

## TERRORISM (PREVENTION AND PROHIBITION) BILL, 2019

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# A BILL

## FOR

AN ACT TO MAKE PROVISIONS FOR OFFENCES RELATING TO TERRORISM, PROHIBIT THE FINANCING OF TERRORISM AND CONSOLIDATE ALL ACTS RELATING TO TERRORISM; AND FOR RELATED MATTERS

*Sponsored by Hon. Mohammed Tahir Monguno*

[ ] Commencement

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

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PART I - OBJECTIVE AND PROHIBITION

1. The objective of this Act is to provide for: Objective

(a) an effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism and other related matters in Nigeria;

(b) measures under Nigerian law for the implementation and enforcement of Regional and International Counter Terrorism Conventions and Agreements for the combating of terrorism, terrorism financing and related offences;

(c) the procedure for the declaration of organisations as terrorist entities;

(d) extra territorial jurisdiction of the courts in relation to acts of terrorism;

(e) measures to enable Nigeria to act effectively in the fight against the financing of terrorism, including mechanisms regarding reporting of suspected incidents of financial and other support for terrorist entities;

(f) measures for the detention, freezing, search and seizure, confiscation and forfeiture of terrorist property; and

(g) the compensation of victims of acts of terrorism.

Prohibition of  
acts of terrorism

1                   2.-(1) All acts of terrorism and the financing of terrorism are  
2 prohibited.

3                   (2) A person or body corporate who knowingly, in or outside Nigeria,  
4 directly or indirectly:

5                   (a) does, attempts or threatens to do any act of terrorism;

6                   (b) commits an act preparatory to or in furtherance of an act of  
7 terrorism;

8                   (c) omits to do anything that is reasonably necessary to prevent an act  
9 of terrorism;

10                  (d) assists or facilitates the activities of persons engaged in an act of  
11 terrorism;

12                  (e) participates as an accomplice in or contributes to the commission  
13 of an act of terrorism or offences under this Act;

14                  (f) assists, facilitates, organises or directs the activities of persons or  
15 organisations engaged in any act of terrorism or is an accessory to any offence  
16 under this Act;

17                  (g) incites, induces any person by any means whatsoever or promises  
18 any person any reward; to commit any act of terrorism or any of the offences  
19 referred to in this Act; or

20                  (h) recruits for terrorists groups for any purpose, including the  
21 commission of acts of terrorism, commits an offence and is liable on conviction  
22 to the punishment prescribed under this Act.

23                  (3) In this Act, "act of terrorism" means an act willfully performed  
24 with the intention of furthering a political, an ideological, a religious, racial or  
25 an ethnic cause and which:

26                  (a) may seriously harm or damage a country or an international  
27 organisation;

28                  (b) unduly compels a government or an international organisation to  
29 perform or abstain from performing any act;

30                  (c) seriously intimidates a population;

1 (d) seriously destabilises or destroys the fundamental political,  
2 constitutional, economic or social structures of a country or an international  
3 organisation;

4 (e) influences a government or an international organisation by  
5 intimidation or coercion;

6 (f) violates the provisions of any International Treaty or Resolution  
7 to which Nigeria is a party subject to the provisions of section 12 of the  
8 Constitution of the Federal Republic of Nigeria, 1999 (as amended);

9 (g) involves or causes, as the case may be:

10 (i) an attack upon a person's life which may cause serious bodily  
11 harm or death,

12 (ii) the kidnapping of a person,

13 (iii) the destruction to a Government or public facility, a transport  
14 system, an infrastructural facility, including national critical information  
15 infrastructure, a fixed platform located on the continental shelf, a public  
16 place or private property, likely to endanger human life or result in major  
17 economic loss,

18 (iv) the seizure of an aircraft, ship or other means of public or goods  
19 transport and diversion or the use of such means of transportation for the  
20 purposes of sub-paragraph (b) (iii) of this subsection,

21 (v) the manufacture, possession, acquisition, transportation,  
22 transfer, supply or use of weapons, including explosives or biological,  
23 chemical, radiological or nuclear weapons (in this Act referred to as "BCRN  
24 weapons") as well as research into and development of BCRN weapons  
25 without lawful authority, and the receipt, possession, use, transfer,  
26 alteration, disposal or dispersal of nuclear or other radioactive material or  
27 devices,

28 (vi) the release of dangerous substance or causing of fire,  
29 explosions or floods, the effect of which is to endanger human life,

30 (vii) interference with or disruption of the supply of water, power

1 or any other fundamental natural resource, the effect of which is to endanger  
2 human life,

3 (viii) the release into the environment or any part thereof or  
4 distributing or exposing the public or any part to dangerous, hazardous, nuclear  
5 or other radioactive or harmful substance, any toxic chemical, any microbial or  
6 other biological agent or toxin, the effect of which is to endanger human life or  
7 to provoke substantial damage to property or to the environment,

8 (ix) the endangering of or engaging in acts likely to endanger the  
9 safety of an aircraft, ship, train or any other means of transportation,

10 (x) the bombing and other acts of violence at airports and other public  
11 places,

12 (xi) the disruption of any computer system or the provision of services  
13 directly related to the supply of water, power, communications, infrastructure,  
14 banking or financial services, utilities, transportation, other essential  
15 infrastructure or any other fundamental natural resources, the effect of which is  
16 to endanger human life,

17 (xii) the disruption of the provision of essential emergency services,  
18 including police, civil defence, medical and acts prejudicial to national security  
19 or public safety,

20 (xiii) the propagation and dissemination of information or  
21 information materials in any form or mode calculated to cause panic, evoke  
22 violence or intimidate a government, person or group of persons, or

23 (xiv) an act directed against a nuclear facility, or an act interfering  
24 with the operation of a nuclear facility, where the offender intentionally causes,  
25 or where he knows that the act is likely to cause, death or serious injury to a  
26 person or substantial damage to property or to the environment by exposure to  
27 radiation or release of radioactive substance, unless the act is undertaken in  
28 conformity with the provisions of existing laws.

29 (4) An act which disrupts a service but is committed in pursuance of a  
30 protest, demonstration or stoppage of work is not a terrorist act within the

1 meaning of this definition, provided that the act is not intended to result in  
2 any harm referred to in subsection (3) (b), (c), (d), (e), (f) or (g), of this  
3 section.

4 PART II - NATIONAL CO-ORDINATION AND ENFORCEMENT

5 3.-(1) The Attorney-General of the Federation is the authority for  
6 the effective implementation and administration of this Act.

Role of the  
Attorney-General

7 (2) The Attorney-General shall be responsible for strengthening  
8 and enhancing the existing legal framework on combating terrorism and  
9 terrorism financing to ensure:

10 (a) conformity of Nigeria's counter - terrorism laws, policies and  
11 other measures with United Nations Conventions on Terrorism and  
12 terrorism financing, international standards and maintain international co-  
13 operation required for preventing and combating international acts of  
14 terrorism; and

15 (a) the prosecution of terrorism and terrorism financing offences,  
16 and other offences under this Act.

17 4.-(1) The National Security Adviser shall:

Role of the  
National Security  
Adviser

18 (a) formulate policies for the effective implementation of  
19 concerted counter-terrorism efforts;

20 (b) ensure the effective formulation and implementation of a  
21 comprehensive counter-terrorism strategy in Nigeria;

22 (c) provide support to all relevant security, intelligence, law  
23 enforcement agencies and military services to prevent and combat acts of  
24 terrorism in Nigeria;

25 (d) build capacity for the effective discharge of his functions under  
26 any law or regulation;

27 (e) subject to the approval of the President, establish a National  
28 Counter Terrorism Centre for effective coordination of relevant agencies  
29 under this Act; and

30 (f) carry out such other functions that the President may deem

1 necessary for the effective implementation of counter-terrorism measures  
2 under this Act.

Role of the  
National Counter-  
Terrorism Centre

3 5. The National Counter-Terrorism Centre established under section  
4 70f this Act shall be:

5 (a) the coordinating body for counter-terrorism in Nigeria; and

6 (b) responsible for the coordination of Counter-Terrorism policies,  
7 strategies, plans and support in the discharge of the functions of the National  
8 Security Adviser specified in section 4 of this Act.

Role of law  
enforcement and  
security agencies

9 6.-(1) The law enforcement and security agencies are responsible for  
10 the gathering of intelligence and for the investigation of the offences provided  
11 for under this Act.

12 (2) Further to subsection (1) of this section, the law enforcement and  
13 security agencies have power to:

14 (a) enforce all laws and regulations on counter - terrorism in Nigeria;

15 (b) adopt measures to prevent and combat acts of terrorism in Nigeria;

16 (c) facilitate the detection and investigation of acts of terrorism in  
17 Nigeria;

18 (d) establish, maintain and secure communications, both domestic  
19 and international, to facilitate the rapid exchange of information concerning  
20 acts of terrorism;

21 (e) conduct research with the aim of improving preventive measures  
22 to efficiently and effectively combat terrorism in Nigeria; and

23 (f) partner with Civil Society Organisations and the Nigerian public to  
24 provide necessary education, support, information, awareness and  
25 sensitisation towards the prevention and elimination of acts of terrorism.

26 (3) Subject to the provisions of this Act, the law enforcement agencies  
27 have power to:

28 (a) investigate whether any person or entity has directly or indirectly  
29 committed an act of terrorism, is about to commit an act of terrorism or has  
30 been involved in an act of terrorism under this Act or under any other law;

1 (b) execute search warrants authorising its officers or any other law  
2 enforcement officer to enter into any premises, property or conveyance for  
3 the purpose of conducting searches in furtherance of its functions under this  
4 Act or any other law;

5 (c) investigate, arrest and provide evidence for the prosecution of  
6 offenders under this Act or any other law on terrorism applicable in Nigeria;

7 (d) seize, freeze or maintain custody over terrorist property or  
8 funds for the purpose of investigation, prosecution or recovery of any  
9 property or fund which the relevant agency in charge of the matter  
10 reasonably believes to have been involved in or used in the perpetration of  
11 terrorist activities in Nigeria or outside Nigeria;

12 (e) seal up premises on reasonable suspicion that the premises is  
13 involved with or is being used in connection with acts of terrorism;

14 (f) adopt measures to identify, trace, freeze, seize terrorist  
15 properties as required by law and seek for the confiscation of proceeds  
16 derived from terrorist activities whether situated within or outside Nigeria;

17 (g) in consultation with the Attorney-General and with the  
18 approval of the National Security Adviser, enter into co-operation  
19 agreements, Memorandum of Understanding or arrangements with any  
20 national or international body, other intelligence, enforcement or security  
21 agencies or organisations which in its opinion will facilitate the discharge of  
22 its functions under this Act;

23 (h) request, demand or obtain from any person, agency or  
24 organisation, information, including any report or data, that may be relevant  
25 to its functions under this Act; and

26 (i) appoint experts or professionals, where necessary, to execute,  
27 on its behalf, the powers required in furtherance of its functions under this  
28 Act.

29 (4) The relevant law enforcement and security agencies may  
30 initiate, develop or improve on, specific training programmes for their

1 officers charged with the responsibilities for the detection, prevention,  
2 prohibition, investigation, elimination and prosecution of terrorism activities  
3 in Nigeria.

4 (5) In order to strengthen inter-agency cooperation and coordination,  
5 improve synergy, joint working and effective multi-agency operability, the  
6 National Security Adviser shall work with relevant agencies under this Act to  
7 develop Standard Operating Procedures and instruments.

8 PART III - ESTABLISHMENT, FUNCTIONS, STAFF, ETC. OF THE  
9 NATIONAL COUNTER-TERRORISM CENTRE

Establishment,  
functions, staff,  
etc. of the National  
Counter-Terrorism  
Centre

10 7.-(1) There is established, in the office of the National Security  
11 Adviser, a National Counter-Terrorism Centre (in this Act referred to as "the  
12 Centre") which shall perform the roles set out in section 5 of this Act.

13 (2) Without prejudice to the primary roles of the relevant agencies  
14 under this Act, the Centre shall:

15 (a) establish a Joint Terrorism and Analysis Branch, which shall be a  
16 fusion centre responsible for terrorism research, analysis and intelligence  
17 support to law enforcement and security agencies;

18 (b) establish a legal team, which shall:

19 (i) consist of experienced and competent prosecutors to review and  
20 advise on counter terrorism cases from law enforcement and security agencies,  
21 and

22 (ii) review existing processes to ensure that counter-terrorism efforts  
23 and activities comply with rules of armed conflict.

24 (c) coordinate the implementation of a national policy and action plan  
25 on preventing and countering violent extremism programmes;

26 (d) conduct public awareness on prevention and countering violent  
27 extremism and terrorism;

28 (e) facilitate capacity building for counter-terrorism operations;

29 (f) partner with civil society and international organisations in  
30 preventing and countering violent extremism and terrorism;

1 (g) collaborate with centres, institutions and universities on  
2 terrorism related studies and research; and

3 (h) ensure that relevant agencies under this Act have access to  
4 relevant and timely intelligence and analysis for the effective discharge of  
5 their responsibilities.

6 (3) The President shall, on the advice of the National Security  
7 Adviser, appoint a National Coordinator for the Centre.

8 (4) The National Coordinator shall:

9 (a) hold office on such terms and conditions as are specified in his  
10 letter of appointment;

11 (b) report to the National Security Adviser;

12 (c) be responsible for the day-to-day administration and  
13 implementation of the functions of the Centre;

14 (d) determine the number and level of staff to be deployed or  
15 seconded to the Centre from the public service of the Federation; and

16 (e) perform such other functions connected to with the  
17 responsibilities of the Centre as the National Security Adviser, may assign to  
18 him, from time to time.

19 (5) The other employees of the Centre specified under subsection  
20 (4)(d) of this section shall be deployed or seconded to the Centre for a period  
21 not less than three years.

22 (6) The Centre shall be responsible for the formulation of the job  
23 description, title, terms, conditions, qualifications and salaries, including  
24 the allowances of its employees, subject to the approval of the National  
25 Security Adviser, after consultation with the President.

26 (7) The National Security Adviser shall ensure that adequate  
27 funding is provided for the Centre to enable perform its functions effectively  
28 and efficiently.

## PART IV - OFFENCES AND PENALTIES

Offences against  
internationally  
protected persons

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Terrorist meetings

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Soliciting and  
giving support  
to terrorist groups  
for the commission  
of acts of terrorism

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**8.-(1)** A person who:

(a) murders, kidnaps or commits other attacks on the person or liberty of an internationally protected person;

(b) carries out a violent attack on the official premises, private accommodation or means of transport of an internationally protected person in a manner likely to endanger his person or liberty; or

(c) threatens to commit any such attack, commits an offence under this Act.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction, when death-

(a) does not result from the act, to a term of imprisonment of not less than twenty-five years; and

(b) results from the act, to a death sentence, but in the case of the offence under subsection (1) (c) of this section, the court may sentence the person to; term of imprisonment of not more than fifteen years.

**9.** A person who:

(a) arranges, manages, assists in arranging or managing, participates in a meeting or an activity, to which in his knowledge is concerned or connected with an act of terrorism or terrorist group;

(b) collects, or provides logistics, equipment, information, articles or facilities for a meeting or an activity, which in his knowledge is concerned or connected with an act of terrorism or terrorist group; or

(c) attends a meeting, which in his knowledge is to support a proscribed entity or to further the objectives of a proscribed organization, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

**10.-(1)** A person who knowingly, in any manner, directly or indirectly, solicits or renders support:

(a) for the commission of an act of terrorism; or

1 (b) to a terrorist group, commits an offence under this Act and is  
2 liable on conviction to life imprisonment.

3 (2) For the purposes of subsection (1) of this section, "support"  
4 includes:

5 (a) incitement to commit an act of terrorism through the internet, or  
6 any electronic means or through the use of printed materials or through the  
7 dissemination of terrorist information;

8 (b) receiving or providing material assistance, training,  
9 transportation, false documentation or identification to terrorists or terrorist  
10 groups;

11 (c) receiving or providing information or moral assistance to a  
12 terrorist act or terrorist group, including invitation to adhere to a terrorist or  
13 terrorist group;

14 (d) entering or remaining in a country for the benefit of, or at the  
15 direction of or in association with a terrorist group; and

16 (e) providing or making available, such financial or other related  
17 services prohibited under this Act or as may be prescribed by regulations  
18 made pursuant to this Act.

19 (3) In this section, it shall not be necessary to prove that the  
20 material, information, facilities or financial assistance was actually used if it  
21 can be reasonably established that the person collected on behalf of or  
22 provided the material, information, facilities or financial assistance to a  
23 terrorist or terrorist groups.

24 11. A person, who knowingly harbours, conceals or causes to be  
25 harboured or concealed, hinders or interferes with the arrest of a person who  
26 to his knowledge:

Harboring terrorists  
or hindering the  
arrest of a terrorist

27 (a) has committed or about to commit an act of terrorism;

28 (b) is planning to commit an act of terrorism;

29 (c) is a member of a terrorist group;

1 (d) has been convicted of an act of terrorism but escaped from  
2 punishment; or

3 (e) a warrant of arrest had been issued, commits an offence under this  
4 Act and is liable on conviction to imprisonment for a term of not less than  
5 twenty years.

provision of  
training and  
instruction to  
terrorist groups  
or terrorists

6 12. A person who, knowingly agrees to provide or receives training,  
7 training material or instructions:

8 (a) in the making or use of any form of explosive or other lethal  
9 devices;

10 (b) in carrying out an act of terrorism, to a member of a terrorist group;

11 (c) to a person engaging in or preparing to engage in the commission  
12 of an act of terrorism; or

13 (d) in the practice of a military exercise or movements but who is not  
14 an authorized officer acting in the performance of an official duty, commits an  
15 offence under this Act and is liable on conviction to life imprisonment.

Concealing of  
information  
about acts of  
terrorism

16 13.-(1) Subject to the provisions of subsections (2) and (3) of this  
17 section, where a person has information which he knows or believes to be of  
18 material assistance in:

19 (a) preventing the commission by any person or an organization of an  
20 act of terrorism; or

21 (b) securing the apprehension, prosecution or conviction of another  
22 person for an offence under this Act, and fails to disclose the information to the  
23 relevant agency in charge of the matter as soon as reasonably practicable,  
24 commits an offence under this Act and is liable on conviction to imprisonment  
25 for a term of not less than ten years.

26 (2) Subsection (1) of this section does not require disclosure by a legal  
27 practitioner of any information, belief or suspicion based on any information,  
28 which he obtained in privileged circumstances.

29 (3) For the purpose of subsection (2) of this section, information is  
30 obtained by a legal practitioner in privileged circumstances where it is

1 disclosed to him by:

2 (a) his client in connection with the provisions of legal advice, not  
3 being a disclosure with a view to furthering a criminal purpose or concealing  
4 a crime; or

5 (b) any person for the purpose of actual or contemplated legal  
6 proceeding and not with a view to furthering a criminal purpose or  
7 concealing a crime.

8 **14.** A person who knowingly offers to provide, or provides any  
9 weapon, explosive, biological, chemical, nuclear or other lethal device to a  
10 terrorist group, a terrorist or any other person for use by, or for the benefit of,  
11 a terrorist group or a member of a terrorist group, commits an offence and is  
12 liable on conviction to imprisonment for a term of not less than twenty years  
13 up to a maximum of life imprisonment

Provision of  
devices to a  
terrorist

14 **15.** A person who knowingly agrees to recruit, or recruits another  
15 person to be a member of a terrorist group or participate in the commission  
16 of an act of terrorism commits an offence under this Act and is liable on  
17 conviction to imprisonment for a term of not less than twenty years.

Recruitment of  
persons to be  
members of  
terrorist groups  
or to participate  
in acts of terrorism

18 **16.** A person, who knowingly solicits property for the benefit of a  
19 terrorist group or for the commission of an act of terrorism commits an  
20 offence under this Act and is liable on conviction to imprisonment for a term  
21 of not less than twenty years.

Promotion or  
solicitation of  
property for the  
commission of  
terrorist acts

22 **17.** A person who being:

23 (a) the owner, occupier, lessee or person in charge of any building,  
24 premises, room, or place knowingly permits a terrorist meeting to be held in  
25 that building, premises, room or place;

26 (b) the owner, charterer, lessee, operator, agent of a conveyance or  
27 master of a vessel, or the pilot in charge of an aircraft; or driver of any other  
28 means of conveyance who knowingly permits that vessel, aircraft or other  
29 means of conveyance to be used for acts of terrorism; or

30 (c) the owner, lessee or person in charge of any equipment, facility

Provision of  
facilities in support  
of terrorist acts

1 or device that allows for recording, conferencing or meetings through the use  
2 of technological devices; knowingly permits that equipment, facility or device  
3 to be used for purposes of committing an offence under this Act or for planning,  
4 promoting or supporting the commission of an act of terrorism, commits an  
5 offence under this Act and is liable on conviction to imprisonment for a term of  
6 not less than twenty years.

Financing of  
terrorism

7 18.-(1) A person or entity who, within or outside Nigeria, in any  
8 manner, directly or indirectly, willingly provides, solicits, acquires, collects,  
9 receives, possesses or makes available property, funds or other services, or  
10 attempts to provide, solicit, acquire, collect, receive, possess or make available  
11 property, funds or other services with the intention or knowledge or having  
12 reasonable grounds to believe that it will be used, in full or in part to:

13 (a) finance a terrorist or terrorist group;

14 (b) commit an offence under this Act or an offence specified in any  
15 relevant law or enactment referred to under this Act; or

16 (c) do any other act intended to cause death or serious bodily injury to  
17 a civilian or any other person not taking active part in the hostilities in a  
18 situation of armed conflict, when the purpose of that act, by its nature or  
19 context, is to intimidate a group of people or to compel a government or an  
20 international organization to do or abstain from doing any act, commits an  
21 offence under this Act.

22 (2) A person who commits an offence under subsection (1) of this  
23 section is liable on conviction to life imprisonment and in the case of a body  
24 corporate:

25 (a) to a fine of not less than two hundred million Naira;

26 (b) the prosecution of the principal officers of the body corporate who  
27 shall on conviction be liable to imprisonment for a term of not less than twenty  
28 years to a maximum of life imprisonment; and

29 (c) the winding up of the body corporate and prohibition from its  
30 reconstitution or incorporation under any form or guise.

1 (3) A person who knowingly enters into, or becomes involved in an  
2 arrangement:

3 (a) which facilitates the acquisition, retention or control by or on  
4 behalf of another person of terrorist fund by concealment, removal out of  
5 jurisdiction, transfer to a nominee or in any other way; or

6 (b) as a result of which funds or other property is to be made  
7 available for the purposes of terrorism or for the benefit of a specified entity  
8 or proscribed organization, commits an offence under this Act.

9 (4) A person who commits an offence under subsection (3) of this  
10 section is liable on conviction to imprisonment for a term of not less than  
11 twenty years and in the case of a body corporate:

12 (a) to a fine of not less than one hundred million Naira;

13 (b) the prosecution of the principal officers of the corporate body  
14 who shall on conviction be liable to imprisonment for a term of not less than  
15 twenty years; and

16 (c) the winding up of the corporate body and prohibition from its  
17 reconstitution or incorporation under any form or guise.

18 (5) An offence under this section shall apply, regardless of whether  
19 the person alleged to have committed the offence is in the same country or a  
20 different country from the one in which:

21 (a) the terrorist, terrorist group or proscribed entity is located; or

22 (b) the terrorist act occurred or is planned to occur.

23 (6) In proving the offence of terrorism financing, it shall not be  
24 required that the funds:

25 (a) were actually used to carry out an act of terrorism;

26 (b) were used to attempt an act of terrorism; or

27 (c) be linked to a specific act of terrorism.

28 (7) For the purpose of this section, intention may be inferred from  
29 objective factual circumstances.

Dealing in  
terrorist property

1                   19.-(1) A person or an entity who, knowingly:  
2                   (a) deals, directly or indirectly, in any terrorist funds or property;  
3                   (b) acquires or possesses terrorist funds or property;  
4                   (c) enters into, or facilitates, directly or indirectly, any transaction in  
5                   respect of a terrorist funds or property;  
6                   (d) converts, conceals, or disguises terrorist funds or property; or  
7                   (e) provides financial or other services in respect of terrorist fund or  
8                   property at the direction of a terrorist or terrorist group, commits an offence  
9                   under this Act and is liable on conviction to life imprisonment.

10                  (2) In this section, the word 'knowingly' referred to in subsection (1)  
11                  of this section may be inferred from the objective factual circumstances of the  
12                  case.

Hostage taking,  
kidnapping,  
hijacking, etc.

13                  20.-(1) A person who knowingly:  
14                  (a) seizes, detains or attempts to seize or detain any person property or  
15                  facility in order to compel a third party to do or abstain from doing any act;  
16                  (b) threatens to kill, injure or continue to detain a person in order to  
17                  compel a third party to do or abstain from doing any act; or  
18                  (c) gives an explicit or implicit condition for the release of the person  
19                  held hostage or the property or facility detained, commits an offence under this  
20                  Act.

21                  (2) A person who commits an offence under subsection (1) of this  
22                  section is liable on conviction, when death:

23                  (a) does not result from the act, to life imprisonment; and  
24                  (b) results from the act, to a death sentence.

25                  (3) In this section:

26                  (a) a "third party" means a State, an international governmental  
27                  organisation, a natural or legal person or a group of persons; and

28                  (b) the word 'knowingly' referred to in subsection (1) of this section  
29                  may be inferred from the objective factual circumstances of the case.

1                   21.-(1) A person who is a member or professes to be a member of a  
2 terrorist group or a proscribed entity, in or outside Nigeria, commits an  
3 offence and is liable on conviction to imprisonment for a term of not less  
4 than twenty years.

Membership of  
a terrorist group  
or proscribed  
entity

5                   (2) It is a defence for a person charged with an offence under this  
6 section to prove that the entity in respect of which the charge is brought was  
7 not a terrorist group or a proscribed entity at the time that he:

8                   (a) became a member of that group or entity;

9                   (b) professed to be a member of that group or entity; or

10                  (c) has not taken part in the activities of that group or entity, after it  
11 became a terrorist group or proscribed entity

12                  (3) A person who belongs or professes to belong to a proscribed  
13 entity in or outside Nigeria, commits an offence under this Act and is liable  
14 on conviction to life imprisonment.

15                  (4) A person charged with an offence under subsection (3) of this  
16 section may prove that the entity had not been designated to be a proscribed  
17 entity at the time the person charged became or began to profess to be a  
18 member of the entity and that he has not taken part in the activities of the  
19 organisation at any time after it has been designated to be a proscribed entity.

20                  22.-(1) A person who conspires with another to commit an offence  
21 under this Act in Nigeria, or to commit an act of terrorism in any place  
22 outside Nigeria being an act, which if done in Nigeria would have  
23 constituted an offence under this Act is deemed to have conspired to do that  
24 act in Nigeria and is liable on conviction to the same punishment as provided  
25 under this Act for the offence to which the conspiracy relates.

Conspiracy, aiding  
and abetting

26                  (2) A person who knowingly, directly or indirectly-

27                  (a) aids and abets;

28                  (b) induces, instigates, instructs; or

29                  (c) counsels or procures another person by any means whatsoever  
30 to commit an act of terrorism,

1 commits an offence.

2 (3) A person who commits an offence under subsection (1) of this  
3 section is liable on conviction, where:

4 (a) the offence is committed, to the same punishment as provided  
5 under this Act for the offence to which the offence relates; and

6 (b) the offence is not committed, to imprisonment for a term of not  
7 less than five years and not more than that provided for the full offence under  
8 this Act.

Escape or aiding  
and abetting  
escape

9 23. A person who:

10 (a) being in lawful custody for act of terrorism, escapes; or

11 (b) aids, facilitates or abets the escape of a person who is:

12 (i) in lawful custody of the relevant agency in charge of the matter for  
13 an act of terrorism, or

14 (ii) suspected to have committed an offence under any of the  
15 provisions of this Act, commits an offence under this Act and is liable on  
16 conviction to imprisonment for a term of not less than twenty years.

Attempt to  
commit an offence

17 24.-(1) A person who attempts to commit an offence under this Act is  
18 liable on conviction to the same punishment as provided under this Act for the  
19 offence to which the attempt relates.

20 (2) Where a person is charged with any of the offences under this Act  
21 and the evidence establishes an attempt to commit that offence, he may be  
22 convicted of having attempted to commit the offence and is liable on  
23 conviction to the same punishment as provided under this Act for the offence to  
24 which the attempt relates.

25 (3) Where a person is charged with an attempt to commit an offence  
26 under this Act, but the evidence establishes the commission of the full offence,  
27 the person shall not be acquitted but shall be convicted for the commission of  
28 the offence and is liable on conviction to the same punishment as provided  
29 under this Act for the offence to which the attempt relates.

1           25. A person who engages in any conduct in preparation to commit  
2 an act of terrorism or assists another person to commit an act of terrorism  
3 commits an offence under this Act and is liable on conviction to  
4 imprisonment for a term of twenty year.

Preparation to  
commit acts of  
terrorism

5           26. A person who, with intent to deceive, unlawfully assumes the  
6 name, character or designation of an officer of a relevant agency in order to  
7 perpetrate acts of terrorism commits an offence under this Act and is liable  
8 on conviction to imprisonment for a term of not less than seven years.

Unlawful  
assumption of  
character of an  
officer of a  
relevant agency

9           27. In any case of terrorism under this Act, a person who tampers  
10 with:

Tampering with  
evidence or witness

11           (a) a witness by intimidation, threats, blackmail or similar acts, or  
12           (b) an evidence or exhibit, by falsification, conversion, destruction  
13 or forgery, commits an offence and is liable on conviction to imprisonment  
14 for a term of not less than five years.

15           28.-(1) A person who:

Obstruction of  
an authorised  
officer of a  
relevant agency

16           (a) wilfully obstructs an authorised officer of a relevant agency in  
17 the exercise of any of the powers conferred on it by this Act; or

18           (b) fails to comply with any lawful enquiry, request or information,  
19 wherever located, made by any authorised officer in accordance with the  
20 provisions of this Act, commits an offence and is liable on conviction to  
21 imprisonment for a term of not less than five years.

22           (2) A person who:

23           (a) refuses an authorised officer of a relevant agency access to any  
24 premises, or fails to submit to a search by a person authorised to search him  
25 under this Act;

26           (b) assaults or obstructs an authorised officer of a relevant agency  
27 in the execution of his duty under this Act; or

28           (c) fails to produce or conceals or attempts to conceal from an  
29 authorised officer of a relevant agency, any book, document, information  
30 storage system or article in relation to which the officer has reasonable

1 grounds for suspecting or believing that an offence under this Act or any other  
2 law prohibiting terrorism has been or is being committed, or which is liable to  
3 seizure under this Act, commits an offence and is liable on conviction to  
4 imprisonment for a term of not less than five years.

5 (3) A person who:

6 (a) discloses to another anything which is likely to prejudice a  
7 terrorist investigation; or

8 (b) interferes with material which is likely to undermine a terrorist  
9 investigation, or likely to be relevant to a terrorist investigation, commits an  
10 offence under this Act and is liable on conviction to imprisonment for a term of  
11 not less than five years.

12 (4) It is a defence for a person charged with an offence under  
13 subsection (3) of this section to prove that he did not know and had no  
14 reasonable cause to suspect that the disclosure was likely to affect a terrorist  
15 investigation.

Offences by an  
entity

16 29.-(1) Where an offence under this Act committed by an entity is  
17 proved to have been committed on the instigation or with the connivance of, or  
18 is attributable to any neglect on the part of a director, manager, secretary of the  
19 entity or any person purporting to act in any of those capacities, the officer is  
20 liable on conviction to the same punishment as provided under this Act for the  
21 offence.

22 (2) Where an entity is convicted of an offence under this Act, it shall  
23 be liable to the forfeiture of any assets, funds or property used or intended to be  
24 used in the commission of the offence and the court may issue an order to wind-  
25 up the entity or withdraw the practice licence of the entity and those of its  
26 principal officers or both.

27 (3) Where the court orders the entity to be wound up, its assets and  
28 properties shall be transferred to any fund or Agency established under any law  
29 for the recovery of proceeds of crime; and the entity shall be prohibited from  
30 reconstitution or incorporation under any other form or guise.

1 (4) Nothing contained in subsections (1) and (2) of this section  
2 shall render any person liable to punishment if he proves that the offence was  
3 committed without his knowledge or that he exercised all due diligence to  
4 prevent the commission of the offence.

5 PART V - OFFENCES RELATING TO CIVIL AVIATION, SAFETY OF SHIPS  
6 AND FIXED PLATFORMS

7 30. A person who, on board an aircraft in flight seizes or exercises Hijacking of  
8 control of that aircraft by force, threat or any other form of intimidation, aircraft  
9 commits an offence under this Act and is liable on conviction to life  
10 imprisonment.

11 31.-(1) A person who: Offences against  
12 (a) commits an act of violence against a person on board an aircraft the safety of civil  
13 in flight, if that act is likely to endanger the safety of that aircraft; aviation

14 (b) destroys an aircraft in service, or causes damage to an aircraft  
15 which renders it incapable of flight or which is likely to endanger its safety  
16 in flight;

17 (c) places or causes to be placed on an aircraft in service, by any  
18 means whatsoever, a device or a substance which is likely to destroy that  
19 aircraft, or cause damage to it which renders it incapable of flight, or cause  
20 damage which is likely to endanger its safety in flight;

21 (d) destroys or damages air navigation facilities or interfering with  
22 their operation, if the act is likely to endanger the safety of the aircraft in  
23 flight; or

24 (e) communicates information which the person knows to be false,  
25 thereby endangering the safety of the aircraft in flight, commits an offence  
26 under this Act and is liable on conviction to imprisonment for a term of not  
27 less than twenty years.

28 (2) A person who threatens, with the aim of compelling the State or  
29 a person to do or refrain from doing any act, to commit an offence provided  
30 for under subsection (1)(a), (1)(b), or (1)(d) of this section, where the threat is

1 likely to endanger the safety of the aircraft, commits an offence under this Act  
2 and is liable on conviction to imprisonment for a term of not less than twenty  
3 years.

Offences against  
safety at airports  
serving military  
or civil aviation

4 32.-(1) A person who:

5 (a) commits an act of violence against a person at an airport serving  
6 military or civil aviation which causes or is likely to cause serious injury or  
7 death; or

8 (b) destroys or seriously damages the facilities of an airport serving  
9 military or civil aviation or aircraft not in service located on the facilities or  
10 disrupting the services of the airport, using any device, substance or weapon,  
11 where such acts are likely to endanger the safety at an airport serving military  
12 or civil aviation; commits an offence under this Act and is liable on conviction  
13 to imprisonment for a term of not less than twenty years.

14 (2) A person who threatens with the aim of compelling the State or a  
15 person to do or refrain from doing any act, to commit any of the offences  
16 provided for in subsection (1) of this section, if the threat is likely to endanger  
17 the safety at an airport serving military or civil aviation, commits an offence  
18 under this Act and is liable on conviction to imprisonment for a term of not less  
19 than ten years.

Offences against  
the safety of  
ships or fixed  
platform

20 33.-(1) A person who:

21 (a) seizes or exercises control of a ship or a fixed platform by force,  
22 threat or any other form of intimidation;

23 (b) commits an act of violence against a person on board a ship or a  
24 fixed platform, if that act is likely to endanger the safety of the ship or fixed  
25 platform;

26 (c) destroys a ship or causes damage to a ship or its cargo;

27 (d) places or causes to be placed on a ship, by any means whatsoever, a  
28 device or substance likely to destroy or cause damage to the ship or its cargo;

29 (e) destroys a fixed platform or causes damage to it which is likely to  
30 endanger its safety, or places or causes to be placed on a fixed platform, by any

1 means whatsoever, a device or substance likely to destroy that fixed  
2 platform or to endanger its safety;

3 (f) destroys or damages maritime navigational facilities or  
4 interferes with their operation, if that act is likely to endanger the safe  
5 navigation of a ship;

6 (g) communicates information which that person knows to be  
7 false, thereby endangering the safe navigation of a ship; or

8 (h) injures any person in connection with the commission of any of  
9 the offences provided for in paragraphs (a) to (g) of this subsection, commits  
10 an offence under this Act and is liable on conviction to imprisonment for a  
11 term of not less than twenty years.

12 (2) Where death results from any of the offences provided for in  
13 subsection (1) of this section, the person on conviction be sentenced to  
14 death.

15 (3) A person who threatens, with the aim of compelling the State or  
16 a person to do or refrain from doing any act, to commit any of the offences  
17 provided for in subsection (1) (b), (c), (e) and (f) of this section, if the threat  
18 is likely to endanger the safe navigation of a ship or the safety of the fixed  
19 platform, commits an offence under this Act and is liable on conviction to  
20 imprisonment for a term of not less than ten years.

21 34.-(1) A person who:

22 (a) uses against or on a ship or a fixed platform, or discharges from  
23 a ship or a fixed platform any explosive, radioactive material or BCRN  
24 weapon in a manner that causes or is likely to cause death or serious injury or  
25 damage;

26 (b) discharges, from a ship or fixed platform, oil, liquefied natural  
27 gas or other hazardous or noxious substance, which is not covered by  
28 paragraph (a) of this subsection, in such quantity or concentration that  
29 causes or is likely to cause death or serious injury or damage; or

30 (c) uses a ship in a manner that causes death or serious injury or

Use and discharge  
of BCRN weapons  
and other substances  
from a ship or fixed  
platform

1 damage, where the purpose of the act, by its nature or context, is to intimidate a  
2 population, or to compel a government or an international organisation to do or  
3 to abstain from doing any act; commits an offence under this Act and is liable  
4 on conviction to imprisonment for a term of not less than twenty years.

5 (2) A person who threatens to commit any of the acts provided under  
6 subsection (1) of this section, commits an offence under this Act and is liable on  
7 conviction to imprisonment for a term of not less than twenty years.

Transportation  
of BCRN weapons  
or other dangerous  
substances on  
board a ship

8 35.-(1) A person who transports:

9 (a) any explosive or radioactive material, knowing that it is intended  
10 to be used:

11 (i) to cause death or grievous bodily harm or damage, or

12 (ii) in a threat to cause death or grievous bodily harm or damage, for  
13 the purpose of intimidating a population, or compelling a government or an  
14 international organisation to do or to abstain from doing any act;

15 (b) any BCRN weapon, knowing it to be a BCRN weapon;

16 (c) any source of material, special fissionable material, or equipment  
17 or material especially designed or prepared for the processing, use or  
18 production of special fissionable material, knowing that it is intended to be  
19 used in a nuclear explosive activity or in any other nuclear activity not under  
20 safeguards agreement; or

21 (d) any equipment, materials or software or related technology that  
22 significantly contributes to the design, manufacture or delivery of a BCRN  
23 weapon, with the intention that it will be used for that purpose, commits an  
24 offence under this Act and is liable on conviction to imprisonment for a term of  
25 not less than twenty years.

26 (2) A person who causes injury to a person in connection with the  
27 perpetration of any of the offences provided for under subsection (1) of this  
28 section, commits an offence under this Act and is liable on conviction to  
29 imprisonment for a term of not less than twenty years.

1           36. A person who transports another person on board a ship,  
2 knowing that the person intends to commit an act that constitutes an offence  
3 under this Act commits an offence under this Act and is liable on conviction  
4 to imprisonment for a term of not less than twenty years.

Transportation  
of persons intending  
to commit offences  
on board ships

5           37. A person who transports another person on board a ship,  
6 knowing that the person has committed an act that constitutes an offence  
7 under this Act and intending to assist that person to evade criminal  
8 prosecution, commits an offence under this Act and shall on conviction be  
9 liable to imprisonment for a term of not less than ten years.

Transportation of  
certain offenders  
on board ships

10           38.-(1) A person who delivers, places, discharges or detonates an  
11 explosive or other lethal device into or against a place of public use, a State  
12 or government facility, a transportation system or an infrastructure facility  
13 with the intent to cause:

Offences with  
explosives or  
other lethal devices

14           (a) death or grievous bodily harm; or

15           (b) extensive destruction of such a place, facility or system, where  
16 such destruction results in, or is likely to result in, major economic loss,  
17 commits an offence under this Act and is liable on conviction to  
18 imprisonment for a term of not less than twenty years.

19           (2) Where death results from any of the offences provided for in  
20 subsection (1) of this section, the person shall on conviction be sentenced to  
21 death.

22           39.-(1) A person who, without lawful authority, receives,  
23 possesses, transfers, alters, or disposes radioactive, nuclear materials or  
24 possesses a device:

Handling of  
radioactive,  
nuclear materials  
or devices

25           (a) with the intent to cause death or grievous bodily harm; or  
26 substantial damage to property or to the environment; or

27           (b) which causes or is likely to cause death or grievous bodily harm  
28 to any person or substantial damage to property or to the environment,  
29 commits an offence under this Act and is liable on conviction to  
30 imprisonment for a term of not less than twenty years.

1 (2) Where death results from any of the offences provided for in  
2 subsection (1) of this section, the person shall on conviction be sentenced to  
3 death.

4 (3) A person who commits:

5 (a) a theft or robbery of radioactive or nuclear material;

6 (b) an embezzlement or fraudulently obtains a radioactive or nuclear  
7 material; or

8 (c) an act which constitutes the carrying, sending, or moving of  
9 radioactive material into or out of Nigeria without lawful authority, commits an  
10 offence under this Act and is liable on conviction to imprisonment for a term of  
11 not less than twenty years.

12 (4) A person who threatens to commit an offence set forth under  
13 subsection (2) (a) of this section in order to compel a natural or legal person,  
14 international organisation or State to do or to refrain from doing any act,  
15 commits an offence under this Act and is liable on conviction to imprisonment  
16 for a term of not less than twenty years.

17 (5) A person who demands radioactive or nuclear material or a device  
18 by threat, or by use of force, or by any other form of intimidation, commits an  
19 offence under this Act and shall on conviction be liable to imprisonment for a  
20 term of not less than twenty years.

Use of radioactive  
or nuclear material

21 40.-(1) Any person who, without lawful authority, uses or disperses in  
22 any way radioactive or nuclear material or makes or uses a device:

23 (a) with the intent to cause:

24 (i) death or grievous bodily harm, or

25 (ii) substantial damage to property or the environment;

26 (b) to compel a natural or legal person, an international organization,  
27 or a State to do or refrain from doing an act; or

28 (c) which causes or is likely to cause death or grievous bodily harm to  
29 any person or substantial damage to property or to the environment, commits  
30 an offence under this Act and is liable on conviction to imprisonment for a term

1 of not less than twenty years.

2 (2) A person who threatens to commit an offence provided for in  
3 subsection (1) of this section, commits an offence under this Act and is liable  
4 on conviction to imprisonment for a term of not less than twenty years.

5 41.-(1) A person who uses or damages a nuclear facility, interferes  
6 with its operation, or commits any other act directed against a nuclear  
7 facility, in a manner which releases or risks the release of radioactive  
8 material:

9 (a) with the intention to cause:

10 (i) death or serious bodily injury, or

11 (ii) substantial damage to property or to the environment;

12 (b) with knowledge that the act is likely to cause death or grievous  
13 bodily harm to any person or substantial damage to property or to the  
14 environment by exposure to radiation or release of radioactive substances  
15 unless the act is undertaken in conformity with the existing laws and  
16 regulations; or

17 (c) to compel a natural or legal person, an international  
18 organization or a State to do or refrain from doing an act, commits an offence  
19 under this Act and is liable on conviction to imprisonment for a term of not  
20 less than twenty years.

21 (2) A person who threatens to commit an offence provided for in  
22 subsection (1) of this section, commits an offence under this Act and is liable  
23 on conviction to imprisonment for a term of not less than twenty years.

24 (3) A person who demands for a nuclear facility by threat, or by use  
25 of force or by any other form of intimidation, commits an offence under this  
26 Act and is liable on conviction to imprisonment for a term of not less than ten  
27 years.

28 42. A person who supplies, sells, or transfers, directly or indirectly,  
29 to individuals placed on the Consolidated List, arms and related materiel of  
30 all types, including weapons and ammunition, military vehicles and

Offences relating  
to nuclear facilities

Arms, embargo

1 equipment, paramilitary equipment, and their spare parts as well as technical  
2 advice, assistance, or training related to military activities, whether this  
3 conduct is carried out

4 (a) within the territories of Nigeria;

5 (b) by nationals of Nigeria abroad; or

6 (c) by anyone using flag vessels or aircraft from Nigeria, commits an  
7 offence under this Act and is liable on conviction to imprisonment for a term of  
8 not less than twenty years.

Travel ban

9 43. An individual placed on the Consolidated List is not allowed  
10 entry into, or transit through, the territory of Nigeria, unless the individual is a  
11 citizen of Nigeria.

12 PART VI - DESIGNATION OF SPECIFIED ENTITIES AND

13 REVOCATION OF CHARITIES

Orders designating  
certain entities to  
be specified  
entities

14 44.-(1) Where the Attorney-General, based on the recommendation of  
15 the National Security Adviser or a relevant agency, has reasonable grounds to  
16 suspect that an entity has knowingly committed, attempted to commit,  
17 participated in committing, facilitated the commission of an act of terrorism or  
18 an entity is knowingly acting on behalf of, at the direction of, or in association  
19 with an entity referred to in section 45 of this Act, he may make an order under  
20 subsection (2) of this section in respect of that entity.

21 (2) Where the Attorney-General is satisfied that there is evidence to  
22 support the recommendation from the National Security Adviser or a relevant  
23 agency under subsection (1) of this section, he may by an order published in the  
24 Federal Gazette designate an entity in respect of which the recommendation  
25 was made to be a specified entity.

26 (3) Within sixty days of the publication in the Federal Gazette, a  
27 specified entity may make an application in writing to the Attorney-General for  
28 the revocation of an order made under subsection (2) of this section.

29 (4) Where an application is made under subsection (3) of this section,  
30 the Attorney-General shall, after consulting the National Security Adviser or

1 the relevant agency that recommended the order on the specified entity,  
2 decide:

3 (a) whether there are reasonable grounds for revocation, and where  
4 he is satisfied that reasonable grounds exists, revoke the order and publish  
5 the notice of revocation in the Federal Gazette; or

6 (b) that there are no reasonable grounds for revocation of the order,  
7 and refuse the application.

8 (5) The Attorney-General shall, within sixty days of receiving the  
9 application referred to in subsection (4) of this section, inform the applicant  
10 of his decision to revoke or not to revoke the order.

11 (6) A specified entity which is aggrieved by the decision of the  
12 Attorney-General under this section may apply to the Court for a review of  
13 that decision within a period of thirty days from the date of the decision.

14 45.-(1) Where two or more persons associate for the purpose of or  
15 where an entity engages in:

Proscription of  
an entity

16 (a) participating or collaborating in an act of terrorism;

17 (b) promoting, encouraging or exhorting others to commit an act of  
18 terrorism; or

19 (c) setting up or pursuing acts of terrorism, the Attorney-General  
20 shall with the approval of the President, apply to a Judge in Chambers to  
21 designate the association or the entity to be a proscribed entity and the notice  
22 of the Proscription Order shall be published in the Federal Gazette and in  
23 two national daily newspapers and at such other places as the Judge in  
24 Chambers may determine.

25 (2) A publication made under subsection (1) of this section shall  
26 contain such relevant particulars as the Judge in Chambers may specify.

27 (3) A person who belongs or professes to belong to a proscribed  
28 entity commits an offence under this Act and is liable on conviction to  
29 imprisonment for a term of not less than twenty years.

30 (4) It is a defence for a person charged under subsection (3) of this

1 section to prove that the entity was not involved in any form of acts of terrorism  
2 at the time the person charged became or began to profess to be a member of the  
3 entity and that he has not taken part in the activities of the entity at any time  
4 after it has been designated to be a proscribed entity.

5 (5) Without prejudice to the provisions of section 47 of this Act, the  
6 Attorney-General may, on the approval of the President, apply to the Judge in  
7 Chambers for the revocation of the Proscription Order where:

8 (a) the proscribed entity affected by the order makes an application to  
9 the Attorney-General to that effect; and

10 (b) he is satisfied that a proscribed entity has ceased to engage in the  
11 acts specified in subsection (1) of this section.

12 (6) The revocation of the Proscription Order under subsection (5) of  
13 this section shall be published in the Federal Gazette.

14 46.-(1) The Registrar-General of the Corporate Affairs Commission  
15 may sign a certificate refusing or revoking the registration of any charity:

16 (a) based on national security or criminal intelligence reports; or

17 (b) where there are reasonable grounds to believe that an applicant for  
18 registration as a registered charity has made, is making or is likely to make  
19 available any resources, directly or indirectly, to a terrorist group.

20 (2) A copy of the certificate signed under subsection (1) of this section  
21 shall be served on the applicant or the registered charity at its registered office  
22 address or by registered post sent to its last known address.

23 (3) The certificate or any matter arising out of it shall not be subject to  
24 review or be reinstated, set aside or otherwise dealt with, except in accordance  
25 with the provisions subsection (4) of this section.

26 (4) The Registrar-General of the Corporate Affairs Commission may  
27 authorise the withdrawal of a certificate refusing or revoking the registration of  
28 any charity where-

29 (a) the promoters or the charity affected by the certificate makes an  
30 application to the Registrar-General attaching the Court order made under

1 section 47 of this Act, approving the registration or relisting of the charity; or

2 (b) he is satisfied that the acts or circumstances specified in  
3 subsection (1) of this section on which the certificate was issued no longer  
4 exist.

5 (5) The withdrawal of a certificate refusing or revoking the  
6 registration of any charity under subsection (4) of this section shall be  
7 published in the Federal Gazette.

8 47.-(1) Within sixty days of receipt of a copy of a Proscription  
9 Order made under section 45 of this Act or the refusal by the Registrar-  
10 General to withdraw the certificate refusing or revoking the registration of a  
11 charity under section 46 of this Act, as the case may be, the applicant or the  
12 registered charity may make an application to the Court on Notice for a  
13 review.

Application for  
judicial review

14 (2) In consideration of the application under subsection (1) of this  
15 section, the Court shall:

16 (a) examine the security, criminal or intelligence report at the  
17 disposal of the Registrar-General of the Corporate Affairs Commission and  
18 any evidence or information presented by or on behalf of the Attorney-  
19 General;

20 (b) provide the applicant or charity with a reasonable opportunity  
21 to be heard; and

22 (c) determine whether the Proscription Order or certificate is  
23 reasonable on the basis of all the information available to the Court.

24 (3) Where the Court determines that the Proscription Order or  
25 certificate is not reasonable, the Court shall order the vacation of the  
26 Proscription Order or the registration or relisting of the charity, as the case  
27 may be.

28 (4) Where the Court determines under subsection (2) of this section  
29 that the Proscription Order or the certificate issued, as the case may be, is  
30 reasonable, it shall make an order to that effect.

1 (5) A Proscription Order or certificate determined to be reasonable or  
2 that is not objected to within sixty days after its issuance shall be deemed for all  
3 purposes to be sufficient grounds for the proscription of persons or entity  
4 named in the order or the refusal or revocation of the registration of the charity  
5 referred to in the certificate.

6 (6) Where the certificate under subsection (5) of this section is in  
7 respect of a revocation, the Registrar-General of the Corporate Affairs  
8 Commission shall publish the name of the charity in at least two national  
9 newspapers.

10 (7) The Attorney-General shall review all the Orders made and  
11 certificates issued under this Part every twelve months to determine whether  
12 there are still reasonable grounds for the Orders or certificates to continue to  
13 apply to a specified entity, proscribed entity or charity, and if he determines that  
14 there are no such reasonable grounds, he shall inform the relevant agency in  
15 charge of the matter of the decision to revoke an Order or withdraw a certificate  
16 in respect of a specified entity, proscribed entity or charity be, as the case may  
17 be, unless there is proof to warrant the continued application of the Order or  
18 certificate.

Designation of  
person, group  
or entity to be  
a terrorist

19 48.-(1) The Attorney-General may, on the recommendation of the  
20 relevant agency in charge of the matter, designate a person, group or an entity to  
21 be a terrorist where it is reasonably suspected that the person, group or entity:

22 (a) is or has been involved in the commission, preparation or  
23 instigation of acts of terrorism;

24 (b) is a member of or belongs to a terrorist group, a specified entity  
25 under section 46 of this Act or designated as such under the provisions of this  
26 Act; or

27 (c) has a link with a terrorist group and the relevant agency in charge  
28 of the matter reasonably believes that the person, group or entity is a risk to  
29 national security;

30 (2) The Attorney-General may, on the recommendation of the

1 relevant agency in charge of the matter or based on information provided by  
2 the Minister of Foreign Affairs, designate a person, group or an entity to be  
3 an international terrorist or terrorist group where the person, group or entity,  
4 is:

5 (a) subject to the control or influence of persons outside Nigeria,  
6 and it is reasonably suspected that the person, group or entity is involved in  
7 the commission, preparation or instigation of acts of international terrorism;

8 (b) listed as a person, group or entity involved in international  
9 terrorist acts in:

10 (i) any Resolution of the United Nations Security Council (in this  
11 Act referred to as a "designated person, group or entity");

12 (ii) any instrument of the African Union or the Economic  
13 Community of West African States; or

14 (c) considered as a person, group or entity involved in international  
15 terrorist acts by the competent authority of a foreign State or organisation.

16 (3) Where the Attorney-General makes a designation under this  
17 section, he shall ensure that all take necessary steps are taken to apprehend  
18 and prosecute the terrorist or proscribe the terrorists group or entity, as the  
19 case may require, in accordance with the provisions of this Act.

20 (4) Where a person designated as a terrorist under this section is a  
21 citizen of Nigeria, other than by birth or a citizen of any other country or  
22 State, the person may be deprived of his Nigerian citizenship in accordance  
23 with the provisions of the Constitution of the Federal Republic of Nigeria.

24 49. A declaration made under sections 44 and 48 of this Act shall  
25 be published by the Attorney-General in the Federal Gazette:

Publication of  
declarations

26 PART VII - NIGERIA SANCTIONS COMMITTEE

27 50. The Attorney-General shall, with the approval of the President,  
28 constitute the Nigeria Sanctions Committee (in this Act referred to as "the  
29 Sanctions Committee") which shall comprise:

Constitution of  
the Nigeria  
Sanctions Committee

30 (a) the Attorney - General as Chairman,

- 1 (b) the Minister of Finance;  
 2 (c) the Minister of Foreign Affairs,  
 3 (d) the Minister of Interior;  
 4 (e) the National Security Adviser,  
 5 (f) the Director - General, State Security Service,  
 6 (g) the Governor, Central Bank of Nigeria,  
 7 (h) the Inspector - General of Police;  
 8 (i) the Director - General, Nigerian Intelligence Agency;  
 9 (j) a representative of the Chief of Defence Staff;  
 10 (k) the Director-General of the Nigeria Financial Intelligence Agency  
 11 as Secretary; and  
 12 (l) any other relevant person or institution that the President may  
 13 incorporate into the Sanctions Committee, from time to time.

Functions and  
 powers of the  
 Sanctions  
 Committee

14 51. The Sanctions Committee shall formulate and provide general  
 15 policy guidelines on designations made under sections 44 and 48 of this Act  
 16 and advise on the effective implementation of the United Nations Security  
 17 Council Resolutions, and allied instruments of the African Union and the  
 18 Economic Community of West African States.

Proceedings of  
 the Sanctions  
 Committee

19 52.-(1) The Sanctions Committee shall meet at least twice in a year  
 20 and any other time it is summoned by the Attorney -General.

21 (2) The Sanctions Committee shall prepare and submit to the  
 22 President and the National Assembly a report on its activities during the  
 23 preceding year, not later than 30th day of September in each year.

24 PART VIII - RESPONSIBILITIES OF AIRLINES, COMMERCIAL CARRIERS,  
 25 TOUR OPERATORS AND TRAVEL AGENTS

Responsibilities  
 of a airlines,  
 commercial carriers,  
 tour operators  
 and travel agents

26 53.-(1) An airline, an operator, a sea vessel operator, commercial  
 27 carrier, tour operator or travel agent shall not to aid and abet, facilitate and  
 28 promote terrorist activities.

29 (2) An airline, an operator, a sea vessel operator, commercial carrier,  
 30 tour operator or travel agent shall notify its clients of its obligation under

1 subsection (1) of this section.

2 (3) An airline, an operator, a sea vessel operator, commercial  
3 carrier, tour operator or travel agent is required to:

4 (a) insert in contracts with corresponding suppliers in destination  
5 countries, clauses requiring the suppliers to comply with the obligations  
6 stated in subsections (1) and (2) of this section;

7 (b) refrain from utilizing messages on printed materials, video or  
8 the internet that could suggest or allude to behaviour incompatible with the  
9 provisions of this Act;

10 (c) inform their staff of their obligations under this Act; and

11 (d) include clauses regarding their obligations under this Act in  
12 their conditions of service.

13 (4) The operator of an aircraft or master of a vessel departing from  
14 Nigeria or registered in Nigeria but departing from any point outside Nigeria  
15 shall, subject to regulations made pursuant to this Act, provide to the:

16 (a) relevant agencies any information in his possession, relating to  
17 persons on board or expected to be on board the aircraft or vessel, as the case  
18 may be; or

19 (b) competent authority in a foreign State any information in his  
20 possession relating to persons on board or expected to be on board the  
21 aircraft or vessel, as the case may be.

22 (5) An airline, an operator, a sea vessel operator, commercial  
23 carrier, tour operator or travel agent who fails to comply with the provisions  
24 of this Act or violates the provisions of this section commits an offence and  
25 in addition to any other penalty provided in this Act is liable on conviction to  
26 a fine of not less than ten million naira or the forfeiture of the vessel or  
27 aircraft belonging to the entity to any fund or agency established under any  
28 law for the recovery of proceeds of crime, or both.

29 PART IX - INVESTIGATION AND PROSECUTION

30 54.-(1) An authorised officer of a relevant agency may apply ex-

Issuance of  
warrant for terrorist  
investigation

1 parte to the Court for the issuance of a warrant for the purposes of a terrorist  
2 investigation.

3 (2) The Court may issue a warrant authorising an officer of a relevant  
4 agency to:

5 (a) enter the premises, place or conveyance specified or described in  
6 the warrant;

7 (b) search the premises, place or conveyance and any person found in  
8 the premises, place or conveyance; and

9 (c) seize and detain any relevant material found on the premises, place  
10 or conveyance.

11 (3) The Court shall not issue a warrant under subsection (2) of this  
12 section unless the Court is satisfied that:

13 (a) the warrant is sought to prevent the commission of an offence or to  
14 prevent interference in an investigation under this Act;

15 (b) the warrant is required for the purposes of a terrorist investigation;

16 (c) there are reasonable grounds for believing that there is a person or  
17 material on the premises or conveyance which may be relevant to the terrorist  
18 investigation; or

19 (d) the person being sought is preparing or about to commit an offence  
20 under this Act.

21 (4) Where a seizure is effected in the course of search or investigation  
22 under this section, a copy of the list of all the articles, documents and other  
23 materials seized shall be made, duly endorsed and handed to the:

24 (a) person on whom the search is made; or

25 (b) owner of the premises, place or conveyance searched.

Investigation  
and search without  
warrant

26 55.-(1) Where in a case of verifiable urgency or a life is threatened, or  
27 to prevent the commission of an offence under this Act, and an application to  
28 the Court or to a Judge in Chambers to obtain a warrant would cause delay that  
29 may be prejudicial to the maintenance of public safety or order, an officer of a  
30 relevant agency may, without prejudice to the provisions of section 54 of this

1 Act or any other law, with the assistance of other officers as may be  
2 necessary and while search warrant is being sought for:

3 (a) enter and search any premises, place or conveyance if he has  
4 reason to suspect that, within those premises, place or conveyance:

5 (i) an offence under this Act is being committed or likely to be  
6 committed;

7 (ii) there is evidence of the commission of an offence under this  
8 Act; or

9 (iii) there is an urgent need to prevent the commission of an offence  
10 under this Act.

11 (b) search any person or conveyance found on any premises or  
12 place which the officer is empowered to enter and search under paragraph  
13 (a) of this subsection;

14 (c) stop, board and search any conveyance where the authorised  
15 officers of the relevant agency has reasons to suspect that there is evidence  
16 of the commission or likelihood of the commission of an offence under this  
17 Act;

18 (d) seize, remove and detain anything which is, or contains or  
19 appears to him to be or to contain or to be likely to contain, evidence of the  
20 commission of an offence under this Act; or

21 (e) arrest, search and detain any person whom the officer  
22 reasonably suspects to have committed or likely to commit an offence under  
23 this Act.

24 (2) Where a seizure is effected in the course of search or  
25 investigation under this section, a copy of the list of all the articles,  
26 documents and other materials seized shall be made, duly endorsed and  
27 handed to the:

28 (a) person on whom the search is made; or

29 (b) owner of the premises, place or conveyance searched.

30 (3) Notwithstanding the provisions of subsection (1) of this

1 section, a woman shall only be searched by a woman.

2 (4) An authorised officer of a relevant agency who uses such force as  
3 may be necessary and proportionate for any purpose in accordance with this  
4 Act, shall not be liable in any criminal or civil proceedings, for having, by the  
5 use of reasonable force, caused injury or death to any person or damage to or  
6 loss of any property.

7 (5) A relevant agency shall, within ninety days of exercising the  
8 powers conferred by this section, provide a detailed report to the Attorney-  
9 General on the exercise of the powers, describing the urgency or life  
10 threatening situation that necessitated the exercise of the powers with  
11 justification on why obtaining a warrant would have caused delay that may be  
12 prejudicial to the maintenance of public safety or order.

Recording  
measurements,  
samples,  
photographs or  
fingerprint  
impressions during  
investigations

13 56.-(1) An authorised officer of a relevant agency shall take and  
14 record, for the purpose of identification and evidence, the measurements,  
15 samples, photographs and fingerprint impressions of all persons who may,  
16 from time to time, be in lawful custody for an offence under this Act.

17 (2) A person who refuses to submit to the taking and recording of his  
18 measurements, photographs or fingerprint impressions shall be taken before  
19 the court and where the court is satisfied that the person is in lawful custody, it  
20 shall make such Order as it deems fit authorising the State Security Service, its  
21 duly authorised officers or any enforcement or security officer to take  
22 measurements, photographs and fingerprint impressions of the person.

Detention for  
offences related  
to terrorism

23 57.-(1) Notwithstanding provisions in any other law, the Court may,  
24 pursuant to an ex-parte application, grant an Order for the detention of a  
25 suspect under this Act for a period not exceeding sixty days subject to renewal  
26 for a similar period until the conclusion of the investigation and prosecution of  
27 the matter that led to the arrest and detention is dispensed with provided that in  
28 the case of renewal, the relevant agency in charge of the matter shall involve the  
29 Attorney-General.

30 (2) A person found on any premises or place or in any conveyance

1 may be detained by the relevant law enforcement or security officer until the  
2 completion of the search or investigation under the provisions of this Act.

3 (3) An authorised officer of the relevant agency in charge of the  
4 matter may use such force as may be necessary and proportionate for the  
5 exercise of the powers conferred by subsection (2) of this section.

6 58.-(1) Where a person is arrested under reasonable suspicion of  
7 having committed an offence under this Act, the relevant agency in charge of  
8 the matter may direct that the person arrested be detained in custody for a  
9 period not exceeding twenty-four or forty-eight hours from his arrest, as the  
10 case may be, without having access to-

Access to a  
detained person  
pending conclusion  
of terrorist  
investigation

11 (a) any person other than a medical officer of the relevant agency in  
12 charge of the matter and a government appointed legal practitioner; or

13 (b) any phone or communication gadget.

14 (2) A direction under subsection (1) of this section shall not be  
15 issued unless the relevant agency in charge of the matter believes that giving  
16 access to any person, other than the medical officer or a government  
17 appointed lawyer as specified in that subsection shall:

18 (a) lead to interference with or destruction of the evidence  
19 connected with an offence under this Act or to interference with or physical  
20 injury to other persons;

21 (b) lead to alerting of other persons suspected of having committed  
22 an offence under this Act or any other law but who are not yet arrested; or

23 (c) hinder the tracking, search and seizure of terrorist property.

24 (3) As soon as a direction is issued under subsection (1) of this  
25 section, the person detained shall be informed that he may, if he so wishes,  
26 be examined by a medical officer or speak to a government appointed  
27 lawyer.

28 (4) Where a person arrested under this Act is granted a bail within  
29 the period of detention stipulated under section 57 of this Act, the Court may  
30 make such orders as may be necessary for the purpose of enabling the

1 relevant agency in charge of the matter to monitor his movement and activities,  
2 including an order that he be placed under a house arrest.

3 (5) A person under house arrest pursuant to the provisions of  
4 subsection (4) of this section shall:

5 (a) be monitored by the authorised officers of the relevant agency in  
6 charge of the matter; and

7 (b) have no access to phones or communication gadgets.

Interception of  
communications  
order

8 **59.-(1)** Without prejudice to any other law, a relevant agency may,  
9 with the approval of the Attorney-General, for the purpose of the prevention of  
10 acts of terrorism or to enhance the detection of offences related to the  
11 preparation of an act of terrorism or the prosecution of offenders under this Act,  
12 apply ex-parte to a Judge in chambers for an "interception of communication  
13 order".

14 (2) A Judge to whom an application is made under subsection (1) of  
15 this section may make an order to:

16 (a) require a communication service provider to intercept and retain a  
17 specified communication or communications of a specified description  
18 received or transmitted or about to be received or transmitted by that  
19 communication service provider, including the call record data or metadata;

20 (b) authorise a relevant agency to enter any premises and to install in  
21 such premises, any device for the interception and retention of a  
22 communication or communications of specified description and to remove and  
23 retain such a device for the purpose of intelligence gathering; or

24 (c) authorise a relevant agency to execute covert operation in relation  
25 to an identified or suspected terrorist group, entity or persons for the purpose of  
26 gathering intelligence.

27 (3) An order made under subsection (1) of this section shall specify  
28 the maximum period for which a communication service provider may be  
29 required to retain communications data to which the order relates, subject to  
30 renewal.

1 (4) Any information contained in a communication:

2 (a) intercepted and retained pursuant to an order under subsection  
3 (2) of this section; or

4 (b) intercepted and retained in a foreign State in accordance with  
5 the law of that foreign State and certified by a Judge of that foreign State to  
6 have been so intercepted and retained, is admissible in proceedings for an  
7 offence under this Act, as evidence of the truth of its content.

8 (5) In this section:

9 "communications service provider" means a person who provides postal,  
10 information or communication services, including the transmission or  
11 reception of communications and other telecommunications services;

12 "data" means information generated, sent, received or stored that can be  
13 retrieved by electronic, magnetic, optical or any similar means; and

14 "metadata" means data that provides information about other data.

15 60.-(1) A relevant agency may issue a detention order in respect of  
16 a conveyance, if it is of the opinion that:

Detention of a  
conveyance

17 (a) a threat has been made to commit an act of violence against the  
18 conveyance or against any person or property on board the conveyance;

19 (b) the conveyance is used or intended to be used to commit an  
20 offence under this Act; or

21 (c) an act of violence is likely to be committed against the  
22 conveyance, or against any person or property on board the conveyance.

23 (2) Where the operator of a conveyance fails to comply with a  
24 detention order under subsection (1) of this section, an authorised officer of  
25 a relevant agency may:

26 (a) enter or authorise any other person to enter the conveyance; or

27 (b) arrange for a person or thing to be removed from the  
28 conveyance.

29 (3) The authorised officer of a relevant agency shall give written  
30 notice to the operator of the conveyance of any detention order issued under

1 this section.

2 (4) Where the operator of a conveyance objects to a detention order  
3 made pursuant to this section, the operator may apply to the Court, and the  
4 Court may, after considering the application, confirm, vary or cancel the order.

5 (5) A person who:

6 (a) without reasonable excuse, fails to comply with the requirement of  
7 a detention order; or

8 (b) intentionally obstructs or hinders any person acting in accordance  
9 with subsection (2) of this section, commits an offence under this Act and is  
10 liable on conviction to imprisonment for a term of not less than five years.

Video recording  
and custody of  
records

11 61.-(1) A video recording shall be made and kept in respect of any  
12 person, conveyance or property detained under any provision of this Act as  
13 may be required by a relevant agency.

14 (2) Records in respect of any person, conveyance or property detained  
15 under any provision of this Act shall be kept in the custody of a relevant agency.

16 (3) A video recording and other forms of electronic evidence shall be  
17 admissible in evidence before any court of competent jurisdiction in Nigeria  
18 for offences under this Act subject to the provisions of the Evidence Act.

19 (4) In this section, "video recording" includes the recording of visual  
20 images sound by electronic or other technological means.

Evidence by  
certificate

21 62. Where in any proceedings for an offence under this Act, a  
22 question arises as to whether anything or substance is a weapon, a hazardous,  
23 radioactive or harmful substance, a toxic chemical or microbial or other  
24 biological agent or toxin, a certificate purporting to be signed by an appropriate  
25 authority to the effect that the thing or substance described in the certificate is a  
26 weapon, hazardous, radioactive or harmful substance, a toxic chemical or  
27 microbial or other biological agent or toxin, shall:

28 (a) be admissible in evidence without proof of the signature of the  
29 person appearing to have signed it; and

30 (b) in the absence of evidence to the contrary, be proof of the facts

1 stated in the certificate.

2 63. Where a person voluntarily provides to a relevant agency any  
3 information that may be useful in the investigation or prosecution of an  
4 offence under this Act, the relevant agency shall take all reasonable  
5 measures to protect the identity and life of that person and the information so  
6 provided shall be treated as confidential.

Protection of  
informants and  
information

7 64.-(1) The Court may on its own, or on an application or motion by  
8 the Attorney-General or the relevant agency in charge of the matter protect a  
9 witness or any person in any proceeding before it where it is satisfied that the  
10 life of the person or witness is in danger and take such measures as it  
11 considers fit to keep the identity and address of the witness or person secret.

Protection of  
persons and  
witnesses

12 (2) The measures which the Court may take under subsection (1) of  
13 this section, include:

14 (a) the holding of the proceeding at a place to be decided by the  
15 court;

16 (b) avoiding the mention of the real name and address of the  
17 witness or person in its orders, judgments or records of the case, which are  
18 accessible to the public;

19 (c) issuing a direction for ensuring that the identity and address of  
20 the witness or person are not disclosed; and

21 (d) undertaking the proceeding in camera in order to protect the  
22 identity and location of witnesses and other persons.

23 (3) The Court may also decide, in the public interest and national  
24 security that:

25 (a) all or any of the proceedings pending before the Court shall not  
26 be published in any manner; and

27 (b) the proceedings shall be adjourned and the accused persons  
28 detained pending when the Attorney-General or the relevant agency in  
29 charge of the matter is able to guarantee the safety of the witnesses and other  
30 persons involved in the matter.

1 (4) The Court may, on an application by or on behalf of the relevant  
2 agency in charge of the matter, in the interest of public safety or order, exclude  
3 from proceedings for any offence under this Act any person other than the  
4 parties and their legal representatives.

5 (5) The Court may, on the application of the Attorney-General, reduce  
6 the penalty imposed on a person convicted of an offence in such manner as the  
7 Court considers fit where that person has:

8 (a) before any proceeding, made possible or facilitated the  
9 identification of other accused persons and their sponsors; or;

10 (b) after the commencement of the proceedings, made possible or  
11 facilitated the arrest of the persons and their sponsors mentioned in paragraph  
12 (a) of this subsection.

13 (6) A person who contravenes an order or direction made under this  
14 section commits an offence is liable on conviction to imprisonment for a term  
15 of not less than five years.

Power to prosecute

16 65. The Attorney-General shall institute and undertake criminal  
17 proceedings against any person in respect of offences committed under this Act  
18 or any law or regulation relating to counter-terrorism.

Power to declare  
a state of emergency

19 66.-(1) Subject to the provisions of the Constitution of the Federal  
20 Republic of Nigeria, 1999 (as altered), the President may in accordance with  
21 the advice of the Executive Council of the Federation, by proclamation  
22 published in the Federal Gazette, declare a state of emergency in Nigeria or in  
23 any part of Nigeria as part of anti-terrorism measures.

24 (2) On the declaration of a state of emergency under subsection (1) of  
25 this section, the President may take such measures as he considers necessary  
26 and justifiable for the purpose of dealing with the situation that exists during  
27 the period that the state of emergency is in force.

#### 28 PART X - JURISDICTION

Jurisdiction to  
try offences  
under this Act

29 67.-(1) The Federal High Court (in this Part referred to as "the Court")  
30 located in any part of Nigeria regardless of the location where the offence is

1 committed has jurisdiction to try offences under this Act or any other related  
2 enactment and to hear and determine proceedings arising under this Act  
3 whether or not the offence was commenced in Nigeria and completed  
4 outside Nigeria and the victim or the alleged offender is:

5 (a) in Nigeria;

6 (b) on a ship or aircraft registered in Nigeria;

7 (c) dealing with or on behalf of the Government of Nigeria, or a  
8 citizen of Nigeria or an entity registered in Nigeria, or

9 (d) outside Nigeria:

10 (i) where the victim of the offence is a citizen or resident of Nigeria,

11 (ii) where the alleged offender is in Nigeria and not extradited to  
12 any other country for prosecution, or

13 (iii) by a Nigerian, if the person's conduct would also constitute an  
14 offence under a law of the country where the offence was committed.

15 (2) The Court has jurisdiction to impose any penalty provided for  
16 an offence under this Act or any other related law.

17 (3) In any trial for an offence under this Act, the Court may,  
18 notwithstanding anything to the contrary in any other enactment, adopt all  
19 legal measures necessary to avoid unnecessary delays and abuse in the  
20 conduct of matters.

21 (4) Subject to the provisions of the Constitution of the Federal  
22 Republic of Nigeria (as altered), an application for stay of proceedings or for  
23 an interlocutory injunction in respect of any matter brought under this Act  
24 shall not be entertained by the Court but shall be stayed until judgment in the  
25 matter is delivered by the Court.

26 (5) Whenever a person is convicted of an offence under this Act,  
27 the Court in passing sentence shall in addition to any punishment which the  
28 Court may impose in respect of the offence, order the forfeiture, to the  
29 Federal Government of Nigeria, of any:

30 (a) terrorist fund with any accrued or accruing interest thereon;

1 (b) terrorist property;

2 (c) article, substance, device or material by means of which the  
3 offence was committed; or

4 (d) conveyance used in the commission of the offence; which is  
5 reasonably believed to have been used in the commission of the offence or for  
6 the purpose of or in connection with the commission of the offence and which  
7 may have been seized under this Act or is in the possession or custody or under  
8 the control of the convicted person.

9 (6) In any trial for an offence under this Act, the fact that an accused  
10 person is in possession of terrorist property, devices or instruments or deadly  
11 weapons or nuclear or biological weapons for which he cannot satisfactorily  
12 account for, may be proved and taken into consideration by the Court as  
13 corroborating the testimony of any witness in the trial.

14 PART XI - SEIZURE AND FORFEITURE OF TERRORIST

15 PROPERTY OR FUNDS

Property tracing

16 68.-(1) Where a relevant agency has reasonable grounds to suspect  
17 that a person has committed, is committing or is likely to commit an act of  
18 terrorism or is in possession of terrorist property, it may, for the purposes of an  
19 investigation under this Act, with the approval of the Attorney-General, apply  
20 ex-parte to the Court or a Judge in Chambers for an order:

21 (a) compelling the suspect to deliver to the relevant agency any  
22 document relevant to identifying, locating or quantifying any property  
23 belonging to or in the possession or control of that person;

24 (b) requiring a financial institution or designated non-financial  
25 institution to produce or deliver to the relevant agency all information and  
26 documents regarding any business transaction conducted by or on behalf of the  
27 suspect; or

28 (c) requiring a telecommunications operator, communications  
29 service provider or other institution to produce or deliver to the relevant agency  
30 all information, logs and documents relevant for identifying, locating, tracing

1 or intercepting any communications or equipment belonging to or in the  
2 possession or control of the suspect.

3 (2) Where a person fails to comply with, delays or is otherwise  
4 obstructing the execution of an order made under subsection (1) of this  
5 section, the Court may, on information or affidavit sworn to that effect by the  
6 relevant agency in charge of the matter, authorise the relevant agency to  
7 enter into any premises, including that of a financial institution, a  
8 telecommunications operator or communications service provider, to search  
9 and remove any document for the purpose of executing such order.

10 69.-(1) Where a person is arrested for committing an offence under  
11 this Act, he shall make full disclosure of all his assets and properties by  
12 completing the Declaration of Assets Form as specified in Form 1 in the  
13 Schedule to this Act.

Disclosure of  
assets and property  
by an arrested  
person

14 (2) The disclosures made in the Declaration of Assets Form shall be  
15 investigated by the relevant agency in charge of the matter.

16 (3) A person who:

17 (a) knowingly fails to make full disclosure of his assets and  
18 liabilities;

19 (b) knowingly makes a declaration that is false; or

20 (c) fails, neglects or refuses to make a declaration or furnish any  
21 information required, in the Declaration of Assets Form, commits an offence  
22 and is liable on conviction to imprisonment for a term of two years.

23 (4) In all terrorist investigations, regardless of whether the terrorist  
24 act has been completed or not, the relevant agency in charge of the matter  
25 shall request from the Nigerian Financial Intelligence Agency (in this Act  
26 referred to as 'the Agency') in writing, any information that may assist in the  
27 tracing of all funds or properties in or outside Nigeria that may be directly or  
28 indirectly linked to a suspected terrorist, terrorist group or entity.

29 70.-(1) A relevant agency shall seize terrorist fund or property  
30 where it has reasonable grounds to suspect that the fund or property:

Seizure of terrorist  
fund or property

- 1 (a) is intended to be used for the purposes of terrorism;  
2 (b) belongs to or is held in trust for a terrorist group or specified entity;  
3 (c) is or represents property or part of property obtained through acts  
4 directly or indirectly linked to terrorism.

5 (2) A relevant agency may seize terrorist fund or property where:

- 6 (a) the seizure is incidental to an arrest or search; or  
7 (b) the fund or property is liable to forfeiture upon an order made by  
8 the Court following an application by the relevant agency.

9 (3) A relevant agency may, in the interest of public order, defence and  
10 national security, exercise its powers under subsection (1) of this section,  
11 whether or not any proceeding has been brought for an offence in connection  
12 with a terrorist fund or property.

13 (4) A Judge in Chambers or a Court shall not make a detention or  
14 attachment order of any terrorist fund or property seized in accordance with the  
15 provisions of this section unless the Judge or Court is satisfied that reasonable  
16 grounds exist for suspecting that the terrorist fund or property:

- 17 (a) is derived from an act of terrorism or is being used or is intended to  
18 be used for the purposes of terrorism;  
19 (b) consists of resources of a terrorist, terrorist group or specified  
20 entity;  
21 (c) is or represents property or part of a property obtained directly or  
22 indirectly through terrorist activities; or  
23 (d) has given every person appearing to have an interest in the  
24 property a reasonable opportunity of being heard.

25 (5) Subject to subsection (7) of this section, any order made under  
26 subsection (4) of this section shall remain valid for a period of ninety days and  
27 may be renewed for a further period of ninety days or until the production of the  
28 terrorist fund before the court.

29 (6) The terrorist fund or the proceeds from the terrorist property  
30 seized under this section shall be deposited by a relevant agency in an interest -

1 bearing account.

2 (7) The terrorist fund with the interest may be released to the owner  
3 by an order of the Court or a Judge in Chambers where proceedings are not  
4 brought in connection with the terrorist fund seized.

5 (8) Whenever property is seized under any of the provisions of this  
6 Act, a relevant agency may:

7 (a) place the property under seal;

8 (b) auction the property, and pay the proceeds into an interest  
9 yielding account pending the determination of the matter with the leave of  
10 the Court; or

11 (c) remove the property to a place designated by the relevant  
12 agency.

13 (9) Property taken or detained under this section shall be deemed to  
14 be in the custody of the a subject only to the order of the Court.

15 71.-(1) Where a person is charged or about to be charged with an  
16 offence under this Act, the relevant agency in charge of the matter may apply  
17 to the Court or to a Judge in Chambers for a detention or attachment order of  
18 all frozen funds and seized property belonging to or held on behalf of the  
19 suspect.

Order of the  
Court relating to  
seized property

20 (2) An order made under subsection (1) of this section may:

21 (a) prohibit a person from making money or property available to  
22 or for the benefit of the suspect, except in cases of critical need including  
23 reasonable subsistence expenses;

24 (b) authorise the relevant agency in charge of the matter to make  
25 money or other property available to such person on such conditions as may  
26 be specified in the order;

27 (c) authorise the relevant agency in charge of the matter to auction  
28 the property through the office of the Attorney-General and pay the proceeds  
29 into an interest yielding account especially where the property in question is

1 perishable or is likely to perish or in imminent danger of perishing or being  
2 destroyed;

3 (d) require the suspect to provide such information or produce such  
4 document as may be required or necessary for an investigation under this Act;

5 (e) include such other conditions as the Court or Judge in Chambers  
6 may impose.

7 (3) The Court or Judge in Chambers may, on an application made to it  
8 by the Attorney- General or on the advice of the Attorney-General, appoint an  
9 official receiver or any other suitable person to auction or manage the property  
10 of the suspect during the period of operation of an order made under this  
11 section.

12 (4) An order made under this section shall remain in force and shall be  
13 published in two national daily newspapers until the determination of any  
14 charge or intended charge under subsection (1) of this section and, if there is a  
15 conviction, until an order for forfeiture is made by the Court or proceedings  
16 relating to the forfeiture are concluded.

17 (5) Where an order made under this section ceases to have effect, the  
18 relevant agency in charge of the matter shall cause notice of that fact to be  
19 published in the Federal Gazette and in two national daily newspapers within  
20 sixty days of the cessation.

21 (6) The relevant agency in charge of the matter shall:

22 (a) cause notice of an order made under this section to be published in  
23 the Federal Gazette and in two national daily newspapers; and

24 (b) give notice of the order to:

25 (i) financial institutions and designated non-financial institutions;

26 and

27 (ii) any other person who may hold or be vested with property  
28 belonging to or held on behalf of the suspect or convicted person.

29 (8) Any payment, transfer, pledge or other disposition of property  
30 made in contravention of an order made under this section shall be void.

1 (9) Property forfeited to the Federal Government shall vest in the  
2 Federal Government where:

3 (a) no appeal has been made against the order, at the end of the  
4 period within which an appeal may be made against the order; and

5 (b) an appeal has been made against the order, on the final  
6 determination of the appeal where the appeal is decided in favour of the  
7 Federal Government.

8 (10) In this section, "critical need" means serious life - threatening  
9 need.

10 72.-(1) Notwithstanding anything contained in any other  
11 enactment, where a person is arrested or under investigation for an offence  
12 under this Act or in any other circumstance whether or not connected to an  
13 arrest or investigation, the head of the relevant agency in charge of the  
14 matter or his authorised representative may, if satisfied that the fund in the  
15 account of an arrested person is:

Freezing order on  
banks or other  
financial institutions

16 (a) made through the commission of an offence;

17 (b) reasonably suspected to be made through the commission of an  
18 offence; or

19 (c) destined to be used for the commission of an offence under this  
20 Act, apply to the Court ex-parte for an order authorising the relevant agency  
21 in charge of the matter to issue an order as specified in Form 2 in the  
22 Schedule to this Act, addressed to the manager of the bank or any person in  
23 control of the financial institution where the account is or believed to be or  
24 the head office of the bank or other financial institution; to freeze the  
25 account.

26 (2) The head of the relevant agency in charge of the matter may by  
27 an order issued under subsection (1) of this section, or by any subsequent  
28 order, direct the bank or other financial institution to supply any information  
29 and produce books and documents relating to the account and to stop all  
30 outward payments, operations or transactions, including any bill of

1 exchange, in respect of the account of the arrested person or a person under  
2 investigation.

3 (3) The manager or any other person in control of the bank or a  
4 financial institution shall take necessary steps to comply with the requirements  
5 of the order made pursuant to subsection (1) and (2) of this section.

Confiscated and  
Forfeited Assets  
Account

6 73. All forfeited funds, and funds realized from the proceeds of sale,  
7 management or other forms of disposal of seized, attached and forfeited assets  
8 under this Act and vested in the Federal Government shall be paid into the  
9 Confiscated and Forfeited Assets Account established under any enactment  
10 dealing with the proceeds of crime.

11 PART XII - OBLIGATIONS OF FINANCIAL AND DESIGNATED

12 NON - FINANCIAL INSTITUTIONS

Obligation to  
develop counter-  
financing of  
terrorism  
programmes and  
strategies

13 74.-(1) Subject to the provisions of the Money Laundering  
14 (Prohibition and Prevention) Act, all financial institutions and designated non-  
15 financial institutions shall-

16 (a) develop and implement programmes and strategies for combating  
17 the financing of terrorism; and

18 (b) keep a record of any complex, unusual large and unusual pattern of  
19 transaction which has no apparent economic or visible lawful source or  
20 purpose.

21 (2) A report detailing all the parties involved in such transactions shall  
22 be kept and made available on request by the relevant agency in charge of the  
23 matter.

Obligation to  
report suspicious  
transactions  
relating to  
terrorism

24 75.-(1) Subject to the provisions of the Money Laundering  
25 (Prohibition) Act, a financial institution or designated non-financial institution  
26 shall, within forty-eight hours, forward reports of suspicious transactions  
27 relating to terrorism or terrorism financing to the Nigerian Financial  
28 Intelligence Agency which shall immediately process and forward the  
29 information to the relevant agency in charge of the matter where there are  
30 sufficient reasons to suspect that the funds:

1           (a) are derived from legal or illegal sources but are intended to be  
2       used for an act of terrorism or terrorism financing;

3           (b) are proceeds of a crime related to terrorism or terrorism  
4       financing; or

5           (c) belong to a person, entity or organisation considered as  
6       terrorists.

7           (2) A financial institution or a designated non-financial institution  
8       is not liable for violation of the confidentiality rules for any lawful action  
9       taken in furtherance of its obligations under subsection (1) of this section.

10          (3) A breach of the provision of this section is an offence under this  
11       Act and is punishable on conviction:

12          (a) in the case of a director, chief compliance officers, or other  
13       employees, with a fine of not less than five million naira or imprisonment for  
14       a term of not more than five years or to both the fine and imprisonment; and

15          (b) in the case of a financial institution or non-financial institution,  
16       to a fine of not less than ten million naira and one million naira for every day  
17       the offence persists, or the withdrawal of licence or forfeiture of assets of the  
18       institution, or to all the above prescribed penalties.

19          (4) The officer responsible for this breach may also be referred by  
20       the Nigerian Financial Intelligence Agency to the appropriate regulatory or  
21       professional body for disciplinary action, including withdrawal of  
22       certificates and debarment from practising his or her profession for a period  
23       of not less than five years.

24          (5) Where a breach of the provision of subsection (1) of this section  
25       occurs and it is shown that the breach was not intentional, and that adequate  
26       measures were put in place by the financial institution or the designated non-  
27       financial institution to prevent the breach from occurring, the Nigerian  
28       Financial Intelligence Agency in consultation with the Regulator or the Self-  
29       Regulatory Organisation responsible for the financial institution or  
30       designated non-financial institution shall impose such administrative

1 . sanctions as it may consider necessary.

2 (6) The Nigerian Financial Intelligence Centre and the Regulator or  
3 the Self-Regulatory Organisation shall publish, on their website and in any  
4 other form of publication as considered appropriate, the list of individuals and  
5 institutions penalised under this section.

6 PART XIII - MUTUAL LEGAL ASSISTANCE, EXCHANGE OF INFORMATION  
7 AND EXTRADITION

Requests from  
foreign States

8 76.-(1) A foreign State may make a request to the Attorney-General  
9 for assistance in the investigation and prosecution of offences relating to  
10 terrorism.

11 (2) The Attorney-General shall furnish a copy of a request for  
12 assistance to the National Security Adviser and the relevant agency in charge of  
13 the matter.

14 (3) Where a foreign State makes a request for assistance in the  
15 investigation or prosecution of an offence relating to terrorism or extradition  
16 where there is mutual legal assistance treaty in force, the Attorney-General  
17 may, after due consideration-

18 (a) execute the request; or

19 (b) inform the requesting State of any reason for:

20 (i) not executing the request, or

21 (ii) delaying the execution of the request.

22 (4) Where the Attorney-General decides to execute a request for  
23 assistance under subsection (1) of this section, he may apply to the Court for:

24 (a) an order for the relevant agency in charge of the matter to:

25 (i) enter and search specified premises or conveyance,

26 (ii) search any specified person, or

27 (iii) remove any relevant document or material; and

28 (b) a seizure order; property tracing order; interception of  
29 communication order; or an order for freezing or forfeiture of property or funds  
30 in such manner as may be prescribed by the Court or Judge in Chambers

1           (5) The Court or Judge in Chambers, in making an order under  
2 subsection (4) of this section, may impose such conditions as to payment of  
3 debts, sale, transfer or disposal of any property as the Court or Judge  
4 considers fit.

5           (6) Where a prima facie case is established on the basis of the  
6 request from a foreign State, the Attorney-General shall file a request for an  
7 order of forfeiture of all funds or properties used, being used or intended to  
8 be used for the commission of an act of terrorism and the Court or Judge in  
9 Chambers shall grant or reject the application for an order of forfeiture after  
10 hearing from all parties, including a bona fide third party.

11           77.-(1) The Attorney-General may, on the recommendation of the  
12 National Security Adviser or the relevant agency in charge of the matter,  
13 make a request to any foreign State for:

Request to a  
foreign State

- 14           (a) evidence or information relevant to an offence under this Act;  
15           (b) the restraint and forfeiture of any fund or property located in  
16 that foreign State and which is liable to be forfeited for being a terrorist fund  
17 or property that is used, being used or intended to be used for the  
18 commission of an act of terrorism.

19           (2) The Attorney-General may, for the purpose of giving evidence  
20 in relation to any proceedings for an offence under this Act, apply to the  
21 Court or a Judge in Chambers for an order directed to any person resident in  
22 a foreign State to:

- 23           (a) deliver himself or any document or material in his possession or  
24 under his control to the jurisdiction of the Court; or  
25           (b) subject to the approval of the foreign State, deliver himself to  
26 the jurisdiction of the court of the foreign State.

27           78.-(1) The evidence taken pursuant to section 77 of this Act, may  
28 in any proceedings in a court of a foreign State, if it is authenticated, be  
29 prima facie admissible in any proceedings to which the evidence relates,  
30 provided that the circumstances and method of collecting the evidence is

Evidence  
pursuant to a  
request

1 acceptable to Nigeria.

2 (2) For the purpose of subsection (1) of this section, a document is  
3 authenticated if it is:

4 (a) signed or certified by a Judge or Magistrate of the foreign State;

5 (b) authenticated by the oath or affirmation of a witness; or

6 (c) sealed with an official or public seal:

7 (i) of a Ministry or Department of the Government of the foreign  
8 State, or

9 (ii) in the case of a foreign territory, protectorate or colony, of the  
10 person administering the Government of the foreign territory, protectorate or  
11 colony or a department of that territory, protectorate or colony.

Form of requests

12 79.-(1) A request under this Part shall be in writing, dated and signed  
13 by or on behalf of the person making the request.

14 (2) A request may be transmitted by facsimile or by any other  
15 electronic device or means.

16 (3) A request shall:

17 (a) confirm either that an investigation or prosecution is being  
18 conducted in respect of a suspected offence of terrorism or an act related to  
19 terrorism or that a person has been convicted of an offence of terrorism or act  
20 related to terrorism;

21 (b) state the grounds on which a person is being investigated or  
22 prosecuted for an offence related to terrorism or details of the conviction of the  
23 person;

24 (c) give sufficient particulars of the identity of the person;

25 (d) give sufficient particulars to identify any financial institution or  
26 designated non-financial institution or other persons believed to have  
27 information, documents or materials which may be of assistance to the  
28 investigation or prosecution;

29 (e) specify the manner in which and to whom any information,  
30 document or material obtained pursuant to the request is to be produced;

1 (f) specify the information, document or material to be obtained  
2 from a financial institution or designated non - financial institution or any  
3 person which may assist the investigation or prosecution;

4 (g) state whether:

5 (i) a freezing or forfeiture order is required, or

6 (ii) the property may be made the subject of such an order; and

7 (h) contain such other information as may assist in the execution of  
8 the request.

9 (4) A request shall not be invalidated for the purposes of this Act or  
10 any legal proceedings by failure to comply with the provisions of subsection

11 (3) of this section where the Attorney General is satisfied that there  
12 is sufficient compliance to enable him execute the request.

13 (5) The Attorney-General, where he considers it appropriate, either  
14 because an international arrangement so requires or permits or it is in the  
15 public interest, may, after deducting the cost incurred for actions taken in  
16 Nigeria, make recommendations that any part of any property forfeited  
17 under this Act or the value thereof, be returned or remitted to the requesting  
18 State.

19 (6) Where the whole or any part of the forfeited property, or its  
20 value is retained in Nigeria, it shall be paid into the Special Victims Trust  
21 Fund established under Part XIII of this Act.

22 80.-(1) Offences under this Act are considered to be extraditable Extradition  
23 crimes for which extradition may be requested, granted or obtained under  
24 the Extradition Act.

25 (2) Notwithstanding the provisions of subsection (1) of this  
26 section, a person shall not be extradited pursuant to this Act, where the  
27 Government has substantial grounds for believing that a request for  
28 extradition for an offence has been made for the purpose of prosecuting or  
29 punishing a person on account of that person's race, religion, nationality,  
30 ethnic origin or political opinion or that compliance with the request would

Exchange of information relating to acts of terrorism, terrorists and terrorist entities, etc.

1 cause prejudice to that person's position for any of these reasons.

2 **81.**-(1) A relevant agency may, with the approval of the Attorney-  
3 General on a formal request made by the appropriate authority of a foreign  
4 state, disclose to that authority, any information in its possession or any other  
5 government department, relating to any of the following:

6 (a) the actions or movements of terrorist entities or persons suspected  
7 of involvement in the preparation or the commission of acts of terrorism;

8 (b) the use of forged or falsified travel papers by persons suspected of  
9 involvement in the preparation or the commission of acts of terrorism;

10 (c) traffic in explosives or other lethal devices or sensitive materials  
11 by terrorist entities, groups or persons suspected of involvement in the  
12 preparation or the commission of acts of terrorism; and

13 (d) the use of communication technologies by terrorist entities or  
14 persons.

15 (2) Where the Attorney-General, on the recommendation of relevant  
16 agency in charge of the matter, considers that there are no means or conditions  
17 under which the information, documents or evidence requested could be  
18 provided, disclosed or given without prejudice to the national security of  
19 Nigeria, he:

20 (a) may refuse the request for the production of the document or the  
21 disclosure of the evidence or refuse the authorisation of the production of the  
22 document or the disclosure of the information; and

23 (b) shall notify the requesting authority of the foreign State of the  
24 reasons for doing so, unless the specification of those reasons would in itself, in  
25 the opinion of the Attorney-General, be prejudicial to the national security of  
26 Nigeria.

#### 27 PART XIV - SPECIAL VICTIMS TRUST FUND

Establishment of Victims Trust Fund

28 **82.**-(1) There is established in the Office of the Attorney-General a  
29 Victims Trust Fund (in this Act referred to as "the Trust Fund"), into which shall  
30 be paid:

1 (a) any take-off grant and special intervention funds as may be  
2 provided by the Federal Government;

3 (b) such moneys as may be appropriated to meet the objectives of  
4 the Trust Fund by the National Assembly;

5 (c) proceeds of the sale of assets and properties derived from acts  
6 which constitute an offence under this Act;

7 (d) aids, grants, gifts, bequests, endowments, donations or  
8 assistance from bilateral and multi-lateral international Agencies, Non-  
9 Governmental Organisations, other donor agencies, partners and the private  
10 sector or from any other sources;

11 (e) moneys derived from investments made by the Trust Fund;

12 (f) monies received from any fund under any enactment relating to  
13 proceeds of crimes; and

14 (g) any other moneys which may accrue to the Trust Fund from  
15 time to time.

16 (2) The Fund shall accept the sources of moneys referred to in  
17 paragraph (d) of subsection (1) of this section except where the terms and  
18 conditions attached to the aid, grant, gift, bequest, endowment, donation or  
19 assistance, as the case may be, are inconsistent with the objective of the  
20 Trust Fund or the provisions of this Act.

21 (3) The Attorney-General shall, on the recommendation of the  
22 Victims Trust Fund Committee established under section 83 of this Act,  
23 make regulations and issue guidelines for the management of the Fund  
24 established under subsection (1) of this section and related matters.

25 (4) The Trust Fund shall be utilised to:

26 (i) pay compensation, restitution and damages to victims of acts of  
27 terrorism;

28 (ii) fund terrorism prevention programs and such other purposes  
29 incidental to or connected with the attainment of the objectives of this Act

Establishment  
of the Special  
Victims Trust  
Fund Committee

1                   83.-(1) There is established, for the purpose of administering the Trust  
2 Fund established under section 82 of this Act, a body to be known as the Special  
3 Victims Trust Fund Committee (in this Act referred to as 'the Trust Fund  
4 Committee') which shall, subject to the provisions of this Act, have general  
5 control over the management of the Trust Fund.

6                   (2) The Trust Fund Committee shall consist of:

7                   (a) the Attorney - General who shall be the Chairman;

8                   - (b) a representative of the Minister of Finance;

9                   (c) a representative of the Inspector - General of Police;

10                  (d) a representative of the National Security Adviser;

11                  (e) two representatives of Non-Governmental Organisations whose  
12 focus is on the prevention of acts of terrorism.

13                  (f) a representative of the Director - General, State Security Service;

14                  and

15                  (g) representative of the Solicitor-General of the Federation and  
16 Permanent Secretary, Federal Ministry of Justice, who shall be the Secretary to  
17 the Committee.

18                  (3) A representative under subsection (2) of this section shall not be  
19 below the rank of a Director in the public service of the Federation or its  
20 equivalent.

21                  (4) Members of the Trust Fund Committee shall be appointed by the  
22 President on the recommendation of the Attorney-General.

23                  (5) The Trust Fund Committee shall be responsible for:

24                  (a) receiving all moneys, aids, grants, gifts, bequests, endowments,  
25 donations or assistance accruing to the fund;

26                  (b) determining victims of acts of terrorism who are entitled to benefit  
27 from the Trust Fund; and

28                  (c) approving the disbursements of moneys from the Trust Fund to  
29 victims of acts of terrorism.

30                  (6) Subject to the provisions of subsection (7) of this section,

1 members of the Trust Fund Committee specified in subsection (2) (e) of this  
2 section shall hold office for a term of four years in the first instance and may  
3 be eligible for reappointment for another term of four years and no more.

4 (7) A member of the Trust Fund Committee shall cease to hold  
5 office if:

6 (a) his term of office expires;

7 (b) he resigns his office by a notice in writing under his hand  
8 addressed to the President;

9 (c) he dies;

10 (d) he is incapable of carrying out his duties due to mental or  
11 physical infirmity;

12 (f) he has been declared bankrupt or he makes compromise with his  
13 creditors;

14 (g) has been convicted of a felony or any offence involving  
15 dishonesty;

16 (h) he is guilty of gross misconduct relating to his duties;

17 (i) the President directs the removal of the member upon being  
18 satisfied that it is not in the interest of the Trust Fund, Trust Fund Committee  
19 or of the public for the person to continue in office as a member of the Trust  
20 Fund Committee; or

21 (j) in the case of an ex - officio member, he ceases to hold the office  
22 on the basis of which he became a member of the Trust Fund Committee.

23 (8) The Trust Fund Committee:

24 (a) shall meet at least twice in a year and on such other occasions as  
25 it may consider necessary to carry out its functions under this Part.;

26 (b) may make rules and standing orders to regulate its proceedings  
27 or those of its committees;

28 (c) may co-opt any person to assist it in carrying out its assignments  
29 under this Act, provided that a co-opted member shall not have the right to  
30 vote at Committee meetings; and

1 (e) may appoint one or more committees to carry out its functions on  
2 its behalf.

3 PART XV - MISCELLANEOUS

Service of documents

4 84. A notice, summons or other documents required or authorized to  
5 be served on a relevant agency under the provisions of this Act or any other law  
6 or enactment may be served by delivering it to or by sending it by registered  
7 post and addressed to the head office of the relevant institution or relevant  
8 agency.

Restriction on execution against property of a relevant agency, etc.

9 85.-(1) In an action or a suit against a relevant agency, no execution or  
10 attachment process in any nature shall be issued against a relevant agency  
11 unless not less than three months' notice of the intention to execute or attach has  
12 been given to the head of the relevant agency concerned.

13 (2) A sum of money which may by the judgment of any court be  
14 awarded against a relevant agency shall, subject to any direction given by the  
15 Court, where notice of appeal against the judgment has been given, be paid  
16 from the Victim Trust Fund.

Regulations

17 86.-(1) The Attorney-General may for the purpose of this Act make  
18 such regulations as are necessary for the effective implementation of the  
19 provisions of this Act.

20 (2) Regulations made under subsection (1) of this section may  
21 provide for the -

22 (a) types of financial or other related services which may not be  
23 provided to specially designated entities;

24 (b) procedures for the specification of entities and proscription of  
25 terrorist groups;

26 (c) method of compliance with United Nations Security Council  
27 Resolutions, the Resolutions of the African Union, Economic Community of  
28 West African States and other bilateral and multilateral partners and foreign  
29 States in respect of acts of terrorism and forfeiture of assets;

30 (d) method for the seizure, freezing, forfeiture and the management of

1 all terrorist properties in Nigeria;

2 (e) method of custody of video and other electronic recordings of  
3 suspects apprehended under this Act;

4 (f) procedure for the use of covert techniques such as interception  
5 of communication, acquisition of communication data, covert surveillance,  
6 use of undercover officers or public informants, decryption of protected  
7 electronic information and allied interferences;

8 (g) procedure for the effective management and prompt  
9 prosecution of terrorist cases in line with the highest professional standards  
10 and international human rights standards;

11 (h) protection of informants, witnesses and other persons;

12 (i) management of the Victims Trust Fund established under  
13 section 82 of this Act;

14 (j) the prevention of the entry into or transit in Nigeria of the person  
15 or group; and

16 (k) any other matter connected with the implementation of the  
17 provisions of this Act.

18 **87.** A person who contravenes any regulation made pursuant to  
19 this Act, commits an offence and is liable on conviction to such  
20 administrative or other penalties as may be prescribed in the regulations.

Penalties for  
contravention of  
regulations

21 **88.-(1)** The Economic and Financial Crimes Commission  
22 (Establishment) Act, 2004 is amended by deleting:

Consequential  
amendments

23 (a) section 15 of the Act; and

24 (b) the word "terrorism" and the meanings ascribed to it under  
25 section 46 of that Act.

26 (2) Without prejudice to section 6 of the Interpretation Act, the  
27 consequential amendments to certain provisions of the Economic and the  
28 Economic and Financial Crimes Commission (Establishment) Act, 2004  
29 specified in subsection (1) of this section shall not affect anything done  
30 under or pursuant to the amended sections.

1 (3) Every regulation, order, requirement, certificate, notice, direction,  
2 decision, authorisation, consent, application, ongoing cases in the courts,  
3 request or thing made, issued, given or done under the repealed Acts or  
4 amended sections shall, if in force at the commencement of this Act, continue  
5 to be in force and have effect as if made, issued, given or done under the  
6 corresponding provisions of this Act.

7 Repeal of the  
8 Terrorism  
9 (Prevention) Act,  
10 2011 (as  
11 amended)

7 89.-(1) The Terrorism (Prevention) Act, 2011 (as amended) is  
8 repealed.

9 (2) Every regulation, order, requirement, certificate, notice, direction,  
10 decision, authorization, consent, application, ongoing cases in the courts,  
11 request or thing made, issued, given or done under the repealed Act shall, if in  
12 force at the commencement of this Act, continue to be in force and have effect  
13 as if made, issued, given or done under the corresponding provisions of this  
14 Act.

15 (3) Any proceeding, prosecution, sentence, judgment, charge or cause  
16 of action pending or existing immediately before the commencement of this  
17 Act under any of the repealed Act in respect of any right, interest, obligation or  
18 liability, may be continued or commenced, as the case may be, and any  
19 determination of a court of law, tribunal or other authorities or person may be  
20 enforced to the same extent that such proceeding, prosecution, sentence,  
21 judgment, charge, cause of action or determination might have been continued,  
22 commenced or enforced as if this Act had not been made.

23 Interpretation

23 90. In this Act:

24 "act of terrorism" means any act specified in section 2 of this Act;

25 "act of international terrorism" means an act of terrorism involving-

26 (a) a person who is not a citizen of Nigeria;

27 (b) a person who possesses dual citizenship; or

28 (c) groups or individuals whose acts of terrorism are foreign based or  
29 directed by countries or groups outside Nigeria or whose activities transcend  
30 national boundaries;

1 "aircraft in flight" means an aircraft at any time from the moment when all its  
2 external doors are closed following embarkation until the moment when  
3 doors are opened for disembarkation and, in the case of a forced landing, the  
4 flight shall be deemed to continue until the competent authorities take over  
5 the responsibility for the aircraft and for persons and property on board the  
6 aircraft;

7 "aircraft in service" means an aircraft from the beginning of the pre-flight  
8 preparation of the aircraft by ground personnel or by the crew for a specific  
9 flight until twenty-four hours after any landing; the period of service shall,  
10 in any event, extend for the entire period during which the aircraft is in flight.

11 "Attorney - General" means the Attorney-General of the Federation and  
12 Minister of Justice;

13 "authorised persons" means duly authorised officers of a relevant agency;

14 "bank" has the meaning ascribed to it in the Banks and Other Financial  
15 Institutions Act and the reference to an order issued includes a reference to  
16 any order, direction or requirement addressed to the manager of a bank or  
17 any other officer of a bank which directs or purports to direct the manager or  
18 the officer to stop all outward payment, operations or transactions in respect  
19 of any account with that bank;

20 "BCRN weapons" means biological weapons, which are:

21 (a) microbial or other biological agents, or toxins whatever their  
22 origin or method of production, of types and in quantities that have no  
23 justification for prophylactic, protective or other peaceful purposes; or

24 (b) weapons, equipment or means of delivery designed to use such  
25 agents or toxins for hostile purposes or in armed conflict;

26 "BCRN weapons" also means nuclear weapons and other nuclear devices  
27 and chemical

28 weapons', which are, together or separately:

29 (a) toxic chemicals and their precursors, except where intended  
30 for:

1 (i) industrial, agricultural, research, medical, pharmaceutical or other  
2 peaceful purposes,

3 (ii) protective purposes, namely those purposes directly related to  
4 protection against toxic  
5 chemicals and to protection against chemical weapons,

6 (iii) military purposes not connected with the use of chemical  
7 weapons and not dependent on the use of the toxic properties of chemicals as a  
8 method of warfare, or

9 (iv) law enforcement including domestic riot control purposes, as  
10 long as the types and quantities are consistent with such purposes;

11 (b) munitions and devices specifically designed to cause death or  
12 other harm through the toxic properties of those toxic chemicals specified in  
13 paragraph (a) of this definition which would be released as a result of the  
14 employment of such munitions and devices; or

15 (c) any equipment specifically designed for use directly in connection  
16 with the employment of munitions and devices specified in paragraph (b) of  
17 this definition;

18 "communication" means a communication received or transmitted by post or a  
19 telegraphic, telephonic or other communication received or transmitted by  
20 electricity, magnetism or other means;

21 "Counter- Terrorism Convention or Resolution" means any of the following  
22 Conventions or Protocols:

23 (a) Convention on Offences and certain Other Acts committed on  
24 Board Aircraft signed at Tokyo on 14 September 1963;

25 (b) Convention for the Suppression of Unlawful Seizure of Aircraft  
26 done at The Hague on 16 December 1970;

27 (c) Convention for the Suppression of Unlawful Acts Against the  
28 Safety of Civil Aviation, done at Montreal on 23 September 1971;

29 (d) Convention on the Prevention and Punishment of Crimes Against  
30 Internationally Protected Persons, including Diplomatic Agents, adopted by

1 the General Assembly of the United Nations on 14 December 1973;

2 (e) International Convention against the taking of Hostages,  
3 adopted by the General Assembly of the United Nations on 17 December  
4 1979;

5 (f) Convention on the Physical Protection of Nuclear Material,  
6 adopted at Vienna on 3 March 1980;

7 (g) Protocol for the Suppression of Unlawful Acts of Violence at  
8 Airports Serving International Civil Aviation, supplementary to the  
9 Convention for the Suppression of Unlawful Acts against the Safety of Civil  
10 Aviation, done at Montreal on 24 February 1988;

11 (h) Convention for the Suppression of Unlawful Acts against the  
12 Safety of Maritime Navigation, done at the Rome on 10 March 1988;

13 (i) Protocol for the Suppression of Unlawful Acts against the  
14 Safety of Fixed Platforms located on the Continental Shelf, done at Rome on  
15 10 March 1988;

16 (j) Convention on the Marking of Plastic Explosives for the  
17 Purposes of Detection, signed at Montreal, on 1 March 1991;

18 (k) International Convention for the Suppression of Terrorist  
19 Bombings, adopted by the General Assembly of the United Nations on 15  
20 December 1997;

21 (l) International Convention for the Suppression of the Financing  
22 of Terrorism, adopted by the General Assembly of the United Nations on 9  
23 December 1999.

24 (m) International Convention for the Suppression of Acts of  
25 Nuclear Terrorism, adopted by the General Assembly of the United Nations  
26 on 13 April 2005;

27 (n) 2005 Protocol to the Convention for the Suppression of  
28 Unlawful Acts against the Safety of Maritime Navigation, adopted at  
29 London on 14 October 2005;

30 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful

1 Acts against the Safety of Fixed Platforms located on the Continental Shelf,  
2 adopted at London on 14 October 2005;

3 (p) 2005 Amendment to the Convention on the Physical Protection of  
4 Nuclear Material, done at Vienna on 8 July (2005); and

5 (q) United Nations Security Council Resolution 2178 of 2014 or any  
6 successor Resolution;

7 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
8 1999 and its alterations;

9 "Consolidated list" means the list of individuals, groups, undertakings and  
10 entities associated with the Taliban, Usama Bin Laden, the Al-Qaida  
11 organisation or similar organisations that are subject to the sanctions measures  
12 imposed by the Security Council;

13 "conveyance" means an aircraft, vessel, boat, train, ship, vehicle, tricycle or  
14 any other mode of transportation;

15 "Court" means the Federal High Court of Nigeria;

16 "designated non- financial businesses and professions" means:

17 (a) casinos;

18 (b) real estate agents;

19 (c) dealers in precious metals;

20 (d) dealers in precious stones;

21 (e) legal practitioner, notaries or other independent professionals,  
22 including accountants;

23 (f) trust and company service providers which as a business, provide  
24 any of the following services to third parties:

25 (i) acting as a formation agent of legal persons,

26 (ii) acting as, or arranging for another person to act as, a director or  
27 secretary of a company, a partner of a partnership, or a similar position in  
28 relation to other legal persons,

29 (iii) providing a registered office; business address or  
30 accommodation, correspondence or

1 administrative address for a company, a partnership or any other legal  
2 person or arrangement,

3 (iv) acting as, or arranging for another person to act as, a trustee of  
4 an express trust or performing the equivalent function for another form of  
5 legal arrangement,

6 (v) acting as, or arranging for another person to act as, a nominee  
7 shareholder for another person;

8 (g) dealers in jewelry, cars and luxury goods,

9 (h) audit firms,

10 (i) tax consultants,

11 (j) clearing and settlement companies,

12 (k) hotels,

13 (l) supermarkets,

14 (m) such other businesses as the appropriate authority may, from  
15 time to time, designate;

16 "designated person or entity" means:

17 (a) individuals, groups, undertakings and entities designated by the  
18 Committee of the Security Council established pursuant to Resolution 1267  
19 (1999) ("the 1267 Committee"), as being individuals associated with Al  
20 Qaida or entities and other groups and undertakings associated with Al -  
21 Qaida;

22 (b) individuals, groups, undertakings and entities designated by the  
23 Committee of the Security Council established pursuant to Resolution 1988  
24 (2011) ("the 1988 Committee") as being associated with the Taliban in  
25 counseling a threat to the peace, stability and security of Afghanistan, or  
26 entities and other groups and undertakings associated with the Taliban;

27 (c) any natural or legal person or entity designated by jurisdictions  
28 or a supranational jurisdiction pursuant to Security Council Resolution 1373  
29 (2001);

30 (d) any natural or legal person or entity designated for the

1 application of targeted financial sanctions pursuant to Security Council  
2 Resolution 1718 (2006) and its successor resolutions by the Security Council  
3 in annexes to the relevant resolutions, or by the Security Council Committee  
4 established pursuant to resolution 1718 (2006) ("the 1718 Sanctions  
5 Committee") pursuant to Security Council Resolution 1718 (2006), and

6 (e) any natural or legal person or entity designated for the application  
7 of targeted financial sanctions pursuant to Security Council Resolution (1737)  
8 (2006) and its successor resolutions by the Security Council in annexes to the  
9 relevant resolutions, or by the Security Council Committee established  
10 pursuant to paragraph 18 of Resolution 1737 (2006) ("the 1737 Sanctions  
11 Committee") pursuant to Resolution 1737 (2006) and its successor resolutions;  
12 "designation" refers to the identification of a person or entity that is subject to  
13 targeted financial sanctions pursuant to the United Nations Security Council  
14 Resolution 1267 (1999) and its successor resolutions; Security Council  
15 Resolution 1373 (2001), including the determination that the relevant  
16 sanctions will be applied to the person or entity and the public communication  
17 of that determination; Security Council Resolution 1718 (2006) and its  
18 successor resolutions; Security Council Resolution 1737 (2006) and its  
19 successor resolutions; and any future Security Council Resolutions which  
20 impose targeted financial sanctions in the context of the financing of  
21 proliferation of weapons of mass destruction;

22 "device" means:

23 (a) any nuclear explosive device; or

24 (b) any radioactive material dispersal or radiation-emitting device  
25 which may, owing to its radiological properties, cause death, serious bodily  
26 injury or substantial damage to property or to the environment;

27 "Director-General" means the Director-General of the State Security Service;

28 "entity" means a person, group, trust, partnership, fund or any other association  
29 or organisation, whether incorporated or unincorporated, an unincorporated  
30 association or organisation or partnership, for the purpose of providing a

1 product or service either for profit or non-profit;

2 "explosive or other lethal device" means:

3 (a) an explosive or incendiary weapon or device that is designed, or  
4 has the capability, to cause death, serious bodily injury or substantial  
5 material damage; or

6 (b) a weapon or device that is designed, or has the capability, to  
7 cause death, serious bodily injury or substantial material damage through  
8 the release, dissemination or impact of toxic chemicals, biological agents or  
9 toxins or similar substances or radiation or radioactive material.

10 "financial institution" means a person or an entity that conducts as a business  
11 one or more of the activities listed below for or on behalf of a customer:

12 (a) acceptance of deposits and other repayable funds from the  
13 public including private banking;

14 (b) lending, including, but not limited to, consumer credit,  
15 mortgage credit, factoring (with or without recourse), and financing of  
16 commercial transactions, including forfeiting;

17 (c) financial leasing other than with respect to arrangements  
18 relating to consumer products;

19 (d) the transfer of money or value;

20 (e) issuing and managing means of payment, including, but not  
21 limited to, credit and debit cards, travellers' cheques, money orders and  
22 bankers' drafts, and electronic money;

23 (f) issuing financial guarantees and commitments;

24 (g) trading in:

25 (i) money market instruments, including, but not limited to,  
26 cheques, bills, certificates of deposit and derivatives,

27 (ii) foreign exchange,

28 (iii) exchange, interest rate and index instruments,

29 (iv) transferable securities, and

30 (v) commodity futures trading;

- 1 (h) participation in securities issues and the provision of financial  
2 services related to those issues;
- 3 (i) individual and collective portfolio management;
- 4 (j) safekeeping and administration of cash or liquid securities on  
5 behalf of other persons;
- 6 (k) investing, administering or managing funds or money on behalf of  
7 other persons;
- 8 (l) underwriting and placement of life insurance and other investment  
9 related insurance, including insurance intermediation by agents and brokers;
- 10 (m) financial consultancy,
- 11 (n) pension funds management;
- 12 (o) money and currency changing; and
- 13 (p) such other business as the Central Bank, or other appropriate  
14 regulatory authorities, may, from time to time, designate;
- 15 "fixed platform" means an artificial island, installation or structure  
16 permanently attached to the sea-bed for the purpose of exploration or  
17 exploitation of resources or for other economic purposes;
- 18 "forfeiture" means an order in rem, following conviction for an offence to  
19 forfeit to the State property, assets or funds that are the proceeds of crime or  
20 instrumentalities of an offence;
- 21 "freeze" means to prohibit the transfer, conversion, disposition or movement of  
22 any property, equipment or other instrumentalities on the basis of, and for the  
23 duration of the validity of, an action initiated by a relevant agency or the  
24 Attorney-General under a freezing mechanism, or until a forfeiture order is  
25 made by a court as part of the implementation of a freezing measure, the  
26 relevant agency may decide to take control of the property, equipment,  
27 instrumentalities, funds or other assets as a means to protect against flight or  
28 destruction by the original owner or a third party;
- 29 "funds" means any assets, of every kind, whether corporeal or incorporeal,  
30 tangible or intangible, movable or immovable, however acquired, and legal

1 documents or instruments in any form, including electronic or digital,  
2 evidencing title to, or interest in the assets; including financial assets,  
3 economic resources, property of every kind, bank credits, travelers cheques,  
4 bank cheques, money orders, shares, securities, bonds, drafts, or letters of  
5 credit, and any interest, dividends or other income on or value accruing from  
6 or generated by such funds or other assets;

7 "Government" means the Government of the Federal Republic of Nigeria  
8 and includes any State or Local Government, or any appropriate  
9 government authority;

10 "incitement" means to urge on, stir-up, instigate a person or group of persons  
11 to commit an act of terrorism or to distribute, publish or otherwise make  
12 available, a communication to a person or group of persons, with the intent  
13 to induce the commission of an act of terrorism, where the conduct, whether  
14 or not directly advocating acts of terrorism, causes a risk that one or more of  
15 those acts may be committed."

16 "Infrastructure facility" means any publicly or privately owned facility  
17 providing or distributing services, including water, sewage, energy, fuel or  
18 communications, for the benefit of the public;

19 "internationally protected person" means:

20 (a) a Head of State, including any member of a collegial body  
21 performing the functions of a Head of State under the Constitution of the  
22 State concerned, a Head of Government or a Minister for Foreign Affairs,  
23 whenever the person is in a foreign State, and includes members of his  
24 family who accompany him; or

25 (b) a representative or official of a State or an official or other agent  
26 of an international organisation of an inter-governmental character who, at  
27 the time when and in the place where a crime against him, his official  
28 premises, his private accommodation or his means of transport is  
29 committed, is entitled pursuant to international law to special protection  
30 from any attack on his person, freedom or dignity, and includes members of

1 his family forming part of his household.

2 "International treaties" means:

3 (a) 1963 Convention on Offences and Certain Other Acts Committed  
4 On Board Aircraft;

5 (b) 1970 Convention for the Suppression of Unlawful Seizure of  
6 Aircraft ("Aircraft Convention");

7 (c) 1971 Convention for the Suppression of Unlawful Acts against the  
8 Safety of Civil Aviation ("Civil Aviation Convention");

9 (d) 1973 Convention on the Prevention and Punishment of Crimes  
10 Against Internationally Protected Persons ("Diplomatic Agents Convention");

11 (e) 1979 International Convention against the Taking of Hostages  
12 ("Hostage Convention");

13 (f) 1980 Convention on the Physical Protection of Nuclear Material  
14 ("Physical Protection Convention");

15 (g) 1988 Protocol for the Suppression of Unlawful Acts of Violence at  
16 Airports Serving International Civil Aviation, supplementary to the  
17 Convention for the Suppression of Unlawful Acts against the Safety of Civil  
18 Aviation ("Airport Protocol");

19 (h) 1988 Convention for the Suppression of Unlawful Acts against the  
20 Safety of Maritime Navigation ("Maritime Convention");

21 (i) 1988 Protocol for the Suppression of Unlawful Acts Against the  
22 Safety of Fixed Platforms Located on the Continental Shelf ("Fixed Platforms  
23 Protocol");

24 (j) 1991 Convention on the Marking of Plastic Explosives for the  
25 Purpose of Detection;

26 (k) 1997 International Convention for the Suppression of Terrorist  
27 Bombings ("Bombings Convention");

28 (l) 1999 International Convention for the Suppression of the  
29 Financing of Terrorism ("Financing Convention");

30 (m) 2005 International Convention for the Suppression of Acts of

1 Nuclear Terrorism ("Nuclear Terrorism Convention");

2 (n) 2005 Protocol to the Convention for the Suppression of  
3 Unlawful Acts against the Safety of Maritime Navigation ("2005 Maritime  
4 Protocol");

5 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful  
6 Acts against the Safety of Fixed Platforms Located on the Continental Shelf  
7 ("2005 Fixed Platforms protocol");

8 (p) 2005 Amendment to the Convention on the Physical Protection  
9 of Nuclear Material ("Physical Protection Amendment"); and

10 (q) United Nations Security Council Resolution 2178, 2014;

11 "master" in relation to a vessel, means the owner or person, except a harbour  
12 master or pilot, having for the time being command or charge of the vessel;

13 "National Security Adviser" means the National Security Adviser to the  
14 President;

15 "nuclear facility" means:

16 (a) a nuclear reactor, including reactors installed on vessels,  
17 vehicles, aircraft or space objects for use as an energy source in order to  
18 propel such vessels, vehicles, aircraft or space objects or for any other  
19 purposes; or

20 (b) a plant or conveyance being used for the production, storage,  
21 processing or transport of radioactive material;

22 "nuclear material" means plutonium except that with isotopic concentration  
23 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the  
24 isotope 235 or 233; uranium containing the mixture of isotopes as occurring  
25 in nature other than in the form of ore or ore-residue; any material containing  
26 one or more of the foregoing;

27 "operator" in relation to an aircraft, means the owner or person for the time  
28 being in charge, in command or control of the aircraft;

29 "place of public use" means those parts of any building, land, street,  
30 waterway or other location that are accessible or open to members of the

1 public, whether continuously, periodically or occasionally, and encompasses  
2 any, commercial, business, cultural, historical, educational, religious,  
3 governmental, entertainment, recreational or similar place that is so accessible  
4 or open to the public;

5 "precursor" means any chemical reactant which takes part at any stage in the  
6 production by whatever method of a toxic chemical. This includes any key  
7 component of a binary or multi-component chemical system;

8 "President" means the President of the Federal Republic of Nigeria;

9 "proceeds" means any funds derived from or obtained, directly or indirectly,  
10 through the commission of an offence under this Act;

11 "proceeds of terrorism" means any funds or property derived from or obtained,  
12 directly or indirectly, through the commission of a terrorist offence irrespective  
13 of the person in whose names the proceeds are standing or in whose possession  
14 they are found;

15 "property" means any asset of every kind, whether corporeal or incorporeal,  
16 moveable or immovable, tangible or intangible, and legal documents or  
17 instruments in any form, including electronic or digital, evidencing title to, or  
18 interest in, the assets and bank credits, travellers cheques, bank cheques,  
19 money orders, shares, securities, bonds, drafts and letters of credit;

20 "proscribed entity" means an entity which has been designated to be a  
21 proscribed entity under section 45 of this Act or any other law and includes a  
22 group or entity which has been designated to be an international terrorist group  
23 under this Act;

24 "public transportation system" means all facilities, conveyances and  
25 instrumentalities, whether public or privately owned, that are used in or for  
26 publicly available services for the transportation of persons or cargo;

27 "radioactive material" means nuclear material and other radioactive  
28 substances which contain nuclides which undergo spontaneous disintegration  
29 (a process accompanied by emission of one or more types of ionizing radiation,  
30 such as alpha-, beta-, neutron particles, and gamma rays) and which may,

1 Nuclear Terrorism ("Nuclear Terrorism Convention");

2 (n) 2005 Protocol to the Convention for the Suppression of  
3 Unlawful Acts against the Safety of Maritime Navigation ("2005 Maritime  
4 Protocol");

5 (o) 2005 Protocol to the Protocol for the Suppression of Unlawful  
6 Acts against the Safety of Fixed Platforms Located on the Continental Shelf  
7 ("2005 Fixed Platforms protocol");

8 (p) 2005 Amendment to the Convention on the Physical Protection  
9 of Nuclear Material ("Physical Protection Amendment"); and

10 (q) United Nations Security Council Resolution 2178, 2014;

11 "master" in relation to a vessel, means the owner or person, except a harbour  
12 master or pilot, having for the time being command or charge of the vessel;

13 "National Security Adviser" means the National Security Adviser to the  
14 President;

15 "nuclear facility" means:

16 (a) a nuclear reactor, including reactors installed on vessels,  
17 vehicles, aircraft or space objects for use as an energy source in order to  
18 propel such vessels, vehicles, aircraft or space objects or for any other  
19 purposes; or

20 (b) a plant or conveyance being used for the production, storage,  
21 processing or transport of radioactive material;

22 "nuclear material" means plutonium except that with isotopic concentration  
23 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the  
24 isotope 235 or 233; uranium containing the mixture of isotopes as occurring  
25 in nature other than in the form of ore or ore-residue; any material containing  
26 one or more of the foregoing;

27 "operator" in relation to an aircraft, means the owner or person for the time  
28 being in charge, in command or control of the aircraft;

29 "place of public use" means those parts of any building, land, street,  
30 waterway or other location that are accessible or open to members of the

1 public, whether continuously, periodically or occasionally, and encompasses  
2 any commercial, business, cultural, historical, educational, religious,  
3 governmental, entertainment, recreational or similar place that is so accessible  
4 or open to the public;

5 "precursor" means any chemical reactant which takes part at any stage in the  
6 production by whatever method of a toxic chemical. This includes any key  
7 component of a binary or multi-component chemical system;

8 "President" means the President of the Federal Republic of Nigeria;

9 "proceeds" means any funds derived from or obtained, directly or indirectly,  
10 through the commission of an offence under this Act;

11 "proceeds of terrorism" means any funds or property derived from or obtained,  
12 directly or indirectly, through the commission of a terrorist offence irrespective  
13 of the person in whose names the proceeds are standing or in whose possession  
14 they are found;

15 "property" means any asset of every kind, whether corporeal or incorporeal,  
16 moveable or immovable, tangible or intangible, and legal documents or  
17 instruments in any form, including electronic or digital, evidencing title to, or  
18 interest in, the assets and bank credits, travellers cheques, bank cheques,  
19 money orders, shares, securities, bonds, drafts and letters of credit;

20 "proscribed entity" means an entity which has been designated to be a  
21 proscribed entity under section 45 of this Act or any other law and includes a  
22 group or entity which has been designated to be an international terrorist group  
23 under this Act;

24 "public transportation system" means all facilities, conveyances and  
25 instrumentalities, whether public or privately owned, that are used in or for  
26 publicly available services for the transportation of persons or cargo;

27 "radioactive material" means nuclear material and other radioactive  
28 substances which contain nuclides which undergo spontaneous disintegration  
29 (a process accompanied by emission of one or more types of ionizing radiation,  
30 such as alpha-, beta-, neutron particles, and gamma rays) and which may,

1 owing to their radiological or fissile properties, cause death, serious bodily  
2 injury or substantial damage to property or to the environment;

3 "relevant agency" means law enforcement, intelligence or security agency  
4 and includes the:

5 (a) National Security Adviser;

6 (b) National Counter-Terrorism Centre;

7 (c) National Agency for the Prohibition of Traffic in Persons;

8 (d) State Security Services;

9 (e) Defence Intelligence Agency;

10 (f) Nigeria Police Force;

11 (g) National Intelligence Agency;

12 (h) Nigeria Customs Service;

13 (i) Nigeria Immigration Service;

14 (j) Nigeria Prisons Service;

15 (k) Nigerian Security and Civil Defence Corps;

16 (l) agency dealing with the recovery of proceeds of crimes; and

17 (m) any military authority or body as may be required for the  
18 purpose of this Act;

19 "relevant laws or enactments" means:

20 (a) Banks and Other Financial Institutions Act (as amended);

21 (b) Economic and Financial Crimes Commission (Establishment,  
22 Etc.) Act;

23 (c) Insurance Act;

24 (d) Investments and Securities Act;

25 (e) National Insurance Commission Act;

26 (f) Money Laundering (Prohibition and Prevention) Act;

27 (g) Companies and Allied Matters Act;

28 (h) Central Bank of Nigeria Act;

29 (i) National Security Agencies Act;

- 1 (j) all International Conventions and Protocols ratified by Nigeria;  
2 and  
3 (k) any other relevant enactment of the National Assembly;
- 4 "Sanctions Committee" means the Nigeria Sanctions Committee established  
5 under section 50 of this Act;
- 6 "seizure or seizure order" means the order enabling a relevant agency to seize  
7 terrorist property or funds upon arrest or application for seizure order of a  
8 terrorist property or funds pending the determination of a case against the  
9 terrorist or terrorist groups;
- 10 "ship" means a vessel of any type whatsoever not permanently attached to the  
11 sea-bed, including dynamically supported craft, submersibles, or any other  
12 floating craft.
- 13 "specially designated entity" means a specified or designated entity in respect  
14 of which an order under section 30 of this Act has been made, or is considered  
15 by reason of the operation of that section to have been made, and is for the time  
16 being in force and includes national and international terrorist groups;
- 17 "State or government facility" means any permanent or temporary facility or  
18 conveyance that is used or occupied by representatives of a State, members of  
19 Government, the legislature or the judiciary or by officials or employees of a  
20 State or any other public authority or entity or by officials of an  
21 intergovernmental organisation in connection with their official "terrorist"  
22 means any natural person who:
- 23 (a) directly or indirectly, unlawfully and willfully:  
24 (i) commits, or attempts to commit, an act of terrorism by any means,  
25 (ii) participates as an accomplice in an act of terrorism,  
26 (iii) organises or directs others to commit an act of terrorism; or  
27 (b) contributes to the commission of an act of terrorism where the  
28 contribution is made intentionally and with the aim of furthering the act of  
29 terrorism or with the knowledge of the intention to commit an act of terrorism;
- 30 "terrorist property" means:

- 1 (a) proceeds from the commission of an act of terrorism;
- 2 (b) property which has been, is being, or is likely to be used to
- 3 commit an act of terrorism;
- 4 (c) property which has been, is being, or is likely to be used by a
- 5 terrorist group;
- 6 (d) property owned or controlled by or on behalf of a terrorist
- 7 group; or
- 8 (e) property which has been collected for the purpose of providing
- 9 support to a terrorist group or funding a terrorist act;

10 "terrorist investigation" means an investigation of:

- 11 (a) the commission, perpetration or instigation of an act of
- 12 terrorism or any other offence under this Act;
- 13 (b) any act or omission reasonably suspected to have been done in
- 14 furtherance of an act of terrorism or any other offence under this Act; or
- 15 (c) the resources of a proscribed organisation;

16 "terrorist group or entity" means any group of terrorists that:

- 17 (a) directly or indirectly, willfully:
- 18 (i) commits, or attempts to commit, an act of terrorism by any
- 19 means,
- 20 (ii) participates as an accomplice in an act of terrorism, or
- 21 (iii) organises or directs others to commit an act of terrorism; or
- 22 (b) contributes to the commission of an act of terrorism acting with
- 23 a common purpose where the contribution is made intentionally and with the
- 24 aim of furthering the act of terrorism or with the knowledge of the intention
- 25 of the group to commit an act of terrorism;

26 "toxic chemical" means any chemical which through its chemical action on

27 life processes can cause death, temporary incapacitation or permanent harm

28 to humans or animals and includes all chemicals, regardless of their origin or

29 of their method of production, and regardless of whether they are produced

30 in facilities, in munitions or elsewhere;

1 "transport" means to initiate, arrange or exercise effective control, including  
2 decision-making authority, over the movement of a person or item;

3 "trustee" has the same meaning as in the Trustees Investment Act, Investment  
4 and Securities Act and the Companies and Allied Matters Act;

5 "uranium enriched in the isotope 235 or 233" means uranium containing the  
6 isotope 235 or 233 or both in an amount such that the abundance ratio of the  
7 sum of these isotopes to the isotope 238 is greater than the ratio of the isotope  
8 235 to the isotope 238 occurring in nature;

9 "vessel" means anything made or adapted for the conveyance by water of  
10 people or property;

11 "victim" means individuals, entities or communities or their next-of-kin who  
12 are directly affected, killed or injured or whose business, premises or  
13 infrastructure was destroyed by acts of terrorism or by a direct effect of a  
14 terrorist attack; and

15 "weapon" includes a firearm, explosive, chemical, biological or nuclear  
16 weapon.

Short title

17 **91. This Bill may be cited as the Terrorism (Prevention and**  
18 **Prohibition) Bill, 2019.**





12. Amount held in own account

N

(i) Cash in hand .....

(ii) Cash at bank .....

(iii) Outside Nigeria (Countries/Bank to be named) .....

13. Amount held on behalf of or as trustee for any person other than your wife/husband

(i) Cash in hand .....

(ii) Cash at bank .....

(iii) Outside Nigeria (Countries/Bank to be named) .....

14. Loans or advances made .....

15. Loans or advances received .....

16. Amount held on behalf of or as trustee of wife/husband

(i) Cash in hand .....

(ii) Cash at bank .....

(iii) Outside Nigeria (Countries/Banks to be named)

17. Wife's/husband's/children's account held (beneficial or otherwise)

(i) Cash in hand .....

(ii) Cash at bank .....

(iii) Outside Nigeria (Countries/Bank to be named) .....

18. Government securities, including premium bonds and other interests held in companies, firms or partnerships (giving names of companies firm and partnerships):

(a) by you (here state the bonds, etc.)

(b) by Wife (wives)/husband\* (here state the bonds, etc.)

(c) by children (here state the bonds, etc.).

19. Property in Nigeria in which you are interested in giving date when acquired:

(i) Land:

(ii) Buildings:

(iii) Other property, (if any).

20. Membership, ownership, directorship, shareholding, or other related interest in:

(i) A company incorporated in Nigeria

(ii) A company incorporated outside Nigeria

(ii) A partnership or sole proprietorship

21. Property outside Nigeria in which you are interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

22. Property outside Nigeria in which any wife/husband\* is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

23. Property outside Nigeria in which any wife/husband\* is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

24. Property in Nigeria in which any child of yours is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

25. Property outside Nigeria in which any child of yours is interested in giving date when acquired

(i) Land

(ii) Buildings

(iii) Other property, (if any)

26. Names of other dependant relatives:

27. Estate in which you are interested as trustee or beneficially interested (Name of deceased or trustee).

28. Property held by any person on your behalf- (in or outside Nigeria)

(i) Cash in hand;

(ii) Cash at bank;

(iii) Land;

(iv) Buildings;

(v) Other properties.

If outside Nigeria, insert name of countries and banks.

Signature of Accused Person .....

Signature and Address of Witness .....

FORM 2

FREEZING ORDER

[Section 72 (1)]

(This form may be amended according to circumstances)

To the Manager .....

(Here insert name and branch of bank)

Under the authority conferred on me by section.....Act, you are hereby ordered:

(a) to supply the following information relating to the under mentioned accounts, that is to say:..... (Here set out the information required in respect of named accounts)

(b) to produce the books and documents relating to the under mentioned accounts, that is to say:..... (Here set out the books and documents to be produced in respect of named accounts)

(c) to stop all outward payments, operations or transactions (including bills of exchange) as far as possible in the ordinary course of banking in respect of the following accounts: ..... (Here indicate the accounts)

2. This order shall remain in force until revoked

DATED at ..... this day of ..... 20.....

Director - General

EXPLANATORY MEMORANDUM

(This note does not form part of the above Bill but is intended to explain its purport)

This Bill repeals the Terrorism (Prevention) Act, 2011 (as amended), and enacts the Terrorism (Prevention and Prohibition) Act, 2018 to provide for measures for the detection, prevention, combating and prohibition of acts of terrorism for the effective implementation of the international instruments on the prevention and combating of terrorism and suppression of the financing of terrorism. The Act establishes institutional framework, including the Nigeria Sanctions Committee for the implementation, coordination and enforcement of the provisions of the Act.

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