

TERRORISM (PREVENTION) ACT, 2011

ARRANGEMENT OF SECTIONS

SECTION:

1. Prohibition of Acts of Terrorism.
2. Proscribed organization.
3. Terrorist Meetings.
4. Support for Terrorism.
5. Harboursing of Terrorists.
6. Provision of Training for Terrorist.
7. Information about Acts of Terrorism.
8. Obstruction of Terrorism Investigation.
9. International Terrorism.
10. Suppression of Financing of International Terrorism.
11. Hostage Taking.
12. Seizure of Terrorist cash.
13. Terrorist Funding.
14. Obligation to report suspicious transaction relating to Terrorism.
15. Dealing in Terrorist Property.
16. Attachment of Property.
17. Property tracking.
18. Requests from Foreign States.
19. Requests to Foreign States.
20. Evidence pursuant to a request.
21. Form of requests.
22. Extradition.
23. Exchange of Information relating to Terrorist groups and Terrorist Acts.
24. Issuance of Warrant.
25. Search without Warrant.
26. Intelligence gathering.
27. Detention of a Conveyance.
28. Detention for offences related to Terrorism.
29. Custody of Records and Video recording.
30. Prosecution for Offence.
31. Witness Protection.
32. Jurisdiction.
33. Penalties.
34. Evidence by Certificate.
35. Refusal of application for registration and the revocation of charities linked to terrorist groups.
36. Provision of information relating to passengers of vessels, aircraft and persons.
37. Power to prevent entry and order the removal of persons.
38. Power to refuse refugee application.
39. Regulations.
40. Interpretation.
41. Short Title.

TERRORISM (PREVENTION) ACT, 2011

ACT No. 10

AN ACT TO MAKE PROVISIONS FOR AND ABOUT OFFENCES RELATING TO CONDUCT CARRIED OUT OR PURPOSES CONNECTED WITH TERRORISM.

Commencement

[3rd Day of June, 2011]

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ACTS OF TERRORISM AND RELATED OFFENCES

1. Prohibition of Acts of Terrorism.

(1) A person who knowingly—

(a) does, attempts or threatens to do an act preparatory to or in furtherance of an act of terrorism;

(b) commits to do anything that is reasonably necessary to promote an act of terrorism; or

(c) assists or facilitates the activities of persons engaged in an act of terrorism, commits an offence under this Act.

(2) In this section, "act of terrorism" means an act which is deliberately done with malice, aforethought and which:

(a) may seriously harm or damage a country or an international organization;

(b) is intended or can reasonably be regarded as having been intended to—

(i) unduly compel a government or international organization to perform or abstain from performing any act;

(ii) seriously intimidate a population;

(iii) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization; or

(iv) otherwise influence such government or international organization by intimidation or coercion; and

(c) involves or causes, as the case may be—

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

(ii) kidnapping of a person;

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

(iv) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (b)(iv) of this subsection ; *

(v) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority ;

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

(vii) interference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life ;

(d) an act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.

(3) An act which disrupts a service but is committed in pursuance of a protest. However, demonstration or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2) (b)(i), (ii) or (iv) of this section.

2. Proscribed Organisation.

(1) Where two or more persons associate for the purpose of or where an organization engages in—

(a) Participating or collaborating in an act of terrorism;

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

(c) setting up or pursuing acts of terrorism, the judge in Chambers may on an application made by the Attorney General, National Security Adviser or Inspector General of Police on the approval of the President; declare any entity to be a proscribed organization and the notice should be published in official gazette.

(2) An order made under sub-section (1) of this section shall be published in the official gazette, in two National newspapers and at such other places as the judge in Chambers may determine.

(3) A publication made under sub-section (2) of this section shall contain such relevant particulars as the judge in Chambers may specify:

(i) a person who belongs or professes to belong to a proscribed organization commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 20 years;

(ii) for the avoidance of doubts, political parties should not be regarded as proscribed organizations and nobody should be treated as such because of his or her political beliefs.

(4) It is a defence for a person charged under sub-section (3) of this section to prove that the organization had not been declared a proscribed organization at the time the person charged became or began to profess to be a member of the organization and that he has not taken part in the activities of the organization at any time after it has been declared to be proscribed organization.

(5) The Attorney General upon the approval of the President may withdraw the order if satisfied that such proscribed organization has ceased to engage in an act of terrorism—

(a) the proscribed organization or person affected by the order made an application on notice; and

(b) he is satisfied that a proscribed organization has ceased to engage in the acts specified in sub-section (1) of this section and that there is no likelihood of the organization engaging in such acts in the future and shall be published in the official gazette.

3. Terrorist meetings.

A person who—

- (a) arranges, manages or assists in arranging or managing or participates meetings in a meeting or an activity which he knows is connected with an act of terrorism;
- (b) provides logistics, equipment or facilities for a meeting, or an activity which he knows is connected with an act of terrorism ; or
- (c) attends a meeting, which he knows is to support a proscribed organization, or to further the objectives of a proscribed organization, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

4. Support for Terrorism

(1) A person who knowingly, in any manner, solicits or renders support for—

- (a) an act of terrorism; or
- (b) a proscribed organisation or an internationally suspected terrorist group, an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 20 years.

(2) without prejudice to sub-section (2) of this section, where death results from any terrorist act, the penalty shall be death sentence.

(3) For the purposes of sub-section (1) of this section, "support" includes—

- (a) incitement to commit a terrorist act;
- (b) offer of material assistance, weapons, including biological, chemical or nuclear weapons, explosives, training, transportation, false documentation or identification;
- (c) offer or provision of moral assistance, including invitation to adhere to a proscribed organization; and
- (d) the provision of, or making available, such financial or other related services as may be prescribed in this act.

5. Habouring of Terrorists

A person whether or not in the armed services who harbours, conceals or causes to be harboured or concealed, a person whom he knew to have committed, or to have been convicted of an act of terrorism or against whom he knew that a warrant of arrest or imprisonment for such an act had been issued commits an offence under that Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

6. Provision of training for terrorist.

Any person who, knowingly agrees to provide training or instruction—

- (a) in the making or use of any explosive or other lethal device; or
- (b) in carrying out a terrorist act, to a member of a terrorist group or a person engaging in, or preparing to engage in the commission of a terrorist act, commits an offence and shall on conviction, be liable to imprisonment for a maximum term of 10 years.

7. Information about acts of terrorism.

(1) Subject to sub-sections (2) and (3) of this section, where a person has information which he knows or believes to be of material assistance in—

- (a) preventing the commission by another person or an organization of an act of terrorism; or
- (b) securing the apprehension, prosecution or conviction of another person for an offence under this Act,

and that person fails to disclose to a law enforcement officer the information as soon as reasonably practicable; he commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

(2) It shall be a defence for a person charged under subsection (1) of this section to prove that he has reasonable excuse for not making the disclosure.

(3) Sub-section (1) of this section does not require disclosure by a legal practitioner of any information, belief or suspicion based on any other information, which he obtained in privileged circumstances.

(4) For the purpose of sub-section (3) of this section, an information is obtained by a legal practitioner in privileged circumstances where it is disclosed to him by—

(a) his client in connection with the provision of legal advice, not being a disclosure with view to furthering a criminal purpose; or

(b) any person for the purpose of actual or contemplated legal proceeding, and not with a view to furthering a criminal purpose.

8. Obstruction of terrorism investigation.

(1) A person who—

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

(b) interferes with material which is likely to be relevant to a terrorist investigation, Commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

(2) It is a defence for person charged with an offence under subsection (1) of this section to prove that he—

(a) did not know and had no reasonable cause to suspect that the disclosure was likely to affect a terrorist investigation; or

(b) had a reasonable excuse for the disclosure or interference.

(3) Sub-section (1) of this section does not apply to a disclosure which is made by a legal practitioner to—

(a) his client in connection with the provision of legal advice, not being a disclosure with a view to furthering a criminal purpose; or

(b) any person for the purpose of actual or contemplated legal proceedings, and not with a view to furthering a criminal purpose.

9. International terrorism.

(1) The President may, on the recommendation of the National Security Adviser or Inspector General of Police declare a person to be a suspected international terrorist where he—

(a) reasonably suspects that the person:

(i) is or has been involved in the commission, preparation or instigation of acts of international terrorism;

(ii) is a member of, or belongs to an international terrorist group, or recognized as such under the provisions of this act.

(iii) has a link with an international terrorist group, and he reasonably believes that the person is a risk to national security;

(b) is listed as a person involved in terrorist acts in any resolution of the United Nations Security Council or in any instrument of the African Union and Economic Community of West African States ; and

(c) the person is considered as a person involved in terrorist acts by such State or other organisation as the President may approve.

(2) Where the President makes a declaration under sub-section (1) *(a)* of this section, he shall, in such manner as he considers appropriate, cause the person declared to be a suspected international terrorist to be notified as soon as is reasonably practicable.

(3) Where a person declared as a suspected international terrorist under sub-section (1) of this section possesses the Nigerian citizenship other than by birth, such a person may be deprived of his Nigerian citizenship in accordance with the Constitution of the Federal Republic of Nigeria.

(4) The President may, on the recommendation of the National Security Adviser or the Inspector General of Police, declare a group to be an International terrorist group if the group is:

(a) subject to the control or influence of persons outside Nigeria and the President reasonably suspects that it is involved in the commission, preparation or instigation of acts of international terrorism ;

(b) listed as a group or entity involved in terrorist acts in any resolution of the United Nations Security Council or in any instrument of the African Union and Economic Community of West African States ; or

(c) considered as a group or entity involved in terrorist acts by the competent authority of a foreign State.

(5) A reference in this Act to a proscribed organisation includes a reference to an international terrorist group, and, whenever applicable, to a suspected international terrorist.

(6) The Attorney-General of the Federation may, with respect to any suspected international terrorist or an international terrorist group, make regulations to provide:

(a) for the freezing of his or its funds, financial assets or other economic resources, including proceeds derived from property, owned or controlled directly or indirectly by him or it, by persons acting on his or its behalf or at his or its direction ;

(b) for the prevention of his or its entry into, or transit in, Nigeria ;

(c) for the prohibition of the direct or indirect supply, sale and transfer of arms, weapons, ammunitions, military vehicles and equipment, paramilitary equipment, spare parts and related material, technical advice, assistance or training related to military activities; or

(d) that any person who contravenes any regulation made under this subsection commits an offence and shall, on conviction, be liable to imprisonment for a maximum term of five years.

(7) The President shall give notice of a declaration made under sub-sections (1) and (4) of this section in the Gazette and in such other manner as he deems fit.

(8) For the purpose of this section, "act of international terrorism" means an act of terrorism involving:

(a) a non-citizen;

(b) a person possessing dual citizenship as specified in sub-section (3) of this section; or

(c) groups or individuals whose terrorist activities are foreign based or directed by the countries or groups outside Nigeria or whose activities transcend national boundaries.

10. Suppression of financing of International Terrorism.

(1) A person who, directly or indirectly, provides or collects funds with the intention or knowledge that they will be used, in full or in part, in order to—

(a) commit an offence in breach of an enactment specified in the Schedule to this Act; or

[Schedule]

(b) do any other act intended to cause death or serious bodily injury to a civilian or any other person not taking active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a group of people or to compel a government or an international organization to do or abstain from doing any act, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

(2) For an act to constitute an offence under sub-section (1) of this section, it is not necessary that the funds were actually used to commit the said offence.

11. Hostage taking.

(1) A person who knowingly—

(a) seizes, detains or attempts to seize or detain; or

(b) threatens to kill, injure or continue to detain another person in order to compel a third party to do, abstain from doing any act or gives an explicit or implicit condition for the release of the hostage, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

(2) In this section, a "third party" means a State, an international governmental organization, a natural or legal person or a group of persons.

PART II—TERRORIST FUNDS AND PROPERTY

12. Seizure of terrorist cash.

(1) The National Security Adviser or the Inspector General of Police with the approval of the President may seize any cash where he has reasonable grounds to suspect that the cash—

(a) is intended to be used for the purposes of terrorism;

(b) belongs to, or is held on trust for, a proscribed organization; or

(c) represents property obtained through acts of terrorism.

(2) The National Security Adviser or the Inspector General of Police may seize the cash if:

(a) the seizure is incidental to an arrest search; or

(b) The property is liable to forfeiture upon process issued by the court following an application made by the Attorney General, the National Security Adviser or the Inspector General of Police with the approval of the President.

(3) The National Security Adviser or the Inspector General of Police may exercise his powers under sub-section (1) of this section, whether or not any proceeding has been brought for an offence in connection with the terrorist cash.

(4) The judge in Chambers shall not make an order for seizure of the cash unless he is satisfied that there are reasonable grounds for suspecting that the cash.

(a) is intended to be used for the purposes of terrorism;

(b) consists of resources of a proscribed organization; or

(c) is, or represents, a property obtained through terrorist activities.

(5) Subject to sub-section (8) of this section, any order made under sub-section (4) of this section shall remain valid for a period of 60 days by the Judge in Chambers until the production of the cash before the court in the proceedings against any person for an offence with which the cash is connected.

(6) The cash seized under this section shall be deposited in an escrow account by the officer who effected the seizure.

(7) The cash with the interest may be released to the owner by order of the Judge in chamber where:

(a) the conditions under sub-section (4) of this section are no longer met; or

(b) the proceedings are not brought in connection with the cash seized.

(8) For the purposes of this section, "cash" means:

(a) Coins and notes in any currency;

(b) Postal order;

(c) Travelers' cheques;

(d) Bankers' drafts;

(e) Bearer bonds and bearer shares; or

(f) Such other monetary instruments as the Minister charged with the responsibility for Finance may, by regulations, specify.

13. Terrorist funding.

A person who knowingly—

(a) solicits, receives, provides or possesses monetary or other property or;

(b) enters into or becomes involved in an arrangement as a result of which money or other property is made available, or is to be made available, for the purpose of terrorism or for a proscribed organization, commits an offence under this Act and shall on conviction be liable to imprisonment for a maximum term of 10 years.

14. Obligation to report suspicious transaction relating to terrorism.

(1) A financial institution or designated non financial institutions shall, within a period not more than 72 hours, forward reports of suspicious transactions relating to terrorism to the Financial Intelligence Unit which shall process such information and forward it to the relevant law enforcement agency where they have sufficient reasons to suspect that the funds—

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

(b) are proceeds of a crime related to terrorist financing; or

(c) belong to a person, entity or organization considered as terrorist.

(2) A financial institution or designated non-financial institution is not liable for violation of the confidentiality rules for every lawful action taken in furtherance of its obligations under sub-section (1) of this section.

(3) The details of a report sent by the institution or designated non-financial institution shall not be disclosed by the institution or any of their officers to any other person.

(4) A person who breaches of sub-section (3) of this section commits an offence under this Act and is liable on conviction to a minimum fine of N5,000,000.00 or a term of imprisonment not exceeding 5 years.

(5) Where a breach of sub-section (1) of this section occurs and it is shown that the breach is not deliberate, the Financial Intelligence Unit shall impose such administrative sanctions as it may deem necessary.

(6) Where the institution continues with the breach, it shall, on conviction, be liable to a minimum fine of N5,000,000.00 or imprisonment for a maximum term of five years for the principal officers of the institution or the defaulting officer.

15. Dealing in terrorist property.

(1) A person who enters into, or is involved in, an arrangement which facilitates the retention of or control by, or on behalf of, another person, of a terrorist property in any manner including—

(a) concealment;

(b) removal from the jurisdiction; or

(c) transfer to any other person, commits an offence under this Act and is liable on conviction to imprisonment for a maximum term of 10 years.

(2) It is a defence for a person charged under sub-section (1) of this section to prove that he did not know and had no reasonable cause to suspect that the arrangement is related to a terrorist property.

(3) Where a person is charged or about to be charged with an offence under this Act, the Attorney General of the Federation, the National Security Adviser or the Inspector General of Police may apply to a Judge in Chambers in the presence of the counsel to the suspect for a provisional order to attach all monies and other property belonging to, or held on behalf of, the suspect.

(4) An order made under sub-section (1) of this section may:

(a) prohibit a person from making money or property available to, or for the benefit of, the suspect; except in cases of critical need or ;

(b) provide for the granting of authority to make money or other property available to such persons and on such conditions as may be specified in the order; or

(c) require the suspect to provide information or produce such document as may be required or reasonably needed for an investigation under this Act; or

(d) include such other conditions as the Judge may impose.

(5) The Judge in Chambers may appoint an official receiver or any other suitable person to manage the property of the suspect during the period of operation of an order made under this section.

(6) The National Security Adviser or Inspector General of Police shall:

(a) cause notice of the order to be published in the official Gazette and in two national newspapers; and

(b) give notice of the order to:

- (i)* banks, financial institutions and cash dealers; or
 - (ii)* any other person who may hold or be vested with property belonging to or held on behalf of the suspect.
- (7) An order under this section shall remain in force until the determination of any charge or intended charge under sub-section (1) of this section and, in the event of a conviction, until an order for forfeiture is made by the court or proceedings relating thereto are concluded.
- (8) Where an order under this section ceases to have effect, the National Security Adviser or the Inspector General of Police shall cause notice to be published in the official Gazette and two national daily newspapers.
- (9) A payment, transfer, pledge or other disposition of property made in contravention of an order under this section shall be void.
- (10) Where the National Security Adviser or the Inspector General of Police has reasonable grounds to suspect that a person has committed, is committing or is likely to commit an act of terrorism or is in possession of terrorist property, he may, for the purposes of an investigation under this Act, apply to a judge in Chambers in the presence of the counsel for the accused person for an order compelling the suspect to deliver to him any document relevant to identifying, locating or quantifying any property belonging to, or in the possession or control of that person.

16. Attachment to property.

- (1) Where a person is charged or about to be charged with an Attachment offence under this Act, the State Security Service (SSS) may apply to a Judge in Chambers for a provisional order to attach all monies and other property belonging to, or held on behalf of the suspect.
- (2) An order made under sub-section (1) may:
- (a)* prohibit a person from making money or property available to, or for the benefit of the suspect;
 - (b)* provide for the granting of authority to make money or other property available to such persons and on such conditions as may be specified in the order;
 - (c)* require the suspect to provide such information or produce such document as may be required or reasonably needed for an investigation under this Act; and
 - (d)* include such other condition as the Judge may impose.
- (3) The Judge in Chambers may, on the recommendation of the State Security Service (SSS), appoint an official receiver or any other suitable person to manage the property of the suspect during the period of operation of an Order made under this section.
- (4) The State Security Service (SSS) shall:
- (a)* cause notice of the order to be published in the next issue of the Gazette and in two daily newspapers ;
 - (b)* give notice of the order to—
 - (i)* banks, financial institutions and cash dealers;
 - (ii)* any other person who may hold or be vested with property belonging to or held on behalf of the suspect.
- (5) An order under this section shall remain in force until the determination of any charge or intended charge under subsection (1) of this section and, in the event of a conviction, until an order for forfeiture is made by the Court or proceedings relating thereto are concluded.

(6) Where an order under this section ceases to have effect, the State Security Service (SSS) shall cause notice to be published in the Gazette and two daily newspapers.

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

17. Property tracking.

(1) Where the State Security Service (SSS) has reasonable grounds to suspect that a person has committed, is committing or is likely to commit an act of terrorism or is in possession of terrorist property, it may, for the purposes of an investigation under this Act, apply to a Judge in Chambers for an order—

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

(b) requiring a bank or any other financial institution, trustee, cash dealer or custodian, to produce to him all information and deliver to him all documents regarding any business transaction conducted by or on behalf of the suspect.

(2) Where a person fails to comply with, is delaying or is otherwise obstructing an order made under sub-section (1) (a) of this section, the Judge in Chambers may, upon information sworn to that effect by the State Security Service (SSS), authorise the State Security Service (SSS) or any officer authorised by it to enter any premises, including a bank or other financial institution and search the premises and remove any document for the purposes of executing such order.

PART III—MUTUAL ASSISTANCE AND EXTRADITION

18. Request from foreign States.

(1) Where a foreign state makes a request for assistance in the investigation or prosecution and even extradition where there is mutual treaty of an offence related to terrorism, after due consideration, the Attorney General may—

(a) execute the request; or

(b) inform the foreign State making the request of any reason for:

(i) not executing the requests, or

(ii) delaying the execution of the request.

(2) Where the Attorney-General decided to execute a request for assistance under sub-section (1) of this section, he shall apply to a judge in Chambers in the presence of counsel of any suspect for:

(a) an order in writing for:

(i) a search and entry of specified premises, or

(ii) a search of any specified person, or

(iii) the removal of any relevant document or material.

(b) an attachment order;

(c) a property tracking order; or

(d) an order for freezing or forfeiture of property in such manner as may be prescribed by the judge in chambers.

(3) The Judge in Chambers may make an order under this section imposing such conditions as to payment of debts, sale, transfer or disposal of any property as he deems fit.

19. Requests to foreign States.

(1) The Attorney-General may make a request to any foreign State to extradite a suspect if there is mutual extradition treaty, and/or—

(a) to provide evidence or information relevant to an offence under this Act; or

(b) for the restraint and forfeiture of property located in that State and which is liable to be forfeited for being a terrorist property.

(2) The Attorney-General may, in respect of any proceeding for an offence under this Act, apply to a judge in Chambers for an order directed to any person resident in a foreign state to deliver himself or any document or material in his possession or under his control to the jurisdiction of the court or, subject to the approval of the foreign State for the purpose of giving evidence in relation to the proceedings.

20. Evidence pursuant to a request.

(1) The evidence taken, pursuant to a request under section 18 of this Act, in any proceeding in a court of a foreign State, may if it is authenticated, be prima facie admissible in any proceeding to which such evidence relates :

Provided the circumstance and method of collecting evidence is normally acceptable to Nigeria.

(2) For the purpose of sub-section (1) of this section, a document is authenticated if it purports to be:

(a) signed or certified by a judge or Magistrate of a foreign State; or

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

(c) sealed with an official or public seal:

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

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

21. Form of requests.

(1) A request under section 18 or 19 shall be in writing, dated and signed by or on behalf of the person making the request.

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

(3) The request shall:

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

(b) state the ground on which a person is being investigated or prosecuted for an offence related to terrorism or detail of the conviction of the person;

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

(d) give particulars sufficient to identify any bank, financial institution, cash dealer or other person believed to have information documents or materials which may assist the investigation or prosecution ;

(e) be to obtain from a bank, financial institution, cash dealer or any other person any information, document or material which may assist the investigation or prosecution;

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

(g) state whether:

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

(ii) the property to be the subject of such an order is identified; and

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

(4) A request shall not be invalidated for the purposes of this Act or any legal proceeding by failure to comply with sub-section (3) of this section where the Attorney-General is satisfied that there is sufficient complaint to enable him execute the request.

(5) Where the Attorney-General considered it appropriate, either because an international arrangement so requires or permits or it is in the public interest, he may order that the whole or any part of the property forfeited under sections 18 and 19 of this Act, or the value thereof, be returned or remitted to the requesting State.

22. Extradition.

Offences under section 1, 2, 3, 4, 5, 6, 10, 11, 13 and 14 of this Act Extradition, are considered to be an extradition crime for which extradition may be requested, granted or obtained under the Extradition Act.

PART IV—INFORMATION SHARING, EXTRADITION AND MUTUAL ASSISTANCE ON CRIMINAL MATERS

23. Exchange of information relating to terrorist groups and terrorist acts.

(1) The Attorney-General, the National Security Adviser or the Inspector General of police may with the approval of the President, on a request made by the appropriate authority of a foreign state, disclose to that authority, any information in his possession or in the possession of any other government department or agency, relating to any of the following—

(a) the actions or movements of terrorist groups or persons suspected of involvement in the commission of terrorist acts;

(b) the use of forged or falsified travel papers by persons suspected of involvement in the commission of terrorist acts;

(c) traffic in explosives or other lethal devices or sensitive materials by terrorist groups or persons suspected of involvement in the commission of terrorist acts; and

(d) the use of communication technologies by terrorist groups.

If the disclosure is not prohibited by the provision of any law and if, in the view of the Attorney General, the National Security Adviser or the Inspector General of Police will not be prejudicial to national security or public safety.

PART V—INVESTIGATION

24. Issuance of warrant.

(1) The National Security Adviser or the Inspector General of Police may apply to the court for the issuance of a warrant for the purposes of terrorism investigation.

(2) The court may issue a warrant authorizing the National Security Adviser or the Inspector General of Police to:

(a) enter the premises specified in the warrant;

(b) search the premises and any person found therein; and

(c) seize and retain any relevant material found therein.

(3) The court shall not issue a warrant under sub-section (2) of this section unless the court is satisfied that:

(a) the warrant is sought for the purpose of a terrorist investigation ; and

(b) there are reasonable grounds for believing that there is a material on the premises which may be relevant to the terrorist investigation.

25. Search without warrant.

(1) Where, in a case of verifiable urgency, a communication with the Judge in Chambers to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or order, the National Security Adviser or the Inspector General of Police may, without prejudice to the provisions of any other enactment or Act to seal up the premises while a search warrant is sought for and upon obtaining the order—

(a) enter and search the same premises or place;

(b) search any person or vehicle found on any premises or place which he is empowered to enter and search under paragraph (a) of this subsection;

(c) stop, board and search any vessel, aircraft or vehicle if he has reason to suspect that there is in it evidence of the commission or likelihood of commission of an offence under this Act;

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

(e) arrest, search and detain any person whom he reasonably suspects of having committed or likely to commit an offence under this Act.

(2) The National Security Adviser or the Inspector General of Police shall take and record, for the purposes of identification, the measurements, samples, photographs and fingerprint impressions of all persons who may, from time to time, be in lawful custody for any offence under this Act.

(3) The Judge in Chambers may, pursuant to an expert application, grant an order for the detention of a suspect under this Act for a period not exceeding 2 months.

(4) The Judge in Chambers may, pursuant to an *exparte* application, grant an order for the detention of a suspect under this Act for a period not exceeding 30 days.

(5) A person found on any premises or place or in any vessel, aircraft or vehicle may be detained by a law enforcement officer until the completion of the search under sub-section (1) of this section.

(6) A person found on any premises which is a subject of investigation or place or in any vessel, aircraft or vehicle which is suspected to be part of crime scene may be detained by a law enforcement officer until the completion of the search under sub-section (1) of this section.

(7) Where a seizure is effected under this section, a list of all the articles, documents and other matters seized shall be delivered to the:

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

(b) owner of the premises, place, vessel, aircraft or vehicle seized.

(8) Nothing in this section shall be construed as derogation from the lawful right of any person in defence of person or property.

(9) Nothing in this section shall be construed as derogation from the lawful right of any person in defence of their person or property.

26. Intelligence gathering.

(1) Without prejudice to any other Act or enactment, the Attorney General of the Federation, the National Security Adviser or the Inspector General of Police may, for the purposes of the prevention or detection of offences or the prosecution of offenders under this Act, give such directions as appear to him to be necessary to any communication service provider.

(2) Before giving an approval under this section, the National Security Adviser or Inspector General of Police may consult with any communication service provider.

(3) A direction under this section shall specify the maximum period for which a communication service provider may be required to retain communications data.

(4) In this section:

"communication service provider" means a person who provides postal, information or communication services, including telecommunications service; and

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

27. Detention of a conveyance.

(1) An authorized officer may issue a detention order in respect of a conveyance if he is of the opinion that—

(a) a threat has been made to commit an act of violence against the conveyance or against any person or property on board the conveyance; or the conveyance is used for an act of illegality or intended to commit an offence under this act;

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

(2) Where the operator of a conveyance fails to comply with a detention order under sub-section (1) of this section, the authorized person may:

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

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

(3) The authorized officer shall give written notice to the operator of the conveyance of any detention order issued under this section.

(4) Where the operator of a conveyance objects to a detention order, the Attorney General or the judge in chamber on the advice of the Attorney General may, after hearing the parties, confirm, vary or cancel the order.

(5) In this section "conveyance" means an aircraft, train, vehicle, vessel or any other mode of transportation.

(6) A person who:

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

(b) intentionally obstructs or hinders any persons acting in accordance with sub-section (2) of this section, commits an offence under this Act and shall on conviction be liable to a maximum fine of N1,000,000 or imprisonment for a maximum term of five years.

(7) For the purpose of this section, "an authorized officer" means the Head of an agency involved in an anti-terrorism initiative.

28. Detention for offences related to terrorism.

(1) Where a person is arrested under reasonable suspicion of having committed any offence under sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 13 or 14, the National Security Adviser or Inspector General of Police or a delegated officer not below the rank of Chief Superintendent of Police or its equivalent may, subject to this section, direct that the person arrested be detained in a custody for a period not exceeding 24 hours from his arrest, without having access to any person other than his Medical Doctor and legal counsel of the detaining agency.

(2) A direction under sub-section (1) of this section shall not be made unless there are reasonable grounds to believe that giving access to any person other than the medical doctor specified in that subsection will—

(a) lead to interference with or harm to evidence connected with an offence under sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 14 or 25 (6) or to interference with or physical injury to other persons ;

(b) lead to the alerting of other persons suspected of having committed such an offence but not yet arrested for it; or

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

(3) As soon as direction is issued under sub-section (1) of this section, the person detained shall be informed that he may, if he so wishes, be examined by a medical officer.

29. Custody of records and video recording.

(1) A custody record shall be kept in respect of a person detained under section 27 of this Act.

(2) A video recording shall be made and kept in respect of any person detained under section 25 of this Act.

(3) A video recording under this section shall be admissible in evidence.

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

PART VI—PROSECUTION

30. Prosecution for offence.

(1) Subject to the general powers of the Attorney General of the Federation to institute and undertake criminal proceedings on behalf of the Federal Government of Nigeria, he may delegate his power to any agency charged with responsibility of terrorists investigation to institute criminal proceedings against any person in respect of offences categorized in this Act.

(2) For the purpose of consolidating criminal proceedings under sub-section (1) of this section, the law enforcement agencies shall collaborate and cooperate with the investigating agency in the investigation or prosecution of any offence relating to terrorism under this Act.

31. Witness protection.

(1) The court may, on a motion by or on behalf of the prosecuting agency, protect a witness in any proceeding before it or its own motion where it is satisfied that the life of the witness is in danger and takes such measures as it deems fit to keep the identity and address of the witness secret.

(2) In particular, the measures which the court may take under sub-section (1) of this section may include the holding of the proceedings at a place to be decided by the court:

(a) the holding of the proceedings at a place to be decided by the court;

(b) avoidance of the mention of the name and address of the witness in its orders, judgments or records of the case accessible to the public; and

(c) issuing of a direction for securing that the identity and address of the witness are not disclosed; and

(d) a decision that it is in the public interest to order that all or any of the proceeding pending before such -a court shall not be published in any manner.

(3) The court may, on motion by or on behalf of the prosecuting agency, in the interest of public safety or order, exclude from proceedings instituted for any offence under this Bill any person other than the parties and their legal representatives.

(4) A person who contravenes an order made under this section commits an offence under this Act.

32. Jurisdiction.

(1) The Federal High Court shall have the sole jurisdiction to try an offence and impose the penalties specified in this Act.

(2) The court before which a person is convicted of an offence under this Act may, in addition to any penalty imposed by the court, order the forfeiture of:

(a) the victim is a citizen of Nigeria or has a link with Nigeria or is dealing with or on behalf of the Government of Nigeria;

(b) the alleged offender is in Nigeria; or

(c) the alleged offender is in Nigeria and Nigeria does not extradite him.

(2) The Federal High Court shall have:

(a) jurisdiction to impose any penalty provided for an offence under this Act provided that the penalty for an offence does not exceed 20 years;

(b) power to order sentences imposed under this Act to be served consecutively provided that the term of such sentences does not, in the aggregate exceed 30 years.

(3) Notwithstanding sub-section (1) of this section, the penalty incurred by a person convicted of an offence under this Act may be reduced in such manner as the court thinks just where that person has, before any proceeding, made possible or facilitated the identification of the other accused persons or who, after the commencement of proceedings, has made possible or facilitated the arrest of such persons.

33. Penalties.

(1) Subject to subsection (3) of this section a person who commits Penalties, an offence under this Act is liable on conviction—

(a) in the case of an offence under sections 1 and 10 of this Act, to life imprisonment or to a fine of not less than 150 million Naira or both;

(b) in the case of an offence under sections 2, 3, 4, 5, 8, 9, 12 and 14 to an imprisonment for a term of not less than 3 years and not exceeding 20 years ;

(c) in the case of an offence under sections 6 and 7, to an imprisonment for a term of not less than 2 years and not exceeding 15 years ;

(d) in the case of an offence under sections 25 and 29 to a fine not exceeding N1,000,000.00 or an imprisonment for a term not exceeding 5 years or both ; and

(e) where death results from any terrorist act, the penalty shall be life imprisonment.

(2) The court before which a person is convicted of an offence under this Act may, in addition

to any penalty imposed by the court, order the forfeiture of.

34. Evidence by certificate

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

PART VII—CHARITIES

35. Refusal of application for registration and the revocation of charities linked to terrorist groups.

(1) The Registrar General of the Corporate Affairs Commission responsible for the registration of charities/organization may sign a certificate refusing or revoking registration of charity based on security or criminal intelligence reports, where there are reasonable grounds to believe that an applicant for registration as a registered charity has made, is making or is likely to make available any resources, directly or indirectly, to a terrorist group.

(2) A copy of the signed certificate shall be served on the applicant or the registered charity, personally or by registered letter sent to its last known address, with a copy of the certificate.

(3) The certificate or any matter arising out of it shall not be subject to review or be reinstated, prohibited, removed, set aside or otherwise dealt with, except in accordance with this section.

(4) Within 60 days of receipt of the copy of the notice under sub-section (1), the applicant or the registered charity may make an application to the Federal High Court.

(5) Upon the filing of an application under subsection (4), a judge of that court shall:

(a) examine the security or criminal or intelligence reports, considered by the Registrar General of the Corporate Affairs Commission before signing the certificate and hear any evidence or information that may be presented by or on behalf of the Minister;

(b) provide the applicant or the registered charity with a statement summarizing the information available to the judge so as to enable the applicant or the registered charity to be reasonably informed of the circumstances giving rise to the certificate, without disclosing any information the disclosure of which would in the judge's opinion, be prejudicial to national security or endanger the safety of any person;

(c) provide the applicant or registered charity with a reasonable opportunity to be heard; and

(d) determine whether the certificate is reasonable on the basis of all the information available to the judge or not.

(6) Where the judge determines, under sub-section (5) that the certificate is reasonable or if no application is brought upon the expiry of 60 days from the date of service of the notice, the Registrar General of the Corporate Affairs Commission shall cause the certificate to be published in the official Gazette.

(7) A certificate determined to be reasonable under sub-section (5), shall be deemed for all purposes to be sufficient grounds for the refusal of the application for registration of the charity or the revocation of the registration of the charity referred to in the certificate.

(8) Where the Judge determines the revocation order certificate is not reasonable, he shall order the registration or continued registration of the charity.

PART VIII—MISCELLANEOUS POWERS

36. Provision of information relating to passengers of vessels and aircraft and persons.

(1) The—

(a) operator of an aircraft or master of a vessel, departing from Nigeria; or

(b) operator of an aircraft or master of a vessel registered in Nigeria departing from any point outside Nigeria may subject to regulations made under sub-section (5), of this section provide :

(i) to the National Security Adviser or the Inspector General of Police any information in his possession, relating to persons on board, or expected to be on board, the aircraft or vessel, as the case may be ; or

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

(2) The Minister of Internal Affairs may, subject to regulations made under sub-section (5) where this mutual assistance provide to the competent authority in a foreign State any information in his possession relating to persons entering or leaving Nigeria by land.

(3) No information provided to the National Security Adviser or the Inspector General of Police under sub-section (1) shall be used or disclosed by the National Security Adviser or Inspector-General of Police except for the purpose of protecting national security or public safety.

(4) The Minister of Justice and Attorney General may make regulations generally to give effect to the purposes of this section, including regulations:

(a) Respecting the types or classes of information that may be provided under this section; and

(b) Specifying the foreign States to which the information may be provided.

37. Power to prevent entry and order the removal of persons.

(1) The Minister of Internal Affairs' or other authorized officer under the laws relating to Immigration shall not grant an endorsement or other authority permitting a person to enter Nigeria if he has reasonable grounds to believe that the person has been, is or will be involved in the commission of a terrorist act.

(2) In the event of the person with respect to whom sub-section (1) applies being already in Nigeria, the Minister of Justice or other authorized officer under the laws relating to immigration shall issue an order for the arrest, detention and removal of the person from Nigeria.

(3) A person with respect to whom an order stated in sub-section (2) is made shall be extradited out of Nigeria and shall, so long as the order is in force, remain out of Nigeria.

(4) A person with respect to whom an order stated in sub-section (2) is made may be detained in such manner as may be directed by the Comptroller-General of Immigration Services or Minister of Internal Affairs and may be placed on a vessel or aircraft leaving Nigeria.

38. Power to refuse refugee application.

The Minister of Internal Affairs may, having regard to the interests of national security and public safety, refuse the application of any person applying for status as a refugee, if he has reasonable grounds to believe that the applicant has committed a terrorist act or is involved in the commission of a terrorist act.

39. Regulations.

(1) The Attorney General may, for the purpose of this Act, make Regulations, such reasonable regulations as he thinks fit providing for—

(a) the types of financial or other related services which may not be provided to proscribed organisations; and

(b) the record of custody and video recording of suspects apprehended under this Act.

40. Interpretation.

In this Act— Interpretation.

"act of terrorism" means any act specified in section 1 of this Act;

"bank" has the same meaning as in Banks and other Financial Institutions Act and includes a person:

(a) engaged in deposit-taking business and authorized to do so under the Banks and Other Financial Institutions Act; and

(b) who carries on any business or activity regulated by the Central Bank of Nigeria;

"cash dealer" means a person authorized under the Foreign (Monitoring and Miscellaneous Provisions) Exchange Act to carry on the business of foreign exchange dealer or money changer;

"counter terrorism convention" refers to any of the following conventions when it is ratified—

(a) Convention on Prevention and Punishment of Crimes Against Internationally protected Persons;

(b) International Convention Against the Taking of Hostages;

(c) International Convention for the Suppression of Terrorist Bombing;

(d) Convention Against Terrorist Financing;

(e) Convention on Offences and Certain Other Acts Committed on Board Aircraft;

(f) Convention for the Suppression of the Unlawful Seizures of Aircraft;

(g) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

(h) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation;

(i) Convention on the Making of Plastic Explosive for the purpose of Detection;

(j) Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation;

(k) Protocol for the Suppression of Unlawful Acts against Fixed Platforms located on the Continental Shelf;

(l) Convention on the Physical Protection of Nuclear Material, whenever they are duly ratified; and

(m) or such other convention assented by the Nigeria Government;

"National Security Adviser" means The National Security Adviser to the President of the Federal Republic of Nigeria or any delegated Officer by him;

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

"Financial Institution" means any institution or person regulated by any of the enactments specified in the Schedule to this Act;

"Government" means the Government of the Federal Republic Nigeria or any State within Nigeria ;

"Inspection General of Police" means The Inspector General of Police of Nigeria or any delegated Officer by him;

"law enforcement agency" means the:

- (a) Nigeria Police Force;
- (b) Department of State Security Services;
- (c) Economic and Financial Crimes Commission;
- (d) National Agency for the Prohibition of Traffic in Persons;
- (e) National Drug Law Enforcement Agency;
- (f) National Intelligence Agency;
- (g) Nigeria Customs Service;
- (h) Nigeria Immigration Service;
- (i) Defence Intelligence Agency;
- (j) Nigeria Security and Civil Defence Corps (NSCDC); and
- (k) Any other agency empowered by an Act of the National Assembly;

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

"proceeds of terrorism" means any property derived or obtained from the commission of any terrorist act or acquired through funds traceable to a terrorist act and includes funds irrespective of the person in whose names such proceeds are standing or in whose possession they are found ;

"proscribed organization" —

(a) Means an organization which has been declared to be a proscribed organization under section 2 of this Act, and

(b) Includes a group which has been declared to be an international terrorist group under section 9 of this Act;
traceable to a terrorist act and includes funds irrespective of the person in whose names such proceeds are standing or in whose possession they are found :

"prosecuting agency" means the:

- (a) Nigeria Police Force;
- (b) Economic and Financial Crimes Commission; and
- (c) Department of State Security Services;

"terrorist" means any person involved in the offences under Sections 1 to 14 of this Act and includes his sponsor;

"terrorist investigation" means an investigation of:

(a) the commission, preparation or instigation of an act of terrorism or any other offence under this Act;

(b) any act or omission reasonably suspected to have been done in furtherance of an act of terrorism or any other offence under this Act; and

(c) the resources of a proscribed organization;

"terrorist property" means a property which—

(a) has been, is being or is likely to be used for any act of terrorism;

(b) has been, is being or is likely to be used by a proscribed organization;

(c) is the proceeds of an act of terrorism; or

(d) is provided or collected for the pursuit of, or in connection with, an act of terrorism;

"Trustee" has the same meaning as in the Trustees Act and Companies and Allied Matters Act.

41. Citation

This Act may be cited as the Terrorism (Prevention) Act, 2011.

SCHEDULE Section 10(a)

1. Banks and other Financial Institutions Act (as amended).
2. Economic and Financial Crimes Commission (Establishment, etc.) Act, 2004.
3. Insurance Act 2003.
4. National Insurance Commission Act.
5. Securities and Exchange Commission Act.
6. Money Laundering (Prohibition) Act.
7. Companies and Allied Matters Act, 1990.
8. Central Bank of Nigeria Act, 1990.
9. National Security Agencies Act 1986.
10. Any other subsequent relevant enactment of the National Assembly.
11. All ratified International Conventions and Protocols.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, mni
Clerk to the National Assembly
2nd Day of June, 2011.

EXPLANATORY MEMORANDUM

This Act provides for measures for the prevention, prohibition and combating of acts of terrorism, the financing of terrorism in Nigeria and for the effective implementation of the Convention on the Prevention and Combating of Terrorism and the Convention on the Suppression of the Financing of Terrorism.

It also prescribes penalties for violating any of its provisions.

SCHEDULE TO THE FEDERAL CAPITAL TERRITORY ABUJA AREA COURTS (REPEAL AND ENACTMENT) BILL, 2010

<i>(1) Short Title of the Bill</i>	<i>(2) Long Title of the Bill</i>	<i>(3) Summary of the Contents of the Bill</i>	<i>(4) Date passed by the Senate</i>	<i>(5) Date Passed by the House of Representatives</i>
Terrorism (Prevention) Bill, 2011	An Act to make provisions for and offences relating to conduct carried out or purposes connected with terrorism	This Bill seeks to provide for measures for the prevention, prohibition and combating of acts of terrorism, the financing of terrorism in Nigeria and for the effective implementation of the Convention on the Prevention and Combating of Terrorism	1 st June, 2011.	1 st June, 2011.

		and the Convention on the Suspension of the Financing of Terrorism. It also prescribes penalties for violating any of its provisions.		
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I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT.

SALISU ABUBAKAR MAIKASUWA, mni
Clerk to the National Assembly
2nd day of June, 2011.

DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
3rd Day of June, 2011.