

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL ANTI-KIDNAPPING, TERRORISM AND VIOLENT CRIMES AGENCY; AND FOR RELATED MATTERS

*Sponsored by Hon. Fatuhu Muhammed*

[ ] Commencement

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

1 PART 1 - THE ESTABLISHMENT OF NATIONAL ANTI-KIDNAPPING,  
2 TERRORISM AND VIOLENT CRIMES AGENCY

3 1.-(1) There is hereby established a body to be known as the  
4 National Anti-kidnapping, Terrorism and Violent Crimes Agency (in this  
5 Bill referred to as "the Agency") which shall be constituted in accordance  
6 with and shall have such functions as are conferred on it by this Bill.

Establishment of National Ant-kidnapping, Terrorism and Violent Crimes Agency

7 (2) The Agency shall:

8 (a) be a body corporate with perpetual succession and common  
9 seal;

10 (b) may sue and be sued in its corporate name; and

11 (c) be capable of holding or dispose of any property, moveable or  
12 immovable, for the purpose of the discharge of the functions conferred on it  
13 in this Bill.

14 2.-(1) The Agency shall consist of the following:

Composition of the Agency

15 (a) a Director General who shall:

16 (i) be the chief executive and accounting officer of the Agency;

17 (ii) be a serving member of the Nigeria Police not below the rank of  
18 Assistant Commissioner of Police;

19 (b) the Chairman Police Service Commission or his  
20 representatives;

1 (c) the Governor of Central Bank of Nigeria or his representatives;

2 and

3 (d) a representative of each of the following Federal Ministries not  
4 below the rank of a Director:

5 (i) Justices;

6 (ii) Foreign Affairs;

7 (iii) Finance;

8 (e) the Comptroller-General, Nigeria Immigration Service or his  
9 representatives;

10 (f) the Executive Vice Chairman, Nigeria Communications  
11 Commission or his representative;

12 (g) the Director-General of:

13 (i) the of National Intelligence Agency or his representative;

14 (ii) the of Department of State Security Services or his  
15 representatives;

16 (2) The members of the Agency, other than the Director General and  
17 the Secretary, shall be part-time members.

18 (3) The Chairman and members of the Agency other than ex-officio  
19 members shall be appointed by the President and the appointment shall be  
20 subject to the confirmation of the Senate.

Tenure of office

21 **3.**(a) The Chairman and other members of the Commission shall  
22 each hold office for a term of 4 years in the first instance and may be re-  
23 appointed for one further term of 4 years and no more; and

24 (b) On such terms and conditions as may be specified in their letter of  
25 appointment.

Cessation of  
membership

26 **4.**-(1) Notwithstanding the provision of section 4 of this Bill a person  
27 ceases to hold office as a member of the Commission if the person:

28 (a) Becomes bankrupt;

29 (b) is convicted of a felony or offence involving dishonesty or fraud;

1 (c) Become of unsound mind, or incapable of carrying out his or  
2 her duties;

3 (d) Is guilty of a serious misconduct in relation to his or her duties;

4 (e) In the case of a person holding professional qualification, he is  
5 disqualified or suspended from practicing his profession in any part of the  
6 world by an order of a competent authority made in respect of that member;

7 (f) resigns his or her appointment by a letter addressed to the  
8 President.

9 (2) If a member of the Board ceases to hold office for any reason  
10 whatsoever, before the expiration of the term which he is appointed, another  
11 person representing the same interest as that member shall be appointed to  
12 the Board for the unexpired term.

13 (3) A member of the Agency may at any time be removed by the  
14 President for inability to discharge the function of his office (whether arising  
15 from infirmity of mind or body or any other cause) or for misconduct or if the  
16 president is satisfied that it is in the best interest of the Agency or the public  
17 that the member should not continue in office.

18 **5.** The Agency shall be responsible for:

19 (a) Provide the general policy guidelines relating to the functions  
20 of the Agency;

21 (b) the enforcement and the due administration of the provisions of  
22 this Bill;

23 (c) the investigation of offences relating to all cases of kidnapping;

24 (d) the investigation of all cases of terrorism and persons who  
25 engages in terrorist activities;

26 (e) the investigation, prevention and combating organized crimes  
27 and serious crimes;

28 (f) gathering, storing, processing, analyzing and disseminating  
29 information that is relevant to the Terrorism (Prevention) Act, 2011;

30 (g) collaborating with government bodies both within and outside

Functions of the  
Agency

1 Nigeria carrying out functions wholly or in joint operations to detect, identify  
2 the activities or whereabouts of persons suspected of being involve in terrorist,  
3 kidnapping and organized crimes and serious crimes; and violent crimes;

4 (h) cause investigation to be conducted as to whether any person,  
5 corporate or organization is sponsoring, aiding or providing any form of  
6 assistance and support to kidnappers or terrorist and violent crimes offenders;

7 (i) Adoption of measures that will effectively assist operatives of the  
8 agency on the eradication of Kidnapping, terrorism and violent crimes;

9 (j) carrying out such other activities as are necessary or expedient for  
10 the full discharge of all or any of the functions conferred on it under this Bill.

Special powers  
of the Agency

11 **6.-(1)** The Agency has power to:

12 (a) cause investigation to be conducted as to whether any person,  
13 corporate body or organization has committed an offence under this Bill or  
14 other law relating to kidnapping, terrorism, organized crime or serious crime;

15 (b) cause investigation to be conducted into the properties of any  
16 person, corporate body or organization that is being used in furtherance of acts  
17 or actions that assist in the act of kidnapping or terrorism;

18 (c) the agency may at it discretion pay reward to any person, not being  
19 a person employed by the Agency, in respect of any information or service  
20 rendered to the Agency which may be of assistance to the Agency in the  
21 performance of its duties under this Act (No. 15 of 1992).

Appointment  
of Secretary and  
other staff of the  
Commission

22 **7.-(1)** There shall be established for the Agency a secretariat which  
23 shall be headed by the Secretary who shall be appointed by the President.

24 (2) The Secretary shall be:

25 (a) the head of the secretariat of the Agency;

26 (b) responsible for the administration of the secretariat and keeping of  
27 the records and books of the Agency;

28 (c) appointed for a term of five years in the first instance and may be  
29 re- appointed for a further term of five years and no more; and

1 (d) subject to the supervision and control of the Chairman of the  
2 Agency.

3 (3) The Agency may, from time to time, appoint such other staff or  
4 second staff from government security or law enforcement agencies or such  
5 other private or public service as it may deem fit or necessary to assist the  
6 Agency in the discharge of its functions under this Bill.

7 (4) The staff of the Agency appointed under subsection  
8 (3) of this section, shall be appointed upon such terms and  
9 conditions as the Agency may, after consultation with the Federal Civil  
10 Service Commission, determine.

11 (5) For the purpose of effectively carrying out or enforcing the  
12 provision of this Act, officers of the Agency shall be well armed with special  
13 weapons and tactics to enable them execute their duties as expected and in  
14 accordance with international best practices.

15 **8.-(1)** The Agency may, subject to the provisions of this Bill make Staff Regulations  
16 staff regulations relating generally to the conditions of service of the  
17 employees of the Agency and without prejudice to the generality of the  
18 foregoing, the regulation may provide for:

19 (a) The appointment, promotion, and disciplinary control  
20 (including dismissal) of employees of the Agency; and

21 (b) appeals by such employees against dismissal or disciplinary  
22 measures, and until the regulations are made, any instrument relating to the  
23 conditions of service of officers in the Civil Service of the Federation shall  
24 be applicable, with such modifications as may be necessary, to the  
25 employees of the Agency.

26 (2) Staff regulations made under subsection (1) of this section shall  
27 not have effect until approved by the Agency, and when so approved the  
28 regulations may not be published in the Gazette but the Agency shall cause  
29 them to be brought to the notice of all affected persons in such manner as it  
30 may, from time to, determine.

Pensions

1                   **9.**-(1) Service in the Agency shall be public service for the purposes of  
2 the pensions Act and, accordingly, officers and other persons employed in the  
3 Agency shall in respect of their service in the Agency, be entitled to pension,  
4 gratuities and other retirement benefits as are prescribed there-under, so  
5 however that nothing in this Bill shall prevent the appointment of a person to  
6 any office on terms which preclude the grant of pension or gratuity in respect of  
7 that office (L.F.N. 2004).

8                   (2) For the purposes of the application of the provisions of the  
9 pensions Act, any power exercisable under the Act by a Minister or other  
10 authority of the Government of the Federation (not being the power to make  
11 regulations under section 23 thereof) is hereby vested in and shall be  
12 exercisable by the Agency and not by any other person or authority.

## PART III

Funds of the  
Agency

14                   **10.**-(1) The Agency shall establish and maintain a fund from which  
15 shall be defrayed all expenditure reasonably incurred by the Agency in the  
16 execution of its functions under this Bill.

17                   (2) There shall be paid and credited to the fund established pursuant to  
18 subsection (1) of this section, such monies as may in each year be approved by  
19 the National Assembly for the purpose of the Agency.

20                   (3) The Agency shall not accept any form of gifts whatsoever, be it in  
21 form land or landed properties or money whether within or outside the country.

Training  
Programme

22                   **11.** The Agency shall initiate, develop or improve specific training  
23 programmes for its law enforcement and other personnel charged with  
24 responsibility for the eradication of offences created by this Bill and such  
25 programme shall include:

26                   (a) detection, prevention and arrest of suspects who are engaged in  
27 offences created in this Bill;

28                   (b) modern techniques in combating kidnapping, Terrorism and  
29 organised serious crimes;

30                   (c) weapon management handling.

1                   **12.** The Agency shall keep proper accounts in a form, which  
 2 conforms to accepted commercial standards of its receipts, payments assets  
 3 and liabilities and shall submit the accounts annually for auditing by a  
 4 qualified auditor appointed from the list of auditors and in accordance with  
 5 the guidelines supplied by the Auditor-General of the Federation.

Accounts and  
Audit

6                   **13.** The Agency shall, not later than 30 September in each year,  
 7 submit to the National Assembly, a report of its activities during the  
 8 immediately preceding year and shall include in such report the audited  
 9 accounts of the Agency.

Annual Report

10   PART IV - MISCELLANEOUS PROVISION

11                   **14.**-(1) The Agency shall seek and receive information from any  
 12 person, authority, corporation or company without let or hindrance in  
 13 respect of offences it is empowered to enforce under this Bill.

Power to receive  
information without  
hindrance

14                   (2) A person who:

15                   (a) Wilfully obstructs the Agency or any of its operatives or  
 16 authorised officer of the Agency in the exercise of any of the powers  
 17 conferred on the Agency by this Bill; or

18                   (b) Fails to comply with any lawful enquiry or requirements made  
 19 by any authorised officer in accordance with the provision of this Bill,  
 20 commits an offence under this Bill and shall be liable on conviction as provided  
 21 for in sections 5, 6, 7 and 8 of the Terrorism (Prevention) Act, 2011.

22                   **15.**-(1) Officers of the Agency cannot be compelled to disclose the  
 23 source of information or identity of their informants except by the order of  
 24 the court as provided for in section 31 of the Terrorism (Prevention) Act,  
 25 2011

Protecting  
information

26                   **16.** Subject to the provisions of this Bill, an officer of the Agency  
 27 when investigating or prosecuting a case under this Bill, shall have all the  
 28 powers and immunities of a Police Officer under the Police Act and any  
 29 other law conferring power on the police, or empowering and protecting  
 30 law enforcement agencies. (Cap. p 19)

Immunities

Interpretation	1	<b>17.</b> In this Bill:
	2	"Agency" means Anti-Kidnapping, Terrorism and violent crime Agency
	3	established by section 1 of this Bill;
	4	"Kidnapping" the action of abducting someone or a group of persons and
	5	holding them captive against their wish;
	6	"Terrorism" (a) any act which is a violation Criminal Code or the Penal Code or
	7	the Terrorism (Prevention) Act and which may endanger the life, physical
	8	integrity or freedom of or cause serious injury or death to, any person, any
	9	number or group of persons or causes or may cause damage to public or
	10	property, natural resources, environment or cultural heritage and calculated
	11	and is calculated or intended to:
	12	(Cap. C38)
	13	(i) Intimidate, put in fear, force, coerce or induce any government
	14	body, institution, the general public or any segment thereof, to do or abstain
	15	from doing any act or to adopt a particular standpoint, or to act according to
	16	certain principles;
	17	(ii) disrupt any public service, the delivery of any essential service to
	18	the public or to create a public emergency;
	19	(iii) create general insurrection in a State; or
	20	(iv) seriously destabilize or destroy the fundamental political,
	21	constitutional, economic and social structures of a country.
	22	(b) any promotion, sponsoring of contribution to, command, aid,
	23	incitement, encouragement, attempt, threat, conspiracy, organisation or
	24	procurement of any person, with the intent to commit any act referred to in
	25	paragraph (a)(i), (ii), (iii) and (iv).
Short title	26	<b>18.</b> This Bill may be cited as Anti-Kidnapping, Terrorism and Violent
	27	Crimes Agency BILL, 2020.



## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Anti-kidnapping, Terrorism and Violent Crimes Agency, a special elite group that will be saddle with the responsibility to detecting, preventing and resolving offences that bothers on kidnapping, terrorism and violent crimes in the country.