

# A BILL

## FOR

AN ACT TO AMEND THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015 AND FOR RELATED MATTERS IN THE COURTS OF THE FEDERATION AND THE FEDERAL CAPITAL TERRITORY OF NIGERIA AND FOR RELATED MATTERS, 2020

*Sponsored by Hon. Oberuakpefe Anthony Afe*

[ ] Commencement

BE ENACTED by the National Assembly of the Federal Republic of Nigeria-

1           **1.** Section 4 of the principal act is hereby amended by deleting the  
2           entire section and replacing it with a new section thus: Amendment of  
Section 4

3           (4) In making arrest, the police officer or other persons making the  
4           arrest shall only touch or confine the body of the suspect in a civil and no life  
5           threatening manner subject to the following prohibitions:

6           (a) Choke holding as a measure of subduing a suspect or person to  
7           be arrested is forbidden;

8           (b) Application of electricity discharging devices to immobilize a  
9           suspect about to be arrested is not allowed.

10           **2.** Section 7 of the principal act is hereby amended by inserting the Amendment of  
Section 7  
11           phrase "or compelled to produce a suspect by the mere fact of having  
12           consanguine or social relationship of any kind with the suspect " immediately  
13           before the full stop Mark in line 2.

14           **3.** Section 9 of the principal act is hereby amended by deleting Amendment of  
Section 9  
15           subsection(1) and replacing same with a new subsection as follows 9(1) -  
16           Where a person is arrested pursuant to a complaint lodged against him by a  
17           complainant or the arrest is effected other than on ground of mere  
18           reasonable suspicion of the person to be arrested , the officer making the  
19           arrest or to whom the private person hands over the suspect.

Amendment of Section 11	1	4. Section 11 of the principal act is hereby amended by inserting the
	2	phrase " excluding the use of electronic devices, sharp objects and other lethal
	3	instrument " immediately after the word "necessary" and before the word "for"
	4	in last line of the paragraph.
Amendment of Section 50	5	5. Section 50 of the principal act is hereby amended by the addition of
	6	new subsection thus:
	7	(3) Provided no reasonable suspicion of impending commission of
	8	offence shall warrant a police officer obstructing the exercise of peaceful
	9	protest or procession or attempt to arrest any participant in such exercise of his
	10	fundamental rights except there is physical evidence of destruction of private
	11	or public property committed by a protester.
Amendment of Section 52	12	6. Section 52 of the principal act is hereby amended by inserting the
	13	phrase "except in the course of public procession or peaceful protest where a
	14	formal order of a magistrate or judge shall be required" immediately after the
	15	word "prevented" in the last line.
Short title	16	7. This Bill may be cited as the Administration of Criminal Justice
	17	(Amendment) Bill, 2020.

## EXPLANATORY MEMORANDUM

This Bill seeks to Amend the Administration of Criminal Justice Act 2015 to eliminate the use of life-threatening gadget on suspect by the security agent according to the international best practices.