

# A BILL

## FOR

AN ACT TO PROHIBIT KIDNAPPING, HOSTAGE TAKING AND FOR RELATED MATTERS

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follow-

### PART I - OBJECTIVES

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

Objectives

(a) An effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of the act of kidnapping, hostage taking and other related matters in Nigeria;

(b) Measures for the detention, freezing search, seizure, confiscation and forfeiture of kidnapper's property;

(c) Appropriate punishment for the act of kidnap;

(d) And to ensure safety of lives of citizens and well being of the victims of kidnap.

### PART II - OFFENCE OF KIDNAPPING

2.. No person shall knowingly and intentionally:

Offences

(1) Attempt or threaten to kidnap any person by means of a letter, e-mail,

(2) SMS, telephone call or any other method of communication with the intent to kidnap,

(3) Kidnap, forcibly takes, holds, abducts, captures amongst others or detain another person; or

(4) Prevent another person from applying to the court for his

- 1 release or from disclosing to any other person the place where he is being held;
- 2 (5) Prevent any person entitled to have access to another from
- 3 discovering the place where he is held hostage with or without demand for
- 4 ransom; or
- 5 (6) Stimulate or connive with another to kidnap oneself or any person;
- 6 (7) Withhold information from security Agencies of the location of
- 7 any person kidnapped; or
- 8 (8) Withhold information of the means of livelihood of a person(s)
- 9 involved in the act of kidnapping and for attempted kidnapping; or
- 10 (9) Intimidate or harm, threaten to take and keep another person as
- 11 surety until certain conditions are met and it shall not be an excuse to rely on the
- 12 fact that the threat was made by the use of an electronic device, telephone or
- 13 some other devices with a remote possibility of bringing the threat of reality.

14 PART III - PUNISHMENT FOR KIDNAPPING

Punishment

- 15 3.-(1) Notwithstanding the provisions of the Extant laws, this Act and
- 16 punishments prescribed therein supersedes every other punishment
- 17 prescribed.
- 18 (2) Whoever kidnaps any person under section (3) of this Act commits
- 19 an offence and shall upon conviction be sentenced to life imprisonment
- 20 without option of fine.
- 21 (3) Whoever with criminal intent initiates a compromise, settlement
- 22 or refuses to give testimony in court in respect of the offences stated in section
- 23 (3) of this Act shall be guilty of an offence and shall on conviction be liable to
- 24 be sentenced to life imprisonment.
- 25 (4) Any person who with criminal intent, attempt or threaten to kidnap
- 26 any person by means of a letter, e-mail, SMS, telephone call or any other
- 27 method of communication with intent to kidnap upon conviction is liable to
- 28 Twenty-five (25) years imprisonment.
- 29 (5) The owner of property whether moveable or immoveable who
- 30 knowingly lets or allow his property/premises to another for the purpose of

1 kidnap or harbouring any person is guilty of an offence and shall on  
2 conviction be sentenced to life imprisonment and forfeiture of the said  
3 property to the Federal Government.

4 (6) The Attorney- General or his representatives shall apply to the  
5 court for the sealing of any property reasonably suspected to have been used  
6 in the commission of the act of kidnap.

7 (7) The sealing of the premises under sub section (6) of this section  
8 shall remain in force pending the final determination of the criminal liability  
9 of the offender unless the court orders otherwise.

10 (8) The Police shall within 2 days of completion of investigation,  
11 send the Police Investigation Report to the Attorney- General and Minister  
12 for Justice.

13 (9) Where death occurs as a result of kidnapping, the offender is  
14 liable on conviction to death sentence.

15 (10) Where 2 or more conspire to commit the act of kidnapping, on  
16 conviction is liable to Twenty (20) years imprisonment.

17 (11) Any person whether or not in authority, who receives  
18 information that the act of kidnap has been committed or is about to be  
19 committed and fails, refuses and or neglects to take appropriate action to  
20 prevent same or to facilitate the apprehension of the culprit commits an  
21 offence and is liable on conviction to imprisonment of 10 (ten) years without  
22 an option of fine.

23 (12) any offence committed that is related to the offence of kidnap  
24 which punishment is not stated hitherto shall receive a punishment not lesser  
25 than life imprisonment.

26 (13) Notwithstanding the provisions of this Act, the Police shall  
27 assist the court with the gathering of investigation on the offence of kidnap;

28 (1) further to section 13 above, the police have power to:

29 (a) Enforce all rules and regulations on kidnapping in Nigeria;

- 1 (b) Adopt measures to prevent and combat the acts of kidnapping in  
2 Nigeria;
- 3 (c) Facilitate the detection and investigation of acts of kidnapping in  
4 Nigeria;
- 5 (d) Establish, maintain and secure communications to eradicate the  
6 rapid increase of kidnap in Nigeria;
- 7 (e) Conduct research with the aim of improving preventive measures  
8 to efficiently and effectively combat kidnapping in Nigeria;
- 9 (f) Investigate whether any person or entity has directly or indirectly  
10 committed the act of kidnap under this Act or under any other law;
- 11 (g) Execute search warrants authorizing its officers or any other law  
12 enforcement officer to enter into any premises, property or conveyance for the  
13 purpose of conducting searches in furtherance of its functions in further  
14 investigation against kidnap;
- 15 (h) Notwithstanding the provisions of sub section (g) above the law  
16 enforcement agencies or security agencies can enter any property without  
17 warrant when there is a reasonable suspicion that a premises is used for the act  
18 of kidnapping;
- 19 (i) If the Police or other security agents suspect on reasonable grounds  
20 that the act of kidnap was committed by a person, they have power to arrest and  
21 detain such a person or enter into his premises for investigation without a  
22 warrant;
- 23 (j) Upon reasonable suspicion, it shall be lawful for the Police or any  
24 law enforcement agency upon an order of the court to obtain confidential  
25 information from telecommunication companies;
- 26 (k) Where a telecommunication company fails to comply within  
27 Forty Eight (48) hours of a request made pursuant to subsection 0) of this  
28 section, such company shall be liable upon conviction to a fine of Twenty  
29 Million Naira for each request refused;
- 30 (l) Where any person believes on reasonable grounds, that another

1 person is a kidnapper or an accessory before and/or after the offence of  
 2 Kidnapping, he may, where possible, arrest the suspect and hand him over to  
 3 the police.

4 PART IV - PROHIBITION OF HOSTAGE - TAKING

5 4.-(1) Any person, whether a citizen or alien, shall be guilty of an Prohibition of  
Hostage-Taking  
 6 offence if such Person knowingly and intentionally;

7 (a) Contemplates, plans, attempts, or induce I coordinate, the  
 8 taking into hostage of a person or group of persons;

9 (b) hold, seize, hijack or detain another person or group of persons  
 10 with or without the demand for ransom;

11 (c) seize or hold a person as security for the fulfillment of a  
 12 condition;

13 (d) unlawfully and intentionally depriving a person of his or her  
 14 :freedom of movement;

15 (e) Prevent any person entitled to have access to another from  
 16 discovering the place where he is held hostage with or without demand for  
 17 ransom; or

18 (f) seize or detain and threaten to kill, or to injure, or to continue to  
 19 detain another person in order to compel a third person or a Governmental  
 20 Organization to do or abstain from doing any act as an explicit or implicit  
 21 condition for the release of the person detained, or attempts or conspires to  
 22 do so.

23 PART V - PUNISHMENT FOR HOSTAGE-TAKING

24 5.-(1) Any person who contravenes section (5) of this Act commits Punishment for  
Hostage-Taking  
 25 an offence and shall on conviction be sentenced to life imprisonment  
 26 without option of fine.

27 (2) any person who seize or held or detain and threaten to kill, to  
 28 injure, or to continue to detain another person in order to compel a third  
 29 person or a Governmental Organization to do or abstain from doing any act  
 30 as an explicit or implicit condition for the release of the person detained, or

1 attempts or conspires to do so, shall on conviction be sentenced to 25 years  
2 imprisonment.

3 (3) Where death occurs as a result of hostage taking, the offender is  
4 liable on conviction to death sentence.

5 (4) any person or group of persons who held hostage or detain an  
6 alien, shall on conviction be liable to life imprisonment.

7 PART VI - CONSPIRACY

Conspiracy

8 6.-(1) Where an offence is committed under this Law, each of the  
9 following persons who partook in the commission of the offence with criminal  
10 intent or motive shall be deemed to have taken part in committing the offences:

11 (a) Every person who actually commits the acts or makes the  
12 omission which constitutes the offences;

13 (b) Every person who does any act for the purpose of enabling or  
14 aiding another person to commit the offence;

15 (c) Every person who Counsel, procures or sponsors any other person  
16 to commit the offence;

17 (d) Any person who aids another in committing the offence;

18 (e) Any bank staff who divulges the financial status of a customer to  
19 kidnappers or unauthorized persons to encourage the kidnap of the customer;

20 (f) Every person who is aware that an offence is about to be committed  
21 but refused to notify the police;

22 (g) The occupants, owner or security personnel of the premises where  
23 the offence of kidnap or hostage taking is taking place or have been taking  
24 place who is reasonably believed to have known that such offence is being  
25 committed or is about to be committed.

26 (2) A conviction under sub section (1) of this section shall carry the  
27 same punishment in all respects as a conviction for committing the offence of  
28 kidnap.

29 (3) Any person who with criminal intent;

30 (a) Permits the escape of, or

- 1 (b) Aids any person to be at large; or  
2 (c) Assist the escape from arrest or detention of another person who  
3 commits any offence under this Act and shall on conviction be sentenced to  
4 life imprisonment.

5 PART VII - JURISDICTION

6 7.-(1) Offences under this Act shall be tried summarily by any  
7 Division of the High Court of the state in Nigeria, notwithstanding the place  
8 where the offences were committed.

9 (2) The Court shall ensure that persons charged under this Act have  
10 speedy trial.

11 (3) Notwithstanding the provision of any Law, any person who  
12 contravenes the provisions of this Act shall not be entitled to bail, except by  
13 an order of a Judge of the High Court.

14 (4) The Attorney- General shall be responsible for strengthening  
15 and enhancing the existing legal framework on combating kidnapping and  
16 to ensure; The trial and prosecution of kidnappers and other offences under  
17 this Act.

18 PART VIII - INTERPRETATIONS

19 8.-(1) In this Act unless the context otherwise requires:

Interpretation

20 (a) "Kidnap" means forcibly take, hold, abduct, capturing or  
21 unlawfully depriving a person of his/her liberty by force or fraud with or  
22 without a demand for ransom;

23 (b) "Kidnapping" means the unlawful transportation, asportation  
24 and confinement of a person against their will, and also false imprisonment  
25 by means of abduction;

26 (c) "Kidnapper" means a person who abducts someone and holds  
27 them captive, typically to obtain a ransom;

28 (d) "Attempt to kidnap" means where a person and/or group of  
29 persons intending to commit the offence of kidnapping, begins to put this  
30 intention into execution by any means adopted to its fulfillment, and

1 manifests this intention by some overt act, but does not fulfill this intention to  
2 such an extent as to commit the offence;

3 (e) "Hostage" means any person(s) held captive by another person or  
4 group of persons with or without the demand for ransom;

5 (f) "Hostage-taking" means the act of seizing or holding a person as  
6 security for the fulfillment of a condition;

7 (g) "Ransom" means any fee, amount, pledge or assurance given in  
8 exchange for the release of a kidnapped person or a person held hostage;

9 (h) "Conspiracy" means a secret plan by a group to do something  
10 unlawful or harmful;

11 (i) "Attorney General" means the Attorney General of the Federation  
12 and Minister for Justice;

13 (j) "Inspector General of Police" means the head of the Nigerian  
14 Police Force;

15 (k) "President" means the President of the Federal Republic of  
16 Nigeria.

17 9. This Bill may be cited as the Anti-Kidnapping and Hostage Taking  
18 Bill, 2021.

Citation

## EXPLANATORY NOTE

This Bill seek to provide for the prohibition of the act of Kidnapping and  
hostage taking and also highlight the punishments accrued by the act of  
kidnapping which is life imprisonment and in some case death sentence.