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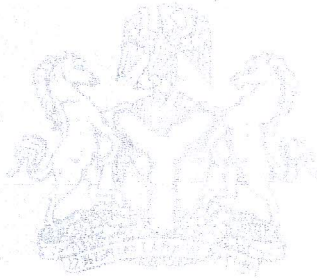
Government Notice No. 70

The following is published as Supplement to this *Gazette* :

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TERRORISM (PREVENTION) (AMENDMENT) ACT, 2013

ARRANGEMENT OF SECTIONS

SECTION :

1. Amendment of Act No.10, 2011.
2. Amendment of Section 1.
3. Substitution for Sections 3-8
4. Substitution for Section 10.
5. Deletion of Section 11.
6. Amendment of Section 12.
7. Substitution for Section 13.
8. Amendment of Section 14.
9. Amendment of Section 15.
10. Deletion of Sections 16 and 17.
11. Amendment of Section 24.
12. Substitution for Section 25.
13. Substitution for Sections 26 - 29.
14. Deletion of Section 31.
15. Amendment of Section 32.
16. Substitution for Section 33.
17. Deletion of Section 34.
18. Amendment of Sections 36, 37 and 38.
19. Amendment of Section 40.
20. Citation.

TERRORISM (PREVENTION) (AMENDMENT) ACT, 2013

AN ACT TO AMEND THE TERRORISM (PREVENTION) ACT, 2011 BY PROVIDING FOR EXTRA-TERRITORIAL APPLICATION OF THE ACT AND STRENGTHENING OF TERRORIST FINANCING OFFENCES; AND FOR RELATED MATTERS.

[21st Day of February, 2013]

Commence-
ment.

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

1. The Terrorism (Prevention) Act, 2011 (in this Act referred to as the "Principal Act") is amended as set out in this Act.

Amendment
of Act No.
10, 2011.

2. Section 1 of the Principal Act is amended by—

Amendment
of Section 1.

(a) inserting a new subsection "(1)" before the existing subsection (1)—

"(1) All acts of terrorism and financing of terrorism are hereby prohibited." ;

(b) renumbering the existing subsections (1)—(3) as subsections (2)—(4) accordingly" ;

(c) substituting for the renumbered subsection (2) a new subsection "(2)"—

"(2) A person or body corporate who knowingly in or outside Nigeria directly or indirectly willingly—

(a) does, attempts or threatens 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 the activities of persons engaged in an act of terrorism or is an accessory to any offence under this Act,

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

(f) assists, facilitates, organizes or directs the activities of persons or organizations engaged in any act of terrorism,

(g) is an accessory to any act of terrorism, or

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

commits an offence under this Act and is liable on conviction to maximum of death sentence."

(2) Section 1 of the Principal Act is amended by inserting a new section "1A" immediately after new section 1(4) of the Principal Act—

"National
Coordi-
nating
Bodies.

1A. (1) The Office of the National Security Adviser (in this Act referred to as "ONSA") shall be the coordinating body for all security and enforcement agencies under this Act and shall—

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

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

(c) build capacity for the effective discharge of the functions of all relevant security, intelligence, law enforcement and military services under this Act or any other law on terrorism in Nigeria ; and

(d) do such other acts or things that are necessary for the effective performance of the functions of the relevant security and enforcement agencies under this Act.

(2) The Attorney-General of the Federation shall be the authority for the effective implementation and administration of this Act ; and shall strengthen and enhance the existing legal framework to ensure—

(a) conformity of Nigeria's counter-terrorism laws and policies with international standards and United Nations Conventions on Terrorism ;

(b) maintain international co-operation required for preventing and combating international acts of terrorism ; and

(c) the effective prosecution of terrorism matters.

(3) The law enforcement and security agencies (in this Act referred to as "law enforcement agencies") shall be responsible for the gathering of intelligence and investigation of the offences provided under this Act.

(4) Further to subsection (3), the law enforcement agencies shall have powers to—

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

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

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

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

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

(f) partner with Civil Society Organizations and the Nigerian public to provide necessary education, support, information, awareness and sensitization towards the prevention and elimination of acts of terrorism ;

(5) Subject to the provisions of this Act, the law enforcement agencies shall have powers to—

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

(b) execute search warrants as granted by the courts authorizing 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 under any other law ;

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

(d) seize, freeze or maintain custody over terrorist property or fund for the purpose of investigation, prosecution or recovery of any property or fund which the law enforcement and security agencies reasonably believe to have been involved in or used in the perpetration of terrorist activities in Nigeria or outside Nigeria ;

(e) seal up premises upon reasonable suspicion of such premises being involved with or being used in connection with acts of terrorism ;

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

(g) under the authority of the Attorney-General of the Federation, enter into co-operation agreements or arrangements with any national or international body, other intelligence, enforcement or security agencies or organizations which, in its opinion, will facilitate the discharge of its functions under this Act ;

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

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

(6) The law enforcement agencies may initiate, develop or improve on specific training programmes for its officers charged with the responsibility for the prevention, detection, investigation, elimination and prosecution of terrorism activities in Nigeria."

3. Substitute for sections 3-8 of the Principal Act new sections "3-25"—

"Offences against internationally protected persons. 3. Any person who intentionally—

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

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

Substitution
for sections
3-8.

person in a manner likely to endanger his person or liberty, or

(c) threatens to commit any such attack,

commits an offence and is liable on conviction to life imprisonment.

Terrorist meetings.

4. Any person who—

(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 organisation or to further the objectives of a proscribed organization,

commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

Soliciting and giving support to terrorist groups for the Commission of terrorist.

5.—(1) Any person who knowingly, in any manner, 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 under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

(2) For the purposes of subsection (1) of this section, "support" includes—

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

(b) receipt or provision of material assistance, weapons including biological, chemical or nuclear weapons, explosives, training, transportation, false documentation or identification to terrorists or terrorist groups ;

(c) receipt or provision of information or moral assistance, 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 ; or

(e) the provision of, or making available, such financial or other related services prohibited under this Act or as may be prescribed by regulations made pursuant to this Act.

(3) In this section, it is not necessary to prove that the material or information or facilities or financial assistance was actually collected or provided if it can be reasonably established that the person collected or provided the material, information or facilities or financial assistance to terrorists, or terrorist groups.

6. Any person, who knowingly harbours, conceals or causes to be harboured or concealed, hinders or interferes with the arrest of a person whom to his knowledge has—

- (a) committed or about to commit an act of terrorism,
- (b) likely to commit an act of terrorism,
- (c) is a member of a terrorist group,
- (d) has been convicted of an act of terrorism but escaped from punishment,

or

- (e) against whom he knew that a warrant of arrest had been issued,
- commits an offence and shall be liable on conviction to imprisonment for a term of not less than twenty years.

Harbouring terrorists or hindering the arrest of a terrorist.

7. Any person who, knowingly, agrees to provide or receive training, training material or instructions—

- (a) in the making or use of any form of explosive or other lethal devices,
- (b) in carrying out a terrorist act, to a member of a terrorist group,
- (c) to a person engaging in or preparing to engage in the commission of a terrorist act, or

(d) in the practice of a military exercise or movements but who is not an authorized officer acting in the performance of an official duty,

commits an offence and is liable on conviction, to imprisonment for a term of not less than twenty years.

Provision of training and instruction to terrorist groups or terrorists.

8.—(1) Subject to the provisions of subsections (2) and (3) of this section, where a person has information which he knows or believes to be of material assistance in—

(a) preventing the commission by any person or an organization of an act of terrorism, or

(b) securing the apprehension, prosecution or conviction of another person for an offence under this Act and fails to disclose such information to any law enforcement or security officer as soon as reasonably practicable,

commits an offence under this Act and is liable on conviction, to imprisonment for a term of not less than ten years.

Concealing of information about acts of terrorism.

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

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

(b) has a reasonable excuse for the non-disclosure or interference.

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

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

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

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

Provision of devices to a terrorist.

9. Any person who knowingly offers to provide, or provides any explosive or other lethal device to a terrorist group, a terrorist or any other person for use by, or for the benefit of, a terrorist group or a member of a terrorist group, commits an offence and is liable on conviction to imprisonment for a term of not less than twenty years.

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

10. Any person who knowingly agrees to recruit or recruits another person to be a member of a terrorist group or participate in the commission of a terrorist act commits an offence and is liable on conviction to imprisonment to a term of not less than twenty years.

Incitement, promotion or solicitation of property for the Commission of terrorist Acts.

11. Any person, who knowingly—

(a) incites or promotes the commission of a terrorist act ;

(b) incites or promotes membership in a terrorist group ; or

(c) solicits property for the benefit of a terrorist group or for the commission of a terrorist act, commits an offence and is liable on conviction to imprisonment for a term of not less than twenty years.

Provision of facilities in support of terrorist acts.

12. Any person who being—

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

(b) the owner, charterer, lessee, operator, agent or master of a vessel or the owner, charterer, lessee, operator, agent or pilot in charge of an aircraft knowingly permits that vessel or aircraft to be used, or

(c) the owner, lessee or person in charge of any equipment or facility that allows for recording, conferencing or meetings through the use of technological devices, knowingly permits that equipment, facility or devices to be used for purposes of committing an offence under this Act or for planning, promoting or supporting the commission of a terrorist act, commits an offence and is liable on conviction to life imprisonment.

13.—(1) Any person or entity who, in or outside Nigeria—

Financing of terrorism.

(a) solicits, acquires, provides, collects, receives, possesses or makes available funds, property or other services by any means to—

(i) terrorists, or

(ii) terrorist groups, directly or indirectly with the intention or knowledge or having reasonable grounds to believe that such funds or property will be used in full or in part in order to commit an offence under this Act or in breach of the provisions of this Act,

(b) possesses funds intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act by terrorist or terrorist groups, commits an offence under this Act and is liable on conviction to imprisonment for life imprisonment.

(2) Any person who knowingly enters into, or becomes involved in an arrangement—

(a) which facilitates the acquisition, retention or control by or on behalf of another person of terrorist fund 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 are to be made available for the purposes of terrorism or for the benefit of a specified entity or proscribed organization,

commits an offence under this Act and is liable on conviction for life imprisonment.

(3) For an act to constitute an offence under this section, it is not necessary that the funds or property were actually used to commit any offence of terrorism.

14.—(1) A person or entity who, knowingly—

Dealing in terrorist property.

(a) deals, directly or indirectly, in any terrorist funds ;

(b) acquires or possesses terrorist fund,

(c) enters into, or facilitates, directly or indirectly, any transaction in respect of a terrorist funds,

(d) converts, conceals, or disguises terrorist funds or property, or

(e) provides financial or other services in respect of terrorist fund or property at the direction of a terrorist or terrorist group,

commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years.

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

Hostage taking.

15.—(1) Any person who knowingly—

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

(b) threatens to kill, injures or continues to detain another person in order to compel a third party to do or abstain from doing any act, or

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

commits an offence under this Act and is liable on conviction to life imprisonment.

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

Membership of a terrorist group or proscribed organization.

16.—(1) Any person who is a member or professes to be a member of a terrorist group commits an offence and is liable on conviction to imprisonment for a term of not less than twenty years.

(2) It is a defence for a person charged with an offence under this section to prove that the entity in respect of which the charge is brought was not a terrorist group at or on the date that he—

(a) became a member of that entity ;

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

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

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

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

Conspiracy.

17. Any person who conspires with another to commit an offence under this Act in Nigeria, or to commit a terrorist act in any place outside Nigeria being an act, which if done in Nigeria would have constituted an offence under this Act, shall be deemed to have conspired to do that act in Nigeria and is liable on conviction to—

(a) life imprisonment where the act of terrorism is committed ; and

(b) an imprisonment for a term of not less than twenty years, where the act of conspiracy is committed.

Aiding and abetting.

18. A person who knowingly, directly or indirectly :

- (a) aids and abets,
- (b) induces, incites, instigates, instructs,
- (c) counsels or procures another person by any means whatsoever to commit an act of terrorism,

commits an offence and is liable on conviction -

- (a) where the act of terrorism is committed, to life imprisonment ; and
- (b) where the offence of terrorism is not committed, to an imprisonment for a term of not less than twenty years.

19. Any person who—

- (a) being in lawful custody, escapes ; or
- (b) aids, facilitates or abets the escape of a person who is in lawful custody of any law enforcement or security agency or a person suspected to have committed an offence under any of the provisions of this Act,

commits an offence and is liable on conviction to life imprisonment.

20.—(1) Any person who attempts to commit any offence under this Act is liable on conviction to life imprisonment.

(2) Where a person is charged with any of the offences under this Act 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 a life imprisonment.

(3) Where a person is charged with an attempt to commit an offence under this Act, but the evidence establishes the commission of the full offence, the offender is not entitled to acquittal but is convicted for the commission of the offence and is liable on conviction to life imprisonment.

21. Any person who engages in any conduct in preparation to commit acts of terrorism or assisting another person to commit an act of terrorism commits an offence and is liable on conviction to life imprisonment.

22. Any person who, with intent to deceive, unlawfully assumes the name, character or designation of an officer of any law enforcement or security agency commits an offence under this Act and is liable on conviction to imprisonment for not less than five years.

23. A person who tampers with—

- (a) a witness by intimidation, threats, blackmail or similar acts ; or
- (b) evidence or exhibit by falsification, conversion, destruction or forgery,

Escape or aiding and abetting escape.

Attempt to commit an offence under this Act.

Preparation to commit terrorist acts.

Unlawful assumption of character of officer of any law enforcement for security.

Tampering with evidence and witness.

commits an offence under this Act and is liable on conviction to imprisonment for a term not less than five years.

Obstruction
of any
officer of a
law enforce-
ment or
security
agency.

24.—(1) Any person who—

(a) willfully obstructs any authorized officer of a relevant enforcement or security agency in the exercise of any of the powers conferred on it by this Act, or

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

commits an offence and is liable on conviction to imprisonment for a term not less than five years.

(2) Any person who—

(a) refuses any officer the relevant law enforcement or security agency access to any premises, or fails to submit to a search by a person authorized to search him under this Act,

(b) assaults, or obstructs any officer of the relevant law enforcement or security agency in the execution of his duty under this Act, or

(c) fails to produce or conceals or attempts to conceal from an officer of the relevant law enforcement or security agency any book, document, information storage system or article in relation to which such officer has reasonable grounds for suspecting or believing that an offence under this Act 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 not less than five years.

(3) Any 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 under this Act and is liable on conviction to imprisonment for a term of not less than five years.

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

Offences by
an entity.

25.—(1) Where an offence under this Act 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 purported to act in any such capacity, the officer is liable on conviction to life imprisonment.

(2) Where an entity is convicted of an offence under this Act, it is liable to the forfeiture of any assets, funds or property used or intended to be used in the commission of the offence and the court may issue an order to windup the entity or withdraw the practice licence of the entity and its principal officers or both.

(3) Where the court orders the entity to be wound up, its assets and properties shall be transferred to the Federation Account.

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

4. Substitute for section 10 of the Principal Act a new section "10"—

Substitution
for section
10.

"Funds to support terrorism 10.—(1) A person or body corporate who, in any manner, directly or indirectly, willingly provides, solicits or collects any fund or attempts to provide, solicit or collect any fund with the intention or knowledge that they will be used, in full or in part to—

(a) finance a terrorist or terrorist organization ;

(b) commit an offence in breach of an enactment specified in the Schedule to 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 such act, by its nature or context, is to intimidate a group of people or to compel a government or an international organization to do or abstain from doing any act, commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than ten years and in the case of a corporate body—

(i) to a fine of not less than ₦100,000,000,

(ii) the prosecution of the principal officers of the corporate body who are on conviction be liable to imprisonment for a term of not less than ten years, and

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

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

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

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