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TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022



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TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022

ACT No. 15

AN ACT TO REPEAL THE TERRORISM (PREVENTION) ACT, No. 10, 2011 AND ENACT THE TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022 TO PROVIDE FOR EFFECTIVE, UNIFIED AND COMPREHENSIVE LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK FOR THE DETECTION, PREVENTION, PROHIBITION, PROSECUTION AND PUNISHMENT OF ACTS OF TERRORISM, TERRORISM FINANCING, PROLIFERATION AND FINANCING OF THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION IN NIGERIA ; AND FOR RELATED MATTERS

[12th Day of May, 2022]

Commencement.

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

PART I—OBJECTIVE AND PROHIBITION

1. The objective of this Act is to provide for —

(a) effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing the proliferation of weapons of mass destruction in Nigeria ;

Objectives.

(b) mechanisms for the implementation of financial measures arising from counter-proliferation Resolutions, in line with Article 41 of the Charter of the United Nations ;

(c) 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 ;

(d) procedures for the declaration of a person or entity as a terrorist or terrorist entity, or terrorism financier ;

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

(f) 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 ;

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

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

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

Prohibition of acts of terrorism.

(2) A person or body corporate, within or outside Nigeria, who knowingly, directly or indirectly—

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

(b) commits an act preparatory to or in furtherance of an act of terrorism,
(c) omits to do anything that is reasonably necessary to prevent an act of terrorism,

(d) assists or facilitates, or funds the activities of persons engaged in an act of terrorism,

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

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

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

(h) recruits for terrorist groups for any purpose, including the commission of acts of terrorism,

commits an offence and is liable on conviction to the punishment prescribed under this Act.

(3) In this Act, “act of terrorism” means an act wilfully performed with the intention of furthering an ideology, whether political, religious, racial, or ethnic, and which—

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

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

(c) seriously intimidates a population ;

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

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

(f) violates the provisions of any international treaty or resolution to which Nigeria is a party, subject to the provisions of section 12 of the Constitution of the Federal Republic of Nigeria, 1999 ; and

(g) involves, causes, or results in—

(i) attack on a person’s life, in the form of grievous bodily harm or death,

(ii) kidnapping of a person,

(iii) destruction of Government or public facility, a transport system, an infrastructural facility, including national critical information infrastructure, a fixed platform located on the continental shelf, a public

place or private property, which may likely endanger human life or result in major economic loss,

(iv) the seizure of an aircraft, ship, or other means of public transport or conveying goods, or the diversion or use of such means of transportation or conveyance for the purposes of subparagraph (iii) of this paragraph,

(v) the manufacture, possession, acquisition, transportation, transfer, supply or use of weapons, including explosives or biological, chemical, radiological or nuclear weapons (BCRN weapons), as well as research into and development of BCRN weapons without lawful authority, and the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear or other radioactive material or devices,

(vi) the release of dangerous substance, 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,

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

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

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

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

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

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

(xiv) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally

causes, or where he knows that the act is likely to cause, death or serious injury to a person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substance, unless the act is undertaken in conformity with the provisions of existing laws.

(4) An act, which disrupts a service but is committed in pursuance of a protest, 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 (3)(b), (c), (d), (e), (f) or (g).

PART II—NATIONAL CO-ORDINATION AND ENFORCEMENT

Role of the
Attorney-
General.

3.—(1) The Attorney-General shall be responsible for strengthening and enhancing the existing legal framework on combating terrorism and terrorism financing, and proliferation and financing of the proliferation of weapons of mass destruction to ensure—

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

(b) implementation of the provisions of United Nations Security Council Resolutions (UNSCRs) related to Targeted Financial Sanctions on Terrorism Financing, Proliferation of Weapons of Mass Destruction and Proliferation financing ;

(c) the prosecution of terrorism and terrorism financing offences, proliferation and financing the proliferation of weapons of mass destruction, and other offences under this Act ; and

(d) facilitation of adherence to relevant UNSCRs related to Terrorism Financing (TF) and Proliferation Financing (PF), including UNSCR 1267 and 1273 and successor resolutions.

Role of the
National
Security
Adviser.

4. The National Security Adviser shall—

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

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

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

(d) build capacity for the effective perform of functions under any law or regulation ;

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

(f) perform such other functions that the President may deem necessary for the effective implementation of counter-terrorism measures under this Act.

5.—(1) The law enforcement and security agencies are responsible for gathering of intelligence for —

Role of law enforcement and security agencies.

(a) investigation of the offences provided for under this Act ; and

(b) the purpose of identifying targets for designation under relevant UNSCRs.

(2) Further to subsection (1), the law enforcement and security agencies have power to—

(a) enforce all laws and regulations on counter-terrorism, terrorism financing, proliferation and proliferation financing in Nigeria ;

(b) adopt measures to prevent and combat acts of terrorism, terrorism financing and proliferation and its financing within and outside Nigeria ;

(c) facilitate the detection and investigation of acts of terrorism, terrorism financing, proliferation and proliferation financing within and outside Nigeria ;

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

(e) conduct research with the aim of improving preventive measures to efficiently and effectively combat terrorism, terrorism financing, proliferation and proliferation financing within and outside Nigeria ; and

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

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

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

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

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

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

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

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

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

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

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

(4) The relevant law enforcement and security agencies may initiate, develop or improve on, specific training programmes for their officers charged with the responsibilities for the detection, prevention, prohibition, investigation, elimination and prosecution of terrorism, terrorist financing, proliferation and proliferation financing activities in Nigeria.

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

(6) For the purpose of section 5(1)(b) relevant UNSCRs means 1267(1999) and 1373(2001) and successor resolutions.

PART III—ESTABLISHMENT OF THE NATIONAL
COUNTER-TERRORISM CENTRE

Establishment
of the
National
Counter-
Terrorism
Centre.

6.—(1) There is established, in the office of the National Security Adviser, a National Counter-Terrorism Centre (in this Act referred to as “the Centre”) which shall be the coordinating body for counter-terrorism and terrorism financing in Nigeria, charged with the coordination of counter-terrorism policies,

strategies, plans, and support in the performance of the functions of the National Security Adviser specified in section 4 of this Act.

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

(a) establish a Joint Terrorism and Analysis Branch, as a fusion centre responsible for terrorism research, analysis and intelligence support to law enforcement and security agencies ;

(b) establish a legal team, consisting of experienced and competent prosecutors, to review and advise on counter terrorism cases from law enforcement and security agencies, and ensure that legal enforcement are in compliance with rules of armed conflict ;

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

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

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

(f) partner with civil society and international organisations in the prevention and countering of violent extremism, terrorism and terrorism financing ;

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

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

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

(2) The National Coordinator shall—

(a) hold office on such terms and conditions, as are specified in the letter of appointment ;

(b) report to the National Security Adviser on the activities of the Centre ;

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

(d) determine the number and level of staff to be deployed or seconded to the Centre from the Public Service of the Federation ; and

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

Appointment
of National
Coordinator
for the
Centre.

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Other staff and funding of the Centre.

8.—(1) Other employees of the Centre referred to under section 7(2)(d) of this Act shall be deployed or seconded to the Centre for a period of at least three years.

(2) The Centre shall, subject to the approval of the National Security Adviser, be responsible for the—

- (a) formulation of the job description, title, terms, conditions and qualifications ; and
- (b) payment of salaries, including the allowances of its employees.

(3) The National Security Adviser shall exercise supervisory functions over the Centre, and ensure that adequate funding is provided to enable the Centre perform its functions effectively and efficiently.

PART IV—NIGERIA SANCTIONS COMMITTEE

Constitution of the Nigeria Sanctions Committee.

9. The Attorney-General shall, with the approval of the President, constitute the Nigeria Sanctions Committee (in this Act referred to as “the Sanctions Committee”) which shall comprise—

- (a) the Attorney-General as Chairman ;
- (b) the Minister responsible for Finance ;
- (c) the Minister responsible for Foreign Affairs ;
- (d) the Minister responsible for Interior ;
- (e) the National Security Adviser ;
- (f) the Director-General, State Security Service ;
- (g) the Governor, Central Bank of Nigeria ;
- (h) the Inspector-General of Police ;
- (i) the Executive Chairman, Economic and Financial Crimes Commission (EFCC) ;
- (j) the Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC) ;
- (k) the Chairman, National Drug Law Enforcement Agency (NDLEA) ;
- (l) the Chairman, Federal Inland Revenue Service (FIRS) ;
- (m) the Director-General, National Intelligence Agency ;
- (n) a representative of the Chief of Defence Staff ;
- (o) the Director-General, National Agency for the Prohibition of Trafficking in Persons and other Related Offences (NAPTIP) ;
- (p) the Director of the Nigeria Financial Intelligence Unit (NFIU), as Secretary ; and
- (q) any other relevant person or institution that the President may incorporate into the Sanctions Committee.

10. The Sanctions Committee shall have powers to—

(a) formulate and provide general policy guidelines on designations made under sections 49, 53 and 54 of this Act, and advise on the effective implementation of the United Nations Security Council Resolutions related to terrorism financing and proliferation financing, and allied instruments of the African Union and the Economic Community of West African States ;

(b) provide a forum for examining any operational or policy issues that have implications for the effectiveness or efficiency of the counter-proliferation financing system ;

(c) facilitate consistent and co-ordinated approaches to the development and dissemination of counter-proliferation financing guidance materials and training initiatives ;

(d) through the Attorney-General transmit, receive and respond to communications from foreign governments, or the United Nations Security Council or its Committees with regard to the powers exercisable under this Act ;

(e) recommend to the Attorney-General to designate a person, being a citizen, resident or physically present in Nigeria, entity, or group, who attempts or engages in acts of terrorism, terrorism financing, or provides support in any form to a terrorist or terrorist organization ;

(f) take appropriate measures to discharge Nigeria's obligations related to targeted financial sanctions imposed by UNSCRs on Proliferation of Weapons of Mass Destruction or Proliferation Financing ;

(g) request and collect any information or intelligence the Committee deems necessary in the performance of their functions under this Act ;

(h) recommend to the Attorney-General the appropriate sanctions including travel ban, freezing of funds, assets, and other economic interests of persons and entities designated under the United Nations Consolidated List or under the Nigeria List ; and

(i) maintain a website, where all related changes and updates to the United Nations Consolidated List and the Nigeria List shall be posted and updated regularly.

Functions and powers of the Sanctions Committee.

PART V—OFFENCES RELATING TO TERRORISM AND TERRORISM FINANCING

11. A person who—

(a) kidnaps or commits an attack on an internationally protected person,

(b) murders an internationally protected person,

(c) carries out a violent attack on the official premises, private accommodation, or means of transport of an internationally protected person, or

Offences against internationally protected persons.

(d) threatens to commit any such attack,
commits an offence and is liable on conviction to —

(i) at least 25 years and up to a maximum of life imprisonment, where death does not result from the act referred to in paragraphs (a) and (c),

(ii) death penalty, where death results from the act in paragraphs (a), (b) or (c), or

(iii) in the case of the offence under paragraph (d), to a term of imprisonment of at least 20 years.

Terrorist meetings.

12. A person who knowingly—

(a) arranges, manages, assists in arranging or managing, participates in a meeting or an activity, 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 entity,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

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

13.—(1) A person who knowingly and directly or indirectly, solicits or renders support—

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

(b) to a terrorist group,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

(2) For the purposes of subsection (1), “support” includes—

(a) incitement to commit an act of terrorism by the dissemination of terrorist information through the internet, other electronic or digital means, or through the use of printed materials ;

(b) receiving or providing material assistance, training, transportation, false documentation or identification to a terrorist or terrorist group ;

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

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

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

(3) In this section, it shall not be necessary to prove that the material, information, facility, or financial assistance was actually used in the commission of an act of terrorism, if it can be reasonably established that the person collected on behalf of or provided the material, information, facility or financial assistance to a terrorist or terrorist group.

14. A person who knowingly harbours, conceals, or causes to be harboured or concealed, hinders or interferes with the arrest of a person—

- (a) who has committed or is about to commit an act of terrorism,
- (b) who is planning to commit an act of terrorism,
- (c) who is a member of a terrorist group,
- (d) who has been convicted of an act of terrorism but escaped from punishment, or
- (e) against whom a warrant of arrest has been issued,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

Harbouring terrorist or hindering the arrest of a terrorist.

15. A person who knowingly agrees to provide a terrorist or terrorist group, or receives training, training material or instructions on—

- (a) the making or use of any form of explosive or other lethal device,
- (b) carrying out an act of terrorism,
- (c) the practice of a military exercise or movement, but who is not an authorised officer acting in the performance of an official duty,

commits an offence, and is liable on conviction to at least 25 years and a maximum of life imprisonment.

Provision of training and instruction to terrorist group or terrorist.

16.—(1) Subject to the provisions of subsections (2) and (3), a person who has information and knows or believes the information to be of material assistance in—

- (a) preventing the commission of an act of terrorism, by any person or an entity, or
- (b) securing the apprehension, prosecution, or conviction of a person for an offence under this Act, and fails to disclose the information to the relevant agency, as soon as practicable,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

Concealing of information about acts of terrorism.

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

(3) For the purpose of subsection (2), information is obtained by a legal practitioner in privileged circumstances, where it is disclosed to the legal practitioner by—

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

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

Provision of device to a terrorist.

17. A person who knowingly offers to provide or provides a weapon, explosive, biological, chemical, nuclear or other lethal device to a terrorist, terrorist group, or any other person for use by or for the benefit of the terrorist or terrorist group, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

Recruitment of terrorists.

18. A person who knowingly agrees to recruit or recruits a person to be a member of a terrorist group, or to participate in the commission of an act of terrorism, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

Promotion or solicitation of property for the commission of terrorist acts.

19. A person who knowingly solicits property for the benefit of a terrorist group or for the commission of an act of terrorism, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

Provision of facilities in support of terrorist acts.

20. A person who being—

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

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

(c) the owner, lessee, or person in charge of any equipment, facility, or device that allows for recording, conferencing or meetings through the use of technological devices, who knowingly permits that equipment, facility or device to be used for purposes of committing an offence under this Act, or for planning, promoting or supporting the commission of an act of terrorism,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

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

Financing
of terrorism.

(a) finance a terrorist or terrorist group,

(b) commit an offence under this Part, or an offence specified in any relevant law or enactment referred to under this Act, or

(c) 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 that act, by its nature or context, is to intimidate a group of people or to compel a government or an international organisation to do or abstain from doing any act,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to—

(a) in the case of a natural person, life imprisonment; or

(b) in the case of a body corporate—

(i) a fine of at least ₦200,000,000,

(ii) imprisonment of principal officer for a term at least 20 years and up to a maximum of life imprisonment, and

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

(3) A person who knowingly or intentionally enters into or becomes involved in an arrangement—

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

(b) as a result of which funds or other property is to be made available for the purposes of terrorism or for the benefit of a specified entity or proscribed entity,

commits an offence.

(4) A person who commits an offence under subsection (3), is liable on conviction to—

(a) in the case of a natural person, imprisonment for a term of at least 20 years and up to a maximum of life imprisonment ; and

(b) in the case of a body corporate—

(i) to a fine of at least N200,000,000,

(ii) the prosecution of the principal officers of the corporate body, who on conviction, shall be liable to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment,

(iii) the winding up of the corporate body, and

(iv) its prohibition from reconstitution or incorporation under any form or guise.

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

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

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

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

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

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

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

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

Financing the travel of foreign terrorist fighters.

22. A person who finances the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training commits an offence and is liable upon conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

Dealing in terrorist property.

23. (1) A person or an entity who, knowingly or intentionally deals in any terrorist funds or property by—

(a) acquiring or possessing terrorist funds or property,

(b) entering into, or facilitating, directly or indirectly, any transaction in respect of terrorist funds or property,

(c) converting, concealing, or disguising terrorist funds or property, or

(d) providing financial or other services, in respect of terrorist funds or property, at the direction of a terrorist or terrorist group,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

(2) In this Part, the word “knowingly or intentionally” may be inferred from the objective factual circumstances of the case.

24.—(1) A person, who knowingly or intentionally—

(a) seizes, detains, or attempts to seize or detain a person, property, or facility in order to compel a third party to do or abstain from doing a lawful act,

(b) threatens to kill, injure or continue to detain a person in order to compel a third party to do or abstain from doing a lawful act, or

(c) gives an explicit or implicit condition for the release of the person held hostage, or the property or facility detained,

commits an offence.

Hostage taking, kidnapping, hijacking, etc.

(2) A person who commits an offence under subsection (1), is liable on conviction—

(a) where death does not result from the act, to life imprisonment ; or

(b) where death results from the act, to a death sentence.

(3) In this section—

(a) a “third party” means a State, an International Governmental Organisation, a natural or legal person or a group of persons ; and

(b) the word “knowingly or intentionally” referred to in subsection (1) may be inferred from the objective factual circumstances of the case.

25.—(1) A person who is a member or professes to be a member of a terrorist group or a proscribed entity, in or outside Nigeria, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

Membership of a terrorist group or proscribed entity.

(2) It shall be a defence for a person charged with an offence under subsection (1) that—

(a) the entity, in respect of which the charge is brought, was not a terrorist group or a proscribed entity at the time that person became a member or began to profess membership of that group or entity ; and

(b) the person has not taken part in the activities of that group or entity, after it became a terrorist group or proscribed entity.

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

(4) It shall be a defence for a person charged with an offence under subsection (3) that—

(a) the entity, in respect of which the charge is brought, had not been designated to be a proscribed entity at the time the person charged became or began to profess membership of the entity ; and

(b) the person has not taken part in the activities of that entity at any time after it has been designated to be a proscribed entity.

Conspiracy,
aiding and
abetting.

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

(2) A person who knowingly, directly or indirectly—

(a) aids and abets,

(b) induces, instigates, instructs, or

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

commits an offence.

(3) A person who commits an offence under subsection (2) is liable on conviction, where—

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

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

Escape or
aiding and
abetting
escape.

27. A person who—

(a) being in lawful custody for an act of terrorism, escapes from custody, or

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

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

(ii) suspected to have committed an offence under any of the provisions of this Act,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

28.—(1) A person who attempts to commit an offence under this Part is liable on conviction to the same punishment as provided under this Act for the offence to which the attempt relates.

Attempt to commit an offence.

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

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

29. A person who engages in a conduct in preparation to commit an act of terrorism or assists another person to commit an act of terrorism commits an offence, and is liable on conviction to imprisonment for a term of 20 years.

Preparation to commit acts of terrorism.

30. A person who, with intent to deceive, unlawfully assumes the name, character or designation of an officer of a relevant agency in order to perpetrate an act of terrorism, commits an offence and is liable on conviction to imprisonment for a term of at least seven years.

Unlawful assumption of character of an officer of a relevant agency

31. In any case of terrorism under this Act, a person who tampers with—

Tampering with evidence or witness.

(a) a witness by intimidation, threats, blackmail or similar acts, or

(b) an evidence or exhibit, by falsification, conversion, destruction or forgery,

commits an offence, and is liable on conviction to imprisonment for a term of at least seven years.

32. (1) A person who wilfully—

Obstruction of an authorised officer of a relevant agency.

(a) obstructs an authorised officer of a relevant agency in the exercise of any of the powers conferred on the agency by this Act,

(b) fails to comply with any lawful enquiry, request, or information, wherever located, made by any authorised officer in accordance with the provisions of this Act,

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

(d) assaults an authorised officer of a relevant agency in the execution of his duty under this Act, or

(e) fails to produce, or conceals or attempts to conceal from an authorised officer of a relevant agency, any book, document, information storage system, or article in relation to which the officer has reasonable grounds for suspecting or believing that an offence under this Part or any other law prohibiting terrorism has been or is being committed, or which is liable to seizure under this Act,

commits an offence, and is liable on conviction to imprisonment for a term of at least seven years.

(2) 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 undermine a terrorist investigation, or likely to be relevant to a terrorist investigation,

commits an offence, and is liable on conviction to imprisonment for a term of at least seven years.

(3) It is a defence for a person charged with an offence under subsection (2) that the person did not know and have reasonable cause to suspect that the disclosure was likely to affect a terrorist investigation.

Offences by
an entity.

33.—(1) Where an offence, under this Part, committed by an entity is proved to have been committed on the instigation or with the connivance of, or is attributable to any neglect on the part of a director, manager, secretary of the entity, or any person purporting to act in any of these capacities, the officer is liable on conviction to the same punishment as provided under this Act for the offence.

(2) Where an entity is convicted of an offence under this Act—

(a) it shall be liable to the forfeiture of —

(i) any assets, funds, or property used or intended to be used in the commission of the offence, and

(ii) its assets, funds, or property ; and

(b) the court shall issue an order—

(i) winding-up the entity,

(ii) withdrawing the practice licence of the entity and those of its convicted principal officers, where applicable, and

(iii) prohibiting the entity from reconstitution or incorporation under any other form or guise.

(3) Where the court orders the entity to be wound up, the entity's assets and properties shall be transferred to any fund or agency established under any law for the recovery of proceeds of crime.

(4) Nothing contained in subsection (1) shall render any person liable to punishment, provided that it can be proved that the offence was committed without the person's knowledge or that the person exercised all due diligence to prevent the commission of the offence.

PART VI—OFFENCES RELATING TO CIVIL AVIATION, SAFETY OF
SHIPS AND FIXED PLATFORMS

34. A person who, on board an aircraft in flight, seizes or exercises control of that aircraft by force, threat or any other form of intimidation, commits an offence, and is liable on conviction to life imprisonment.

Hijacking
of aircraft.

35.—(1) A person who—

(a) commits an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft,

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

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

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

(e) communicates information, which the person knows to be false, thereby endangering the safety of the aircraft in flight,

commits an offence, and is liable on conviction to—

(i) imprisonment for a term of at least 20 years, or

(ii) a death penalty, where death results from the commission of the act.

Offences
against the
safety of
civil
aviation.

(2) A person who threatens to commit an offence provided for under subsection (1)(a)-(d) with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

Offences
against
safety at
airports
serving
military or
civil aviation

36.—(1) A person who—

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

(b) destroys or seriously damages the facilities of an airport serving military or civil aviation, or aircraft not in service located on the facilities, or disrupting the services of the airport, or

(c) using a device, substance, or weapon in perpetrating acts referred to in paragraphs (a) and (b) of this subsection, where such acts are likely to endanger the safety at an airport serving military or civil aviation,

commits an offence, and is liable on conviction to —

(i) imprisonment for a term of not less than twenty years, or

(ii) a death penalty, where death results from the commission of the act.

(2) A person who threatens to commit any of the offences provided for in subsection (1) with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

Offences
against the
safety of
ships or
fixed
platforms.

37.—(1) A person who—

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

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

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

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

(e) destroys a fixed platform or causes damage to it, which is likely to endanger its safety, or places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance likely to destroy that fixed platform or to endanger its safety,

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

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

(h) injures any person in connection with the commission of any of the offences provided for in paragraphs (a)-(g) of this subsection,

commits an offence, and is liable on conviction to —

- (i) imprisonment for a term of at least 25 years, or
- (ii) a death penalty, where death results from the commission of the act.

(2) A person who threatens to commit any of the offences provided for in subsection (1) (b), (c), (e) and (f), with the aim of compelling the State or a person to do or refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

38.—(1) A person who—

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

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

(c) uses a ship in a manner that causes death or serious injury or damage, where the purpose of the act by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act, commits an offence and is liable on conviction to—

- (i) imprisonment for a term of at least 25 years, or
- (ii) a death penalty, where death results from the commission of the act.

(2) A person who threatens to commit any of the acts provided under subsection (1), commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

39.—(1) A person who transports—

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

- (i) to cause death or grievous bodily harm or damage, or
- (ii) in a threat to cause death or grievous bodily harm or damage,

for the purpose of intimidating a population, or compelling a government or an international organisation to do or to abstain from doing any act,

(b) any BCRN weapon, knowingly,

(c) any source of material, special fissionable material, or equipment or material especially designed or prepared for the processing or production

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

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

of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under a safeguard agreement, or

(d) any equipment, material, software or related technology that significantly contributes to the design, manufacture or delivery of a BCRN weapon, with the intention that it will be used for that purpose,

commits an offence, and is liable on conviction to—

(i) imprisonment for a term of at least 25 years, or

(ii) a death penalty, where death results from the commission of the act.

(2) A person who causes injury to a person in connection with the perpetration of any of the offences provided for under subsection (1), commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

Transportation of persons intending to commit offences on board a ship.

40. A person who transports another person on board a ship, knowing that the person intends to commit an act that constitutes an offence under this Act, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

Transportation of certain offenders on board a ship.

41. A person who transports another person on board a ship, knowing that the person has committed an act that constitutes an offence under this Act and intending to assist that person to evade criminal prosecution, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

Offences with explosives or other lethal devices.

42. A person who delivers, places, discharges, or detonates an explosive or other lethal device into or against a place of public use, a government facility, a transportation system, or an infrastructure facility with the intent to cause—

(a) death or grievous bodily harm, or

(b) extensive destruction of such a place, facility or system, where such destruction results in, or is likely to result in, major economic loss,

commits an offence, and is liable on conviction to—

(i) imprisonment for a term of at least 20 years, or

(ii) a death penalty, where death results from the commission of the act.

43.—(1) A person who, without lawful authority, receives, possesses, transfers, alters, or disposes radioactive, nuclear material or possesses a device—

Handling of radioactive, nuclear material or device

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

(b) which causes or is likely to cause death or grievous bodily harm to any person or substantial damage to property or to the environment,

commits an offence, and is liable on conviction to—

(i) imprisonment for a term of at least 20 years, or

(ii) a death penalty, where death results from the commission of the act.

(2) A person who—

(a) commits theft or robbery of radioactive or nuclear material,

(b) embezzles or fraudulently obtains a radioactive or nuclear material, or

(c) performs an act which constitutes the carrying, sending, or moving of radioactive material into or out of Nigeria without lawful authority,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

(3) A person who threatens to commit an offence set out under subsection (2) (a) in order to compel a natural or legal person, international organisation, or State to do or to refrain from doing any act, commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

(4) A person who demands radioactive or nuclear material or a device by threat, or by use of force, or by any other form of intimidation, commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

44.—(1) A person who, without lawful authority, uses or disperses in any way, radioactive or nuclear material, or makes or uses a device—

Use of radioactive or nuclear material.

(a) with the intent to cause—

(i) death or grievous bodily harm, or

(ii) substantial damage to property or the environment,

(b) to compel a natural or legal person, an international organisation, or a State to do or refrain from doing an act, or

(c) which causes or is likely to cause death or grievous bodily harm to any person or substantial damage to property or to the environment, commits an offence, and is liable on conviction to —

(i) imprisonment for a term of not less than 20 years, or

(ii) a death penalty, where death results from the commission of the act.

(2) A person who threatens to commit an offence provided for in subsection (1), commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

Offences relating to nuclear facilities.

45.—(1) A person who uses or damages a nuclear facility, interferes with its operation, or commits any other act directed against a nuclear facility, in a manner which releases or risks the release of radioactive material—

(a) with the intent to cause—

(i) death or serious bodily injury, or

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

(b) with the knowledge that the act, unless undertaken in conformity with extant laws relating to nuclear or other radioactive substances, is likely to cause death or grievous bodily harm to any person, substantial damage to property or to the environment by the exposure to radiation or release of radioactive substances, or

(c) in order to compel a natural or legal person, an international organisation, or a State to do or refrain from doing an act,

commits an offence, and is liable on conviction to—

(i) imprisonment for a term of at least 20, or

(ii) a death penalty, where death results from the commission of the act.

(2) A person who threatens to commit an offence provided for in subsection (1), commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years.

(3) A person who demands for a nuclear facility by threat, use of force or by any other form of intimidation, commits an offence, and is liable on conviction to imprisonment for a term of at least 10 years.

Arms embargo.

46. A person who supplies, sells, or transfers, directly or indirectly, to individuals placed on the Consolidated List, arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts as well as technical advice, assistance, or training related to military activities, whether this conduct is carried out—

(a) within the territories of Nigeria,

(b) by nationals of Nigeria abroad, or

(c) by anyone using flag vessels or aircraft from Nigeria,

commits an offence, and is liable on conviction to imprisonment for a term of at least 25 years.

47.—(1) An individual placed on the Consolidated List shall not be allowed entry into or transit through the territory of Nigeria, unless the individual is a citizen of Nigeria.

Travel ban.

(2) A person, who allows an individual placed on the Consolidated List entry into or transit through the territory of Nigeria, commits an offence provided for in subsection (1), and is liable on conviction to imprisonment for a term of at least 10 years.

PART VII—IMPLEMENTATION OF TARGETED FINANCIAL SANCTIONS RELATED TO TERRORISM AND TERRORISM FINANCING

48.—(1) Where an entity, or two or more persons associate for the purpose of —

Proscription of an entity.

- (a) participating or collaborating in an act of terrorism or terrorism financing ;
- (b) promoting, encouraging or exhorting others to commit an act of terrorism ; or
- (c) setting up or pursuing acts of terrorism,

the Attorney-General shall, with the approval of the President, apply ex-parte to the Court to proscribe the person, association or the entity, and the notice of the Proscription Order shall be published in the Federal Government Gazette and in two national daily newspapers, and at such other places as the Court may determine.

(2) A publication made under subsection (1) shall contain such relevant particulars as the Court may specify.

(3) Without prejudice to the provisions of section 57 of this Act, the Attorney-General may, on the approval of the President, apply to the Court for the revocation of the Proscription Order, where—

- (a) the proscribed entity affected by the order makes an application to the Attorney - General to that effect ; and
- (b) there is evidence to prove that the proscribed entity does not engage in any of the acts specified in subsection (1).

(4) The revocation of the Proscription Order shall be published in the Federal Government Gazette.

Designating a person, entity, or group for terrorism or for terrorism financing under UNSCR 1373.

49.—(1) Where the Sanctions Committee has reasonable grounds to suspect that a person, group or entity—

(a) has committed, attempted to commit, participated in committing, instigated the commission, or facilitated the commission of an act of terrorism or terrorism financing,

(b) is owned or controlled, directly or indirectly, by any person, group, or entity designated under under this subsection, or

(c) is acting on behalf of, or at the direction of, any person or entity designated under this subsection,

it may recommend to the Attorney-General to designate such person, entity, or group, as a terrorist, terrorist group, terrorist entity or terrorist financier.

(2) Where the Attorney-General is satisfied that there is evidence on reasonable grounds to support the recommendation made under subsection (1), the Attorney-General shall, with the approval of the President, designate the person, group, or entity so recommended as terrorist, terrorist group, terrorist entity or terrorist financier, provided that a designation made by the Attorney-General under this section shall not be conditional upon the existence of criminal proceedings in relation to the person or entity to be designated.

(3) Following a designation made under subsection (2), the Attorney-General may request a foreign country to make a designation of the person, group, or entity so designated, as terrorist, terrorist group, terrorist entity or terrorist financier, and provide relevant identifying information to support that request.

(4) Where a person, group, or an entity has been designated by a foreign country as an international terrorist or international terrorist group, the Attorney General shall, on receipt of a request to designate from that country—

(a) immediately convene the Sanctions Committee to deliberate on the request and its supporting evidence, as proposed for designation ;

(b) designate the person, group or entity as a terrorist, terrorist group, terrorist entity or terrorist financier where, on the recommendation of the Sanctions Committee, the Attorney-General is satisfied that there is evidence on reasonable grounds to support the request ;

(c) direct the Sanctions Committee, to immediately add the name of the designated person or entities to the Nigeria Sanctions List established under section 50 of this Act, and disseminate to the relevant authorities for action ; and

(d) convey the decision of the Sanctions Committee to the requesting country from where the request to designate emanated from.

(5) Where a person, group or an entity has been listed to be involved in acts of terrorism or terrorism financing in any of the instruments of the African Union (AU) or Economic Community of West African States (ECOWAS), or any other organisation, as the President may approve, the Attorney-General shall on receipt of the request to designate, direct the Sanctions Committee to immediately add the name of the designated person to the Nigeria Sanction List and disseminate to the relevant authorities for action.

(6) Where a person designated as a terrorist or terrorism financier under this section is a citizen of Nigeria, other than by birth, or a citizen of any other country, the person shall be deprived of the Nigerian citizenship, in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999.

Cap. C23,
LFN, 2004.

(7) A designation made under subsection (2) (4) and (5) and a revocation of citizenship under subsection (6) shall be published by the Attorney-General of the Federal Government Gazette.

50. The Sanctions Committee shall establish a list, to be referred to as the Nigeria Sanctions List, where all designations made under section 49 (2) (4) and (5) of this Act are published and periodically updated.

Nigeria
Sanctions
List.

51. The Attorney-General may, on the recommendation of the Sanctions Committee, make a proposal to the United Nations Security Council or its relevant 1267/1989 or 1988 Committees for the designation of a person, group, or an entity as an international terrorist, terrorist group, terrorist entity, or terrorist financier, where the Attorney-General is satisfied that there is reasonable grounds to suspect that the person, group, or entity meets the criteria prescribed under the Third Schedule of this Act, provided that a proposal made by the Attorney-General in accordance with this section, shall not be conditional upon the existence of criminal proceedings in respect of the person, group or entity to which the proposal relates.

Proposal for
designation
of terrorist,
terrorist
groups and
terrorism
financier.
Third
Schedule.

52. The designation of a person or entity by the United Nations Security Council or its Committees, in accordance with UNSCR 1267(1999) and its successor resolutions, shall—

Application
of
designations
under United
Nations
Security
Council
Resolutions
1267, 1988
and
successor
resolutions.

(a) have immediate application in Nigeria, and

(b) continue in effect until its expiration or revocation by the United Nations Security Council, or its Committees.

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Publication
of UN
Consolidated
List.

53. Any information on the designation of persons and entities referred to in section 52 of this Act shall, without delay, be—

(a) published in the Nigeria Sanctions Committee website, and periodically updated in the manner prescribed in the regulations made in accordance with this Act ; and

(b) circulated to the relevant sector regulators, financial institutions, designated non-financial business and professions, and other entities.

Freezing
order in
respect of
designated
persons or
entities.

54.—(1) Upon the publication of the UN Consolidated List of persons and entities designated by the UN in accordance with UNSCR 1267(1999) and its successor resolutions, and the Nigeria Sanctions List, all natural and legal persons in Nigeria, including financial institutions, designated non-financial business and professions, and other entities in Nigeria shall—

(a) immediately, identify and freeze, without prior notice, all funds, assets, and any other economic resources belonging to the designated person or entity in their possession and report same to the Sanctions Committee ;

(b) report to the Sanctions Committee any assets frozen or actions taken in compliance with the prohibition requirements of the relevant UNSCRs, including attempted transactions ;

(c) immediately file a Suspicious Transactions Report to the NFIU for further analysis on the financial activities of such an individual or entity ; and

(d) report as a Suspicious Transactions Report to the NFIU, all cases of name matching in financial transactions prior to or after receipt of the Nigerian Sanctions List.

(2) The freezing obligation under subsection (1), shall extend to—

(a) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot, or threat of terrorism or terrorism financing ;

(b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities ;

(c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities ; and

(d) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.

(3) Sector regulators shall—

(a) provide clear guidance to financial institutions, designated non-financial business and professions, and other entities on their obligation to take freezing action in accordance with this section ; and

(b) impose administrative sanctions against a financial institution, designated non-financial business and professions, and other entities in breach of immediate freezing obligation and rules against tipping off.

(4) Without prejudice to subsection (1), the Attorney-General shall without delay apply to the Court *ex-parte* for a freezing order —

(a) directing financial institutions, designated non-financial businesses and professions, other entities, or any person in control of the account of a designated person or entity to freeze the account ; and

(b) freeze or confiscate assets and other economic resources belonging to the designated person or entity.

(5) For the purposes of this section, “immediately” means not later than 24 hours.

(6) It shall be the responsibility of all financial institutions, designated non-financial businesses and professions and other entities to monitor their accounts and transactions against the UN Consolidated List and the Nigeria Sanctions List.

(7) For purposes of this section, sector regulators shall examine their client-base and monitor transactions to ensure compliance with obligations under this section.

55.—(1) A person, group, or entity designated under section 49 of this Act may make an application, in writing, to the Attorney-General for a revocation of the order, and the application shall be made in accordance with procedures prescribed in a regulation made in accordance with this Act.

Revocation of designation, de-listing and unfreezing of funds or other assets.

(2) In respect of an application made under subsection (1), the Attorney-General may, after consultation with the Sanctions Committee, and it is confirmed that—

(a) the designated person or entity no longer meets the criteria for designation—

(i) revoke the designation order, and publish the notice of revocation in the Federal Government Gazette ; and

(ii) cause the name and other details of the revoked designation to be removed from the Nigeria Sanctions List ; or

(b) the criteria for designation subsist, refuse the application for revocation.

(3) The Attorney-General shall, within 60 days of receiving the application referred to in subsection (1), inform the applicant of the decision to revoke or to uphold the order.

(4) A person, group, or entity, who is aggrieved by the decision of the Attorney-General under this section may apply to the Court for a review of that decision within a period of 30 days from the date of the decision.

(5) The Attorney-General shall provide in a regulation for procedures for the application of unfreezing of funds or other assets of persons or entities with the same or similar names as designated persons, or entities who have been inadvertently affected by the freezing mechanism.

Refusal or revocation of registration of NPO linked to terrorist groups.

56.—(1) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering shall sign a certificate refusing or revoking the registration of any NPO—

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

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

(2) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering shall—

(a) publish the name of the NPO in at least two national newspapers ; and

(b) serve a copy of the certificate signed in subsection (1) on the applicant or the registered NPO at its registered office address, or by registered post sent to its last known address.

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

(4) The Registrar-General of the Corporate Affairs Commission or the Director, Special Control Unit Against Money Laundering may authorise the withdrawal of a certificate refusing or revoking the registration of any NPO—

(a) where the promoters, applicant, or the NPO affected by the certificate makes an application to the Registrar-General or the Director, Special Control Unit Against Money Laundering attaching a Court order made under section 57 of this Act, approving the registration or relisting of the NPO ; or

(b) upon the satisfaction that acts or circumstances specified in subsection (1) on which the certificate was issued no longer exist.

(5) The withdrawal of a certificate refusing or revoking the registration of any NPO under subsection (4) shall be published in the Federal Government Gazette.

57.—(1) Within 60 days of receipt of a copy of a Proscription Order or withdrawal of the certificate refusing or revoking the registration of a NPO by the Registrar-General of the Corporate Affairs Commission under section 56 of this Act, as the case may be, the applicant or the NPO may make an application, on notice, to the Court for a review.

Application
for judicial
review.

(2) In consideration of the application under subsection (1), the Court shall—

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

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

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

(3) Where the Court determines that the Proscription Order or certificate issued is not reasonable, it shall order the vacation of the Proscription Order or the registration or relisting of the NPO, as the case may be.

(4) Where the Court determines that the Proscription Order or the certificate issued is reasonable, it shall make an order to that effect.

(5) A Proscription Order or certificate determined to be reasonable or that is not objected to within 60 days after its issuance shall be deemed for all purposes to be sufficient grounds for the—

(a) proscription of persons or entity named in the order or refusal ; or

(b) revocation of the registration of the NPO referred to in the certificate.

(6) The Attorney-General shall review any order made and certificate issued under this Part every 12 months to determine whether there are still reasonable grounds for the order or certificate to continue to apply to the proscribed entity or NPO, and where it is determined that there are no such reasonable grounds, the Attorney-General shall inform the relevant agency of the decision to revoke the order or withdraw the certificate, in respect of the proscribed entity or NPO, as the case may be, unless there is proof to warrant the continued application of the order or certificate.

PART VIII—OFFENCES RELATING TO THE PROLIFERATION AND FINANCING
OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Prohibition
of
proliferation
of weapons
of mass
destruction.

58.—(1) A person or body corporate, who—
(a) manufactures, possesses, stockpiles, stores, develops, transports
sells, supplies, transfers, imports, exports, ships, or uses—
(i) nuclear weapons,
(ii) chemical weapons,
(iii) biological weapons, or
(iv) materials related to nuclear weapons, chemical weapons, or
biological weapons that are prescribed by regulations made by the
Attorney-General, or
(b) provides technical training, advice, service, brokering, or assistance
related to any of the activities referred to in paragraph (a) of this subsection,
commits an offence.

(2) A person who contravenes subsection (1), commits an offence and
is liable on conviction to—

- (a) in the case of a natural person, imprisonment for a term of at least
25 years and up to a maximum of life imprisonment ; or
- (b) in the case of a body corporate, to —
 - (i) a fine of at least ₦200,000,000,
 - (ii) imprisonment of principal officers for a term of at least 25
years, and
 - (iii) the winding up of the body corporate, and its prohibition from
reconstitution or incorporation under any form or guise.

Prohibition
of
proliferation
financing.

59.—(1) All acts of proliferation financing of weapons of mass
destruction are prohibited.

(2) A person or body corporate who contravenes subsection (1), commits
an offence and is liable on conviction to—

- (a) in the case of a natural person—
 - (i) imprisonment for a term of at least 25 years and up to a maximum
of life imprisonment,
 - (ii) a fine not exceeding ₦100,000,000, or
 - (iii) both imprisonment and fine ; or
- (b) in the case of a body corporate, to—
 - (i) a fine of at least ₦200,000,000,
 - (ii) imprisonment of principal officer for a term of at least 25 years
and up to a maximum of life imprisonment, and

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

(3) A person or body corporate, within or outside Nigeria, in any manner, who, directly or indirectly, and willingly provides, solicits, acquires, collects, receives, possesses, or makes available property, funds or other services, or attempts to provide, solicit, acquire, collect, receive, possess or make available property, funds or other services with the intention or knowledge, or having reasonable grounds to believe that it will be used, in full or in part to—

(a) finance the proliferation of weapons of mass destruction, or

(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 that act, by its nature or context, is to encourage the proliferation of weapons of mass destruction, commits an offence.

(4) A person or body corporate who commits an offence under subsection (3) is liable on conviction to—

(a) in the case of a natural person—

(i) imprisonment for a term of at least 25 years and up to a maximum of life imprisonment,

(ii) a fine not more than ₦100,000,000, or

(iii) both imprisonment and fine ; or

(b) in the case of a body corporate, to—

(i) a fine of at least ₦200,000,000,

(ii) imprisonment of the principal officer for a term of at least 25 years and up to a maximum of life imprisonment, and

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

60.—(1) The designation of any person or entity by the United Nations Security Council or its Committees under Chapter VII of the Charter of the United Nations, under UNSCR that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction, shall have immediate application in Nigeria and continue in effect until its expiration or revocation by the United Nations Security Council or its Committees.

(2) Any information on the designation of person and entities referred to in subsection (1) of this Act shall, without delay, be—

(a) published in the Nigeria Sanctions Committee website and periodically updated in the manner prescribed in the regulations made in accordance with this Act ; and

Designation of a person or entity by the United Nations Security Council or its Committees in relation to proliferation financing.

Freezing obligation in respect of proliferation financing.

(b) circulated to the relevant sector regulators, financial institutions, designated non-financial businesses and professions and other entities.

61.—(1) Upon publication of the UN Consolidated List of persons and entities designated under UNSCRs that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction, all natural and legal persons in Nigeria, including financial institutions, designated non-financial businesses and professions, and other entities in Nigeria shall be required to, immediately, identify and freeze all funds, assets, and any other economic resources belonging to a designated person or entity in their possession and report same to the Nigeria Sanctions Committee.

(2) The freezing obligation under subsection (1), shall extend to—

(a) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation ;

(b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities ;

(c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities ; and

(d) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.

(3) In respect of designations referred to in subsection (1), sector regulators shall immediately—

(a) disseminate the UN Consolidated List to financial institutions, designated non-financial businesses and professions, and other entities ;

(b) provide clear guidance to financial institutions, designated non-financial businesses and professions, and other entities on their obligation to take freezing action in accordance with subsection (4) ; and

(c) impose administrative sanctions against a financial institution, designated non-financial businesses and professions, and other entities in breach of immediate freezing obligation and rules against tipping off.

(4) The financial institutions, designated non-financial businesses and professions, and other entities shall, on receipt of the notification from sector regulators—

(a) immediately take steps to identify any funds, assets or any economic resources in their possession belonging to designated persons or entities and carry out freezing measures described in subsection (1) and (2), and report to the Sanctions Committee ;

(b) immediately file a Suspicious Transactions Report to the NFIU for further analysis on the financial activities of such an individual or entity ; and

(c) report, as a Suspicious Transactions Report to the NFIU, all cases of name matching in financial transactions prior to or after receipt of the List.

(5) For the purposes of this section, “immediately” means not later than 24 hours.

(6) It shall be the responsibility of all financial institution, designated non-financial businesses and professions and other entities to monitor their accounts and transactions against the UN Consolidated List.

(7) For purposes of this section, sector regulators shall—

(a) use their powers available under relevant laws or enactments to monitor the policies, procedures and actions of financial institutions, designated financial businesses and professions, and other entities under their authority, to ensure compliance with the requirements of this section ; and

(b) take appropriate enforcement action and apply such sanctions as are appropriate in the event of non-compliance with any of the requirements under this section.

PART IX—RESPONSIBILITIES OF AIRLINES, COMMERCIAL CARRIERS,
TOUR OPERATORS AND TRAVEL AGENTS

62.—(1) An airline operator, master of sea vessel, commercial carrier, tour operator, or travel agent shall not aid or abet, facilitate and promote terrorist activities.

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

(2) An airline operator, master of sea vessel, commercial carrier, tour operator, or travel agent shall—

(a) notify its clients of its obligation under subsection (1) ;

(b) insert in any contract with corresponding suppliers in destination countries, clauses requiring the suppliers to comply with the obligations stated in subsections (1) and (2)(a) ;

(c) refrain from utilising messages on printed materials, video or the internet that could suggest or allude to behaviour incompatible with the provisions of this Act ;

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

(e) include clauses regarding their obligations under this Act in their conditions of service.

(3) The operator of an aircraft or master of a vessel departing from Nigeria or registered in Nigeria but departing from any point outside Nigeria shall, subject to regulations made under this Act, provide to the—

(a) relevant agencies 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

(b) 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.

(4) An airline an operator, master of sea vessel, commercial carrier, tour operator or travel agent, who fails to comply with the provisions of this Act or violates the provisions of this section commits an offence, and in addition to any other penalty provided in this Act, is liable on conviction to a fine of at least ₦10,000,000 and the forfeiture of the vessel or aircraft belonging to the entity to any fund or agency established under any law for the recovery of proceeds of crime, or both.

PART X—INVESTIGATION AND PROSECUTION

Issuance of
warrant for
investigation.

63.—(1) An authorised officer of a relevant agency may apply ex-parte to the Court for the issuance of a warrant for the purposes of carrying out investigation into the activities prescribed under this Act.

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

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

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

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

(3) The Court shall not issue a warrant under subsection (2), unless the Court is satisfied that—

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

(b) the warrant is required for the purposes of a terrorist investigation or investigation into the commission of other offences under this Act ;

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

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

(4) Where a seizure is effected in the course of search or investigation under this section, a copy of the list of all the articles, documents and other materials seized shall be made, duly endorsed and handed to the person on whom the search is made, or owner of the premises, place or conveyance searched.

64.—(1) Where in a case of verifiable urgency or a life is threatened, or to prevent the commission of an offence under this Act, and an application to the Court to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or order, an officer of a relevant agency may, without prejudice to the provisions of section 63 of this Act or any other law, with the assistance of other officers, as may be necessary and while search warrant is being sought for —

Investigation
and search
without
warrant.

(a) enter and search any premises, place or conveyance, where there are reasonable grounds to suspect that within those premises, place or conveyance—

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

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

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

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

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

(d) seize, remove and detain anything which is, 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 the officer reasonably suspects to have committed or is likely to commit an offence under this Act.

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

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

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

(3) Notwithstanding the provisions of subsection (1), a woman shall only be searched by a woman.

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

(5) A relevant agency shall, within 90 days of exercising the powers conferred by this section, provide a detailed report to the Attorney-General on the exercise of the powers, describing the urgency or life-threatening situation that necessitated the exercise of the powers with justification on why obtaining a warrant would have caused delay that may be prejudicial to the maintenance of public safety or order.

Recording measurements, samples, photographs or fingerprint impressions during investigations.

65.—(1) An authorised officer of a relevant agency shall take and record, for the purpose of identification and evidence, the measurements, samples, photographs and fingerprint impressions of all persons who may be in lawful custody for an offence under this Act.

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

Detention for offences related to terrorism.

66.—(1) Notwithstanding provisions in any other law, the Court may, pursuant to an ex-parte application, grant an order for the detention of a suspect under this Act for a period not more than 60 days, subject to renewal for a similar period, until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with provided that in the case of renewal, the relevant agency shall involve the Attorney-General.

(2) A person found on any premises or place or in any conveyance may be detained by the relevant law enforcement or security officer until the completion of the search or investigation under the provisions of this Act.

(3) An authorised officer of the relevant agency may use such force as may be necessary and proportionate for the exercise of the powers conferred by subsection (2).

Access to a detained person pending conclusion of terrorist investigation.

67.—(1) Where a person is arrested under reasonable suspicion of having committed an offence under this Act, the relevant agency may direct that the person arrested be detained in custody for a period not more than 24 or 48 hours from the time of his arrest, as the case may be, without having access to—

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

(b) any phone or communication gadget.

(2) A direction under subsection (1) shall not be issued unless the relevant agency has reasonable grounds to suspect that giving access to any person, other than the medical officer or a government appointed lawyer as specified in that subsection shall—

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

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

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

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

(4) Where a person arrested under this Act is granted a bail within the period of detention stipulated under section 67 of this Act, the Court may make such orders, as may be necessary, for the purpose of enabling the relevant agency to monitor the movement and activities of the person, including an order that he be placed under house arrest.

(5) A person under house arrest under the provisions of subsection (4) shall—

(a) be monitored by the authorised officers of the relevant agency ; and

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

68.—(1) Without prejudice to any other law, a relevant agency may, with the approval of the National Security Adviser, and for the purpose of the—

(a) prevention of acts of terrorism or the commission of any other offence under this Act,

(b) enhancement of the detection of offences related to the preparation of an act of terrorism, or

(c) prosecution of offenders under this Act,

apply ex-parte to the Court for an “interception of communication order”.

(2) The Court to which an application is made under subsection (1) may make an order —

Interception
of
communica-
tions order.

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

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

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

(3) An order made under subsection (1) shall specify the period for which a communication service provider may be required to retain communications data to which the order relates.

(4) Any information contained in a communication—

(a) intercepted and retained pursuant to an order under subsection (2), or

(b) intercepted and retained in a foreign State in accordance with the law of that foreign State and certified by a court of that foreign State to have been so intercepted and retained,

is admissible in proceedings for an offence under this Act, as evidence of the truth of its content.

(5) In this section—

“communications service provider” means a person who provides postal, information or communication services, including the transmission or reception of communications and other telecommunications services ;

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

“metadata” means data that provides information about other data.

Detention of
a
conveyance.

69.—(1) A relevant agency may apply ex-parte to the Court for an order detaining a conveyance, where the agency reasonably believes 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 ;

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

(c) 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 subsection (1), an authorised officer of a relevant agency may—

- (a) enter or authorise any other person to enter the conveyance ; or
- (b) arrange for a person or thing to be removed from the conveyance.

(3) The authorised officer of a relevant agency 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 made under this section, the operator may apply to the Court, and the Court may, after considering the application, confirm, vary or cancel the order.

(5) A person who—

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

(b) intentionally obstructs or hinders any person acting in accordance with subsection (2),

commits an offence under this Act and is liable on conviction to imprisonment for a term of at least five years.

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

Video recording and custody of records.

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

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

Act No. 18, 2011.

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

71. Where in any proceedings for an offence under this Act, a question arises as to whether anything or substance is a weapon, hazardous, radioactive or harmful substance, a toxic chemical, 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, microbial or other biological agent or toxin, shall—

Evidence by certificate.

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

(b) in the absence of evidence to the contrary, be proof of the facts stated in the certificate.

Protection of informants and information.

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

Protection of persons and witnesses.

73.—(1) The Court may on its own, or by ex-parte application by the Attorney-General or the relevant agency, apply to the court to protect a witness or any person in any proceeding before it, where it is satisfied that the life of the person or witness is in danger and take such measures as it considers fit to keep the identity and address of the witness or person secret.

(2) The measures which the Court may take under subsection (1), include—

(a) holding the proceeding at a place to be decided by the Court ;

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

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

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

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

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

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

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

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

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

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

(6) A person, who contravenes an order or direction made under this section commits an offence is liable on conviction to imprisonment for a term of at least five years.

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

Power to prosecute.

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

Power to declare a state of emergency.
Cap. C23
LFN, 2004.

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

PART XI—JURISDICTION

76.—(1) The Federal High Court (in this Part referred to as “the Court”) has jurisdiction to try offences under this Act or any other related enactment and to hear and determine proceedings arising under this Act whether or not the offence was commenced in Nigeria and completed outside Nigeria, and the victim or the alleged offender is —

Jurisdiction to try offences under this Act.

(a) in Nigeria ;

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

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

(d) outside Nigeria—

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

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

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

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

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

Cap. C23
LFN, 2004.

(4) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, an application for stay of proceedings or for an interlocutory injunction in respect of any matter brought under this Act shall not be entertained by the Court but shall be stayed until judgment in the matter is delivered by the Court.

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

- (a) terrorist fund with any accrued or accruing interest thereon,
- (b) terrorist property,
- (c) article, substance, device or material by means of which an offence was committed, or
- (d) conveyance used in the commission of an offence,

which is reasonably believed to have been used in the commission of the offence or for the purpose of or in connection with the commission of the offence, and which may have been seized under this Act or is in the possession or custody or under the control of the convicted person.

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

PART XII—SEIZURE AND FORFEITURE OF PROPERTY OR FUNDS

Property
tracing.

77.—(1) Where a relevant agency has reasonable grounds to suspect that a person has committed, is committing, or is likely to commit an act of terrorism or any other offence under this Act, or is in possession of terrorist property, it may, for the purposes of an investigation under this Act, with the approval of the Attorney-General, apply ex-parte to the Court for an order—

- (a) compelling the suspect to deliver to the relevant agency any document relevant to identifying, locating or quantifying any property belonging to or in the possession or control of that person ;
- (b) requiring a financial institution or designated non-financial institution to produce or deliver to the relevant agency all information and documents regarding any business transaction conducted by or on behalf of the suspect ; or

(c) requiring a telecommunications operator, communications service provider or other institution to produce or deliver to the relevant agency all information, logs and documents relevant for identifying, locating, tracing or intercepting any communications or equipment belonging to or in the possession or control of the suspect.

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

78.—(1) A person arrested for committing an offence under this Act shall be required to make full disclosure of all his assets and properties by completing the Declaration of Assets Form, as specified in Form 1 in the First Schedule to this Act.

Disclosure
of assets and
property by
an arrested
person

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

First
Schedule

(3) A person who—

(a) knowingly fails to make full disclosure of his assets and liabilities,

(b) knowingly makes a false declaration, or

(c) fails, neglects, or refuses to make a declaration or furnish any information required in the Declaration of Assets Form,

commits an offence and is liable on conviction to imprisonment for a term of two years.

(4) In all terrorist and proliferation financing investigations, regardless of whether the act has been completed or not, the relevant agency shall request from the Nigerian Financial Intelligence Unit (NFIU) in writing, any information that may assist in the tracing of all funds or properties in or outside Nigeria that may be directly or indirectly linked to a suspected terrorist, terrorist group, entity, or other suspected person.

79.—(1) A relevant agency shall apply ex-parte to the Court for an order to seize the fund or property of a person arrested for an offence under this Act, where it has reasonable grounds to suspect that the fund or property—

Seizure of
fund or
property.

(a) is intended to be used for the purpose of committing an act of terrorism or other acts of violence under this Act ;

(b) belongs to or is held in trust for a terrorist group or specified entity ; or

(c) is or represents property or part of property obtained through acts directly or indirectly linked to terrorism.

(2) A relevant agency may seize fund or property where—

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

(b) the fund or property is liable to forfeiture upon an order made by the Court following an application by the relevant agency.

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

(4) The Court shall not make a detention or attachment order of any fund or property seized in accordance with the provisions of this section unless the Court is satisfied that reasonable grounds exist for suspecting that the fund or property—

(a) is derived from an act of terrorism, or is being used or is intended to be used for the purposes of terrorism ;

(b) consists of resources of a terrorist, terrorist group or specified entity ;

(c) is or represents property or part of a property obtained directly or indirectly through terrorist activities ;

(d) is being used or intended to be used in committing acts of violence or other offences under this Act ; or

(e) is being used or intended to be used in financing the proliferation of weapons of mass destruction.

(5) Subject to subsection (7), any order made under subsection (4) shall remain valid for a period of 90 days and may be renewed for a further period of 90 days or until the production of the suspected fund or property before the court.

(6) Any fund or property, and other proceeds from the fund or property seized under this section shall be deposited by a relevant agency in an interest-yielding account.

(7) The fund with the interest may be released to the owner by an order of the Court, where proceedings are not brought in connection with the seized fund.

(8) Whenever property is seized under any of the provisions of this Act, a relevant agency—

(a) shall place the property under seal ;

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

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

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

80.—(1) Where a person is charged or about to be charged with an offence under this Act, the relevant agency may apply to the Court for a detention or attachment order of all frozen funds and seized property belonging to or held on behalf of the suspect.

Order of the Court relating to seized property.

(2) An order made under subsection (1) 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, including reasonable subsistence expenses ;

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

(c) authorise the relevant agency to auction the property through the office of the Attorney–General and pay the proceeds into an interest yielding account especially where the property in question is perishable or is likely to perish or in imminent danger of perishing or being destroyed ;

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

(e) include such other conditions, as the Court may impose.

(3) The Court may, on an application by the Attorney–General or on the advice of the Attorney–General, appoint an official receiver or any other suitable person to auction or manage the property of the suspect during the period of operation of an order made under this section.

(4) An order made under this section shall—

(a) be published in the Federal Government Gazette and in two national daily newspapers, by the relevant agency ; and

(b) remain in effect until the determination of any charge or intended charge under subsection (1) and, if there is a conviction, until an order for forfeiture is made by the Court or proceedings relating to the forfeiture are concluded.

(5) Where an order made under this section ceases to have effect, the relevant agency shall cause notice of that fact to be published in the Federal

Government Gazette and in two national daily newspapers within 60 days of the cessation.

(6) The relevant agency shall, subsequent to publishing the order, give notice of the order to—

(a) financial institutions and designated non-financial institutions ; and

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

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

(8) Property forfeited to the Federal Government shall vest in the Federal Government, where—

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

(b) an appeal has been made against the order, and on the final determination of the appeal, the decision is in favour of the Federal Government.

(9) In this section, “critical need” means serious life-threatening need.

Freezing order on banks or other financial institutions.

81.—(1) Notwithstanding anything contained in any other enactment, where a person is arrested or under investigation for an offence under this Act, a relevant agency may, if satisfied that the fund in the account of an arrested person is—

(a) made through the commission of an offence under this Act,

(b) is connected with or reasonably suspected to be made through the commission of an offence, or

(c) intended to be used for the commission of an offence,

First Schedule.

apply to the Court ex-parte for an order authorising the relevant agency to direct the manager of the bank or person in charge of the bank or financial institution, where the account is or believed to be, in a manner specified in Form 2 in the First Schedule to this Act, to freeze the account.

(2) The relevant agency may, in addition, direct the bank or other financial institution to—

(a) supply necessary information, and produce books and documents relating to the account ; and

(b) stop all outward payments, operations, or transactions, including any bill of exchange, in respect of the account of the arrested person or a person under investigation.

(3) The manager or person in charge of the bank or a financial institution shall take necessary steps to comply with the requirements of the order made under subsections (1) and (2).

(4) For the purposes of this Part, “freeze” means to prohibit the transfer, conversion, disposition or movement of any property, equipment or other instrumentalities on the basis of, and for the duration of the validity of, an action initiated by a relevant agency or the Attorney–General under a freezing mechanism, or until a forfeiture order is made by a court as part of the implementation of a freezing measure, and the relevant agency may decide to take control of the property, equipment, instrumentalities, funds or other assets as a means to protect against flight or destruction by the original owner or a third party.

PART XIII—OBLIGATIONS OF FINANCIAL AND DESIGNATED
NON-FINANCIAL INSTITUTIONS

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

Confiscated
and
Forfeited
Assets
Account.

83.—(1) Subject to the provisions of the Money Laundering (Prohibition) Act, all financial institutions and designated non-financial institutions shall—

Obligation to
develop
counter-
financing of
terrorism
programmes
and
strategies
Act No. 11,
2011.

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

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

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

84.—(1) Subject to the provisions of the Money Laundering (Prohibition) Act, a financial institution or designated non-financial institution shall, within 24 hours, forward reports of suspicious transactions relating to terrorism or terrorism financing, or proliferation financing to the NFIU, which shall immediately process and forward the information to the relevant agency, where there are sufficient reasons to suspect that the funds—

Obligation
to report
suspicious
transactions.
Act No.
11, 2011.

(a) are derived from legal or illegal sources, and are intended to be used for an act of terrorism or terrorism financing, or proliferation financing ;

(b) are proceeds of a crime related to terrorism or terrorism financing, or proliferation financing ; or

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

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

(3) A breach of the provisions of this section is an offence under this Act, and is liable on conviction to—

(a) in the case of a director, chief compliance officers, or other employees—

(i) imprisonment for a term of not more than five years,

(ii) a fine of at least ₦5,000,000, or

(iii) both fine and imprisonment ; and

(b) in the case of a financial institution or non-financial institution—

(i) a fine of at least N10,000,000 and N1,000,000 for every day the offence persists,

(ii) the withdrawal of licence or forfeiture of assets of the institution, or

(iii) all the prescribed penalties.

(4) The officer responsible for this breach may also be referred by the NFIU to the appropriate regulatory or professional body for disciplinary action, including withdrawal of certificates and debarment from practising the profession for a period of at least five years.

(5) Where a breach of the provisions of subsection (1) occurs and it is shown that the breach was not intentional, and that adequate measures were put in place by the financial institution or the designated non-financial institution to prevent the breach from occurring, the NFIU, in consultation with the regulator or the self-regulatory organisation responsible for the financial institution or designated non-financial institution shall impose such administrative sanctions, as it may consider necessary.

(6) The NFIU, Sanctions Committee and relevant sector regulators shall publish, on their website and in any other form of publication as considered appropriate, the list of individuals and institutions penalised under this section.

PART XIV—MUTUAL LEGAL ASSISTANCE, EXCHANGE OF
INFORMATION AND EXTRADITION

Requests
from foreign
States.

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

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

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

(a) execute the request ; or

(b) inform the requesting State of any reason for not executing the request, or delaying the execution of the request.

(4) Where the Attorney-General decides to execute a request for assistance under subsection (1), the Attorney-General may apply to the Court for—

(a) an order for the relevant agency to —

(i) enter and search specified premises or conveyance,

(ii) search any specified person, or

(iii) remove any relevant document or material; and

(b) a seizure order, property tracing order, interception of communication order ; or

(c) an order for freezing or forfeiture of property or funds in such manner, as the case may require.

(5) The Court, in making an order under subsection (4), may impose conditions as to payment of debts, sale, transfer or disposal of any property.

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

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

Request to a foreign State.

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

(b) the restraint and forfeiture of any fund or property located in that foreign State, and which is liable to be forfeited for being a terrorist fund or property that is used, being used or intended to be used for the commission of an act of terrorism.

(2) The Attorney-General may, for the purpose of giving evidence in relation to any proceedings for an offence under this Act, apply to the Court for an order directing the person mentioned in the Order, who is resident in a foreign State to—

(a) submit in person or deliver the required document or material in the person's possession or under the person's control to the jurisdiction of the Court ; or

(b) subject to the approval of the foreign State, submit in person to the jurisdiction of the court of the foreign State.

Evidence pursuant to a request.

87.—(1) The evidence taken under section 86 of this Act, may in any proceedings in a court of a foreign State, if it is authenticated, be prima facie admissible in any proceedings to which the evidence relates, provided that the circumstances and method of collecting the evidence is acceptable to Nigeria.

(2) For the purpose of subsection (1), a document is authenticated, where it is—

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

(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 foreign territory, protectorate, or colony of the officer or authority administering the Government of the foreign territory, protectorate or colony or a department of that territory, protectorate or colony.

Form of requests.

88.—(1) A request under this Part—

(a) shall be in writing, dated and signed by or on behalf of the person making the request ; and

(b) may be transmitted by facsimile or by any other electronic device or means.

(2) A request shall—

(a) confirm that—

(i) an investigation or prosecution is being conducted in respect of, or

(ii) a person has been convicted of,

a suspected offence of terrorism, an act related to terrorism, or any other offence under this Act ;

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

- (c) give sufficient particulars of the identity of the person ;
- (d) give sufficient particulars to identify any financial institution or designated non-financial institution, or other persons believed to have information, documents or materials which may be of assistance to the investigation or prosecution ;
- (e) specify the manner in which and to whom any information, document or material obtained pursuant to the request is to be produced ;
- (f) specify the information, document or material to be obtained from a financial institution or designated non-financial institution or any person which may assist the investigation or prosecution ;
- (g) state whether—
 - (i) a freezing or forfeiture order is required, or
 - (ii) the property may be made the subject of such an order ; and
- (a) contain such other information as may assist in the execution of the request.

(3) A request shall not be invalidated for the purposes of this Act or any legal proceedings by failure to comply with the provisions of subsection (3), where the Attorney-General is satisfied that there is sufficient compliance to enable him execute the request.

(4) Where the Attorney-General considers it appropriate, either because an international arrangement so requires or permits, or it is in the public interest, the Attorney-General may, after deducting the cost incurred for actions taken in Nigeria, make recommendations that any part of any property forfeited under this Act or its value, be returned or remitted to the requesting State.

(5) Where the whole or any part of the forfeited property, or its value is retained in Nigeria, and vested in the Federal Government, it shall be paid into the Confiscated and Forfeited Assets Account established under any enactment dealing with the proceeds of crime.

89.—(1) Offences under this Act are considered to be extraditable crimes for which extradition may be requested, granted or obtained under the Extradition Act.

Extradition.
Cap. E 25
LFN, 2004.

(2) Notwithstanding the provisions of subsection (1), a person shall not be extradited under this Act, where the Government has substantial grounds for believing that a request for extradition for an offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would prejudice that person's position for any of these reasons.

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

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

- (a) the actions or movements of terrorist entities or persons suspected of involvement in the preparation or the commission of acts of terrorism ;
- (b) the use of forged or falsified travel papers by persons suspected of involvement in the preparation or the commission of acts of terrorism ;
- (c) traffic in explosives or other lethal devices or sensitive materials by terrorist entities, groups or persons suspected of involvement in the preparation or the commission of acts of terrorism ; and
- (d) the use of communication technologies by terrorist entities or persons.

(2) Where the Attorney-General, on the recommendation of a relevant agency, considers that there are no means or conditions under which the information, documents or evidence requested could be provided, disclosed or given, without prejudice to the national security of Nigeria, the Attorney-General—

- (a) may refuse the request for the production of the document or the disclosure of the evidence or refuse the authorisation of the production of the document or the disclosure of the information ; and
- (b) shall notify the requesting authority of the foreign State of the reasons for doing so, unless the specification of those reasons would in itself, in the opinion of the Attorney-General, be prejudicial to the national security of Nigeria.

PART XV—SPECIAL VICTIMS TRUST FUND

Establishment of Victims Trust Fund.

91.—(1) There is established in the Office of the Attorney-General a Victims Trust Fund (in this Act referred to as “the Trust Fund”), into which shall be paid—

- (a) any take-off grant and special intervention funds, as may be provided by the Federal Government ;
- (b) such money as may be appropriated to meet the objectives of the Trust Fund ;
- (c) aids, grants, gifts, bequests, endowments, donations or assistance from bilateral and multi-lateral international agencies, non-governmental organisations, other donor agencies, partners and the private sector or from any other source ;
- (d) money derived from investments made by the Trust Fund ;

(e) money received from any fund under any enactment relating to proceeds of crimes ; and

(f) any other money which may accrue to the Trust Fund.

(2) The Fund shall accept the sources of money referred to in subsection (1) (c), except where the terms and conditions attached to the aid, grant, gift, bequest, endowment, donation or assistance, as the case may be, are inconsistent with the objective of the Trust Fund or the provisions of this Act.

(3) The Attorney-General shall, on the recommendation of a committee to be set up for the Trust Fund Committee under section 92 of this Act, make regulations and issue guidelines for the management of the Trust Fund established under subsection (1) and related matters.

(4) The Trust Fund shall be utilised to—

(a) pay compensation, restitution and damages to victims of acts of terrorism ;

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

92.—(1) There is established, for the purpose of administering the Trust Fund, the Special Victims Trust Fund Committee (in this Act referred to as ‘the Trust Fund Committee’) which shall, subject to the provisions of this Act, have general control over the management of the Trust Fund.

Establishment
of the
Special
Victims
Trust Fund
Committee.

(2) The Trust Fund Committee shall consist of —

(a) the Attorney-General, as Chairman ;

(b) a representative of the Minister of Finance ;

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

(d) a representative of the National Security Adviser ;

(e) two representatives of non governmental organisations on the prevention of acts of terrorism ;

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

(g) a representative of the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice, as the Secretary to the Committee.

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

(4) Members of the Trust Fund Committee referred to in subsection (2) (e) shall be appointed by the President on the recommendation of the Attorney-General.

(5) The Trust Fund Committee shall be responsible for —

(a) receiving all money, aids, grants, gifts, bequests, endowments, donations or assistance accruing to the Trust Fund ;

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

(c) approving the disbursements of money from the Trust Fund to victims of acts of terrorism.

(6) Subject to the provisions of subsection (7), members of the Trust Fund Committee specified in subsection (2) (e) shall hold office for a term of four years in the first instance, and may be eligible for reappointment for another term of four years and no more.

(7) A member of the Trust Fund Committee shall cease to hold office, where the—

(a) the term of office expires ;

(b) member resigns from office by a notice in writing under his hand addressed to the President ;

(c) member dies ;

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

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

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

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

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

(j) in the case of an ex-officio member, the member ceases to hold office in the organisation, which is the basis of attaining membership of the Trust Fund Committee.

(8) The Trust Fund Committee—

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

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

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

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

PART XVI—MISCELLANEOUS PROVISIONS

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

Service of documents

94. In an action or a suit against a relevant agency, no execution or attachment process in any nature shall be issued against a relevant agency, unless at least three months' notice of the intention to execute or attach has been given to the head of the relevant agency concerned.

Restriction on execution against property of a relevant agency.

95.—(1) The Attorney-General may, for the purpose of this Act, make such regulations as are necessary for the effective implementation of the provisions of this Act.

Regulations.

(2) Regulations made under subsection (1) may provide for the—

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

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

(c) mechanisms for communicating designations of persons or entities to the public, sector regulators, relevant agencies and financial institutions, designated non-financial businesses and professions, and other entities ;

(d) regulations on the supervision of non-profit organisations that are at risk of terrorist financing abuse ;

(e) method of compliance with United Nations Security Council Resolutions, the Resolutions of the AU, ECOWAS and other bilateral and multilateral partners and foreign States in respect of acts of terrorism and forfeiture of assets ;

(f) method for the seizure, freezing, forfeiture and the management of all terrorist properties in Nigeria ;

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

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

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

(k) protection of informants, witnesses and other persons ;

(l) management of the Victims Trust Fund ;

(m) the prevention of the entry into or transit in Nigeria of designated person or group ;

(n) procedure for the implementation of the provisions of this Act dealing with the prohibition of proliferations and financing the proliferation of weapons of mass destruction ;

(p) procedures for the following—

(i) addition to the accounts frozen under UNSCRs and all successor resolutions,

(ii) submission of delisting request or application,

(iii) the procedure for submitting request or application to the United Nations Security Council and to the Attorney-General or Nigeria Sanctions Committee to delist and unfreeze the funds or assets of persons or entities that no longer meet the criteria for designation,

(iv) unfreezing the funds or assets of persons or entities that no longer meet the criteria for designation,

(v) authorising access to funds or other assets, under the exemption conditions set out in UNSCRs,

(vi) communicating de-listings and unfreezing associated with terrorism financing, proliferation financing, and targeted financial sanctions to financial institutions, designated non-financial businesses and professions, and other entities,

(vii) measures to protect the rights of bona fide third parties acting in good faith when implementing the obligations,

(viii) measures with regard to contracts, agreements or obligations that arose prior to the date on which accounts became subject to targeted financial sanctions related to proliferation financing, and

(ix) the procedure for making proposal for designation to the United Nations Security Council and other countries ; and

(q) any other matter connected with the implementation of the provisions of this Act.

<p>96. A person who contravenes any regulation made under this Act, commits an offence, and is liable on conviction to such administrative or other penalties, as may be prescribed in the regulations.</p>	<p>Penalties for contravention of regulations.</p>
<p>97. Any regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, ongoing cases in the courts, request, or thing made, issued, given or done under the repealed Acts or amended sections shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.</p>	<p>Savings and Transitional Provision.</p>
<p>98.—(1) The Terrorism (Prevention) Act, No. 10, 2011 is repealed.</p> <p>(2) Any regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, ongoing cases in the courts, request or thing made, issued, given or done under the repealed Acts shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.</p> <p>(3) Any proceeding, prosecution, sentence, judgment, charge or cause of action pending or existing immediately before the commencement of this Act under any of the repealed Act in respect of any right, interest, obligation or liability, may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other authorities or person may be enforced to the same extent that such proceeding, prosecution, sentence, judgment, charge, cause of action or determination might have been continued, commenced or enforced as if this Act had not been made.</p>	<p>Repeal</p>
<p>99. In this Act—</p> <p>“<i>act of terrorism</i>” means any act specified in section 2 of this Act ;</p> <p>“<i>act of international terrorism</i>” means an act of terrorism involving—</p> <p style="margin-left: 20px;">(a) a person, who is not a citizen of Nigeria ;</p> <p style="margin-left: 20px;">(b) a person, who possesses dual citizenship ; or</p> <p style="margin-left: 20px;">(c) groups or individuals whose acts of terrorism are foreign based or directed by countries or groups outside Nigeria or whose activities transcend national boundaries ;</p> <p>“<i>aircraft in flight</i>” means an aircraft at any time from the moment when all its external doors are closed following embarkation until the moment when doors are opened for disembarkation and, in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board the aircraft ;</p> <p>“<i>aircraft in service</i>” means an aircraft from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a</p>	<p>Interpretation.</p>

specific flight until 24 hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight ;

“*Attorney-General*” means the Attorney-General of the Federation and Minister of Justice of Nigeria ;

“*authorised persons*” means duly authorised officers of a relevant agency ;

“*bank*” has the meaning ascribed to it in the Banks and Other Financial Institutions Act, No.5, 2020 and the reference to an order issued includes a reference to any order, direction or requirement addressed to the manager of a bank or any other officer of a bank, which directs or purports to direct the manager or the officer to stop all outward payment, operations or transactions in respect of any account with that bank ;

“*BCRN weapons*” means biological weapons, which are—

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

(b) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict and includes, nuclear weapons and other nuclear devices and chemical weapons’, which are, together or separately ;

(c) toxic chemicals and their precursors, except, where intended for—

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

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

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

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

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

(e) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (d) of this definition ;

“*communication*” means a communication received or transmitted by post or a telegraphic or telephonic means, or other communication received or transmitted by electricity, magnetism or other means ;

“*Counter-Terrorism Convention*” means any of the following Conventions or Protocols—

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963 ;

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

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

(d) Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 ;

(e) International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 ;

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

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

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

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

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

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

(k) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 ;

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

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

(n) 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, adopted at London on 14 October 2005 ;

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

(p) United Nations Security Council Resolution 2178 of 2014 or any successor resolution ;

“*Constitution*” means the Constitution of the Federal Republic of Nigeria, 1999 and its alterations ;

“*Consolidated List*” means the list of individuals, groups, undertakings and entities associated with the Taliban, Usama Bin Laden, the Al-Qaida organisation or similar organisations that are subject to the sanction measures imposed by the Security Council ;

“*conveyance*” means an aircraft, vessel, boat, train, ship, vehicle, tricycle or any other mode of transportation ;

“*Court*” means the Federal High Court of Nigeria, and includes a Judge of the Federal High Court in Chambers ;

“*designated non-financial businesses and professions*” means—

(a) casinos including internet casinos ;

(b) real estate agents ;

(c) dealers in precious metals ;

(d) dealers in precious stones ;

(e) legal practitioners, notaries or other independent professionals, including accountants ;

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

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

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

(iii) providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement,

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

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

(a) dealers in jewelry, cars and luxury goods ;

(b) audit firms ;

(c) tax consultants ;

- (d) clearing and settlement companies;
- (e) hotels ;
- (f) supermarkets ; and
- (g) such other businesses as the appropriate authority may designate ;

“*designated person or entity*” means —

(a) individuals, groups, undertakings and entities designated by the Committee of the Security Council established under Resolution 1267 (1999) (“the 1267 Committee”), as being individuals associated with Al Qaida or entities and other groups and undertakings associated with Al-Qaida ;

(b) individuals, groups, undertakings and entities designated by the Committee of the Security Council established under Resolution 1988 (2011) (“the 1988 Committee”) as being associated with the Taliban in counselling a threat to the peace, stability and security of Afghanistan, or entities and other groups and undertakings associated with the Taliban ;

(c) any natural or legal person or entity designated by the Attorney-General of the Federation under section 49 of this Act ;

(d) any natural or legal person or entity designated for the application of targeted financial sanctions under Security Council Resolution 1718 (2006) and its successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established under resolution 1718 (2006) (“the 1718 Sanctions Committee”) under Security Council Resolution 1718 (2006), and

(e) any natural or legal person or entity designated for the application of targeted financial sanctions under Security Council Resolution (1737) (2006) and its successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established under paragraph 18 of Resolution 1737 (2006) (“the 1737 Sanctions Committee”) under Resolution 1737 (2006) and its successor resolutions ;

“*designation*” refers to the identification of a person or entity that is subject to targeted financial sanctions under the United Nations Security Council Resolution 1267 (1999) and its successor resolutions; Security Council Resolution 1373 (2001), including the determination that the relevant sanctions will be applied to the person or entity and the public communication of that determination ;

“*device*” means—

(a) any nuclear explosive device ; or

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

“entity” means a person, group, trust, partnership, fund or any other association or organisation, whether incorporated or unincorporated, an unincorporated association or organisation or partnership, for the purpose of providing a product or service either for profit or non-profit ;

“explosive or other lethal device” means—

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

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

“financial institution” means a person or an entity that conducts as a business one or more of the activities listed below for or on behalf of a customer—

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

(b) lending, including consumer credit, mortgage credit, factoring (with or without recourse), and financing of commercial transactions, including forfeiting ;

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

(d) the transfer of money or value ;

(e) issuing and managing means of payment, including credit and debit cards, travellers’ cheques, money orders and bankers’ drafts, and electronic money ;

(f) issuing financial guarantees and commitments ;

(g) trading in—

(i) money market instruments, including cheques, bills, certificates of deposit and derivatives,

(ii) foreign exchange,

(iii) exchange, interest rate and index instruments,

(iv) transferable securities, and

(v) commodity futures trading ;

(h) participation in securities issues and the provision of financial services related to those issues ;

(i) individual and collective portfolio management ;

(j) safekeeping and administration of cash or liquid securities on behalf of other persons ;

(k) investing, administering or managing funds or money on behalf of other persons ;

(l) underwriting and placement of life insurance and other investment related insurance, including insurance intermediation by agents and brokers ;

(m) financial consultancy ;

(n) pension funds management ;

(o) money and currency changing ; and

(p) such other business as the Central Bank, or other appropriate regulatory authorities, may designate ;

“*fixed platform*” means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes ;

“*forfeiture*” means an order in rem, following conviction for an offence to forfeit to the State property, assets or funds that are the proceeds of crime or instrumentalities of an offence ;

“*freeze*” for the purposes of the implementation of targeted financial sanctions, means to prohibit the transfer, conversion, disposition or movement of any funds or other assets that are owned or controlled by designated persons or entities on the basis of, and for the duration of the validity of, an action initiated by the United Nations Security Council or in accordance with applicable Security Council resolutions by a competent authority or a court ;

“*funds or property*” means any assets, of every kind, whether corporeal or incorporeal, tangible or intangible, physical or virtual, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in the assets; including financial assets, economic resources, property of every kind, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets ;

“*Government*” means the Government of the Federal Republic of Nigeria and includes any State or Local Government, or any appropriate government authority ;

“*incitement*” means to urge on, stir-up, instigate a person or group of persons to commit an act of terrorism or to distribute, publish or otherwise make available, a communication to a person or group of persons, with the intent to induce the commission of an act of terrorism, where the conduct, whether or not directly advocating acts of terrorism, causes a risk that one or more of those acts may be committed ;

“*infrastructure facility*” means any publicly or privately owned facility providing or distributing services, including water, sewage, energy, fuel or communications, for the benefit of the public ;

“*internationally protected person*” means—

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

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

“*International Treaties*” means—

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

(b) 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (“Aircraft Convention”) ;

(c) 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (“Civil Aviation Convention”) ;

(d) 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (“Diplomatic Agents Convention”) ;

(e) 1979 International Convention against the Taking of Hostages (“Hostage Convention”) ;

(f) 1980 Convention on the Physical Protection of Nuclear Material (“Physical Protection Convention”) ;

(g) 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (“Airport Protocol”) ;

(h) 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (“Maritime Convention”) ;

(i) 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (“Fixed Platforms Protocol”) ;

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

(k) 1997 International Convention for the Suppression of Terrorist Bombings (“Bombings Convention”);

(l) 1999 International Convention for the Suppression of the Financing of Terrorism (“Financing Convention”);

(m) 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (“Nuclear Terrorism Convention”);

(n) 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (“2005 Maritime Protocol”);

(o) 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (“2005 Fixed Platforms protocol”);

(p) 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (“Physical Protection Amendment”); and

(q) United Nations Security Council Resolution 2178 of 2014;

“*master*” in relation to a vessel, means the owner or person, except a harbour master or pilot, having for the time being command or charge of the vessel;

“*National Security Adviser*” means the National Security Adviser to the President;

“*Nigeria Sanctions Committee*” means the committee constituted in section 9 of this Act;

“*Nigeria Sanctions List*” means a list of designations made under sections 49 and 50 of this Act;

“*Non-Profit Organisations (NPO)*” means a legal person or arrangement organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social, or fraternal purposes or for the carrying out of other types of good work;

“*nuclear facility*” means—

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

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

“*nuclear material*” means plutonium except that with isotopic concentration exceeding 80% in plutonium-238, uranium-233, uranium enriched in the isotope 235 or 233, uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

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

“other entities” include non-profit organisations, virtual assets service providers, and money or value transfer services ;

“place of public use” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public ;

“precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical, and this includes any key component of a binary or multi-component chemical system ;

“President” means the President of the Federal Republic of Nigeria ;

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

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

“proliferation of weapons of mass destruction” means the definition ascribed to it in section 58(1) of this Act ;

“proliferation financing” means the act of raising, moving or making available funds, other assets or other economic resources or financing in whole or in part to persons or entities for purposes of Weapons of Mass Destruction (WMD) including the proliferation of their delivery or related materials (including both technologies and dual use goods) for non-legitimate purposes ;

“proscribed entity” means an entity which has been designated to be a proscribed entity under section 48 of this Act or any other law, and includes a group or entity which has been designated to be an international terrorist group under this Act ;

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

“radioactive material” means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles, and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment ;

“*relevant agency*” means law enforcement, intelligence or security agency and includes the—

- (a) National Security Adviser ;
- (b) National Counter-Terrorism Centre ;
- (c) National Agency for the Prohibition of Traffic in Persons ;
- (d) State Security Services ;
- (e) Defence Intelligence Agency ;
- (f) Nigeria Police Force ;
- (g) National Intelligence Agency ;
- (h) Nigeria Customs Service ;
- (i) Nigeria Immigration Service ;
- (j) Nigeria Prisons Service ;
- (k) Nigerian Security and Civil Defence Corps ;
- (l) Economic and Financial Crimes Commission ;
- (m) Independent Corrupt Practices and other Related Offences Commission ;
- (n) agencies dealing with the recovery of proceeds of crimes; and
- (o) any military authority or body as may be required for the purpose of this Act ;

“*relevant laws or enactments*” means

- (a) Banks and Other Financial Institutions Act (as amended) ;
- (b) Economic and Financial Crimes Commission (Establishment, Etc.) Act ;
- (c) Insurance Act ;
- (d) Investments and Securities Act ;
- (e) National Insurance Commission Act ;
- (f) Money Laundering (Prohibition and Prevention) Act ;
- (g) Companies and Allied Matters Act ;
- (h) Central Bank of Nigeria Act ;
- (i) National Security Agencies Act ;
- (j) Nigeria Financial Intelligence Unit Act ;
- (k) all International Conventions and Protocols ratified by Nigeria ; and
- (l) any other relevant enactment of the National Assembly ;

“*sector regulators*” means the Government regulatory authorities or bodies designated to oversee, monitor and control the activities of a relevant sector or sectors ;

“*seizure or seizure order*” means the order enabling a relevant agency to seize terrorist property or funds upon arrest or application for seizure order of a terrorist property or funds pending the determination of a case against the terrorist or terrorist groups ;

“*ship*” means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft ;

“*specially designated entity*” means a specified or designated entity in respect of which an order under this Act has been made, or is considered, and is for the time being in force and includes national and international terrorist groups ;

“*State or government facility*” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organisation in connection with their official duties ;

“*terrorist*” means any natural person who—

(a) directly or indirectly, unlawfully and wilfully :

(i) commits, or attempts to commit, an act of terrorism by any means,

(ii) participates as an accomplice in an act of terrorism, or

(iii) organises or directs others to commit an act of terrorism ; or

(b) contributes to the commission of an act of terrorism where the contribution is made intentionally and with the aim of furthering the act of terrorism or with the knowledge of the intention to commit an act of terrorism ;

“*terrorist or terrorism financier*” means a person or entity, who makes funds, assets, or other material support available to terrorists and terrorist organisations, for the financing of terrorist activities or terrorism ;

“*terrorist property*” means—

(a) proceeds from the commission of an act of terrorism ;

(b) property which has been, is being, or is likely to be used to commit an act of terrorism ;

(c) property which has been, is being, or is likely to be used by a terrorist group ;

(d) property owned or controlled by or on behalf of a terrorist group ; or

(e) property which has been collected for the purpose of providing support to a terrorist group or funding a terrorist act ;

“*terrorist investigation*” means an investigation of —

(a) the commission, perpetration 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 ; or

(c) the resources of a proscribed organisation ;

“*terrorist group or entity*” means any group of terrorists that—

(a) directly or indirectly, wilfully—

(i) commits, or attempts to commit, an act of terrorism by any means,

(ii) participates as an accomplice in an act of terrorism, or

(iii) organises or directs others to commit an act of terrorism ; or

(b) contributes to the commission of an act of terrorism acting with a common purpose where the contribution is made intentionally and with the aim of furthering the act of terrorism or with the knowledge of the intention of the group to commit an act of terrorism ;

“*toxic chemical*” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals and includes all chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere ;

“*transport*” means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item ;

“*trustee*” has the same meaning as in the Trustees Investment Act, Investment and Securities Act and the Companies and Allied Matters Act ;

“*United Nations Security Council Resolutions (UNSCR)*” means the relevant Resolutions of the United Nations Security Council which specify requirements for the imposition of Targeted Financial Sanctions in relation to Terrorism, Terrorism Financing and Proliferation of Weapons of Mass Destruction and the Financing of Proliferation, as contained in the Second Schedule to this Act ;

“*UN Consolidated List*” means the United Nations Security Council Consolidated List which includes all the individuals and entities subject to measures imposed by the Security Council in accordance with the UNSCR related to Terrorism, Terrorism Financing and Proliferation of Weapons of Mass Destruction and the Financing of Proliferation ;

“*uranium enriched in the isotope 235 or 233*” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature ;

“*vessel*” means anything made or adapted for the conveyance by water of people or property ;

“*victim*” means individuals, entities or communities or their next-of-kin who are directly affected, killed or injured or whose business, premises or

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infrastructure was destroyed by acts of terrorism or by a direct effect of a terrorist attack ; and

“*weapon*” includes a firearm, explosive, chemical, biological or nuclear weapon.

Citation. **100.** This Act may be cited as the Terrorism (Prevention and Prohibition) Act, 2022.

SCHEDULES

FIRST SCHEDULE

Sections 78 (1) and 81(1)

CONFIDENTIAL FORM 1 (*Section 78 (1)*)

Terrorism (Prevention and Prohibition) Act, 2022

DECLARATION OF ASSETS FORM

To be completed in TRIPLICATE and in BLOCK LETTERS or typed.

All available information should be included.

Important : It is an offence punishable by up to at least of two years imprisonment under the Act to :

- A. (a) knowingly fail to make full disclosure of your assets and liabilities ;
(b) knowingly make a declaration that is false ;
(c) fail to answer any question contained in this Form ; or
(d) fail, neglect or refuse to make a declaration or furnish any information required.

B. (1) Each item is to be completed. If it does not apply, the person affected must write “nil” or “none” in the space. Where necessary an extra sheet or sheets may be used and attached to this form by the person affected.

(2) The form should be addressed to the Director–General, State Security Service.

I,being accused of an offence of under the Terrorism (Prevention and Prohibition) Act, 2022 declare as follows :

(As in the Table below)

- | | | |
|--|---|---|
| 12. Amount held in own account | N | k |
| (i) Cash in | | |
| (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 /Bank 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): | | |
| (i) by you (here state the bonds, etc.)..... | | |
| (ii) by Wife (wives)/husband* (here state the bonds, etc.) | | |
| (iii) 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 ; | | |
| (iii) 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

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If outside Nigeria, insert name of countries and banks.

Signature of Accused Person.....

Signature and Address of Witness.....

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FORM 2

(Section 81 (1))

FREEZING ORDER

(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 sectionAct, 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.

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SECOND SCHEDULE

Section 100

UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON THE
REQUIREMENTS FOR THE IMPOSITION OF TARGETED FINANCIAL
SANCTIONS IN RELATION TO TERRORISM, TERRORISM FINANCING AND
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THE
FINANCING OF PROLIFERATION

1. UNSCRs related to terrorism financing :

UNSCR 1267 (1999), 1333 (2000), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), 2083 (2012) 2133(2014), 2161 (2014), 2170 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2214 (2015), 2249 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2331 (2016), 2341 (2017), 2347 (2017), 2354 (2017), 2368 (2017), 2370(2017), 2395(2017), 2396 (2017), 2462(2019) and 2482 (2019), and all current and future successor resolutions.

2. UNSCRs related to proliferation financing :

- (1) Resolution 1540 (2004) of the Security Council, adopted on 28 April 2004.
- (2) Successor resolutions to the above Resolution.
- (3) United Nations Security Council Resolutions on Democratic People's Republic of Korea.
- (4) Resolution 1718 (2006) of the Security Council, adopted on 14 October 2006.
- (5) Resolution 1874 (2009) of the Security Council, adopted on 12 June 2009.
- (6) Resolution 2087 (2013) of the Security Council, adopted on 22 January 2013.
- (7) Resolution 2094 (2013) of the Security Council, adopted on 7 March 2013.
- (8) Resolution 2270 (2016) of the Security Council, adopted on 2 March 2016.
- (9) Resolution 2321 (2016) of the Security Council, adopted on 30 November 2016.
- (10) Resolution 2371 (2017) of the Security Council, adopted on 5 August 2017.
- (11) Resolution 2375 (2017) of the Security Council, adopted on 11 September 2017.
- (12) Resolution 2397 (2017) of the Security Council, adopted on 22 December 2017.
- (13) Successor resolutions to any of the above Resolutions.

3. UNSCR on Iran :

- (1) Resolution 1737 (2006) of the Security Council, adopted on 27 December 2006.
- (2) Resolution 2231 (2015) of the Security Council, adopted on 20 July 2015.
- (3) Successor resolutions of sub-paragraphs (1) and (2) above.

4. UNSCR on Democratic People's Republic of Korea :
- (1) Resolution 1718 (2006) of the Security Council, adopted on 14 October 2006.
 - (2) Resolution 1874 (2009) of the Security Council, adopted on 12 June 2009.
 - (3) Resolution 2087 (2013) of the Security Council, adopted on 22 January 2013.
 - (4) Resolution 2094 (2013) of the Security Council, adopted on 7 March 2013.
 - (5) Resolution 2270 (2016) of the Security Council, adopted on 2 March 2016.
 - (6) Resolution 2321 (2016) of the Security Council, adopted on 30 November 2016.
 - (7) Resolution 2371 (2017) of the Security Council, adopted on 5 August 2017.
 - (8) Resolution 2375 (2017) of the Security Council, adopted on 11 September 2017.
 - (9) Resolution 2397 (2017) of the Security Council, adopted on 22 December 2017.
 - (10) Successor resolutions to any of the above Resolutions.

THIRD SCHEDULE

Section 51

CRITERIA FOR PROPOSING DESIGNATIONS IN ACCORDANCE
WITH RELEVANT UNSCRs

1. The Criteria to be considered by the Sanctions Committee when identifying targets for designation, and by the Attorney-General when considering proposing persons or entities to the UN 1267/1989 Sanctions Committee for designation are as follows—

(a) any person or entity participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materials to ; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the AL-Qaida or any cell, affiliate, splinter group or derivative thereof, or

(b) any undertaking owned or controlled directly or indirectly, by any person or entity designated under 1267 or 1989, or by persons acting on their behalf or at their direction.

2. The Criteria to be considered by the Sanctions Committee when identifying targets for designation, and by the Attorney-General when considering proposing persons or entities to the UN 1988 Sanctions Committee for designation are as follows—

(a) any person or entity participating in the financing, planning, facilitating, preparing, of perpetrating of acts or activities by, in conjunction with, under the name of, or in support of; supplying, selling or transferring arms and related materials to; recruiting for; or otherwise supporting act or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting to the peace, stability and security of Afghanistan ; of

(b) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under 1267 and 1988, or by the person acting on their behalf or at their direction.

Dated at this.....day of..... 20.....

DIRECTOR-GENERAL

A 574 **2022 No. 15** *Terrorism (Prevention and Prohibition) Act, 2022*

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.

Ojo O. A., fnia, fcia
Clerk to the National Assembly
10th Day of May, 2022.

EXPLANATORY MEMORANDUM

This Act repeals the Terrorism (Prevention) Act, No. 10, 2011 and enacts the Terrorism (Prevention and Prohibition) Act, 2022 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, and establishes institutional framework, including the Nigeria Sanctions Committee for the implementation, coordination and enforcement of the provisions of the Act.

SCHEDULE TO THE TERRORISM (PREVENTION AND PROHIBITION) BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Terrorism (Prevention and Prohibition) Bill, 2022.	An Act to repeal the Terrorism (Prevention) Act, No. 10, 2011 and enacts the Terrorism (Prevention and Prohibition) Act, 2022 to provide for effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing of the weapons of mass destruction in Nigeria ; and for related matters.	This Bill repeals the Terrorism (Prevention) Act, No. 10, 2011 and enacts the Terrorism (Prevention and Prohibition) Act, 2022 to provide for effective, unified and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing, proliferation and financing of the proliferation of weapons of mass destruction in Nigeria.	27th April, 2022.	4th May, 2022.

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



OIO O. A., fnia, fcia
Clerk to the National Assembly
 10th Day of May, 2022.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
 12th Day of May, 2022.