

ABDUCTION, WRONGFUL RESTRAIN AND CONFERMENT

BILL, 2016

ARRANGEMENT OF SECTIONS

1. Abduction, Wrongful Restraint of Wrongful Conferment for Ransome
2. Knowingly Receive Ransome
3. Negotiation to Obtain or for Payment Ransome
4. Power to Freeze Bank Account
5. Inspector-General Powers to Order, Inspection of Books, Accounts, Receipts, Vouchers or Other Documents
6. Information
7. Duty to give information to the Police
8. Power to intercept Communications
9. Evidence of Accomplice
10. Evidence of Pecuniary Resources or Property
11. Protection of Informers
12. Prosecution of offences
13. Interpretations
14. Short Title



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE PUNISHMENT OF THE OFFENCES OF ABDUCTION, WRONGFUL, RESTRAINT AND WRONGFUL CONFERMENT FOR RANSOME, AND OTHER RELATED OFFENCES, AND FOR MATTERS INCIDENTAL THERETO

*Sponsored by Senator Isah Hamman Misau*

[ ] Commencement

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

1           1.-(1) Whoever, with intent to hold any person for ransome,  
2           abducts or wrongfully restraints or wrongfully confines such person shall be  
3           guilty of an offence and shall be punished on conviction with life  
4           imprisonment without option of fine.

Abduction,  
Wrongful Restraint  
of Wrongful  
Conferment for  
Ransome

5           (2) Whoever is guilty of the offence which resulted in serious  
6           injury to the abducted victim shall be punished on conviction with life  
7           imprisonment without option of fine.

8           (3) whoever is guilty of the offence that resulted in the death of the  
9           victim, shall be punished On conviction be sentenced to death

10          (4) Whoever conspires to commit the offence is guilty of an offence  
11          and shall be punished on conviction with life imprisonment

12          2. Whoever receives, has possession of or dispose of money or  
13          property or any proceeds thereof, which has at any time been delivered as  
14          ransome in connection with any offence punishable under section 1 of this  
15          Act, knowing that such money or property has at anytime been delivered as  
16          such ransome shall be guilty of an offence and shall be punished on  
17          conviction with imprisonment for a term which may extend to 30 years with  
18          hard labour.

Knowingly  
receive Ransome

Negotiation to  
obtain or for  
payment Ransome

1                   3.-(1) Whoever, knowingly negotiates or assists in any negotiation to  
2 obtain any ransome for the release of any person who has been wrongfully  
3 restrained or wrongfully confined shall be guilty of an offence and shall be  
4 punished or conviction with imprisonment for a term which may extend to 30  
5 years with hard labour.

6                   (2) Whoever, knowingly negotiates or assists in any negotiation to  
7 pay or pays or provides for the releases of any person who has been wrongfully  
8 confined shall be guilty of an offence and shall be punished on conviction with  
9 imprisonment for a term which may extend to 20 years.

Power to freeze  
Bank Account

10                 4.-(1) The Inspector-General may, where he is satisfied that it is likely  
11 that the money for the payment of ransome for the release of any person may be  
12 paid out of any Bank, by order direct any Bank in Nigeria not to pay any money  
13 out of nor to pay cheques drawn on such bank account for a specified period not  
14 exceeding one month.

15                  (2) Any officer of a Bank who complies with an order of the Inspector-  
16 General under subsection (1) of this section shall be relieved of any liability to  
17 any other person in respect of the payment prohibited by such order.

18                  (3) The manager of any Bank which fails to comply with an order of  
19 the Inspector-General under subsection (1) of this section shall be guilty of an  
20 offence and shall be liable on conviction to a fine not exceeding N100,000.00  
21 or to imprisonment for a term not exceeding 5 years or to both such fine and  
22 imprisonment.

Inspector General  
powers to Order,  
inspection of books,  
accounts, receipts,  
vouchers or other  
documents

23                  5.-(1) Not withstanding anything contrary in any enactment or law,  
24 the Inspector-General may, if he considers that any evidence of the commission  
25 of an offence under this Act or a conspiracy to commit, or an attempt to commit,  
26 or an abetment of such offence by a person is likely to be found in any book,  
27 account, receipts, vouchers or other documents in respect of payment of money  
28 or the delivery of property relating to such person, the spouse or child of such  
29 person or to a person reasonably believed by the Inspector-General to be a  
30 trustee or agent for such person or the spouse or child of that person, by an order

1 authorize any Police Officer to inspect any such book, account, receipts,  
2 vouchers or other documents and a Police Officer so authorized may, at all  
3 reasonable lines, enter any premises specified in such order and inspect any  
4 such book, account, receipts, vouchers or other documents and may take  
5 copies thereof of any relevant part thereof.

6 (2) Any person who fails to produce any such book, account,  
7 receipts, vouchers or other documents which is in his possession or control  
8 shall be guilty of an offence and shall be liable on conviction to a fine not  
9 exceeding N100,000.00 or to imprisonment for a term nit exceeding year or  
10 to both such fine and imprisonment.

11 6.-(1) In the course of any investigation or proceeding into or Information  
12 related to an offence by any person under this Act or of a conspiracy to  
13 commit or an attempt to commit, or an abetment of such offence, the  
14 Attorney may by order:

15 (a) require any such person to finish a statutory declaration  
16 enumerating all movable or immovable property belonging to or possessed  
17 by such person and by the spouse and children or such person, and  
18 specifying the date on which each of the property enumerated was acquired  
19 and whether it was acquired by way of purchase gift, bequest, inheritance or  
20 otherwise;

21 (b) require any such person to furnish a statutory declaration of any  
22 money or other property paid or disposed of by him during such period as  
23 may be specified in the order;

24 (c) require any other person to furnish a statutory declaration  
25 enumerating all movable or immovable property belonging to or possessed  
26 by such person where the Inspector-General has reasonable grounds to  
27 believe that such information may be relevant to the investigation or  
28 proceedings;

29 (d) requires the person in charge of any department, office or  
30 establishment of Government of the President, Chairman, Manager or Chief

1 Executive officer of any Public Body to produce or formed as specified in the  
2 notice, any document or a certified copy any document which is in his  
3 possession or under his control;

4 (e) Require the manager of any Bank to give copies of such person or  
5 of the spouse or child of such person at the Bank.

6 (2) Every person to whom an order is given by the Inspector-General  
7 under subsection (1) or this section shall, notwithstanding the provision of any  
8 other enactment or law or any oath of secrecy to the contrary, comply with  
9 terms of the order within such time as may be specified there in and any person  
10 who willfully neglects or fails so to comply shall be guilty of an offence and  
11 shall be liable on conviction to a fine not exceeding N100,000.00 or to  
12 imprisonment for a term not exceeding one year or to both such fine and  
13 imprisonment.

Duty to give  
information to  
the Police

14 7.-(1) Notwithstanding the provisions of any other enactment or law,  
15 any person who is aware of the commission of or the intention of any other  
16 person to commit an offence under this Act shall in the absence of reasonable  
17 excuse, the burden of proving which shall lie upon the person so aware,  
18 forthwith give information to a police officer of such commission or intention,  
19 as the case maybe.

20 (2) Any person bound to give any information under the subsection  
21 (1) of this section who fails to do so in accordance with the provisions of that  
22 subsection shall be guilty of an offence and shall be liable on conviction to a  
23 fine not exceeding N100,000.00 or to imprisonment for a term not exceeding  
24 one year or to both such fine and imprisonment.

Power to intercept  
Communications

25 8. Notwithstanding anything contained in any other enactment or  
26 law, the Inspector-General may, if he considers that it is likely to contain any  
27 information relating to the payment of ransom for the release of a person who  
28 has been wrongfully restrained or wrongfully confined, authorize any Police  
29 Officer:

30 (a) to intercept, detain and open any postal article in course of

1 transmission by post;

2 (b) to intercept any message transmitted or received by any  
3 telecommunication; or

4 (c) to intercept or listen to any conversation by telephone.

5 **9.** Notwithstanding and other enactment or law to the contrary, no  
6 witness shall in any trial of any offence under this Act be presumed to be  
7 unworthy of credit by reason only that he has provided funds for the  
8 payment of any ransom to procure the release of any person who has been  
9 wrongfully restrained or wrongfully confined.

Evidence of  
Accomplice

10 **10.-(1)** In any trial or inquiry by a court into an offence under this  
11 Act or into a conspiracy to commit, or attempt to commit, or an abetment of  
12 any such offence, the fact that an accused person is in possession, for which  
13 he cannot satisfactorily account, of pecuniary resources or property  
14 disproportionate to his known sources of income, or that he had, at or about  
15 the time of the alleged offence, obtained an accretion to his pecuniary  
16 resources or property for which he cannot satisfactorily account, may be  
17 proved and may be taken into consideration.

Evidence of  
pecuniary  
resources property

18 (2) An accused person shall, for the purpose of subsection (1) of  
19 this section, be denied to be in possession, of resources or property or to have  
20 obtained an accretion thereto where such resources or property are held or  
21 such accretion is obtained by any other person whom, having regard to his  
22 relationship to the accused or soon or to any other circumstances, there is  
23 reason to believe to be holding such resources or property or to have  
24 obtained such accused person or as a gift from such accused person.

25 **11.-(1)** Except as here in after provided, no complaint as to an  
26 offence under this Act shall be admitted in evidence in any criminal  
27 proceeding whatsoever, and no witness shall be obliged or permitted to  
28 disclose the name or address of any informer or state any matter which might  
29 lead to his discovery.

Protection of  
Informers

30 (2) If any book, document or paper which is in evidence or liable to

1 inspection may civil or criminal proceeding whatsoever contain any entry in  
2 which any informer is named or described or which might lead to his discovery,  
3 the court before the proceedings is held shall cause all such passages to be  
4 concealed from view or to be obliterated so far as is necessary to protect the  
5 informer from discovery, but no further.

6 (3) If on a trial for any offence under this Act the court, after full  
7 inquiry into the case, is of the opinion that the informer willfully made in his  
8 complaint, a material statement which he knew or believed to be true, or if any  
9 other proceeding the court is of the opinion that justice cannot be fully done  
10 between the parties thereto without the discovery of the informer, the court may  
11 require the production of the original complaint, if in writing, and permit  
12 inquiring and requires full disclosure concerning the informer.

Prosecution of  
offences

13 **12.**-(1) A prosecution under this Act shall not be instituted except by  
14 or with the consent of the Attorney-General:

15 Provided that a person charged with such offence may be issued and executed  
16 and any person so arrested may be remanded in custody or on bail, not  
17 withstanding that the consent of the Inspector-General to the institution of a  
18 prosecution for the offence has not been obtained, but the case shall not be  
19 further prosecuted until that consent has been obtained.

20 (2) When a person is brought before a court under this section before  
21 the Inspector-General has concerted to the prosecution, the charge shall be  
22 explained to him but shall not be called upon to plead, and the provisions of the  
23 law for the time being in force relating to criminal procedure shall be modified  
24 accordingly.

Repeal

25 **13.** Section 364 of the Criminal Code Act CAP 38 Laws of the  
26 Federation of Nigeria is hereby repealed

Interpretations

27 **14.** In this Act, unless the context otherwise requires:

28 (1) "Abduction" wrongful restraint and "wrongful" conferment  
29 means to keep somebody hostage for ransome.



1                   (2) "Attorney-General" means the Attorney-General and Minister  
2 of Justice.

3                   (3) "Book" includes ledgers, daybook, carb books account books  
4 and all other books and documents used in ordinary course of business of a  
5 bank.

6                   (4) "Bank" means any company carrying on the business of  
7 bankers in Nigeria.

8                   **15.** This Act may be cited as the Abduction, Wrongful Restrain and     Short Title  
9 Conferment Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to prescribe punishment for the offences of Abduction, Wrongful Restraint and Wrongful Conferment for Ransom to combat and prevent any form of Kidnapping in Nigeria.