

WITNESS PROTECTION AND MANAGEMENT BILL, 2020

ARRANGEMENT OF SECTIONS

*Sections:*

PART I - OBJECTIVES AND APPLICATION

1. Objective
2. Application
3. Meaning of witness under this Act

PART II - ESTABLISHMENT OF THE WITNESS PROTECTION AND  
MANAGEMENT PROGRAMME

4. Establishment of the Witness Protection and Management Programme
5. Application for inclusion in the Programme
6. Temporary protection
7. Assessing witness for inclusion in the Programme
8. Inclusion in the Programme
9. Protection agreement
10. Protection of a minor
11. Termination of protection
12. Review by the relevant agency
13. Other proceedings in which a witness is a party or a witness
14. Access to persons in the Programme
15. Rules of confidentiality and disclosure of information
16. Prohibition of publication of information concerning a protected person
17. Agreements with international bodies, institutions, organizations or foreign countries

PART III - PROTECTING WITNESSES FROM IDENTIFICATION

18. Identifying documents
19. Application for court order
20. Court order protecting witness identity

21. Effect of court order protecting witness identity
22. Cancellation of entry in register
23. Special provision in case of marriage of witness
24. Provision of information to competent authority
25. Restoration of original identity
26. Offences in relation to documents
27. Information not to be disclosed
28. Non-disclosure of original identity of witness
29. Non-disclosure of information or publication of document on the Programme
30. Identity of witness not to be disclosed in legal proceedings
31. Disclosure by witnesses and others

#### PART IV - MANAGEMENT OF THE WITNESS PROTECTION PROGRAMME

32. Witness Protection Officers and deployment to branch offices
33. Dealing with rights and obligations of witness
34. Avoidance of obligations by witness
35. Payments under the Programme
36. Expenses of witnesses for the prosecution
37. Expenses of witnesses for the defence
38. Adjournment may be granted subject to witnesses' costs
39. Ascertainment of witnesses expenses

#### PART V - WITNESS PROTECTION FUND

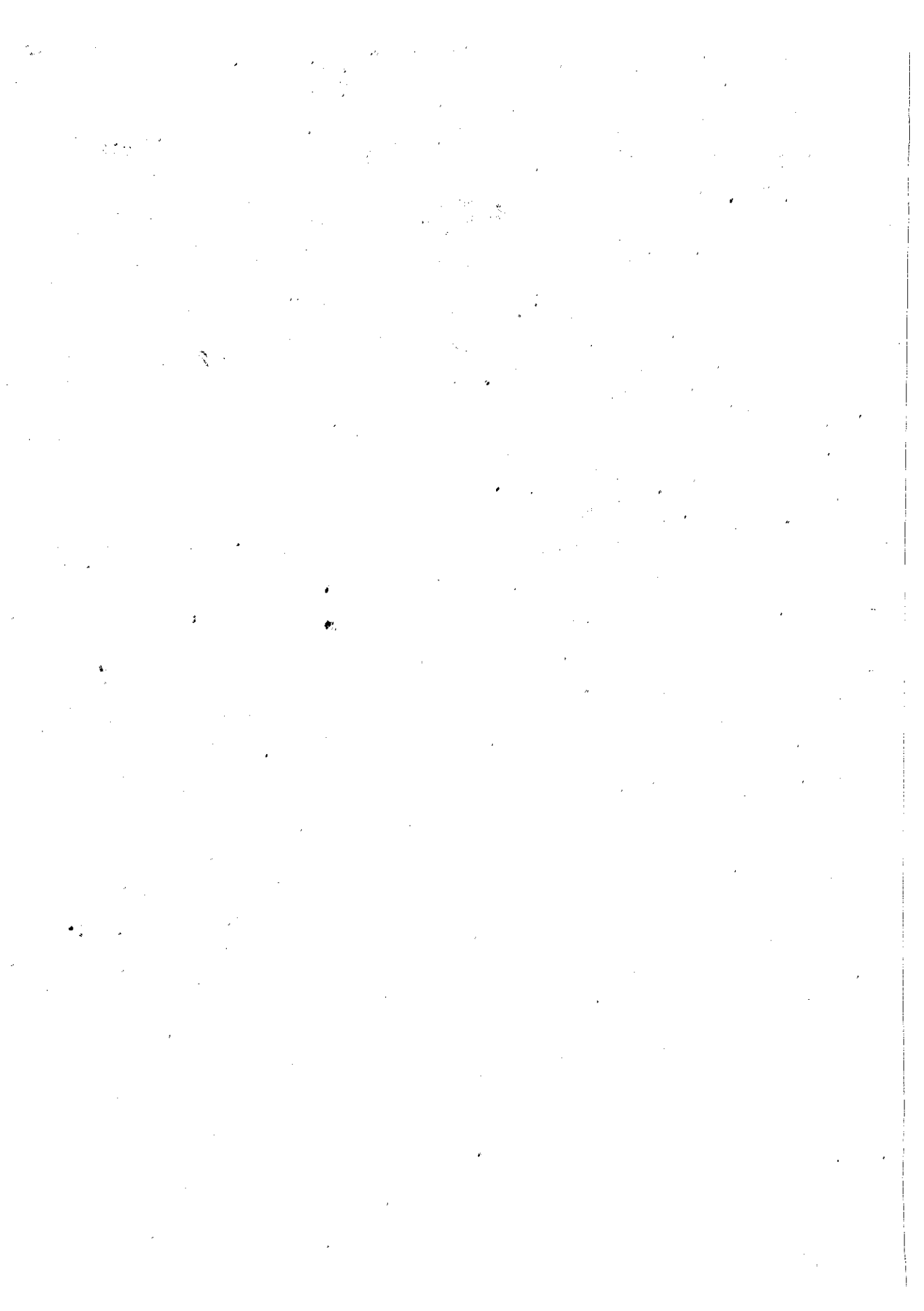
40. Establishment of the Disclosures and Witness Protection Fund
41. Sources of moneys in the Protection Fund
42. Application of money in the Protection Fund
43. Restriction on expenditure from the Protection Fund
44. Special report
45. Estimate, accounts and audit
46. Investment of money

## PART VI - OFFENCES AND PENALTIES

47. False or misleading disclosure
48. Offences relating to disclosures concerning participants
49. Prohibition of false representation
50. Offences in connection with employees of the relevant agency
51. Obstruction of employees of the relevant agency
52. Prohibition of access to premises of the relevant agency
53. Unauthorized access to a witness

## PART VII - MISCELLANEOUS

54. Legal proceedings
55. Non-compellability of witness
56. Restriction on execution against property of the relevant agency
57. Indemnity of officers of the relevant agency
58. Other laws not excluded
59. Review of the operations of this Act
60. Power to make regulations, etc
61. Role of the Federal Ministry of Justice
62. Interpretation
63. Short title



# A BILL

## FOR

AN ACT TO PROVIDE A FRAMEWORK FOR THE SUPPORT, MANAGEMENT  
AND PROTECTION OF WITNESSES AND FOR RELATED MATTERS

*Sponsored by Hon. Nkeiruka Onyejeocha*

[ ] Commencement

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

- 1                                   **PART I - OBJECTIVES AND APPLICATION**
- 2                   **1. The main objectives of this Act are to-** Objective
- 3                   (a) establish legal and institutional framework to protect witnesses
- 4 and related persons, with responsibilities for carrying out all administrative
- 5 duties relating to witnesses and related persons, including providing
- 6 temporary protection and related services in accordance with the provisions
- 7 of this Act;
- 8                   (b) ensure that the relevant agency takes responsibility for entering
- 9 into an agreement with the witness on behalf of the State;
- 10                  (c) regulate the procedure and determine the manner in which the
- 11 provisions of this Act shall be carried out;
- 12                  (d) designate places to be utilised as places of safety for the
- 13 purposes of the Witness Protection Programme established under this Act;
- 14 and
- 15                  (e) ensure effective use and nationwide supervision of Witness
- 16 Protection Officers of the relevant agency.
- 17                  (f) ensure that adequate consideration is given to the rights of
- 18 witnesses under this Act; and
- 19                  (g) harmonise existing laws and policies on witness protection and
- 20 management.

Application

- 1                                    2. The provisions of this Act shall apply to-
- 2                                    (1) investigation and prosecution of offences relating to-
- 3                                    (a) terrorism,
- 4                                    (b) money laundering prevention and prohibition,
- 5                                    (c) economic and financial crimes,
- 6                                    (d) corrupt practices and other related offences,
- 7                                    (e) drugs and narcotics and their trafficking,
- 8                                    (f) trafficking in persons,
- 9                                    (g) Criminal and Penal Code offences,
- 10                                   (h) customs and excise management,
- 11                                   (i) any legislation dealing with proceeds of crimes, confiscation and
- 12                                   forfeiture of assets, and
- 13                                   (j) such other offences as may be contained in enactments enacted by
- 14                                   the National Assembly and designated by Attorney - General by an order
- 15                                   published in the Federal Gazette.
- 16                                   (2) all justice sector institutions and authorities, including the courts,
- 17                                   law enforcement and security agencies, and other relevant regulatory
- 18                                   institutions towards the protection of witnesses in the course of the
- 19                                   investigation, detection and prosecution of offences;
- 20                                   3. (1) A person is a witness under this Act if he has information about
- 21                                   the commission of an offence or wrongdoing, and-
- 22                                   (a) has given, is giving, or agreed to give, evidence on behalf of the
- 23                                   State in-
- 24                                   (i) the proceedings for the trial of the offence, or
- 25                                   (ii) hearings or proceedings relating to the offence or a wrong doing
- 26                                   before an authority which is declared by the Attorney-General by an order
- 27                                   published in the Federal Gazette to be an authority to which this paragraph
- 28                                   applies;
- 29                                   (b) has given, is giving or agreed to give evidence, otherwise than as
- 30                                   mentioned in paragraph (a) of this subsection, in relation to the commission or

Meaning of witness under this Act

(c) a procedure to detect possible commission of an offence;

(c) has made a statement to-

(i) the Inspector-General of Police or a member of the Nigeria Police Force; or

(ii) a law enforcement officer, in relation to an offence in contravention of a law in Nigeria;

(d) is required to give evidence in a prosecution or an inquiry held before a court or tribunal outside Nigeria-

(i) for the purposes of a treaty or an agreement to which Nigeria is a party;

(ii) for the purposes of the operations of any legislation on mutual assistance in criminal matters; or

(iii) in circumstances prescribed by regulations made under this Act;

(e) has given, is giving or has agreed to give, evidence before an investigating authority, a commission of inquiry or tribunal; or

(f) may, for any other related reason, require protection or other assistance under this Act.

(2) A person is also considered to be a witness for the purposes of this Act if, because of a family or other relationship with, or an association with, a person to whom subsection (1) of this section applies, may require protection or other assistance under this Act.

**PART II - ESTABLISHMENT OF THE WITNESS PROTECTION AND MANAGEMENT PROGRAMME**

4. (1) A relevant agency shall establish-

(a) a Witness Protection and Management Programme (in this Act referred to as "the Programme") and take such actions as may be necessary and reasonable to provide for the safety and welfare of witnesses;

(b) a department or unit for the purpose of the Programme under subsection (1) (a);

Establishment of the Witness Protection and Management Programme

- 1           (c) a procedure to determine criteria for admission to and removal  
2 from the Programme;
- 3           (d) a training scheme for Witness Protection Officers.
- 4           (2) The actions taken under subsection (1) of this section may  
5 include-
- 6           (a) physical and armed protection;
- 7           (b) making necessary arrangement to allow the witness establish a  
8 new identity;
- 9           (c) relocating the witness;
- 10          (d) providing accommodation for the witness;
- 11          (e) providing logistics for transporting the property of the witness;
- 12          (f) providing reasonable financial assistance to the witness;
- 13          (g) permitting a person involved in the administration of the  
14 Programme to use an assumed name in carrying out his duties and have proper  
15 documentation supporting the assumed name;
- 16          (h) taking the actions listed in paragraphs (a) to (g) of this subsection  
17 in respect of a foreign witness present in Nigeria, pursuant to any law,  
18 agreement or arrangement between Nigeria and the country of the foreign  
19 witness; and
- 20          (i) doing such other things as the relevant agency considers necessary  
21 to ensure the safety of the witness.
- 22          (3) The relevant agency may request the court to implement during  
23 court proceedings, protection measures which may include-
- 24          (a) holding closed sessions;
- 25          (b) the use of pseudonyms;
- 26          (c) the redaction of identity information;
- 27          (d) the use of video link with the opportunity for cross examination of  
28 a witness by the legal practitioner representing the defendant, where  
29 practicable; and



1 (e) employing measures to obscure or distort the identity of the  
2 witness.

3 (4) The relevant agency shall put in place support measures to  
4 facilitate the integration of the witness into the Programme.

5 5.-(1) A witness who has reason to believe that his safety or the  
6 safety of any other person is or may be threatened by any person or group or  
7 class of persons whether known to him or not by reason of his being a  
8 witness, may-

Application for  
inclusion in the  
Programme

9 (a) report the belief-

10 (i) to the investigating officer in that investigation,

11 (ii) to a person in charge of a police station,

12 (iii) if he is in a correctional facility, to the person in charge of the  
13 correctional facility where he is being detained,

14 (iv) to the prosecutor or any other person concerned, or

15 (v) to the heads of the relevant agency.

16 (b) apply in the prescribed manner that he or any related person be  
17 placed under protection.

18 (2) A person to whom a report is made under subsection (1) of this  
19 section shall assist the applicant in the making of an application for  
20 protection and, unless he is the head of the relevant agency, shall  
21 immediately-

22 (a) inform the head of the relevant agency of the application; and

23 (b) submit the application to the head of the relevant agency.

24 (3) Where a witness is for any reason unable to make a report under  
25 subsection (1) (a) of this section or to make an application for protection  
26 under subsection (1) (b) of this section-

27 (a) the investigating officer or prosecutor concerned with the case;

28 (b) a law enforcement officer; or

29 (c) the legal representative of the witness;

30 may if he has reason to believe that the safety of the witness or any related

1 person is or may be threatened as specified in subsection (1) of this section,  
2 make the report or application on behalf of the witness.

3 (4) Notwithstanding the provision of subsection (3) of this section, a  
4 judge may order or direct the making of a report or an application on behalf of  
5 the witness.

6 (5) An application for the inclusion of a witness below the age of  
7 eighteen years may, in such circumstances as the Attorney-General may  
8 specify in regulations, be made without the consent of the minor's parent or  
9 guardian.

Temporary protection

10 6-(1) The relevant agency may, pending the finalization of an  
11 application for the protection of a witness or related person concerned, place  
12 the witness under temporary protection for a period not exceeding twenty-eight  
13 days, if the relevant agency considers it necessary for the safety of the witness  
14 or related person.

15 (2) Where a report or an application under section 5 of this Act is  
16 made, the witness or related person may be placed under temporary protection  
17 only if he consents to it.

18 (3) A minor shall be placed under temporary protection without  
19 the consent of his parent or guardian unless—  
20 (a) the head of the relevant agency is of the opinion that exceptional  
21 circumstances exist which does not warrant consent; or

22 (b) an application for the inclusion of a witness below the age of  
23 eighteen years has been made in such circumstances as the Attorney-General  
24 may specify in regulations, in accordance with the provisions of section 5 (5) of  
25 this Act.

Assessing witness  
the inclusion in  
the Programme

26 7-(1) The relevant agency is responsible for deciding whether to  
27 include a witness in the Programme.

28 (2) In deciding whether to include a witness in the Programme, the  
29 relevant agency shall have regard to—

30 (a) the seriousness of the offence to which the statement or evidence

1 of the witness relates;

2 (b) the nature and importance of the witness's testimony;

3 (c) the nature of the perceived threat and or danger to the witness;

4 (d) the nature of the witness relationship to any other witness being  
5 considered for inclusion or who is already in the Programme;

6 (e) the result of any psychological or psychiatric examination or  
7 evaluation of the witness conducted to determine his suitability for inclusion  
8 in the Programme;

9 (f) whether there are viable alternative methods of protecting the  
10 witness;

11 (g) whether the witness has a criminal record, particularly in  
12 respect of violent crime, which indicates a risk to the public if he is included  
13 in the Programme;

14 (h) the probability that the witness or any related person will be  
15 able to adjust to protection, having regard to the personal characteristics,  
16 circumstances and family or other relationships of the witness or any other  
17 person;

18 (i) likelihood of any danger to the community if the witness or any  
19 other person is not placed under protection; and

20 (j) any other factor that the relevant agency may consider relevant.

21 (3) To enable the department or unit of a relevant agency make a  
22 proper evaluation of an application for inclusion in the Programme, it shall  
23 be-

24 (a) afforded immediate and full access to any crime docket and  
25 statement of a witness and to any evidence given in any proceedings; and

26 (b) entitled to obtain certified true copies of any statement or  
27 evidence or any part of it made in connection with the matter.

28 (4) Without prejudice to the provisions of section 5 of this Act, a  
29 witness shall not be included in the Programme unless the witness or a

1 person legally responsible for the witness agrees in writing to the inclusion in  
2 the Programme.

3 (5) The relevant agency shall not consider documentation from a  
4 witness which represents that the witness-

5 (a) has a qualification which he does not have; or

6 (b) is entitled to a benefit to which he is not entitled.

Inclusion in the  
Programme

7 8.-(1) After considering an application for inclusion in the  
8 Programme, the relevant agency may-

9 (a) subject to section 6 (1) and pending the approval or refusal of an  
10 application under paragraph (b) or (c) of this subsection, make any interim  
11 arrangement with the witness or related person relating to his protection under  
12 this Act;

13 (b) approve the application and place the witness or any related  
14 person under protection in accordance with the protection agreement entered  
15 into by or on behalf of the witness or related person and the relevant agency; or

16 (c) refuse the application and, where applicable, by written notice to  
17 the witness, revoke any temporary protection under which he or any related  
18 person has been placed under section 5 (1) of this Act.

19 (2) Where the relevant agency refuses an application under subsection  
20 (1) of this section, the Head shall inform the witness of the refusal and the  
21 witness may, within seven days of being informed, apply to the relevant agency  
22 for a review of the decision.

23 (3) The relevant agency shall, within seven days of receipt of the  
24 request for a review of its decision under subsection (2) of this section-

25 (a) review, confirm, reverse or vary the decision; and

26 (b) inform the witness in writing of its decision.

Protection  
agreement

27 9.-(1) Prior to the inclusion of a witness or related person in the  
28 Programme, the relevant agency shall, subject to subsection (2) of this section,  
29 enter into a written protection agreement-

30 (a) with the witness;

- 1 (b) where applicable, with each related person; and
- 2 (c) subject to this Act, in the case of a minor, with the parent or
- 3 guardian.
- 4 (2) The relevant agency may enter into a provisional protection
- 5 agreement with a minor referred to in section 5 (5) of this Act.
- 6 (3) Where-
- 7 (a) a parent or guardian of a witness signs a protection agreement
- 8 because the witness was under the age of eighteen years; and
- 9 (b) the agreement is still operating after the witness attains the age
- 10 of eighteen years,
- 11 the relevant agency may require the witness to sign the agreement having
- 12 attained the age of maturity.
- 13 (4) A protection agreement shall set out the terms and conditions
- 14 under which a witness or related person is to be placed under protection,
- 15 including-
- 16 (a) an obligation on the relevant agency-
- 17 (i) to take such reasonable steps as are necessary to provide the
- 18 witness with the protection and related services, as referred to in the
- 19 protection agreement, and
- 20 (ii) not to keep a protected person under protection in any
- 21 correctional facility or custody, unless otherwise agreed upon.
- 22 (b) an obligation on the witness or related person-
- 23 (i) where applicable, to give the evidence as required in the
- 24 proceedings to which the protection relates,
- 25 (ii) to meet all financial obligations incurred by him that are not
- 26 payable by the relevant agency under the terms of the protection agreement,
- 27 (iii) to meet all legal obligations, expenses incurred by the witness,
- 28 including any obligation regarding the custody and maintenance of the
- 29 dependant,
- 30 (iv) to refrain from any activity that constitutes a criminal offence;

1 (v) to refrain from activities that might endanger his safety or that of  
2 any other protected person,

3 (vi) to accept and give effect to all reasonable requests and directions  
4 made or given by the relevant agency in relation to the protection provided and  
5 obligations under the protection agreement,

6 (vii) to inform the relevant agency of any other proceedings which  
7 have been or may be instituted by or against the witness, or in which the witness  
8 is otherwise involved, and

9 (viii) not to endanger the security or any other aspect of the protection  
10 agreement or any other matter relating to the Programme;

11 (c) any other prescribed terms and conditions or obligations agreed  
12 upon; and

13 (d) a procedure in accordance with which the protection agreement  
14 may, if necessary, be amended.

Protection of  
a minor

15 10. -(1) Subject to subsection (2) of this section, a minor shall not be  
16 included in the Programme without the consent of the parent or guardian.

17 (2) A minor-

18 (a) who, as a witness, applies for protection in respect of proceedings  
19 against his parent or guardian or in which his parent or guardian is a suspect;

20 (b) who has no parent or guardian;

21 (c) whose parent or guardian cannot be identified or found,  
22 notwithstanding reasonable efforts made to do so; or

23 (d) whose parent or guardian is unreasonably withholding or is unable  
24 to give his consent,

25 may be included in the Programme without the consent of the parent or  
26 guardian, where the relevant agency is of the opinion that it is necessary to do  
27 so for the safety of the minor.

28 (3) The relevant agency shall, in the circumstances referred in  
29 subsection (2) of this section-

30 (a) within seven days of the inclusion; or

1 (b) within such further period as the Judge, in whose area of  
2 jurisdiction the minor is domiciled or ordinarily resident, may determine in  
3 an application made to him in chambers by the relevant agency,  
4 submit to the Judge, for consideration in chambers, a report setting out the  
5 reasons for the inclusion and the provisional protection agreement referred  
6 to in section 9 (2) of this Act.

7 (4) The relevant agency shall also furnish to the minor concerned  
8 and, where applicable, to the parent or guardian, a copy of the report and the  
9 provisional protection agreement referred to in subsection (3) of this  
10 section.

11 (5) After consideration of the report and provisional protection  
12 agreement referred to in subsection (3) of this section, the Judge may, by  
13 order-

14 (a) set aside the inclusion in the Programme;

15 (b) confirm the inclusion and ratify the provisional protection  
16 agreement; or

17 (c) confirm the inclusion and amend the provisional protection  
18 agreement in such manner as he considers to be in the best interest of the  
19 minor, and necessary to ensure the safety of the minor.

20 (6) Where the inclusion of a minor in the Programme is set aside  
21 under subsection (5)(a) of this section, the relevant agency shall  
22 immediately discharge the minor from protection.

23 (7) A provisional protection agreement, ratified or amended under  
24 subsection (5) of this section, shall constitute a binding protection  
25 agreement between the relevant agency and the minor.

26 (8) The Court shall appoint the head of the relevant agency as the  
27 guardian of a minor placed under temporary protection under section 6(2) of  
28 this Act or included in the Programme under subsection (2) of this section.

29 11.-(1) The relevant agency may, subject to subsections (6) and  
30 (10) of this section, by written notice, terminate the inclusion of a witness in

Termination of  
protection

- 1 the Programme, if the relevant agency is of the opinion that-
- 2 (a) the safety of the witness is no longer threatened;
- 3 (b) satisfactory alternative arrangements have been made for the  
4 protection of the witness;
- 5 (c) the witness has failed to comply with any obligation imposed  
6 under this Act or by the protection agreement;
- 7 (d) the witness in making application for inclusion in the Programme-
- 8 (i) wilfully furnished false or misleading information,  
9 (ii) made a statement which is false or misleading, or  
10 (iii) wilfully failed to disclose any relevant information in the  
11 application;
- 12 (e) the conduct of the witness has endangered or may endanger the  
13 safety of another protected witness;
- 14 (f) the conduct of the witness is likely to threaten the security or  
15 compromise the integrity of the Programme; or
- 16 (g) the witness has wilfully caused serious damage to the place of  
17 safety or to any property in or at the place of safety.
- 18 (2) Subject to subsections (4) and (6) of this section, the relevant  
19 agency may, after considering any representation made under subsection (6) of  
20 this section, and on being satisfied that-
- 21 (a) the evidence of a witness is no longer required in the proceedings  
22 concerned; or
- 23 (b) the proceedings have been concluded,  
24 by written notice of termination, within a reasonable time but not later than 28  
25 days, terminate the participation of the witness and all related persons in the  
26 Programme.
- 27 (3) Where, after the conclusion of proceedings, the relevant agency is  
28 of the opinion that the safety of a person who is to be discharged from the  
29 witness protection Programme is still being threatened, the relevant agency  
30 may on the application of-



1 (a) the person;

2 (b) the parent or guardian of a minor, or

3 (c) a minor referred to in section 10 (2) of this Act,

4 extend the protection for such period as it considers necessary.

5 (4) The protection of a minor referred to in section 10(2) of this Act  
6 shall not be extended under subsection (3) of this section without the prior  
7 approval of a Judge in chambers.

8 (5) The relevant agency shall, before it terminates a witness'  
9 participation in the Programme, take reasonable step to notify, in the case of  
10 a termination under-

11 (a) subsection (1) of this section the witness and, if he is a minor, his  
12 parent or guardian, if any, and

13 (b) subsection (2) of this section, the witness and, if he is a minor,  
14 his parent or guardian, if any.

15 (6) The relevant agency shall allow the witness, and in the case of a  
16 minor, his parent or guardian, if any to make written representation to it  
17 within the period of 28 days as in subsection (2) and in relation to any matter  
18 regarding the termination.

19 (7) A witness remains a participant in the Programme until-

20 (a) the witness' participation is terminated under subsection (1) or  
21 (2) of this section or in accordance with an agreement referred to in section  
22 9(1) (a) of this Act; or

23 (b) a waiver of protection, in the prescribed manner, is submitted to  
24 the relevant agency by-

25 (i) the witness,

26 (ii) the parent or guardian of a minor, if any, or

27 (iii) a minor referred to under section 10 (2) of this Act.

28 (8) Subject to subsection (9) of this section, the relevant agency  
29 shall, on receipt of a waiver of protection referred to in subsection (7) of this  
30 section, terminate the participation of a witness in the Programme, without

1 any delay and notify the witness.

2 (9) The relevant agency shall not terminate the participation of a  
3 minor referred to in section 10(2) of this Act under this section without the prior  
4 approval of a Judge in chambers.

5 (10) A decision of the relevant agency to terminate participation of a  
6 witness in the Programme takes effect-

7 (a) within a reasonable time, but not later than 28 days, of the relevant  
8 agency notifying the witness of the decision; or

9 (b) where the witness's whereabouts is not known and the relevant  
10 agency has taken reasonable but unsuccessful steps to notify the witness, at the  
11 end of a period of twenty-eight days after due steps were taken.

Review by the  
relevant agency

12 12.-(1) A witness who is aggrieved by a decision, action or steps taken  
13 by the relevant agency may, within fourteen days, apply to the relevant agency  
14 for a review.

15 (2) The relevant agency shall, on receiving an application under  
16 subsection (1) of this section-

17 (a) review the decision, action or steps concerned, and confirm,  
18 reverse or vary it; and

19 (b) inform the witness of the decision.

Other proceedings  
in which a witness  
is a party or a  
witness

20 13.-(1) Proceedings in which a protected person is a party or a witness  
21 may, subject to the provisions of subsection (2) of this section, be proceeded  
22 with under the laws regulating the proceedings.

23 (2) Where it appears to a Judge, in an ex parte application, made in  
24 chambers by the head of a relevant agency, that the safety of a witness might be  
25 endangered by the institution or prosecution of any proceedings in which a  
26 protected person is a party or a witness within his area of jurisdiction, the Judge  
27 may make any order he considers appropriate with regards to the institution,  
28 prosecution or postponement of those proceedings to-

29 (a) prevent the disclosure of the identity or whereabouts of the person;

30 (b) achieve the objectives of this Act.

1 (3) The parties to the proceedings concerned and their legal  
2 representatives shall be given notice of an order made under subsection (2)  
3 of this section in accordance with the rules of court.

4 (4) The address of the relevant agency shall, for all purposes of  
5 service of processes on a witness, serve as the residential address of the  
6 witness and notice of that address shall be given in writing by the Head of the  
7 relevant agency and delivered by hand or sent by registered mail by him to  
8 all other parties or their legal representatives.

9 14. Where a Judge, in an ex-parte application made to him in  
10 chambers by the relevant agency, is satisfied that the safety of a witness  
11 might be endangered by the exercise of a right of access of that person, the  
12 Judge may suspend the right of access or make any order he considers  
13 appropriate with regards to the exercise of the right to-

Access to persons  
in the Programme

14 (a) prevent the disclosure of the identity or whereabouts of the  
15 witness; or

16 (b) achieve the objectives of this Act.

17 15.-(1) The head and any other employee of the relevant agency  
18 shall, on assumption of office in the relevant agency, take an oath or make an  
19 affirmation in the prescribed form.

Rules of  
confidentiality  
and disclosure of  
information

20 (2) The oath or affirmation referred to in subsection (1) of this  
21 section, shall be taken or made, in the case of-

22 (a) the head, before the Attorney - General; and

23 (b) any other employee of the relevant agency, before the Head.

24 (3) Subject to subsection (4) of this section, a person who obtains  
25 information in the ordinary course of his official duty relating to the  
26 administration of the Programme, shall not be required, in any proceedings  
27 before any court, tribunal or commission of inquiry, howsoever described,  
28 to-

29 (a) produce any document; or

30 (b) divulge or communicate any matter obtained, relating to the

1 performance of his duties in connection with the Programme,  
2 unless the Court makes an order in the interest of justice that provides to the  
3 contrary, or the proceedings relate to an offence against this Act.

4 (4) Subject to subsection (6) of this section, the relevant agency may,  
5 on such conditions as it deems fit, disclose any information in respect of a  
6 witness-

7 (a) with the consent of-

8 (i) the witness concerned, or

9 (ii) his parent or guardian, where he is a minor;

10 (b) where the witness has previously disclosed the information or  
11 acted in a manner which resulted in the disclosure;

12 (c) where the disclosure is-

13 (i) required for the exercise or protection of any right, or

14 (ii) in the public interest; or

15 (d) in any criminal proceedings, if the disclosure is necessary to  
16 establish the guilt or innocence of a person.

17 (5) The relevant agency shall not disclose any information in respect  
18 of a minor referred to in section 10 (2) of this Act without the prior approval of a  
19 Judge in chambers.

20 (6) The relevant agency shall, before it discloses any information in  
21 respect of a witness in the circumstances referred in subsection (4) (b), (c) or

22 (d) of this section, take reasonable steps to notify-

23 (a) the witness; or

24 (b) the parent or guardian of the witness, if any, if he is a minor,

25 of the contemplated disclosure in the prescribed manner.

26 (7) The relevant agency shall allow a witness or, where applicable, his  
27 parent or guardian, if any, to make written representation to it within the  
28 prescribed period in relation to any matter relating to the contemplated  
29 disclosure.

30 (8) The provisions of subsection (6) of this section do not apply if the

1 relevant agency is of the opinion that the notification may jeopardize the  
2 purpose for which the information is to be disclosed.

3 (9) The relevant agency shall, in determining whether information  
4 in respect of a witness should be disclosed under subsection (4) of this  
5 section, take into consideration-

6 (a) the reasons for the disclosure;

7 (b) the probability that the disclosure may endanger the safety of  
8 the witness concerned or that of any other protected person or the integrity  
9 of the Programme under this Act;

10 (c) whether the need for the disclosure can effectively be met by  
11 any other means;

12 (d) whether there are effective means available to prevent any  
13 further disclosure of the information; and

14 (e) any other factor that, in the opinion of the Relevant agency,  
15 should be taken into consideration.

16 (10) A person shall not disclose any information referred to in  
17 subsection (3) of this section-

18 (a) which came into his possession, or to his knowledge or was  
19 disclosed to him; or

20 (b) where he ought to have reasonably suspected that the  
21 information was disclosed to him.

22 16.-(1) A Judge, shall make an order referred to in subsection (2) of  
23 this section-

24 (a) at any proceeding in which a protected person is a party or a  
25 witness; or

26 (b) at any proceeding, other than "proceedings" as defined in  
27 section 9 of this Act, instituted or conducted under any law, in which a  
28 protected person is a party or a witness and in respect of which he is under  
29 any law compellable to-

30 (i) answer questions,

Prohibition of  
publication of  
information  
concerning a  
protected person

1 (ii) give assistance, or  
 2 (iii) produce any book, record, document or object in his possession  
 3 or under his control in the proceedings,

4 (2) The Judge shall make an order under subsection (1) of this section  
 5 prohibiting the publication of any information, including any drawing, picture,  
 6 illustration, painting, photograph, whether produced through or by means of  
 7 computer software on a screen or a computer printout, pamphlet, poster or  
 8 other printed material, which may disclose the information relating to-

- 9 (a) the circumstances of the protected person;
- 10 (b) the identity of any protected person and the place of safety or  
 11 location where the person is being protected; or
- 12 (c) the relocation or change of identity of the protected person,  
 13 unless the relevant agency satisfies the Judge that exceptional circumstances,  
 14 which are in the interest of justice, exist why the order should not be made.

Agreements with  
 international  
 bodies, institutions,  
 organizations or  
 foreign countries

15 17.-(1) The relevant agency may, with the approval of the Attorney-  
 16 General, make an arrangement with a foreign State, international body,  
 17 institution or organization on any matter relating to cooperation between  
 18 Nigeria and that State, international body, institution or organization relating to  
 19 witness protection.

20 (2) The relevant agency may enter into an agreement, either in general  
 21 or on specific terms and condition with a competent authority in a foreign  
 22 country in other to-

- 23 (a) place a protected person under a witness protection arrangement  
 24 administered by that country; or
- 25 (b) admit a protected person to witness protection arrangement under  
 26 any law applicable to that country.

27 PART III - PROTECTING WITNESSES FROM IDENTIFICATION

Identifying  
 documents

28 18. The relevant agency may apply to the Court for an order to obtain  
 29 from any appropriate or competent authority for any document necessary to-

- 30 (a) allow a witness to establish a new identity;

(b) protect the witness; or

(c) restore a former witness's original identity.

19.-(1) The relevant agency may apply to the court for an order authorising a specified person, or a person of a specified class or description to-

Application for court order

(a) make a new entry in a register of-

(i) births or a register of marriages in respect of a witness,

(ii) in a register of deaths in respect of a witness or a relative (by blood or marriage) of a witness; or

(b) issue, in the witness's new identity, a document of a kind previously issued to the witness.

(2) The relevant agency shall provide such evidence as the court may require satisfying itself as to the matters specified in the application.

20.-(1) The court may make an order under section 19 of this Act if it is satisfied that the life or safety of that person may be endangered by virtue of the person being a witness.

Court order proceeding witness identity

(2) Any proceedings of the court under this section and section 19 of this Act, shall be conducted in camera, and all records of the proceedings shall be sealed.

21.-(1) On the making of the order referred in section 20 (1) of this Act-

Effect of court order protecting witness identity

(a) any person authorized to do so by the order, may make such entries in the registers of births, deaths or marriages as are necessary to give effect to the order; and

(b) the Registrar of births, deaths or marriages shall afford the person an authorised full access to the relevant register and give him such assistance as may be required,

(2) An entry made in the registers of births, deaths or marriages pursuant to an order referred to in section 20 (1) of this Act has effect as if it were a valid entry made under the Births, Deaths, etc, (Compulsory

1 Registration) Act and the Marriage Act.

2 (3) The relevant agency shall maintain records showing details of the  
3 original birth, death or marriage of each person in respect of whom an entry is  
4 made under subsection (1) (a) of this section.

Cancellation of  
entry in register

5 22. An entry made under section 21 of this Act in a register of births,  
6 deaths or marriages shall not be cancelled except by an order of the court made  
7 on the-

8 (a) application of relevant agency; and

9 (b) court being satisfied that the witness is no longer a participant in  
10 the Programme.

Special provision  
in case of marriage  
of witness

11 23.-(1) A witness who has been provided with a new identity under  
12 the Programme shall not marry using the new identity unless-

13 (a) the witness is of marriageable age under the Marriage Act;

14 (b) where the witness has been previously married, the witness is now  
15 divorced or the former spouse has died; and .

16 (c) there is no legal impediment to the marriage.

17 (2) A person who contravenes this section commits an offence and is  
18 liable on conviction to a fine of not less than one hundred thousand naira or to  
19 imprisonment for a term of twelve months or to both.

Provision of  
information to  
competent authority

20 24.-(1) The relevant agency may take an action as provided under  
21 subsection (2) of this section, where-

22 (a) a witness under the Programme has been provided with a new  
23 identity or relocated under this Act; and

24 (b) the relevant agency is notified by a competent authority that the  
25 witness is under investigation, has been arrested or is charged with a serious  
26 offence,

27 (2) The relevant agency may pursuant to subsection (1) of this  
28 section-

29 (a) release to the competent authority the new identity or location of a  
30 person;



1 (b) provide that authority with the criminal record and fingerprint  
2 of the person;

3 (c) release to the competent authority such other information as the  
4 relevant agency considers appropriate in the circumstances; and

5 (d) cooperate as considered appropriate with the competent  
6 authority.

7 25.-(1) The relevant agency may, if it considers it appropriate to do  
8 so, take such action as is necessary to restore the original identity of a  
9 witness whose protection and assistance under the Programme has been  
10 terminated.

Restoration of  
original identity

11 (2) Where the relevant agency takes action under this section to  
12 restore the original identity of a former witness, the relevant agency shall  
13 notify the former witness in writing to return, within twenty - one days, all  
14 documents relating to the identity provided to him under the Programme.

15 (3) A former witness, who, without reasonable excuse, refuses or  
16 fail to return the documents subsection (2) of this section to the relevant  
17 agency within twenty - one days after receiving the notice commits an  
18 offence and is liable on conviction to a fine of not less than One hundred  
19 thousand naira or to imprisonment for a term of twelve months or to both.

20 26.-(1) A person in respect of whom an entry is made in a register of  
21 births, deaths or marriages, who uses or obtains any document issued by a  
22 Registrar having charge of such register, commits an offence, where the  
23 entry made under this Act in the register is in force

Offences in  
relation to  
documents

24 (2) A person who commits an offence under subsection (1) of this  
25 section is liable on conviction to a fine of not less one hundred thousand  
26 naira or to imprisonment for a term of twelve months or both.

27 27.-(1) A person who, either directly or indirectly, makes a record  
28 of, discloses or communicates to another person, any information relating to  
29 the making of an entry in a register of births, deaths or marriages, unless it is  
30 necessary to do so-

Information not  
to be disclosed

1 (a) for the purposes of this Act;  
 2 (b) for the purposes of an investigation by the relevant agency or any  
 3 law enforcement agency, an appropriate or competent authority; or  
 4 (c) to comply with an order of the Court,  
 5 commits an offence and is liable on conviction to a fine of not less than one  
 6 hundred thousand naira or imprisonment for a term of twelve months or to  
 7 both.

8 (2) Notwithstanding subsection (1) of this section, the relevant  
 9 agency may disclose the original identity of a witness or former witness for the  
 10 purpose of obtaining documents relating to the new identity of the witness or  
 11 former witness under the Programme.

Non-disclosure  
of original identity  
of witness

12 28.-(1) Where-

13 (a) a witness who has been provided with a new identity under the  
 14 Programme would, apart from this section, be required by or under any law in  
 15 force in Nigeria to disclose his original identity for a particular purpose; and

16 (b) the relevant agency has given the witness authorisation, in the  
 17 form prescribed by regulations made under this Act, not to disclose his original  
 18 identity for that purpose,

19 the witness is not required to disclose his original identity to any person for that  
 20 purpose.

21 (2) Where a witness has been given an authorisation under subsection  
 22 (1) of this section not to disclose his original identity for a particular purpose,  
 23 he may, in any proceedings or for any purpose, under or in relation to any  
 24 relevant law in force in Nigeria claim that his new identity is his only identity.

Non-disclosure  
of information  
or publication  
of document on  
the Programme

25 29. A person who is or has been associated with the administration of  
 26 the Programme, and who has obtained access to information or a document  
 27 relevant to the Programme, shall not disclose that information or publish that  
 28 document except as authorised by the relevant agency.

Identity of witness  
not to be disclosed  
in legal proceedings

29 30.-(1) Where, in any proceedings in a court, tribunal or commission  
 30 of inquiry, the identity of a witness is in issue or may be disclosed, the court,

1 tribunal, or commission shall, unless it considers that the interests of justice  
2 require otherwise-

3 (a) hold that part of the proceedings, which relates to the identity of  
4 the witness in camera; and

5 (b) make such order relating to the suppression of publication of  
6 evidence given before the court, tribunal or commission of inquiry as, in its  
7 opinion, will ensure that the identity of the witness is not disclosed.

8 (2) A court, tribunal or commission of inquiry, before which a  
9 witness or former witness who has been provided with a new identity under  
10 the Programme is giving evidence, may hold that part of the proceedings in  
11 camera.

12 (3) The court, tribunal or commission of inquiry before which any  
13 proceedings referred to in subsection (1) or (2) of this section are conducted  
14 may, if it thinks fit, by order direct that no-

15 (a) question shall be asked in the proceedings which might lead to  
16 the disclosure of the identity of a witness or former witness or of his place of  
17 abode;

18 (b) witness in the proceedings, including a witness or former  
19 witness, shall be required to answer a question, give any evidence, or  
20 provide any information, which may lead to the disclosure of the  
21 identity of the witness or former witness or of his place of abode; and

22 (c) person involved in the proceedings shall, in the proceedings,  
23 make a statement which discloses or could disclose a protected identity of a  
24 participant or former participant or his place of abode.

25 (4) Notwithstanding any provisions to the contrary contained in  
26 any law or rule of evidence, the provisions of this section shall apply to  
27 proceedings to which this section relates.

28 31.-(1) A person who is or was a witness or a witness considered for  
29 inclusion in the Programme and who directly or indirectly discloses or  
30 communicates to another person-

Disclosure by  
witnesses and  
others

- 1 (a) the fact that he or a member of his family has entered a protection
- 2 agreement under section 9 of this Act;
- 3 (b) details of the protection agreement;
- 4 (c) information relating to anything done by the Head or an employee
- 5 of the Relevant agency under this Act; or
- 6 (d) information about any officer obtained by the person as a result of
- 7 anything done under this Act,
- 8 commits of an offence and is liable on conviction to imprisonment for a term
- 9 not exceeding three years.

10 (2) This section does not apply to a disclosure or communication  
 11 which has been-

- 12 (a) determined by the Relevant agency for the purposes of an
- 13 investigation; or
- 14 (b) is necessary to comply with an order of the Court.

15 (3) For the purposes of subsection (1) of this section, a person is a  
 16 witness considered for inclusion in the Programme if-

- 17 (a) the person is a witness who is the subject of consideration under
- 18 this Act for inclusion in the Programme, even if the Relevant agency
- 19 subsequently decides not to include the witness; or
- 20 (b) the person is a witness included in the Programme temporarily
- 21 under this Act, even if the witness does not go on to be included in the
- 22 Programme.

23 PART IV - MANAGEMENT OF THE WITNESS PROTECTION PROGRAMME

Witness Protection  
 Officers and  
 deployment to  
 branch offices

24 32.-(1) The relevant agency shall ensure that witnesses and related  
 25 persons are protected in accordance with the provisions of this Act and shall for  
 26 this purpose designate a Witness Protection Office at each branch office

27 (2) A Witness Protection Office created under subsection (1) of this  
 28 section shall exercise the powers and perform the functions assigned by the  
 29 Act.

1                   33.-(1) Where a witness has any outstanding rights or obligations  
2 or is subject to any restrictions, the relevant agency shall take such steps as  
3 are reasonably practicable to ensure that-

Dealing with rights  
and obligations of  
witness

4                   (a) those rights or obligations are dealt with according to law; or

5                   (b) the person complies with those restrictions.

6                   (2) The relevant agency may take such steps under subsection (1)  
7 of this section-

8                   (a) providing protection for the witness while the witness is  
9 attending court proceedings; or

10                  (b) notifying a party or possible party to legal proceedings that the  
11 relevant agency will, on behalf of the witness, accept processes issued by a  
12 court, a tribunal or a commission of inquiry and nominating a relevant  
13 agency for that purpose.

14                  34.-(1) If the relevant agency is satisfied that a witness who has  
15 been provided with a new identity under the Programme is using the new  
16 identity to avoid-

Avoidance of  
obligations by  
witness

17                  (a) obligations which were incurred before the new identity was  
18 established; or

19                  (b) complying with restrictions which were imposed on the person  
20 before the new identity was established,

21 the relevant agency shall give notice in writing to the witness as specified in  
22 subsection (2) of this section.

23                  (2) The notice under subsection (1) shall specify that unless the  
24 witness satisfies the relevant agency that-

25                  (a) the obligations will be dealt with according to law; or

26                  (b) the restrictions will be complied with,

27 the relevant agency shall take such action as he it considers reasonably  
28 necessary to ensure that they are dealt with according to law or complied  
29 with.

30                  (3) The action the relevant agency may take under subsection (2) of

1 this section include informing a person who is seeking to enforce rights against  
 2 the witness of the details of any property, whether real or personal, owned by  
 3 the witness under his original identity.

Payments under  
the Programme

4 35.-(1) The relevant agency may, at its discretion, certify in writing  
 5 that the whole or part of an amount held by a witness represents payments made  
 6 to the witness under the Programme.

7 (2) An amount so certified shall not be confiscated or restrained, and  
 8 shall not be applied in payment of pecuniary penalties, under any law.

Expenses of  
witnesses for the  
prosecution

9 36. Where a person attends court as a state witness, the witness shall  
 10 be entitled to payment of such reasonable expenses as may be prescribed.

Expenses of  
witnesses for the  
defence

11 37. Where a person attends court as a witness to give evidence for the  
 12 defence, the court may in its discretion on application, order payment by the  
 13 Registrar to such witness of court such sums of money, as it may deem  
 14 reasonable and sufficient to compensate the witness for the expenses he  
 15 reasonably incurred in attending the court.

Adjournment  
may be granted  
subject to witnesses'  
costs

16 38. The court may permit on application of a party for an adjournment  
 17 of the proceedings and in so doing, may order the party seeking the  
 18 adjournment to pay to a witness present in court and whose evidence it has not  
 19 been possible to take owing to the adjournment, such sum in the amount  
 20 payable to a witness in accordance with section 34 and 35 of this Act, or such  
 21 sum as the court may fix.

Ascertainment  
of witnesses  
expenses

22 39. The amount of the expenses payable to a witness pursuant to  
 23 sections 34 and 35 of this Act shall be processed and paid by the Registrar of the  
 24 Court to the witness out of the relevant vote as appropriated by the Judiciary.

#### 25 PART V - WITNESS PROTECTION FUND

Establishment  
of the Disclosure  
and Witness  
Protection Fund

26 40.-(1) There is established a fund to be known as the Witness  
 27 Protection Fund (in this Act referred to as "the Protection Fund").

28 (2) The Relevant agency shall be responsible for the management and  
 29 control of the Protection Fund established under this Act.

1                   41. The Protection Fund shall consist of-

2                   (a) moneys appropriated by the National Assembly for payment  
3 into the Protection Fund which shall amount to at least fifty per cent of the  
4 total estimated expenditure of the Protection Fund;

5                   (b) moneys as may be approved by the President for-

6                   (i) the protection of witnesses under the Witness Protection  
7 Programme established under this Act,

8                   (ii) the protection and making rewards and compensation to the  
9 person making public interest disclosures;

10                  (c) moneys accruing to the Protection Fund from any fund or  
11 account established in any legislation passed by the National Assembly for  
12 the lodgement of proceeds of confiscation and forfeiture of assets in Nigeria;

13                  (d) a percentage of the total amount recovered by the Government  
14 as a direct result of information provided by the person making the public  
15 disclosure under Part XI a protected person under this Act shall be a  
16 minimum of two percent and not exceeding five per cent of the total amount  
17 recovered;

18                  (e) subventions, grants, aid and donations from Federal or State  
19 Government;

20                  (f) aid and assistance from international bilateral and multilateral  
21 agencies; and

22                  (g) such other moneys as may accrue to the Protection Fund from  
23 other lawful sources, including interest on deposit and other investments  
24 made by the Relevant agency.

25                  42. The money in the Protection Fund shall be applied as follows-

26                  (a) towards the basic material support of witnesses and related  
27 persons in the Programme;

28                  (b) for the purpose of giving effect to the operation of the  
29 Programme;.

30                  (c) towards the payment of reward to persons who make public

Sources of moneys  
in the Protection  
Fund

Application of  
money in the  
Protection Fund

1 disclosures under Part XI of this Act where the information provided by the  
2 person who makes the disclosure contributes directly to the recovery of stolen  
3 or concealed public funds or assets.

Restriction on  
expenditure from  
the Protection  
Fund

4 43.-(1) No expenditure shall be made from the Protection Fund unless  
5 the Council approves the expenditure.

6 (2) The Council shall not approve expenditure from the Protection  
7 Fund for purposes other than those specified in section 42 of this Act.

Special report

8 44. A report of every exercise of the relevant agency's power under  
9 this Part shall be included in the annual report which the Relevant agency is  
10 required to submit to the Attorney-General.

Estimate, accounts  
and audit

11 45.-(1) The Relevant agency shall prepare estimates and cause proper  
12 books of accounts and other records to be kept in connection with the  
13 Protection Fund.

14 (2) The provisions of sections 29 and 30 of this Act relating to  
15 estimates and the audit of the accounts of the relevant agency shall, with  
16 necessary modification, apply to the audit of the accounts of the Protection  
17 Fund.

Investment of  
money

18 46. The relevant agency may-

19 (a) invest any money of the Protection Fund in such manner as the  
20 Council may determine; and

21 (b) vary and diversify investments as the Council may also determine.

22 PART VI - OFFENCES AND PENALTIES

False or misleading  
disclosure

23 47.-(1) A person who makes a statement to the relevant agency or to  
24 an appropriate or competent authority intending that it be acted on as a public  
25 interest disclosure and in the statement, or in the course of inquiries into the  
26 statement, intentionally gives information that he-

27 (a) knows is false or misleading; or

28 (b) is reckless about whether it is false or misleading in a material  
29 particular,

30 commits an offence and is liable on conviction to a fine of not less than five



1 hundred thousand naira or imprisonment for a term of not less than twelve  
2 months or to both.

3 (2) For the purposes of subsection (1) of this section, a statement is  
4 made to the relevant agency or to an appropriate or competent authority if,  
5 were the statement truly a public interest disclosure, it is disclosed to  
6 relevant agency or to an appropriate or competent authority for the purposes  
7 of the Schedule to this Act.

8 (3) A person who makes a statement in contravention of this  
9 section is not protected by this Act in respect of that statement, whether or  
10 not it is truly a public interest disclosure.

11 48. A person who, without lawful excuse, discloses information-

12 (a) about the identity or location of a person who is or has been a  
13 witness under the Programme; or

14 (b) which compromises the security of that witness,  
15 commits an offence and is liable on conviction to a fine of not less than one  
16 million Naira or imprisonment for a term not less than five years or to both.

Offences relating  
to disclosures  
concerning  
participants

17 49. A person who, without prior written approval of the relevant  
18 agency, in connection with an activity carried on by him, takes, assumes,  
19 uses or in any manner publishes a name, description, title or symbol-

20 (a) conveying or purporting to indicate or convey; or

21 (b) which is calculated or is likely to lead other persons to believe  
22 or infer, that the activity is carried on under or by virtue of the provisions of  
23 this Act or on behalf of the relevant agency,

24 commits an offence and is liable on conviction to a fine of not less than one  
25 million Naira or to imprisonment for a term of not less than five years or to  
26 both.

Prohibition of  
false representation

27 50. A person, who-

28 (a) not being the head or an employee of the relevant agency, by  
29 words, conduct or demeanour falsely represents himself to be the head or an  
30 employee of the relevant agency;

Offences in  
connection with  
employees of the  
relevant agency

1 (b) exercises or attempts to exercise undue influence over the Head or  
2 an employee of the relevant agency which is calculated to prevent the head or  
3 employee from carrying out his duties or encouraging him to perform an act  
4 which is in conflict with his duties; or

5 (c) is an accomplice to the commission of an act by which a lawful  
6 order given to an employee or a regulation or directive or other rule may be  
7 evaded,

8 commits an offence and is liable on conviction to a fine of not less than five  
9 hundred thousand Naira or to imprisonment for a term not exceeding two years  
10 or to both.

Obstruction of  
employees of  
the relevant agency

11 51. A person who assaults, resists or wilfully obstructs an employee  
12 of the relevant agency or a person acting under the direction of that employee in  
13 the due execution of his duties under this Act, commits an offence and is liable  
14 on conviction for-

15 (a) a first offence, to a fine of not less than five hundred thousand naira  
16 or to imprisonment for a term not exceeding two years or to both; and

17 (b) a second or subsequent offence, to imprisonment for a term not  
18 less than five years.

Prohibition of  
access or premises  
of the relevant  
agency

19 52.-(1) The relevant agency may, by notice in the Federal Gazette or  
20 in any other manner as it may be necessary in the circumstance, prohibit or  
21 restrict access to land or premises under the control of the relevant agency.

22 (2) The relevant agency may-

23 (a) take or cause to be taken measures as it may consider necessary  
24 for the security of, or the application of, a prohibition of or a restriction on  
25 access to land or premises referred to in subsection (1) of this section; and

26 (b) in connection with measures taken, cause notices to be published  
27 or warning notices to be erected as it may, in each particular case, consider  
28 necessary.

29 (3) A person who enters upon or is on land or premises in  
30 contravention of a prohibition or restriction under subsection (1) of this

1 section, commits an offence and is liable on conviction to a fine of not less  
2 than five hundred thousand Naira or to imprisonment for a term not  
3 exceeding twelve months or to both.

4 53. A person who-

5 (a) wilfully or negligently allows an unauthorized person to gain  
6 access to a witness;

7 (b) wilfully or negligently discloses, in contravention of any  
8 provisions of this Act-

9 (i) the identity of any protected person,

10 (ii) information that a particular protected person is under  
11 protection,

12 (iii) the place of safety or location where any person is under  
13 protection or has been relocated under this Act,

14 (iv) any information which could lead to the identification of any  
15 such person or any such place of safety,

16 (v) any information which undermines or compromises or could  
17 undermine or compromise the integrity of a witness protection  
18 arrangement under this Act, or

19 (vi) any information relating to the relocation or change of identity  
20 of a protected person; or

21 (vi) contravenes a provision of this Act, not already specified,  
22 commits an offence and is liable on conviction to a fine of not less one  
23 million naira or imprisonment for a period of not less than two years or to  
24 both.

25 PART VII - MISCELLANEOUS

26 54.-(1) No civil action shall be commenced against the Relevant  
27 agency or its authorised officers before the expiration of a period of thirty  
28 days after written notice of intention to commence the suit shall have been  
29 served on the Relevant agency by the intending plaintiff or his agent, and the  
30 notice shall clearly and explicitly state the-

Unauthorized  
access to a witness

Legal proceedings

- 1 (a) cause of action;  
 2 (b) particulars of the claim;  
 3 (c) name and place of abode of the intending plaintiff; and  
 4 (d) relief sought.

5 (2) The notice referred to in subsection (1) of this section and any  
 6 summons, or other documents required or authorized to be served on the  
 7 Relevant agency under this Act or any other enactment or law, may be served  
 8 by-

- 9 (a) delivering it to the office of the relevant agency; or  
 10 (b) sending it by registered mail to the postal address of the relevant  
 11 agency.

Non-compellability  
 of witness

12 **55.** Except as otherwise provided by an order of the Court, a person  
 13 who acquires knowledge or information as a result of association or  
 14 connection, duty or service with the Programme or the relevant agency shall  
 15 not be compellable, in proceedings in a court, tribunal or commission of  
 16 inquiry, to-

- 17 (a) produce any document; or  
 18 (b) divulge or communicate a matter or a thing,  
 19 related to the exercise of functions under this Act or the protection of witnesses  
 20 included in the Programme.

Restriction on  
 execution against  
 property of the  
 relevant agency

21 **56.** In any action or suit against the relevant agency, no execution shall  
 22 be levied or attachment process issued against the relevant agency unless not  
 23 less than three months' notice of the intention to execute or attach has been  
 24 given to the relevant agency.

Indemnity of  
 officers of the  
 relevant agency

25 **57.** A member of the Council, head, officer or employee of the  
 26 relevant agency shall be indemnified out of the assets of the relevant agency  
 27 against any proceedings brought against him in his capacity as a member of the  
 28 Council, head, officer or employee of the relevant agency where the act  
 29 complained of is not ultra vires his powers.

1           **58.** The protection given by this Act is in addition to, and does not  
2           derogate from, any privilege, protection, or immunity existing apart from  
3           this Act under any other enactment passed by the National Assembly.

Other laws not  
excluded

4           **59.**-(1) The Attorney-General shall carry out a review of the  
5           operation of this Act five years after the commencement of this Act, and  
6           shall, for purposes of the review, have regard to-

Review of the  
operations of  
this Act

7           (a) the attainment of the purposes of this Act;

8           (b) the administration of this Act; and

9           (c) such other matters as appear to him to be relevant.

10          (2) The Attorney-General shall prepare and submit to the  
11          President, a report based on the review made under subsection (1) of this  
12          section.

13          **60.**-(1) The relevant agency may, with the approval of the  
14          Attorney-General, make regulations for or with respect to any matter  
15          necessary or expedient to be prescribed for carrying out or giving effect to  
16          this Act.

Power to make  
regulations, etc.

17          (2) The Attorney - General may by order published in the Federal  
18          Gazette add to or remove an appropriate authority to the list contained in the  
19          Schedule to this Act

20          **61.** The Federal Ministry of Justice shall not later than three  
21          months after the coming into force of this Act, take such steps as are  
22          necessary to bring into being the institutional structures of the Relevant  
23          agency pursuant to the provisions of this Act.

Role of the Federal  
Ministry of Justice

24          **62.** In this Act, unless the context otherwise requires-  
25          "appropriate authority" means a person or authority to which a public  
26          interest disclosure can be made or referred to for the purpose of investigation  
27          and contained in list in the Schedule to this Act and includes the National  
28          Judicial Council or the Presiding Officer of a Legislative House;  
29          "Attorney-General" means the Attorney-General of the Fédération and  
30          Minister of Justice;

Interpretation

- 1 "branch office" includes regional, state, or local offices;
- 2 "competent authority" means any person or authority contained in the list in the  
3 Schedule to this Act with responsibility to investigate and prosecute any of the  
4 offences referred to in section 2 (1) (b) of this Act;
- 5 "complaint" includes an allegation, application, charge, motion, objection,  
6 petition, report, request or summons;
- 7 "Court" means the Federal High Court, the High Court of a State or the High  
8 Court of the Federal Capital, Abuja;
- 9 "court proceedings" include any proceeding in a court or tribunal;
- 10 "detrimental action" includes action causing, comprising, or involving-
- 11 (a) injury, damage, or loss;
- 12 (b) intimidation or harassment;
- 13 (c) adverse discrimination, disadvantage, or adverse treatment in  
14 relation to a person's career, profession, employment, trade, or business; or  
15 (d) a reprisal;
- 16 "employee" includes a public officer and a worker of a public sector contractor;
- 17 "employer" includes the Government of the Federation and a public sector  
18 contractor;
- 19 "environment" has the meaning given to it in the Environmental Impact  
20 Assessment Act (Cap. E121 LFN 2004);
- 21 "head" means the head of the relevant agency under this Act;
- 22 "family" means a spouse, child, adopted child, step child, grandchild, parent,  
23 grandparent, niece, nephew, aunt, uncle or any other relative or person with  
24 whom the witness maintains a close family relationship;
- 25 "Government" means the Federal Government of Nigeria;
- 26 "Judge" means a Judge of the Court;
- 27 "Legislative House" means the Senate or the House of Representatives;
- 28 "participant" means a witness who is included in the Programme;
- 29 "proceedings" means any procedure conducted by or under supervision of the  
30 Judge or judicial officer, however described in relation to any alleged or proven

1 offence, or any property derived from an offence, and include an inquiry,  
2 investigation, or preliminary or final determination of facts;

3 "Programme" means the Witness Protection Programme established and  
4 maintained under Part II of this Act;

5 "property derived from an offence" means any property derived or realized  
6 directly or indirectly from an offence and includes-

7 (a) on a proportional basis, property into which any property  
8 derived or realized directly from the offence was later successfully  
9 converted, transformed or intermediate; and

10 (b) income, capital or other economic gains derived or realized  
11 from the property at any time since the commission of the offence;

12 "protected person" means a witness included in the Programme;

13 "public authority" means-

14 (a) a Ministry, a department, extra Ministerial Department or any  
15 public office or institution;

16 (b) a Legislative House or the Judiciary;

17 (c) a prescribed person; or

18 (d) any other body that is established for a public purpose under a  
19 written law;

20 "public officer" means an officer in the service of the Federation and  
21 includes-

22 (a) a Minister of the Government of the Federation;

23 (b) a member of a Legislative House;

24 (c) a judicial officer;

25 (d) a police officer;

26 (e) a person authorised under a written law to execute or serve any  
27 process of a court or tribunal for remuneration;

28 (f) a member, officer, or employee of a public authority;

29 (g) the holder of-

1 (i) a public office that is established for a public purpose under a  
2 written law; or

3 (ii) an office that is established by a Minister; and

4 (h) any other person holding public office under the Government of  
5 the Federation;

6 "public sector contractor" means-

7 (a) a person who, other than as an employee, contracts with a public  
8 authority to supply goods or services to or on behalf of the authority or the  
9 Government of the Federation or as directed in accordance with the contract;

10 (b) a person who, other than as an employee, contracts with a public  
11 authority or the Government of the Federation to perform a public function; or

12 (c) a subcontractor or employee of a person referred to in paragraph  
13 (a) or (b) of this subsection and each person who contracts with another person  
14 for the execution of the whole or part of the requirements of a contract referred  
15 to in those paragraphs; and

16 "register of births" means a register of births maintained under the Births and  
17 Deaths Registration Act;

18 "register of deaths" means a register of deaths maintained under the Births and  
19 Deaths Registration Act;

20 "register of marriages" means-

21 (a) a register maintained under any Act in which marriages are  
22 registered or recorded; or

23 (b) an index, maintained under any Act, or certified copies of any such  
24 registers;

25 "witness" has the meaning ascribed to it under section 3 of this Act;

26 "Witness Protection Officers" means ..... and

27 "witness protection order" means an order of the Court under Part XIII of this  
28 Act.

29 63. This Bill may be cited as the Witness Protection and Management  
30 Bill, 2020.

Short title



## 1 SCHEDULE

## 2 APPROPRIATE OR COMPETENT AUTHORITIES

3 [Sections 5, 8, 33(2), (4) (e), 34 (1) (b), 37 (1), 55 and 105 (2)]

4 (1) For the purpose of this Act, the appropriate or competent  
5 authorities includes where the witness protection relates to-6 (a) an act or omission that constitutes an offence under a written  
7 law, it is made to a police officer;8 (b) an unauthorised or irregular use of, or substantial  
9 mismanagement of public resources, it is made to the-

10 (i) Auditor-General of the Federation,

11 (ii) Economic and Financial Crimes Commission, or

12 (iii) Fiscal Responsibility Commission;

13 (c) a case of corruption, gratification or related offence, it is made  
14 to the Independent Corrupt Practices and other related offences  
15 Commission;16 (d) a case of money laundering, economic or financial crime, it is  
17 made to the Economic and Financial Crimes Commission;18 (e) a case of terrorism or related activities, to the Department of  
19 State Security;20 (f) drugs and drug trafficking, to the National Drug Law  
21 Enforcement Agency;22 (g) the trafficking or violence against persons, to the National  
23 Agency for the Prohibition of Trafficking in Persons;24 (h) the violation of the customs and excise laws, it is made to the  
25 Nigeria Customs Service;26 (i) the violation of any law on the recovery of proceeds of crime, to  
27 any agency of the Federal Government responsible for the recovery of  
28 proceeds of crime under any law passed by the National Assembly;29 (j) income tax and related taxes, it is made to the Federal Inland  
30 Revenue Services;

1 (k) a matter of administration of funds or assets of a Government  
2 Ministry, department, agency or office, it is made to a person who occupies a  
3 position specified under section 38 (1)(a) of this Act in relation to the Ministry,  
4 department, agency or office concerned;

5 (l) a person who holds an appointment made under the Police Act, it is  
6 made to the Inspector-General of Police;

7 (m) a judicial officer, it is made to the National Judicial Council;

8 (n) a legislator, it is made to the Presiding Officer of the Legislative  
9 House to which the legislator belongs;

10 (o) an officer in the civil service of the Federation, it is made to the  
11 Federal Civil Service Commission;

12 (p) a matter falling within the area of responsibility of a public  
13 authority, it is made to a person who occupies a position specified under section  
14 38 (1)(a) of this Act in relation to that authority; and

15 (q) a person or a matter of a prescribed class, it is made to-

16 (i) a person prescribed by an order of the Attorney-General under  
17 section 9 of this Act to be a appropriate authority for the purposes of section 2  
18 (1) (b) of this Act in relation to the disclosure; or

19 (ii) any other authority specified in this Act or by regulations made  
20 under this Act.

21 (2) Where a "public interest disclosure" has the meaning given to it in  
22 section 3 of this Act; disclosure falls within two or more paragraphs of this  
23 Schedule, then it is made to an appropriate or competent authority if made to  
24 any or all of the authorities contemplated by the applicable paragraphs.

## EXPLANATORY MEMORANDUM

*(This memorandum does not form part of the Act but is intended  
to explain its purport)*

This Act seeks to ensure that due administration of justice in criminal and related proceedings is not prejudiced by the unwillingness of witnesses to give evidence for fear of violence, serious injury, death or for such other reasons as may be prescribed by regulations made under this Act.

