agency to:

(a) enter the premises or conveyance specified or described in the warrant;

(b) search the premises or conveyance and any person found therein; and

(c) seize and detain any relevant material found therein.

(3) The Court shall not issue a warrant under subsection (2) of this section unless the Court is satisfied that:

(a) the warrant is sought to prevent the commission of an offence or to prevent interference in an investigation under this Act;

(b) the warrant is required for the purposes of a terrorist investigation;

1 (c) there are reasonable grounds for believing that there is a person or
2 material on the premises or conveyance which may be relevant to the terrorist
3 investigation; or

4 (d) the person being sought is preparing or about to commit an offence
5 under this Act.

6 (4) Where a seizure is effected in the course of search or investigation
7 under this section, a copy of the list of all the articles, documents and other
8 materials seized shall be made, duly endorsed and handed to the:

9 (a) person on whom the search is made; or

10 (b) owner of the premises, place or conveyance searched.

Investigation
and search
without Warrant

11 54.-(1) Where in a case of verifiable urgency or a life is threatened, or
12 to prevent the commission of an offence provided under this Act, and an
13 application to the court or to a Judge in Chambers to obtain a warrant would
14 cause delay that may be prejudicial to the maintenance of public safety or order,
15 an Officer of the State Security Service or a relevant Agency may without
16 prejudice to the provisions of section 53 of this Act or any other law, with the
17 assistance of other officers as may be necessary and while search warrant is
18 being sought for:

19 (a) enter and search any premises, place or conveyance if he has
20 reason to suspect that, within those premises, place or conveyance:

21 (i) an offence under this Act is being committed or likely to be
22 committed;

23 (ii) there is evidence of the commission of an offence under this Act;

24 (iii) there is an urgent need to prevent the commission of an offence
25 under this Act.

26 (b) search any person or conveyance found on any premises or place
27 which such officer is empowered to enter and search under paragraph (a) of this
28 subsection;

29 (c) stop, board and search any conveyance where the authorised
30 officers of the State Security Service or relevant Agency has reasons to suspect

1 that there is evidence of the commission or likelihood of the commission of
2 an offence under this Act;

3 (d) seize, remove and detain anything which is, or contains or
4 appears to him to be or to contain or to be likely to contain, evidence of the
5 commission of an offence under this Act; or

6 (e) arrest, search and detain any person whom the officer
7 reasonably suspects to have committed or likely to commit an offence under
8 this Act.

9 (2) Where a seizure is effected in the course of search or
10 investigation under this section, a copy of the list of all the articles,
11 documents and other materials seized shall be made, duly endorsed and
12 handed to the:

13 (a) person on whom the search is made; or

14 (b) owner of the premises, place or conveyance searched.

15 (3) Notwithstanding the provisions of subsection (1) of this
16 section, a woman shall only be searched by a woman.

17 (4) Any authorized officer of the State Security Service or relevant
18 Agency who uses such force as may be necessary and proportionate for any
19 purpose in accordance with this Act, shall not be liable in any criminal or
20 civil proceedings, for having, by the use of reasonable force caused injury or
21 death to any person or damage to or loss of any property.

22 (5) The State Security Service or other relevant Agency exercising
23 the powers conferred by this section shall, within ninety days, provide a
24 detailed report to the Attorney- General of the Federation, on the exercise of
25 the powers, describing the urgency or life threatening situation that
26 necessitated the exercise of the powers with justification on why obtaining a
27 warrant would have caused delay that may be prejudicial to the maintenance
28 of public safety or order.

29 55.-(1) An authorized officer of the State Security Service or
30 relevant Agency shall take and record, for the purpose of identification and

Recording,
measurements,
samples, photographs
or fingerprint
impressions during
investigations

1 evidence, the measurements, samples, photographs and fingerprint
2 impressions of all persons who may, from time to time, be in lawful custody for
3 any offence under this Act.

4 (2) A person who refuses to submit to the taking and recording of his
5 measurements, photographs or fingerprint impressions shall be taken before
6 the court and where the court is satisfied that such a person is in lawful custody,
7 it shall make such Order as it deems fit authorising the State Security Service,
8 its duly authorized officers or any enforcement or security officer to take
9 measurements, photographs and fingerprint impressions of such a person.

Detention for
offences related
to terrorism

10 56.-(1) Notwithstanding provisions in any other law, the Court may,
11 pursuant to an ex-parte application, grant an, Order for the detention of a
12 suspect under this Act for a period not exceeding sixty days subject to renewal
13 for a similar period until the conclusion of the investigation and prosecution of
14 the matter that led to the arrest and detention is dispensed with provided that in
15 the case of renewal, the State Security Service or relevant Agency shall involve
16 the Attorney - General.

17 (2) A person found on any premises or place or in any conveyance
18 may be detained by the relevant law enforcement or security officer until the
19 completion of the search or investigation under the provisions of this Act.

20 (3) An authorized officer of the State Security Service or relevant
21 Agency may use such force as may be "necessary and proportionate for the
22 exercise of the powers conferred by subsection (2) of this section.

Access to a
detained person
pending conclusion
of terrorist
investigation

23 57.-(1) Where a person is arrested under reasonable suspicion of
24 having committed any offence under this Act, the State Security Service or a
25 relevant Agency may direct that the person arrested be detained in custody for a
26 period not exceeding twenty-four or forty-eight hours from his arrest, as the
27 case may be, without having access to:

28 (a) any person other than a medical officer of the State Security
29 Service or a relevant Agency and a government appointed lawyer; or

30 (b) any phone or communication gadget.

(2) A direction under subsection (1) of this section shall not be issued unless the State Security Service or a relevant Agency believe that giving access to any person, other than the medical officer or a government appointed lawyer as specified in that subsection shall:

(a) lead to interference with or destruction of the evidence connected with an offence under this Act or to interference with or physical injury to other persons;

(b) lead to alerting of other persons suspected of having committed an offence under this Act or any other law but who are not yet arrested; or

(c) hinder the tracking, search and seizure of terrorist property.

(3) As soon as a direction is issued under subsection (1) of this section, the person detained shall be informed that he may, if he so wishes, be examined by a medical officer or speak to a government appointed lawyer.

(4) Where a person arrested under this Act is granted a bail within the sixty days detention period stipulated under section 56 of this Act by a court, the court may make such orders as may be necessary for the purpose of enabling the State Security Service or relevant Agency to monitor his movement and activities including an order that he be placed under a house arrest.

(5) A person under house arrest pursuant to the provisions of subsection (4) of this section shall:

(a) be monitored by State Security Service officers or the officers of the relevant Agency; and

(b) have no access to phones or communication gadgets.;

58.-(1) Without prejudice to any other law, the State Security Service or a relevant Agency with the approval of the Attorney-General may, for the purpose of the prevention of terrorist acts or to enhance the detection of offences related to the preparation of a terrorist act or the prosecution of offenders under this Act, apply ex-parte to a Judge in

Interception of
communications
order

1 chambers for an "interception of communication order".

2 (2) A Judge to whom an application is made under subsection (1) of
3 this section may make an order to:

4 (a) require a communication service provider to intercept and retain a
5 specified communication or communications of a specified description
6 received or transmitted or about to be received or transmitted by that
7 communication service provider including the call record data or metadata;

8 (b) authorize, the State Security Service or a relevant Agency to enter
9 any premises and to install in such premises, any device for the interception and
10 retention of a communication or communications of specified description and
11 to remove and retain such a device for the purpose of intelligence gathering; or

12 (c) authorize the State Security Service or a relevant Agency to
13 execute covert operation in relation to an identified or suspected terrorist group
14 or persons for the purpose of gathering intelligence

15 (3) An order under this section shall specify the maximum period for
16 which a communication service provider may be required to retain
17 communications data to which the order relates, subject to renewal.

18 (4) Any information contained in a communication:

19 (a) intercepted and retained pursuant to an order under subsection (3)
20 of this section; or

21 (b) intercepted and retained in a foreign State in accordance with the
22 law of that foreign State and certified by a Judge of that foreign State to have
23 been so intercepted and retained; shall be admissible in proceedings for an
24 offence under this Act, as evidence of the truth of its content.

25 (5) In this section:

26 "communications service provider" means a person who provides postal,
27 information or communication services, including the transmission or
28 reception of communications and other telecommunications services;

29 "data" means information generated, sent, received or stored that can be
30 retrieved by electronic, magnetic, optical or any similar means; and

1 "metadata" means data that provides information about other data.

2 59.-(1) The State Security Service or a relevant Agency may issue a Detention of
3 detention order in respect of a conveyance, if it is of the opinion that: a conveyance

4 (a) a threat has been made to commit an act of violence against the
5 conveyance or against any person or property on board the conveyance;

6 (b) the conveyance is used or intended to be used to commit an
7 offence under this Act, or

8 (c) an act of violence is likely to be committed against the
9 conveyance, or against any person or property on board the conveyance.

10 (2) Where the operator of a conveyance fails to comply with a
11 detention order under subsection (1) of this section, any authorised officer of
12 the State Security Service or a relevant Agency may:

13 (a) enter or authorise any other person to enter the conveyance; or

14 (b) arrange for a person or thing to be removed from the
15 conveyance.

16 (3) The authorised officer of the State Security Service or a
17 relevant agency shall give written notice to the operator of the conveyance
18 of any detention order issued under this section.

19 (4) Where the operator of a conveyance objects to a detention order
20 made pursuant to this section, the operator may apply to the court, and the
21 court may after considering the application, confirm, vary or cancel the
22 order.

23 (5) Any person who:

24 (a) without reasonable excuse, fails to comply with the
25 requirement of a detention order; or

26 (b) intentionally obstructs or hinders any person acting in
27 accordance with subsection (2) of this section, commits an offence under
28 this Act and shall be liable on conviction to imprisonment for a term of not
29 less than five years.

30 60.-(1) A video recording shall be made and kept in respect of any

Video recording
and custody of
records

1 person, conveyance or property detained under any provision of this Act as
2 may be required by the State Security Service or a relevant Agency.

3 (2) Records in respect of any person, conveyance or property detained
4 under any provision of this Act shall be kept in the custody of the State Security
5 Service or a relevant Agency.

6 (3) A video recording and other forms of electronic evidence shall be
7 admissible in evidence before any court of competent jurisdiction in Nigeria
8 for offences under this Act subject to the provisions of the Evidence Act.

9 (4) In this section, "video recording" includes the recording of visual
10 images sound by electronic or other technological means.

Evidence by
certificate

11 61. Where in any proceedings for an offence under this Act, a question
12 arises as to whether anything or substance is a weapon, a hazardous,
13 radioactive or harmful substance, a toxic chemical or microbial or other
14 biological agent or toxin, a certificate purporting to be signed by an appropriate
15 authority to the effect that the thing or substance described in the certificate is a
16 weapon, hazardous, radioactive or harmful substance, a toxic chemical or
17 microbial or other biological agent or toxin, shall be admissible in evidence
18 without proof of the signature of the person appearing to have signed it and
19 shall, in the absence of evidence to the contrary, be proof of the facts stated in
20 the certificate.

Protection of
informants and
information

21 62. Where a person voluntarily provides to the State Security Service
22 or a relevant Agency any information that may be useful in the investigation or
23 prosecution of an offence under this Act, the State Security Service or a
24 relevant Agency shall take all reasonable measures to protect the identity and
25 life of that person and the information so provided shall be treated as
26 confidential.

Protection of
persons and
witnesses

27 63.-(1) The court may on its own, or on an application or motion by
28 the Attorney-General or the State Security Service or a relevant Agency,
29 protect a witness or any person in any proceeding before it where it is satisfied
30 that the life of the person or witness is in danger and take such measures as it

1 deems fit to keep the identity and address of the witness or person secret.

2 (2) The measures which the court may take under subsection (1) of
3 this section may include the:

4 (a) holding of the proceeding at a place to be decided by the court;

5 (b) avoidance of the mention of the real name and address of the
6 witness or person in its orders, judgments or records of the case, which are
7 accessible to the public;

8 (c) issuing of a direction for ensuring that the identity and address
9 of the witness or person are not disclosed; and

10 (d) undertaking the proceeding in camera in order to protect the
11 identity and location of witnesses and other persons.

12 (3) The court may also decide, in the public interest and national
13 security that:

14 (a) all or any of the proceedings pending before the court shall not
15 be published in any manner; and

16 (b) the proceedings shall be adjourned and the accused persons
17 detained pending when the Attorney-General, State Security Service or a
18 relevant Agency is able to guarantee the safety of the witnesses and other
19 persons involved in the matter.

20 (4) The court may, on an application by or on behalf of the State
21 Security Service or a relevant Agency, in the interest of public safety or
22 order, exclude from proceedings for any offence under this Act any person
23 other than the parties and their legal representatives.

24 (5) The Court may on application of the Attorney-General, reduce
25 the penalty imposed on a person convicted of an offence in such manner as
26 the Court deems fit where that person has:

27 (a) before any proceeding, made possible or facilitated the
28 identification of other accused persons and their sponsors; or

29 (b) after the commencement of the proceedings, made possible or
30 facilitated the arrest of the persons and their sponsors mentioned in

1 paragraph (a) of this subsection.

2 (6) A person who contravenes an order or direction made under this
3 section commits an offence and shall be liable on conviction to imprisonment
4 for a term of not less than five years.

Power to prosecute

5 **64.** The Attorney-General shall institute and undertake criminal
6 proceedings against any person in respect of offences committed under this Act
7 or any law or regulation relating to counter - terrorism.

Power to declare
a State of
Emergency

8 **65.**-(1) Subject to the provisions of the Constitution of the Federal
9 Republic of Nigeria, 1999 (as amended), the President may in accordance with
10 the advice of the Federal Executive Council, by proclamation published in the
11 Official Gazette, declare that a state of emergency in Nigeria or in any part of
12 Nigeria as part of anti - terrorism measures.

13 (2) On the declaration of a state of emergency under subsection (1) of
14 this section, the President may take such measures as he considers necessary
15 and justifiable for the purpose of dealing with the situation that exists during
16 the period that the state of emergency is in force.

17 PART IX - JURISDICTION

Jurisdiction to
try offences under
this Act

18 **66.**-(1) The Federal High Court, in this Part referred to as "the Court"
19 located in any part of Nigeria regardless of the location where the offence is
20 committed shall have jurisdiction to:

21 (a) try offences under this Act or any other related enactment;

22 (b) hear and determine proceedings arising under this Act; whether or
23 not the offence was commenced in Nigeria and completed outside Nigeria and
24 the victim or the alleged offender is:

25 (i) in Nigeria,

26 (ii) on a ship or aircraft registered in Nigeria;

27 (iii) dealing with or on behalf of the Government of Nigeria, or a
28 citizen of Nigeria or an entity registered in Nigeria, or

29 (iv) outside Nigeria,;

30 (a) where the victim of the offence is a citizen or resident of Nigeria,

1 (b) where the alleged offender is in Nigeria and not extradited to
2 any other country for prosecution, or

3 (c) by a Nigerian, if the person's conduct would also constitute an
4 offence under a law of the country where the offence was committed.

5 (2) The Federal High Court shall have jurisdiction to impose any
6 penalty provided for an offence under this Act or any other related law.

7 (3) In any trial for an offence under this Act, the Court may,
8 notwithstanding anything to the contrary in any other enactment, adopt all
9 legal measures necessary to avoid unnecessary delays and abuse in the
10 conduct of matters.

11 (4) Subject to the provisions of the Constitution of the Federal
12 Republic of Nigeria, an application for stay of proceedings or for an
13 interlocutory injunction in respect of any matter brought under this Act shall
14 not be entertained by the court but shall be stayed until judgment in the
15 matter is delivered by the court.

16 (5) Whenever any person is convicted of an offence under this Act,
17 the court in passing sentence shall in addition to any punishment which the
18 Court may impose in respect of the offence, order the forfeiture of any:

19 (a) terrorist fund with any accrued or accruing interest thereon;

20 (b) terrorist property;

21 (c) article, substance, device or material by means of which the
22 offence was committed; or

23 (d) conveyance used in the commission of the offence; which is
24 reasonably believed to have been used in the commission of the offence or
25 for the purpose of or in connection with the commission of the offence and
26 which may have been seized under this Act or is in the possession or custody
27 or under the control of the convicted person; to the Federal Government of
28 Nigeria.

29 (6) In any trial for an offence under this Act, the fact that an accused
30 person is in possession of terrorist property, devices or instruments or deadly

1 weapons or nuclear or biological weapons for which he cannot satisfactorily
2 account for, may be proved and taken into consideration by the Court as
3 corroborating the testimony of any witness in the trial.

4 PART X - SEIZURE AND FORFEITURE OF TERRORIST PROPERTY

5 OR FUNDS

Property tracing

6 67.-(1) Where the State Security Service or a relevant Agency has
7 reasonable grounds to suspect that a person has committed, is committing or is
8 likely to commit an act of terrorism or is in possession of terrorist property, it
9 may, for the purposes of an investigation under this Act, with the approval of
10 the Attorney-General, apply ex-parte to the Court or a Judge in Chambers for
11 an order:

12 (a) compelling the 'suspect to deliver to the State Security Service or a
13 relevant Agency any document relevant to identifying, locating or quantifying
14 any property belonging to or in the possession or control of that person;

15 (b) requiring a financial institution or designated non-financial
16 institution to produce or deliver to the State Security Service or a relevant
17 Agency all information and documents regarding any business transaction
18 conducted by or on behalf of the suspect; or

19 (c) requiring a telecommunications operator, communications
20 service provider or other institution to produce or deliver to the State Security
21 Service or a relevant Agency all information, logs and documents relevant for
22 identifying, locating, tracing or intercepting any communications or
23 equipment belonging to or in the possession or control of the suspect.

24 (2) Where a person fails to comply with, delays or is otherwise
25 obstructing the execution of an order made under subsection (1) of this section,
26 the Court may, upon information or affidavit sworn to that effect by the State
27 Security Service or a relevant Agency, authorise the State Security Service or a
28 relevant Agency to enter into any premises, including that of a financial
29 institution, a telecommunications operator or communications service

1 provider, to search and remove any document for the purpose of executing
2 such order.

3 68.-(1) Where a person is arrested for committing an offence under
4 this Act, it shall be obligatory for the person to make full disclosure of all his
5 assets and properties by completing the Declaration of Assets Form as
6 specified in Form 1 of the Schedule to this Act.

Disclosure of
assets and
property by an
arrested person

7 (2) The disclosures made in the Declaration of Assets Form shall be
8 investigated by the State Security Service or a relevant Agency.

9 (3) Any person who:

10 (a) knowingly fails to make full disclosure of his assets and
11 liabilities;

12 (b) knowingly makes a declaration that is false; or

13 (c) fails, neglects or refuses to make a declaration or furnish any
14 information required, in the Declaration of Assets Form, commits an offence
15 and is liable on conviction to imprisonment for a term of two years.

16 (4) In all terrorist investigations, regardless of whether the terrorist
17 act has been completed or not, the State Security Service or a relevant
18 Agency shall request from the Nigerian Financial Intelligence Centre
19 ("Centre") in writing, any information that may assist in the tracing of all
20 funds or properties in or outside Nigeria that may be directly or indirectly
21 linked to a suspected terrorist or terrorist group.

22 69.-(1) The State Security Service or a relevant Agency shall seize
23 terrorist fund or property where it has reasonable grounds to suspect that the
24 fund or property:

Seizure of terrorist
fund or property

25 (a) is intended to be used for the purposes of terrorism;

26 (b) belongs to or is held in trust for a terrorist group or specified
27 entity; or

28 (c) is or represents property or part of property obtained through
29 acts directly or indirectly linked to terrorism.

30 (2) The State Security Service or a relevant Agency may seize

1 terrorist fund or property where:

2 (a) the seizure is incidental to an arrest or search; or

3 (b) the fund or property is liable to forfeiture upon an order made by
4 the Court following an application by the State Security Service or a relevant
5 Agency.

6 (3) The State Security Service or a relevant Agency may in the interest
7 of public order, defence and national security, exercise its powers under
8 subsection (1) of this section, whether or not any proceeding has been brought
9 for an offence in connection with a terrorist fund or property.

10 (4) A Judge in Chambers or a Court shall not make a detention or
11 attachment order of any terrorist fund or property seized in accordance with the
12 provisions of this section unless the Court is satisfied that reasonable grounds
13 exist for suspecting that the terrorist fund or property:

14 (a) is derived from an act of terrorism or is being used or is intended to
15 be used for the purposes of terrorism;

16 (b) consists of resources of a terrorist, terrorist group or specified
17 entity;

18 (c) is or represents property or part of a property obtained directly or
19 indirectly through terrorist activities; or

20 (d) has given every person appearing to have an interest in the
21 property a reasonable opportunity of being heard.

22 (5) Subject to subsection (7) of this section, any order made under
23 subsection (4) of this section shall remain valid for a period of ninety days and
24 may be renewed for a further period of ninety days or until the production of the
25 terrorist fund before the court.

26 (6) The terrorist fund or the proceeds from the terrorist property
27 seized under this section shall be deposited by the State Security Service or a
28 relevant Agency in an interest-bearing account.

29 (7) The terrorist fund with the interest may be released to the owner by
30 an order of the Court or a Judge in Chambers where proceedings are not

1 brought in connection with the terrorist fund seized.

2 (8) Whenever property is seized under any of the provisions of this
3 Act, the State Security Service or a relevant Agency may:

4 (a) place the property under seal;

5 (b) auction the property and pay the proceeds into an interest
6 yielding account pending the determination of the matter with the leave of
7 the Court; or

8 (c) remove the property to a place designated by the State Security
9 Service or a relevant agency.

10 (9) Property taken or detained under this section shall be deemed to
11 be in the custody of the State Security Service or a relevant Agency subject
12 only to the order of the court.

13 70.-(1) Where a person is charged or about to be charged with an
14 offence under this Act, the State Security Service or a relevant Agency may
15 apply to the Court or to a Judge in Chambers for a detention or attachment
16 order of all frozen funds and seized property belonging to or held on behalf
17 of the suspect.

Order of the
Court relating
to seized property

18 (2) An order made under subsection (1) of this section may:

19 (a) prohibit a person from making money or property available to
20 or for the benefit of the suspect, except in cases of critical need including
21 reasonable subsistence expenses;

22 (b) authorize the State Security Service or a relevant Agency to
23 make money or other property available to such person on such conditions
24 as may be specified in the order;

25 (c) authorize the State Security Service or a relevant Agency to
26 auction the property through the office of the Attorney - General and pay
27 same into an interest yielding account especially where the property in
28 question is perishable or is likely to perish or in imminent danger of
29 perishing or being destroyed;

30 (d) require the suspect to provide such information or produce such

1 document as may be required or necessary for an investigation under this Act;
2 or

3 (e) include such other conditions as the Court or Judge in Chambers
4 may impose.

5 (3) The Court or Judge in Chambers may, on an application made to it
6 by the Attorney-General or on the advice of the Attorney - General, appoint an
7 official receiver or any other suitable person to auction or manage the property
8 of the suspect during the period of operation of an order made under this
9 section.

10 (4) An order made under this section shall remain in force and shall be
11 published in two widely read daily newspapers until the determination of any
12 charge or intended charge under subsection (1) of this section and, in the event
13 of a conviction, until an order for forfeiture is made by the court or proceedings
14 relating thereto are concluded.

15 (5) Where an order made under this section ceases to have effect, the
16 State Security Service or a relevant Agency shall cause notice of that fact to be
17 published in the Federal Gazette and in two widely read daily newspapers
18 within sixty days.

19 (6) The State Security Service or a relevant Agency shall:

20 (a) cause notice of an order or Declaration made under this section to
21 be published in the Federal Gazette and in two widely read daily newspapers;
22 and

23 (b) give notice of the order or Declaration to:

24 (i) financial institutions and designated non-financial institutions; or
25 (ii) any other person who may hold or be vested with property
26 belonging to or held on behalf of the suspect or convicted person.

27 (8) Any payment, transfer, pledge or other disposition of property
28 made in contravention of an order or Declaration made under this section shall
29 be void.

30 (9) Property forfeited to the Federal Government shall vest in the

1 Federal Government:

2 (a) if no appeal has been made against the order, at the end of the
3 period within which an appeal may be made against the order; and

4 (b) if an appeal has been made against the order, on the final
5 determination of the appeal where the appeal is decided in favour of the
6 Federal Government.

7 (10) In this section, "critical need" means serious life - threatening
8 need

9 71.-(1) Notwithstanding anything contained in any other
10 enactment, where any person is arrested or under investigation for an
11 offence under this Act or in any other circumstance whether or not
12 connected to an arrest or investigation, the Director - General of the State
13 Security Service or head of a relevant Agency or their authorized
14 representative, if satisfied that the fund in the account of an arrested person
15 is made through the commission of an offence, or the fund in any account is
16 reasonably suspected to be made through the commission of an offence or
17 destined to be used for the commission of an offence under this Act, may
18 apply to the Court ex-parte for an order authorizing the State Security
19 Service or a relevant agency to issue an order as specified in Form 2 of the
20 Schedule to this Act, addressed to the manager of the bank or any person in
21 control of the financial institution where the account is or believed to be or
22 the head office of the bank or other financial institution; to freeze the
23 account.

Freezing order
on banks or other
financial institutions

24 (2) The Director-General, State Security Service or head of a
25 relevant Agency may by an order issued under subsection (1) of this section,
26 or by any subsequent order, direct the bank or other financial institution to
27 supply any information and produce books and documents relating to the
28 account and to stop all outward payments, operations or transactions
29 (including any bill of exchange) in respect of the account of the arrested
30 person or a person under investigation.

1 (3) The manager or any other person in control of the Bank or a
2 financial institution shall take necessary steps to comply with the requirements
3 of the order made pursuant to subsection (1) and (2) of this section.

Confiscated and
Forfeited Assets
Account

4 72. All forfeited funds, and funds realized from the proceeds of sale,
5 management or other forms of disposal of seized, attached and forfeited assets
6 under this Act and vested in the Federal Government shall be paid into the
7 Confiscated and Forfeited Assets Account established under the Proceeds of
8 Crimes Act.

9 PART XI - OBLIGATIONS OF FINANCIAL AND DESIGNATED NON -
10 FINANCIAL INSTITUTIONS

Obligation to
develop counter-
financing of
terrorism
programmes and
strategies

11 73.-(1) Subject to the provisions of the Money Laundering
12 (Prohibition) Act, all financial institutions and designated non-financial
13 institutions shall:

14 (a) develop and implement programmes and strategies for combating
15 the financing of terrorism; and

16 (b) keep a record of any complex, unusual large and unusual pattern of
17 transaction which has no apparent economic or visible lawful source or
18 purpose.

19 (2) A report detailing all the parties involved in such transactions shall
20 be kept and made available on request by the State Security Service or a
21 relevant Agency.

Obligation to
report suspicious
transactions
relating to
terrorism

22 74.-(1) Subject to the provisions of the Money Laundering
23 (Prohibition) Act, A financial institution or designated non - financial
24 institution shall, within forty-eight hours, forward reports of suspicious
25 transactions relating to terrorism or terrorism financing to the Nigerian
26 Financial Intelligence Centre which shall immediately process and forward the
27 information to the State Security Service or relevant Agency where there are
28 sufficient reasons to suspect that the funds:

29 (a) are derived from legal or illegal sources but are intended to be used
30 for an act of terrorism or terrorism financing;

1 (b) are proceeds of a crime related to terrorism or terrorism
2 financing;

3 (c) belong to a person, entity or organisation considered as
4 terrorists.

5 (2) A financial institution or a designated non - financial institution
6 shall not be liable for violation of the confidentiality rules for any lawful
7 action taken in furtherance of its obligations under subsection (1) of this
8 section.

9 (3) A breach of the provision of this section is an offence under this
10 Act and is punishable on conviction:

11 (a) in the case of a director, chief compliance officers, or other
12 employees, with a fine of not less than five million Naira or a term of
13 imprisonment of not more than five years or to both; and

14 (b) in the case of a financial or non - financial institution, to a fine of
15 not less than ten million Naira and one million Naira for every day the
16 offence persists, or the withdrawal of license or forfeiture of assets of the
17 institution, or to all the above prescribed penalties.

18 (4) The officer responsible for this breach may also be referred by
19 the Nigerian Financial Intelligence Centre to the appropriate regulatory or
20 professional body for disciplinary action, including withdrawal of
21 certificates and debarment from practicing his or her profession for a period
22 of not less than five years.

23 (5) Where a breach of the provision of sub-section (1) of this
24 section occurs and it is shown that the breach was not intentional, and that
25 adequate measures were put in place by the financial institution or the
26 designated non-financial institution to prevent the breach from occurring,
27 the Nigerian Financial Intelligence Centre in consultation with the regulator
28 or the Self-Regulatory Organisation responsible for the financial or
29 designated non - financial institution shall impose such administrative
30 sanctions as it may deem necessary.

1 (6) The Nigerian Financial Intelligence Centre and the Regulator or
2 the Self-Regulatory Organisation shall publish the list of individuals and
3 institutions penalized on their website and in any other form of publication as
4 considered appropriate.

5 PART XII - MUTUAL LEGAL ASSISTANCE, EXCHANGE OF
6 INFORMATION AND EXTRADITION

Requests from
foreign States

7 75.-(1) A foreign State may make a request to the Attorney-General
8 for assistance in the investigation and prosecution of offences relating to
9 terrorism.

10 (2) A copy of such request shall be furnished to the National Security
11 Adviser, the State Security Service or to any other relevant enforcement,
12 intelligence and security Agency by the Attorney - General.

13 (3) Where a foreign State makes a request for assistance in the
14 investigation or prosecution of an offence relating to terrorism, or extradition
15 where there is mutual legal assistance treaty in force, the Attorney - General
16 may after due consideration:

- 17 (a) execute the request; or
18 (b) inform the requesting State of any reason for:
19 (i) not executing the request; or
20 (ii) delaying the execution of the request.

21 (4) Where the Attorney-General decides to execute a request for
22 assistance under subsection (1) of this section, he may apply to the Court for:

- 23 (a) an order for the State Security Service or any relevant Agency to:
24 (i) enter and search specified premises or conveyance;
25 (ii) search any specified person; or
26 (iii) remove any relevant document or material;

27 (b) a seizure order; property tracing order; interception of
28 communication order; or an order for freezing or forfeiture of property or funds
29 in such manner as may be prescribed by the Court or Judge in Chambers

30 (5) The Court or Judge in Chambers, in making an order under

1 subsection (4) of this section, may impose such conditions as to payment of
2 debts, sale, transfer or disposal of any property as the court may deem fit.

3 (6) Where a prima facie case is established on the basis of the
4 request from a foreign State, the Attorney-General shall file a request for an
5 order of forfeiture of all funds or properties used, being used or intended to
6 be used for the commission of an act of terrorism and the Court shall grant or
7 reject the application for an order of forfeiture after hearing from all parties,
8 including a bona fide third party.

9 76.-(1) The Attorney-General may, on the recommendation of the
10 National Security Adviser, State Security Service or a relevant Agency,
11 make a request to any foreign State for:

Request to a
foreign State

12 (a) evidence or information relevant to an offence under this Act;
13 (b) the restraint and forfeiture of any fund or property located in
14 that foreign State and which is liable to be forfeited for being a terrorist fund
15 or property that is used, being used or intended to be used for the
16 commission of a terrorist act.

17 (2) The Attorney-General may for the purpose of giving evidence
18 in relation to any proceedings for an offence under this Act, apply to the
19 Court or to a Judge in Chambers for an order directed to any person resident
20 in a foreign State to:

21 (a) deliver himself or any document or material in his possession or
22 under his control to the jurisdiction of the Court; or

23 (b) subject to the approval of the foreign State, deliver himself to
24 the jurisdiction of the court of the foreign State.

25 77.-(1) The evidence taken pursuant to section 76 of this Act, may
26 in any proceedings in a court of a foreign State, if it is authenticated, be
27 prima facie admissible in any proceedings to which such evidence relates;
28 provided that the circumstances and method of collecting the evidence is
29 acceptable to Nigeria.

Evidence
pursuant to a
request

30 (2) For the purpose of subsection (1) of this section, a document is

1 authenticated if it is:

2 (a) signed or certified by a Judge or Magistrate of the foreign State;

3 (b) authenticated by the oath or affirmation of a witness; or

4 (c) sealed with an official or public seal:

5 (i) of a Ministry or Department of the Government of the foreign
6 State; or

7 (ii) in the case of a territory, protectorate or colony, of the person
8 administering the Government of the foreign territory, protectorate or colony
9 or a department of that territory, protectorate or colony.

Form of requests

10 78.-(1) A request under this Part shall be in writing, dated and signed
11 by or on behalf of the person making the request.

12 (2) A request may be transmitted by facsimile or by any other
13 electronic device or means.

14 (3) A request shall:

15 (a) confirm either that an investigation or prosecution is being
16 conducted in respect of a suspected offence of terrorism or an act related to
17 terrorism or that a person has been convicted of an offence of terrorism or act
18 related to terrorism;

19 (b) state the grounds on which any person is being investigated or
20 prosecuted for an offence related to terrorism or details of the conviction of the
21 person;

22 (c) give sufficient particulars of the identity of the person;

23 (d) give sufficient particulars to identify any financial institution or
24 designated non financial institution or other persons believed to have
25 information, documents or materials which may be of assistance to the
26 investigation or prosecution;

27 (e) specify the manner in which and to whom any information,
28 document or material obtained pursuant to the request is to be produced;

29 (f) specify the information, document or material to be obtained from
30 a financial institution or designated non-financial institution or any person

1 which may assist the investigation or prosecution;

2 (g) state whether:

3 (i) a freezing or forfeiture order is required, or

4 (ii) the property may be made the subject of such an order; and

5 (h) contain such other information as may assist in the execution of
6 the request.

7 (4) A request shall not be invalidated for the purposes of this Act or
8 any legal proceedings by failure to comply with the provisions of subsection
9 (3) of this section where the Attorney General is satisfied that there is
10 sufficient compliance to enable him execute the request.

11 (5) The Attorney - General, where he considers it appropriate,
12 either because an international arrangement so requires or permits or it is in
13 the public interest, may, after deducting the cost incurred for actions taken in
14 Nigeria, make recommendations that any part of any property forfeited
15 under this Act or the value thereof, be returned or remitted to the requesting
16 State.

17 (6) Where the whole or any part of the forfeited property, or the
18 value thereof is retained in Nigeria, it shall be paid into the Special Victims
19 Trust Fund established under Part XIII of this Act.

20 79.-(1) Offences under this Act are considered to be extraditable Extradition
21 crimes for which extradition may be requested, granted or obtained under
22 the Extradition Act.

23 (2) Notwithstanding the provisions of subsection (1) of this
24 section, no person shall be extradited pursuant to this Act, where the
25 Government has substantial grounds for believing that a request for
26 extradition for an offence has been made for the purpose of prosecuting or
27 punishing a person on account of that person's race, religion, nationality,
28 ethnic origin or political opinion or that compliance with the request would
29 cause prejudice to that person's position for any of these reasons.

Exchange of
information
relating to terrorist
acts, terrorists
and terrorist
entities, etc.

1 80.-(1) The State Security Service or a relevant Agency may with the
2 approval of the Attorney - General on a formal request made by the appropriate
3 authority of a foreign state, disclose to that authority, any information in its
4 possession or any other government department, relating to any of the
5 following:

6 (a) the actions or movements of terrorist entities or persons suspected
7 of involvement in the preparation or the commission of terrorist acts;

8 (b) the use of forged or falsified travel papers by persons suspected of
9 involvement in the preparation or the commission of terrorist acts;

10 (c) traffic in explosives or other lethal devices or sensitive materials
11 by terrorist entities or persons suspected of involvement in the preparation or
12 the commission of terrorist acts; and

13 (d) the use of communication technologies by terrorist entities or
14 persons.

15 (2) Where the Attorney-General on the recommendation of the State
16 Security Service or relevant Agencies considers that there are no means or
17 conditions under which the information, documents or evidence requested
18 could be provided, disclosed or given without prejudice to the national security
19 of Nigeria, the Attorney-General may refuse the request for the production of
20 such document or the disclosure of such evidence or refuse the authorization of
21 the production of such document or the disclosure of such information and
22 shall notify the requesting Authority of the foreign State of the reasons for
23 doing so, unless the specification of those reasons would in itself, in the
24 opinion of the Attorney-General be prejudicial to the national security of
25 Nigeria.

26 PART XIII - SPECIAL VICTIMS TRUST FUND

Establishment
of Victims Trust
Fund

27 81.-(1) There is established for the Agency a Victims of Trafficking
28 Trust Fund (in this Act referred to as "the Trust Fund"), into which shall be paid:

29 (a) any take-off grant and special intervention funds as may be
30 provided by the Federal Government;

(b) such moneys as may be appropriated to meet the objectives of the Trust Fund by the National Assembly;

(c) proceeds of the sale of assets and properties derived from acts which constitute an offence under this Act;

(d) aids, grants, gifts, bequests, endowments, donations or assistance from bilateral and multi-lateral international Agencies, non - Governmental organizations, other donor agencies, partners and the private sector or from any other sources;

(e) moneys derived from investments made by the Trust Fund;

(f) monies received from any fund or Agency under any enactment relating to proceeds of crimes; and

(g) any other moneys which may accrue to the Trust Fund from time to time.

(2) The sources of moneys referred to in paragraph (d) of subsection (1) of this section shall be acceptable to the Trust Fund by the Agency except where the terms and conditions attached to the aid, grant, gift, bequest, endowment, donation or assistance are inconsistent with the objective of the Trust Fund or the provisions of this Act.

(3) The Minister shall make regulations and issue guidelines for the management of the Fund established under subsection (1) of this section and related matters,

(4) The Trust Fund shall be utilized to:

(i) pay compensation, restitution and damages to victims of terrorist activities; and

(ii) fund terrorism prevention programs and such other purposes incidental to or connected with the attainment of the objectives of this Act.

(4) The Trust Fund shall be managed by the Accountant-General of the Federation.

82.-(1) For the purpose of administering the Trust Fund established under section 81 of this Act, there is established, a body to be known as the

Establishment of
the Special Victims
Trust Fund
Committee

1 Special Victims Trust Fund Committee (in this Act referred to as 'the Trust
2 Fund Committee') which shall, subject to the provisions of this Act have
3 general control over the management of the Trust Fund.

4 (2) The Committee shall consist of:

5 (a) the Attorney - General who shall be the Chairman;

6 (b) the Minister of Finance;

7 (c) the Inspector - General of Police;

8 (d) the National Security Adviser;

9 (e) 2 representatives of non - governmental organizations whose
10 focus is on the prevention of terrorists activities;

11 (f) Director - General, State Security Service; and

12 (g) Solicitor-General of the Federation and Permanent Secretary,
13 Federal Ministry of Justice, who shall be the Secretary to the Committee.

14 (3) The Trust Fund Committee shall be responsible for:

15 (a) receiving all monies, aids, grants, gifts, bequests, endowments,
16 donations or assistance accruing to the fund;

17 (b) determining victims of terrorists activities entitled to benefit from
18 the Trust Fund; and

19 (c) approving the disbursements of monies from the Trust Fund to
20 victims of terrorist activities.

21 (4) Subject to the provisions of subsection (5) of this section,
22 members of the Committee specified in subsection (2) (e) of this section shall
23 hold office for a term of three years in the first instance and may be eligible for
24 reappointment for another term of three years and no more.

25 (5) A member of the Trust Fund Committee shall cease to hold office
26 if:

27 (a) his term of office expires;

28 (b) he resigns his office by a notice in writing under his hand
29 addressed to the President;

30 (c) he dies;

(d) he is incapable of carrying out his duties due to mental or physical infirmity;

(f) he has been declared bankrupt or he makes compromise with his creditors;

(g) has been convicted of a felony or any offence involving dishonesty;

(h) he is guilty of gross misconduct relating to his duties;

(i) the President directs the removal of the member upon being satisfied that it is not in the interest of the Council or of the public for the person to continue in office as a member of the Council; or

(j) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Council.

(6) The Trust Fund Committee:

(a) shall meet at least twice in a year and on such other occasions as it may consider necessary to carry out its functions under this Part.;

(b) may make rules and standing orders to regulate its proceedings or those of its committee;

(c) may co-opt any person to assist it in carrying out its assignments under this Act, provided that a co-opted member shall not have the right to vote at Committee meetings; and

(e) may appoint one or more committees to carry out its functions on its behalf

PART XIV - MISCELLANEOUS

83.-(1) The Attorney General may for the purpose of this Act make such regulations as are necessary for the effective implementation of the provisions of this Act. Regulations

(2) Regulations made under subsection (1) of this section may provide for the:

(a) types of financial or other related services which may not be provided to specially designated entities;

- 1 (b) procedures for the specification of entities and proscription of
- 2 terrorist groups;
- 3 (c) method of compliance with United Nations Security Council
- 4 Resolutions, the Resolutions of the ECOWAS, African Union and other
- 5 bilateral and multilateral partners and foreign States in respect of acts of
- 6 terrorism and forfeiture of Assets;
- 7 (d) method for the seizure, freezing, forfeiture and the management of
- 8 all terrorist properties in Nigeria;
- 9 (e) method of custody of video and other electronic recordings of
- 10 suspects apprehended under this Act;
- 11 (f) procedure for the use of covert techniques such as interception of
- 12 communication, acquisition of communication data, covert surveillance, use
- 13 of undercover officers or public informants, decryption of protected electronic
- 14 information and allied interferences;
- 15 (g) procedure for the effective management and prompt prosecution
- 16 of terrorist cases in line with the' highest professional standards and
- 17 international human rights standards;
- 18 (h) protection of informants, witnesses and other persons;
- 19 (i) management of the Special Victims Trust Fund established under
- 20 section 64 of this Act;
- 21 (j) the prevention of the entry into or transit in Nigeria of the person or
- 22 group; and
- 23 (k) any other matter connected with the implementation of the
- 24 provisions of this Act.

Penalties for
contravention
of Regulations

25 **84.** Any person, who contravenes any regulation made pursuant to
26 this Act, commits an offence and shall on conviction be liable to administrative
27 or such other penalties as may be prescribed in the regulations.

Repeal of the
Terrorism
(Prevention)
Act, 2011
(as Amended)

28 **85.-(1)** The Economic and Financial Crimes Commission
29 (Establishment) Act, 2004 is amended by deleting:
30 (a) section 15 of the Act; and

1 (b) the word "terrorism" and the meanings ascribed to it therein
2 under section 46 of the Act.

3 (2) Without prejudice to section 6 of the Interpretation Act, the
4 consequential amendments to certain provisions of the Economic and the
5 Economic and Financial Crimes Commission (Establishment) Act, 2004
6 specified in section 86 of this Act, shall not affect anything done under or
7 pursuant to the amended sections.

8 (3) Every regulation, order, requirement, certificate, notice,
9 direction, decision, authorization, consent, application, ongoing cases in the
10 courts, request or thing made, issued, given or done under the repealed Acts
11 or amended sections shall, if in force at the commencement of this Act,
12 continue to be in force and have effect as if made, issued, given or done
13 under the corresponding provisions of this Act.

14 86.-(1) The Terrorism (Prevention) Act, 2011 (as amended) is
15 repealed.

Consequential
amendments

16 (2) Without prejudice to section 6 of the Interpretation Act, the
17 repeal of the Acts specified under subsections (1) and (2) of this section,
18 shall not affect anything done under or pursuant to the Acts.

19 (3) Every regulation, order, requirement, certificate, notice,
20 direction, decision, authorization, consent, application, ongoing cases in the
21 courts, request or thing made, issued, given or done under the repealed Acts
22 shall, if in force at the commencement of this Act, continue to be in force and
23 have effect as if made, issued, given or done under the corresponding
24 provisions of this Act.

25 (4) Any proceeding, prosecution, sentence, judgment, charge or
26 cause of action pending or existing immediately before the commencement
27 of this Act under any of the repealed Acts in respect of any right, interest,
28 obligation or liability, may be continued or commenced, as the case may be,
29 and any determination of a court of law, tribunal or other authorities or
30 person may be enforced to the same extent that such proceeding,

1 prosecution, sentence, judgment, charge, cause of action or determination
2 might have been continued, commenced or enforced as if this Act had not been
3 made.

Interpretation

4 87. In this Act:

5 "act of terrorism" means any act specified in section 2 of this Act;

6 "act of international terrorism" means an act of terrorism involving:

7 (a) a non-citizen of Nigeria;

8 (b) any person possessing dual citizenship; or

9 (c) groups or individuals whose terrorist activities are foreign based
10 or directed by countries or groups outside Nigeria or whose activities transcend
11 national boundaries;

12 "Aircraft in flight" means an aircraft at any time from the moment when all its
13 external doors are closed following embarkation until the moment when any
14 such door is opened for disembarkation; in the case of a forced landing, the
15 flight shall be deemed to continue until the [competent authorities take over the
16 responsibility for the aircraft and for persons and property on board;

17 "Aircraft in service" means an aircraft from the beginning of the pre-flight
18 preparation of the aircraft by ground personnel or by the crew for a specific
19 flight until twenty-four hours after any landing; the period of service shall, in
20 any event, extend for the entire period during which the aircraft is in flight.

21 "Attorney-General" means the Attorney - General of the Federation and
22 Minister of Justice;

23 "authorized persons" means duly authorized officers of the State Security
24 Service or a relevant Agency involved in the prevention, elimination or
25 combating of acts of terrorism;

26 "bank" has the meaning ascribed to it in the Banks and Other Financial
27 Institutions Act and the reference to an order issued includes a reference to any
28 order, direction or requirement addressed to the manager of a bank or any other
29 officer of a bank which directs or purports to direct the manager or such officer
30 to stop all outward payment, operations or transactions in respect of any

1 account with that bank;

2 "BCN weapons" means:

3 'biological weapons', which are:

4 (a) microbial or other biological agents, or toxins whatever their
5 origin or method of production, of types and in quantities that have no
6 justification for prophylactic, protective or other peaceful purposes; or

7 (b) weapons, equipment or means of delivery designed to use such
8 agents or toxins for hostile purposes or in armed conflict;

9 'chemical weapons', which are, together or separately:

10 (a) toxic chemicals and their precursors, except where intended
11 for:

12 (i) industrial, agricultural, research, medical, pharmaceutical or
13 other peaceful purposes;

14 (ii) protective purposes, namely those purposes directly related to
15 protection against toxic chemicals and to protection against chemical
16 weapons;

17 (iii) military purposes not connected with the use of chemical
18 weapons and not dependent on the use of the toxic properties of chemicals as
19 a method of warfare; or

20 (iv) law enforcement including domestic riot control purposes, as
21 long as the types and quantities are consistent with such purposes.

22 (b) munitions and devices specifically designed to cause death or
23 other harm through the toxic properties of those toxic chemicals specified in
24 subparagraph (a) which would be released as a result of the employment of
25 such munitions and devices;

26 (c) any equipment specifically designed for use directly in
27 connection with the employment of munitions and devices specified in
28 subparagraph (b) of this definition;

29 'Nuclear weapons' and other nuclear explosive devices;

30 "cash dealer" means a person authorised under the Foreign Exchange

1 (Monitoring and Miscellaneous Provisions) Act to carry on the business of
2 foreign exchange or money changer;

3 "communication" means a communication received or transmitted by post or a
4 telegraphic, telephonic or other communication received or transmitted by
5 electricity, magnetism or other means;

6 "counter terrorism convention or resolution" means any of the following
7 Conventions:

8 (a) Convention on Offences and certain Other Acts committed on
9 Board Aircraft signed at Tokyo on 14 September 1963;

10 (b) Convention for the Suppression of Unlawful Seizure of Aircraft
11 done at The Hague on 16 December 1970;

12 (c) Convention for the Suppression of Unlawful Acts Against the
13 Safety of Civil Aviation, done at Montreal on 23 September 1971;

14 (d) Convention on the Prevention and Punishment of Crimes Against
15 Internationally Protected Persons, including Diplomatic Agents, adopted by
16 the General Assembly of the United Nations on 14 December 1973;

17 (e) International Convention against the taking of Hostages, adopted
18 by the General Assembly of the United Nations on 17 December 1979;

19 (f) Convention on the Physical Protection of Nuclear Material,
20 adopted at Vienna on 3 March 1980;

21 (g) Protocol for the Suppression of Unlawful Acts of Violence at
22 Airports Serving International Civil Aviation, supplementary to the
23 Convention for the Suppression of Unlawful Acts against the Safety of Civil
24 Aviation, done at Montreal on 24 February 1988;

25 (h) Convention for the Suppression of Unlawful Acts against the
26 Safety of Maritime Navigation, done at the Rome on 10 March 1988;

27 (i) Protocol for the Suppression of Unlawful Acts against the Safety of
28 Fixed Platforms located on the Continental Shelf, done at Rome on 10 March
29 1988;

30 (j) Convention on the Marking of Plastic Explosives for the Purposes

1 of Detection, signed at Montreal, on 1 March 1991;

2 (k) International Convention for the Suppression of Terrorist
3 Bombings, adopted by the General Assembly of the United Nations on 15
4 December 1997;

5 (l) International Convention for the Suppression of the Financing
6 of Terrorism, adopted by the General Assembly of the United Nations on 9
7 December 1999;

8 (m) International Convention for the Suppression of Acts of
9 Nuclear Terrorism, adopted by the General Assembly of the United Nations
10 on 13 April 2005;

11 (n) 2005 Protocol to the Convention for the Suppression of
12 Unlawful Acts against the Safety of Maritime Navigation, adopted at
13 London on 14 October, 2005;

14 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful
15 Acts against the Safety of Fixed Platforms located on the Continental Shelf,
16 adopted at London on 14 October, 2005;

17 (p) 2005 Amendment to the Convention on the Physical Protection
18 of Nuclear Material, done at Vienna on 8 July, (2005); and

19 (q) United Nations Security Council Resolution 2178 of 2014 or
20 any successor Resolution;

21 "Constitution" means the Constitution of the Federal Republic of Nigeria,
22 1999 and its alterations;

23 "Consolidated list" means the list of individuals, groups, undertakings and
24 entities associated with the Taliban, Usama Bin Laden and the Al-Qaida
25 organization who are subject to the sanctions measures imposed by the
26 Security Council;

27 "conveyance" means an aircraft, vessel, boat, train, ship, vehicle, tricycle or
28 any other mode of transportation;

29 "Court" means the Federal High Court of Nigeria.

30 "designated non- financial businesses and professions" means:

- 1 (a) Casinos;
- 2 (b) Real estate agents;
- 3 (c) Dealers in precious metals;
- 4 (d) Dealers in precious stones;
- 5 (e) Lawyers, notaries, other independent legal professionals and
- 6 accountants, etc;
- 7 (f) Trust and Company Service Providers refers to all persons or
- 8 businesses and which as a business, provide any of the following services to
- 9 third parties:
- 10 (i) acting as a formation agent of legal persons;
- 11 (ii) acting as (or arranging for another person to act as) a director or
- 12 secretary of a company, a partner of a partnership, or a similar position in
- 13 relation to other legal persons;
- 14 (iii) providing a registered office; business address or
- 15 accommodation, correspondence or administrative address for a company, a
- 16 partnership or any other legal person or arrangement;
- 17 (iv) acting as (or arranging for another person to act as) a trustee of an
- 18 express trust or performing the equivalent function for another form of legal
- 19 arrangement;
- 20 (v) acting as (or arranging for another person to act as) a nominee
- 21 shareholder for another person.
- 22 (g) dealers in jewelry, cars and luxury goods;
- 23 (h) audit firms;
- 24 (i) tax consultants,
- 25 (j) clearing and settlement companies,
- 26 (k) hotels,
- 27 (l) supermarkets,
- 28 (m) such other businesses as the appropriate authority may from time
- 29 to time designate".
- 30 "designated person or entity" refers to:

1 (a) Individuals, groups, undertakings and entities designated by the
2 Committee of the Security Council established pursuant to Resolution 1267
3 (1999) ("the 1267 Committee"), as being individuals associated with Al
4 Qaida or entities and other groups and undertakings associated with Al -
5 Qaida;

6 (b) Individuals, groups, undertakings and entities designated by
7 the Committee of the Security Council established pursuant to Resolution
8 1988 (2011) ("the 1988 Committee") as being associated with the Taliban in
9 counseling a threat to the peace, stability and security of Afghanistan, or
10 entities and other groups and undertakings associated with the Taliban;

11 (c) any natural or legal person or entity designated by jurisdictions
12 or a supranational jurisdiction pursuant to Security Council Resolution 1373
13 (2001);

14 (d) any natural or legal person or entity designated for the
15 application of targeted financial sanctions pursuant to Security Council
16 Resolution 1718 (2006) and its successor resolutions by the Security
17 Council in annexes to the relevant resolutions, or by the Security Council
18 Committee established pursuant to resolution 1718 (2006) ("the 1718
19 Sanctions Committee") pursuant to Security Council Resolution 1718
20 (2006), and

21 (e) any natural or legal person or entity designated for the
22 application of targeted financial sanctions pursuant to Security Council
23 Resolution (1737) (2006) and its successor resolutions by the Security
24 Council in annexes to the relevant resolutions, or by the Security Council
25 Committee established pursuant to paragraph 18 of Resolution 1737 (2006)
26 ("the 1737 Sanctions Committee") pursuant to Resolution 1737 (2006) and
27 its successor resolutions;

28 "designation" refers to the identification of a person or entity that is subject
29 to targeted financial sanctions pursuant to the United Nations Security
30 Council Resolution 1267 (1999) and its successor resolutions; Security

1 Council Resolution 1373 (2001), including the determination that the relevant
2 sanctions will be applied to the person or entity and the public communication
3 of that determination; Security Council Resolution 1718 (2006) and its
4 successor resolutions; Security Council Resolution 1737 (2006)" and its
5 successor resolutions; and any future Security Council Resolutions which
6 impose targeted financial sanctions in the context of the financing of
7 proliferation of weapons of mass destruction;

8 "device" means:

9 (a) any nuclear explosive device; or

10 (b) any radioactive material dispersal or radiation-emitting device
11 which may, owing to its radiological properties, cause death, serious bodily
12 injury or substantial damage to property or to the environment.

13 "Director - General" means the Director - General of the State Security Service;

14 "entity" means a person, group, trust, partnership, fund or any other association
15 or organization, whether incorporated or unincorporated, an unincorporated
16 association or organization or partnership, for the purpose of providing a
17 product or service either for profit or non-profit;

18 "Device" means:

19 (a) any nuclear explosive device; or

20 (b) any radioactive material dispersal or radiation-emitting device
21 which may, owing to its radiological properties, causes death, serious bodily
22 injury or substantial damage to property or to the environment;

23 "Explosive or other lethal device" means:

24 (a) an explosive or incendiary weapon or device that is designed, or
25 has the capability, to cause death, serious bodily injury or substantial material
26 damage; or

27 (b) a weapon or device that is designed, or has the capability, to cause
28 death, serious bodily injury or substantial material damage through the release,
29 dissemination or impact of toxic chemicals, biological agents or toxins or
30 similar substances or radiation or radioactive material.

1 "ex parte" means proceeding without prior notification and participation of
2 the affected party;

3 "Financial Institution" means any person or entity that conducts as a
4 business one or more of the activities listed below for or on behalf of a
5 customer:

6 (a) acceptance of deposits and other repayable funds from the
7 public including private banking;

8 (b) lending, including, but not limited to, consumer credit,
9 mortgage credit, factoring (with or without recourse), and financing of
10 commercial transactions, including forfeiting;

11 (c) financial leasing other than with respect to arrangements
12 relating to consumer products;

13 (d) the transfer of money or value;

14 (e) issuing and managing means of payment, including, but not
15 limited to, credit and debit cards, travelers' cheques, money orders and
16 bankers' drafts, and electronic money;

17 (f) issuing financial guarantees and commitments;

18 (g) trading in:

19 (i) money market instruments, including, but not limited to,
20 cheques, bills, certificates of deposit and derivatives;

21 (ii) foreign exchange;

22 (iii) exchange, interest rate and index instruments;

23 (iv) transferable securities; and (v) commodity futures trading;

24 (h) participation in securities issues and the provision of financial
25 services related to such issues;

26 (i) individual and collective portfolio management;

27 (j) safekeeping and administration of cash or liquid securities on
28 behalf of other persons;

29 (k) investing, administering or managing funds or money on behalf
30 of other persons;

- 1 (l) underwriting and placement of life insurance and other investment
2 related insurance, including insurance intermediation by agents and brokers;
3 (m) financial consultancy;
4 (n) pension funds management;
5 (o) money and currency changing; and
6 (p) such other business as the Central Bank, or other appropriate
7 regulatory authorities may from time to time designate;
- 8 "fixed platform" means an artificial island, installation or structure
9 permanently attached to the sea-bed for the purpose of exploration or
10 exploitation of resources or for other economic purposes;
- 11 "forfeiture" means an order in rem, following conviction for an offence to
12 forfeit to the State property, assets or funds that are the proceeds of crime or
13 instrumentalities of an offence;
- 14 "freeze" means to prohibit the transfer, conversion, disposition or movement of
15 any property, equipment or other instrumentalities on the basis of, and for the
16 duration of the validity of, an action initiated by a relevant Agency or the
17 Attorney-General under a freezing mechanism, or until a forfeiture order is
18 made by a court. As part of the implementation of a freezing measure, the
19 relevant Agency may decide to take control of the property, equipment,
20 instrumentalities, funds or other assets as a means to protect against flight or
21 destruction by the original owner or a third party;
- 22 "funds" means any assets, of every kind, whether corporeal or incorporeal,
23 tangible or intangible, movable or immovable, however acquired, and legal
24 documents or instruments in any form, including electronic or digital,
25 evidencing title to, or interest in such assets; including, but not limited to,
26 financial assets, economic resources, property of every kind, bank credits,
27 travelers cheques, bank cheques, money orders, shares, securities, bonds,
28 drafts, or letters of credit, and any interest, dividends or other income on or
29 value accruing from or generated by such funds or other assets;
- 30 "Government" means the Government of the Federal Republic of Nigeria and

1 includes any State or Local Government, or any appropriate government
2 authority;

3 "incitement" means to urge on, stir-up, instigate a person or group of persons
4 to commit a terrorist act or to distribute, publish or otherwise make
5 available, a communication to a person or group of persons, with the intent
6 to induce the commission of a terrorist act, where such conduct, whether or
7 not directly advocating terrorist acts, causes a risk that one or more of such
8 acts may be committed;

9 "Infrastructure facility" means any publicly or privately owned facility
10 providing or distributing services for the benefit of the public, such as water,
11 sewage, energy, fuel or communications;

12 "Internationally protected person" means:

13 (a) a Head of State, including any member of a collegial body
14 performing the functions of a Head of State under the constitution of the
15 State concerned, a Head of Government or a Minister for Foreign Affairs,
16 whenever any such person is in a foreign State, as well as members of his
17 family who accompany him;

18 (b) any representative or official of a State or any official or other
19 agent of an international organization of an intergovernmental character
20 who, at the time when and in the place where a crime against him, his official
21 premises, his private accommodation or his means of transport is
22 committed, is entitled pursuant to international law to special protection
23 from any attack on his person, freedom or dignity, as well as members of his
24 family forming part of his household.

25 "International treaties" means any of the following:

26 (a) 1963 Convention on Offences and Certain Other Acts
27 Committed On Board Aircraft;

28 (b) 1970 Convention for the Suppression of Unlawful Seizure of
29 Aircraft ("Aircraft Convention");

30 (c) 1971 Convention for the Suppression of Unlawful Acts against

- 1 the Safety of Civil Aviation ("Civil Aviation Convention");
- 2 (d) 1973 Convention on the Prevention and Punishment of Crimes
- 3 Against Internationally Protected Persons ("Diplomatic Agents Convention");
- 4 (e) 1979 International Convention against the Taking of Hostages
- 5 ("Hostage Convention");
- 6 (f) 1980 Convention on the Physical Protection of Nuclear Material
- 7 ("Physical Protection Convention");
- 8 (g) 1988 Protocol for the Suppression of Unlawful Acts of Violence at
- 9 Airports Serving International Civil Aviation, supplementary to the
- 10 Convention for the Suppression of Unlawful Acts against the Safety of Civil
- 11 Aviation ("Airport Protocol");
- 12 (h) 1988 Convention for the Suppression of Unlawful Acts against the
- 13 Safety of Maritime Navigation ("Maritime Convention");
- 14 (i) 1988 Protocol for the Suppression of Unlawful Acts Against the
- 15 Safety of Fixed Platforms Located on the Continental Shelf ("Fixed Platforms
- 16 Protocol");
- 17 (j) 1991 Convention on the Marking of Plastic Explosives for the
- 18 Purpose of Detection;
- 19 (k) 1997 International Convention for the Suppression of Terrorist
- 20 Bombings ("Bombings Convention");
- 21 (l) 1999 International Convention for the Suppression of the
- 22 Financing of Terrorism ("Financing Convention");
- 23 (m) 2005 International Convention for the Suppression of Acts of
- 24 Nuclear Terrorism ("Nuclear Terrorism Convention");
- 25 (n) 2005 Protocol to the Convention for the Suppression of Unlawful
- 26 Acts against the Safety of Maritime Navigation ("2005 Maritime Protocol");
- 27 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful
- 28 Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 29 ("2005 Fixed Platforms protocol");
- 30 (p) 2005 Amendment to the Convention on the Physical Protection of

1 Nuclear Material ("Physical Protection Amendment"); and

2 (q) United Nations Security Council Resolution 2178, 2014;

3 "knowingly" means consciously or with knowledge or complete
4 understanding of the facts and may be inferred from the objective factual
5 circumstances a case. An individual is deemed to have acted knowingly in
6 regard to a material element of an offence, when:

7 (a) if the element involves the nature of his or her conduct or the
8 circumstances attendant thereto, he or she is aware that the conduct is of
9 such nature or that those circumstances exist; or

10 (b) if the element relates to a result of the person's conduct, he or
11 she is conscious of the fact that it is substantially certain that the conduct will
12 precipitate such a result.

13 "lead Agency" for the purpose of this Act means the State Security Service;

14 "master" in relation to a vessel, means the owner or person (except a harbour
15 master or pilot) having for the time being command or charge of the vessel;

16 "National Security Adviser" means the National Security Adviser to the
17 President;

18 "nuclear facility" means:

19 (a) any nuclear reactor, including reactors installed on vessels,
20 vehicles, aircraft or space objects for use as an energy source in order to
21 propel such vessels, vehicles, aircraft or space objects or for any other
22 purposes;

23 (b) any plant or conveyance being used for the production, storage,
24 processing or transport of radioactive material.

25 "nuclear material" means plutonium except that with isotopic concentration
26 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the
27 isotope 235 or 233; uranium containing the mixture of isotopes as occurring
28 in nature other than in the form of ore or ore-residue; any material containing
29 one or more of the foregoing;

30 "operator" in relation to an aircraft, means the owner or person for the time

- 1 being in charge, in command or control of the aircraft;
- 2 "place of public use" means those parts of any building, land, street, waterway
3 or other location that are accessible or open to members of the public, whether
4 continuously, periodically or occasionally, and encompasses any commercial,
5 business, cultural, historical, educational, religious, governmental,
6 entertainment, recreational or similar place that is so accessible or open to the
7 public;
- 8 "Precursor" means any chemical reactant which takes part at any stage in the
9 production by whatever method of a toxic chemical. This includes any key
10 component of a binary or multicomponent chemical system;
- 11 "President" means the President of the Federal Republic of Nigeria;
- 12 "proceeds" means any funds derived from or obtained, directly or indirectly,
13 through the commission of an offence under this Act;
- 14 "proceeds of terrorism" means any funds or property derived from or obtained,
15 directly or indirectly, through the commission of a terrorist offence irrespective
16 of the person in whose names such proceeds are standing or in whose
17 possession they are found;
- 18 "property" means any asset of every kind, whether corporeal or incorporeal,
19 moveable or immovable, tangible or intangible, and legal documents or
20 instruments in any form including electronic or digital, evidencing title to, or
21 interest in, such assets, including but not limited to bank credits, travelers
22 cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters
23 of credit;
- 24 "proscribed entity" means an entity which has been declared to be a proscribed
25 entity under section 30 of this Act or any other law and includes a group which
26 has been declared to be an international terrorist group under this Act;
- 27 "public transportation system" means all facilities, conveyances and
28 instrumentalities, whether public or privately owned, that are used in or for
29 publicly available services for the transportation of persons or cargo;
- 30 "radioactive material" means nuclear material and other radioactive

1 substances which contain nuclides which undergo spontaneous
2 disintegration (a process accompanied by emission of one or more types of
3 ionizing radiation, such as alpha-, beta-neutron particles, and gamma rays)
4 and which may, owing to their radiological or fissile properties, cause death,
5 serious bodily injury or substantial damage to property or to the
6 environment;

7 "relevant agencies" means law enforcement, intelligence and security
8 agencies and includes the:

- 9 (a) National Security Adviser;
- 10 (b) National Agency for the Prohibition of Traffic in Persons;
- 11 (c) State Security Services;
- 12 (d) Defence Intelligence Agency;
- 13 (c) Nigeria Police Force;
- 14 (d) National Intelligence Agency;
- 15 (e) Nigeria Customs Service;
- 16 (f) Nigeria Immigration Service;
- 17 (g) Nigeria Prisons Service.
- 18 (h) Nigerian Security and Civil Defence Corps;
- 19 (i) Proceeds of Crimes Recovery and Management Agency; and
- 20 (j) any military authority or body as may be required for the
21 purpose of this Act;

22 "relevant laws or enactments" means:

- 23 (a) Banks and Other Financial Institutions Act (as amended);
- 24 (b) Economic and Financial Crimes Commission (Establishment,
25 Etc.) Act;
- 26 (c) Insurance Act;
- 27 (d) Investments and Securities Act;
- 28 (e) National Insurance Commission Act;
- 29 (f) Money Laundering (Prohibition) Act;
- 30 (g) Companies and Allied Matters Act;

- 1 (h) Central Bank of Nigeria Act;
- 2 (i) National Security Agencies Act;
- 3 (j) all International Conventions and Protocols ratified by Nigeria;
- 4 and
- 5 (k) any other relevant enactment of the National Assembly;
- 6 "Sanctions Committee" means the Committee established under section 35 of
- 7 this Act;
- 8 "seizure or seizure order" means the order enabling the State Security Service
- 9 or any relevant Agency to seize terrorist property or funds upon arrest or
- 10 application for seizure order of a terrorist property or funds pending the
- 11 determination of a case against the terrorist or terrorist groups;
- 12 "Ship" means a vessel of any type whatsoever not permanently attached to the
- 13 sea-bed, including dynamically supported craft, submersibles, or any other
- 14 floating craft;
- 15 "specially designated entity" means a specified or designated entity in respect
- 16 of which an order under section 29 of this Act has been made, or is deemed by
- 17 reason of the operation of that section to have been made, and is for the time
- 18 being in force and includes national and international terrorist groups;
- 19 "State or government facility" means any permanent or temporary facility or
- 20 conveyance that is used or occupied by representatives of a State, members of
- 21 Government, the legislature or the judiciary or by officials or employees of a
- 22 State or any other public authority or entity or by employees or officials of an
- 23 intergovernmental organization in connection with their official duties;
- 24 "terrorist" means any natural person who:
- 25 (a) directly or indirectly, unlawfully and willfully:
- 26 (i) commits, or attempts to commit, terrorist acts by any means,
- 27 (ii) participates as an accomplice in terrorist acts;
- 28 (iii) organizes or directs others to commit terrorist acts; or
- 29 (b) contributes to the commission of the terrorist acts where the
- 30 contribution is made intentionally and with the aim of furthering the terrorist

1 act or with the knowledge of the intention to commit a terrorist act;

2 "terrorist property" means:

3 (a) proceeds from the commission of a terrorist act;

4 (b) property which has been, is being, or is likely to be used to
5 commit a terrorist act;

6 (c) property which has been, is being, or is likely to be used by a
7 terrorist group;

8 (d) property owned or controlled by or on behalf of a terrorist
9 group;

10 (e) property which has been collected for the purpose of providing
11 support to a terrorist group or funding a terrorist act.

12 "terrorist investigation" means an investigation of:

13 (a) the commission, perpetration or instigation of an act of
14 terrorism or any other offence under this Act;

15 (b) any act or omission reasonably suspected to have been done in
16 furtherance of an act of terrorism or any other offence under this Act; and

17 (c) the resources of a proscribed organization;

18 "terrorist group or entity" means any group of terrorists that:

19 (a) directly or indirectly, willfully:

20 (i) commits, or attempts to commit, terrorist acts by any means,

21 (ii) participates as an accomplice in terrorist acts;

22 (iii) organizes or directs others to commit terrorist acts; or

23 (b) contributes to the commission of the terrorist acts acting with a

24 common purpose where the contribution is made intentionally and with the

25 aim of furthering the terrorist act or with the knowledge of the intention of

26 the group to commit a terrorist act;

27 "toxic chemical" means any chemical which through its chemical action on

28 life processes can cause death, temporary incapacitation or permanent harm

29 to humans or animals. This includes all such chemicals, regardless of their

30 origin or of their method of production, and regardless of whether they are

- 1 produced in facilities, in munitions or elsewhere;
- 2 "Transport" means to initiate, arrange or exercise effective control, including
- 3 decision-making authority, over the movement of a person or item;
- 4 "trustee" has the same meaning as in the Trustees Investment Act, Investment
- 5 and Securities Act and the Companies and Allied Matters Act;
- 6 "Uranium enriched in the isotope 235 or 233" means uranium containing the
- 7 isotope 235 or 233 or both in an amount such that the abundance ratio of the
- 8 sum of these isotopes to the isotope 238 is greater than the ratio of the isotope
- 9 235 to the isotope 238 occurring in nature;
- 10 "vessel" means anything made or adapted for the conveyance by water of
- 11 people or property;
- 12 "victim" means individuals, entities or communities or their next-of kin who
- 13 are directly affected, killed or injured or whose business, premises or
- 14 infrastructure was destroyed by terrorist activities or by a direct effect of a
- 15 terrorist attack; and
- 16 "weapon" includes a firearm, explosive, chemical, biological or nuclear
- 17 weapon.

Short title

- 18 88. This Bill may be cited as the Terrorism (Prevention and
- 19 Prohibition) Bill, 2018.

SCHEDULE

CONFIDENTIAL FORM 1

TERRORISM (PREVENTION AND PROHIBITION) ACT, 2018

DECLARATION OF ASSETS FORM

[Sections 68(1)]

- 25 To be completed in TRIPLICATE and in BLOCK LETTERS or typed.
- 26 All available information should be included Important: It is an offence
- 27 punishable by up to a maximum of 2 years imprisonment under the Act to:
- 28 A. (i) knowingly fail to make full disclosure of your assets and liabilities.
- 29 (ii) knowingly make a declaration that is false.
- 30 (iii) fail to answer any question contained in this Form.

(iv) fail, neglect or refuse to make a declaration or furnish any information required.

B (i) Each item is to be completed. If it does not apply, the person affected must write "nil" or "none" in the space. Where necessary an extra sheet or sheets may be used and attached to this form by the person affected.

(ii) The form should be addressed to the Director - General, State Security Service.

I,.....being accused or an offence of.....under
the TERRORISM (PREVENTION AND PROHIBITION) ACT, 2018 declare as follows:

[illegible]

(i)										
(ii)										
(iii)										
8.										
Dependent, Relative, Uncle, Aunt, Next of kin										
9.										
Associate Persons										
(i)										
(ii)										
(iii)										
10.										
Aliens:	(a)	State	Alien Registration							

	(b) If	Naturalized Certificate No.								
11. Schools attended with dates	Primary school Post Primary school Or Secondary University, Etc. Qualification attended									

12. Amount held in own account

(i) Cash in hand.....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries /Bank to be named).....

13. Amount held on behalf of or as trustee for any person other than your wife/husband

(i) Cash in hand.....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries /Bank to be named).....

14. Loans or advances made.....

15. Loans or advances received.....

16. Amount held on behalf of or as trustee of wife/husband'

(i) Cash in hand.....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries/Banks to be named).....

17. Wife's/husband's/children's account held (beneficial or otherwise)

(i) Cash in hand.....

(ii) Cash at bank.....

(iii) Outside Nigeria (Countries/Bank to be named).....

18. Government securities, including premium bonds and other interests held in companies, firms or

partnerships (giving names of companies firm and partnerships):

(a) by you (here state the bonds, etc.)

(b) by Wife (wives)/husband* (here state the bonds, etc.)

(c) by children (here state the bonds, etc.).

19. Property in Nigeria in which you are interested in giving date when acquired:

- (i) Land:
 - (ii) Buildings:
 - (Hi) Other property, (if any).
20. Membership, ownership, directorship, shareholding, or other related interest in
- (i) A company incorporated in Nigeria
 - (ii) A company incorporated outside Nigeria
 - (iii) A partnership or sole proprietorship
21. Property outside Nigeria in which you are interested in giving date when acquired
- (i) Land
 - (ii) Buildings
 - (iii) Other property, (if any)
22. Property outside Nigeria in which any wife/husband* is interested in giving date when acquired
- (i) Land
 - (ii) Buildings
 - (iii) Other property, (if any)
23. Property outside Nigeria in which any wife/husband* is interested in giving date when acquired
- (i) Land
 - (ii) Buildings
 - (iii) Other property, (if any)
24. Property in Nigeria in which any child of yours is interested in giving date when acquired
- (i) Land
 - (ii) Buildings
 - (iii) Other property, (if any)
25. Property outside Nigeria in which any child of yours is interested in giving date when acquired
- (i) Land
 - (ii) Buildings
 - (iii) Other property, (if any)
26. Names of other dependant relatives:
27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf- (in or outside Nigeria)

(i) Cash in hand;

(ii) Cash at bank;

(iii) Land:

(iv) Buildings:

(v) Other properties.

If outside Nigeria, insert name of countries and banks.

Signature of Accused Person.....

Signature and Address of Witness.....

FORM 2

FREEZING ORDER

[Section 71 (1)]

(This form may be amended according to circumstances)

To the Manager.....

(Here insert name and branch of bank)

Under the authority conferred on me by section Act, you are hereby ordered-

(a) to supply the following information relating to the under mentioned accounts, that is to say:

..... (Here set out the information required in respect of named accounts)

(b) to produce the books and documents relating to the under mentioned accounts, that is to say:

..... (Here set out the books and documents to be produced in respect of named accounts)

(c) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts:

..... (Here indicate the accounts)

2. This order shall remain in force until revoked

DATED at this day of 20

Director - General

EXPLANATORY MEMORANDUM

(This note does not form part of the above Bill but is intended to explain its purpose)

This Act repeals the Terrorism (Prevention) Act, 2011 (as amended), and enacts the Terrorism (Prevention and Prohibition) Act, 2016 to provide for measures for the detection, prevention, combating and prohibition of acts of terrorism for the effective implementation of the international instruments on the prevention and combating of terrorism and suppression of the financing of terrorism. The Act establishes institutional framework, including the Nigeria Sanctions Committee for the implementation, coordination and enforcement of the provisions of the Act.

Director - General