

# A BILL

## FOR

AN ACT TO PROHIBIT ALL FORMS OF INSURGENCY AND MAKE COMPREHENSIVE PROVISIONS FOR CIVILIAN AND MILITARY EFFORTS DESIGNED TO SIMULTANEOUSLY DEFEAT AND CONTAIN INSURGENCY BY ADDRESSING ITS ROOT CAUSES AND APPLYING THE BEST INTERNATIONALLY RECOGNISED BEST PRACTICES AND RULES OF ENGAGEMENTS IN NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Abbas Tajudeen*

[ ] Commencement

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

- 1           **1.** The objectives of this Bill are to- Objectives
- 2           (a) strengthen the influence of the government in all parts of
- 3 Nigeria;
- 4           (b) minimise the destruction of lives and properties; and
- 5           (c) restore peace in all parts of Nigeria by defeating any armed
- 6 movement by a non-state opponent aimed at the overthrow or territorial
- 7 change of the federal, state or local government; and
- 8           (d) regulate the procedure and determine the manner in which the
- 9 provisions of this Bill shall be carried out.
- 10           **2.**-(1) A person or group of persons with intent to destabilise the Offence of
- 11 Federal or State or Local Government of Nigeria or disrupt public peace, insurgency
- 12 commits the offence of insurgency under this Act.
- 13           (2) It is immaterial that the persons or insurgents under subsection
- 14 (1) were gathered lawfully, if their conduct eventually results to acts of
- 15 insurgency.
- 16           (3) A person who commits an offence under this section is liable on
- 17 conviction to imprisonment for a term of seven years or to a fine of

	1	N5,000,000 or both.
	2	(4) Where two or more persons are gathered for the purpose of
	3	protecting government property from being destroyed, their conduct cannot be
	4	deemed an insurgent act.
Unlawful detention	5	3. A person or group of persons who unlawfully seize, detain or
	6	threaten to kill, injure or demand for ransom in order to control the Federal or
	7	State Government of Nigeria or any other person to carry out as an explicit or
	8	implicit condition for the release of the hostage, commits an offence under this
	9	Bill and is liable on conviction to a fine of N15,000,000 or imprisonment for a
	10	term of 25 years or both.
Use of criminal force	11	4. Where three or more persons assemble and their object or conduct
	12	is likely to-
	13	(a) disrupt by use of criminal force or violence the Government of
	14	Nigeria, the armed forces or security agencies or any public officer in the
	15	discharge of his duties,
	16	(b) prevent the administration of any law or legal process,
	17	(c) commit criminal trespass or damage property,
	18	(d) use violence as a means of enforcing any right or belief, or
	19	(e) use violence to compel the Government or any person to do what is
	20	not legal,
	21	they commit an offence of insurgency under this Bill and are liable on
	22	conviction to imprisonment for a term of three years or to a fine of N5,000,000
	23	or to both.
Liability for death of a person	24	5. Where any offence committed under this Bill results to the death of
	25	a person, the offender shall be liable on conviction the death.
Damage to property	26	6.-(1) A person or group of persons who unlawfully possesses, uses,
	27	transfers or steal nuclear materials to cause death, serious injury or damage to
	28	property, commits an offence and is liable on conviction to imprisonment for
	29	life.
	30	(2) A person who attacks electricity plants or transmission equipment,

1 nuclear power plants or nuclear reactors or attempts to commits an offence  
2 under subsection (1) and is not a citizen of Nigeria shall be extradited from  
3 Nigeria, after serving his penalty.

4           **7.** A person or group of person who engages in a procession, Allegiance to  
foreign Countries  
5 match, protest or rally carrying flags of foreign countries or emblems or  
6 uniforms indicative of a militia group and obstructs road users or disrupts  
7 public peace by use of violence, commits an offence and is liable on  
8 conviction to imprisonment for a term of five years or to a fine of  
9 N3,000,000 or both.

10           **8.** A person who- Engaging in  
insurgent activities  
11           (a) performs his duties in contravention of the objects of this Bill,  
12           (b) takes part in any insurgent activity, including mutiny and  
13 disturbance of public peace,  
14           (c) abets, incites, conceals or condones the commission of any  
15 offence,  
16           (d) takes part in an illegal assembly of persons with intention to  
17 breach public peace, destroy property or assaults any person or group of  
18 persons,  
19           (e) having knowledge that an offence or an illegal act is about to be  
20 committed fails to inform his superior officer,  
21           (f) take part in a strike, protest, procession or rally, or  
22           (g) violently assaults any officers of the service,  
23 commits an offence and is liable on conviction to imprisonment for a term of  
24 three years or to a fine of N1,000,000 or both

25           **9.** A person or group of persons who unlawfully seize or control or Unlawful seizure  
of ship  
26 take over a ship by force, threat or intimidation or by use of violence against  
27 the captain, crew and persons on board a ship that is likely to endanger the  
28 safe navigation of the ship or places a destructive device or substance aboard  
29 a ship that destroys the ship or kills any person on board a ship commits an  
30 offence and is liable on conviction to death.

Unlawful seizure of an aircraft	1	<b>10.</b> A person who unlawfully and intentionally carries out acts of
	2	violence against a person on board an aircraft which is likely to endanger the
	3	safety of the aircraft and persons on board, or places an explosive device or
	4	attempts such acts or is an accomplice of a person who carries out or attempts to
	5	carry out such act, commits an offence and is liable on conviction to death,
	6	whether or not such act results to the actual death or damage to the aircraft.
Unlawful seizure of train	7	<b>11.</b> A person or group of persons who unlawfully and intentionally
	8	carry out acts of violence against a person on board a train which is likely to
	9	endanger the safety of the train and persons on board, or places an explosive
	10	device or attempts such acts or is an accomplice of a person who carries out or
	11	attempts to carry out such act, commits an offence and is liable on conviction to
	12	the death of a person, whether or not such act results to the actual death or
	13	damage to the train.
Use of explosive devices in public and private places	14	<b>12.</b> A person who unlawfully and intentionally use explosives and
	15	other lethal devices in public or private places with intent to kill or cause
	16	serious bodily injury, or with intend to cause explosive destruction of public
	17	places and damage to property commits and offence and is liable on conviction
	18	to imprisonment for a term of 10 years or to a fine of N5,000,000 or to both.
Financing insurgency	19	<b>13.-(1)</b> A person who supports or finances insurgency whether
	20	directly or indirectly, through groups claiming to carry out charitable, social,
	21	cultural or religious objects or engage in illicit drug trafficking or gun running,
	22	commits an offence and is liable on conviction to imprisonment for term of 25
	23	years or to a fine of N50,000,000 or both.
	24	(2) Every bank, company or financial institution that operates an
	25	account knowing that the holder of the account is a financier of insurgency and
	26	fails to report such transaction to the appropriate security agency, commits and
	27	offence under this section and is liable to the same penalty in subsection (1).
	28	(3) Where an offence is committed under subsection (2) every
	29	director, manager or employee of the bank, company or financial institution is
	30	liable on conviction to the penalty prescribed in subsection (1).

1                   **14.** -(1) A foreigner who engages in an insurgency act shall be Insurgency acts  
by foreigners  
2 penalised and deported.

3                   (2) A foreigner who is deported under this section shall forfeit all  
4 the properties and money he has made in Nigeria to the Federal  
5 Government.

6                   **15.**-(1) For the purpose of investigation of cases relating to Access to database  
7 insurgency, the Director-General of the State Security Services may request  
8 any person in custody of a database to facilitate access to information stored  
9 in a database to an officer of the Service.

10                   (2) The person who has custody of information shall keep a  
11 prescribed form to be filled by an officer of the service as a condition for  
12 having access to the database and the custodian of the database shall take all  
13 reasonable steps to ensure that-

14                   (a) a record is kept of-

15                   (i) every occasion of which persons access the database,

16                   (ii) the reasons for accessing the database, and

17                   (iii) the identity of the person who accessed the database; and

18                   (b) every person who accesses the database -

19                   (i) searches only for information for counter insurgency  
20 investigation purposes, and

21                   (ii) complies with the prescribed form kept under this subsection

22                   **16.**-(1) The Director-General may issue a visual surveillance Visual surveillance  
23 warrant authorising a person to undertake the visual surveillance of any  
24 person where the Director-General reasonably believes that circumstances  
25 exist for the issue of such a warrant.

26                   (2) The issue of a warrant under subsection (1) shall only be  
27 necessary for the detection, investigation or prevention of any actual,  
28 potential or suspected-

29                   (a) insurgency act; or

30                   (b) facilitation of an insurgency act.

	1	(3) The Director-General shall ensure that the information sought to
	2	be obtained under a proposed warrant justifies the visual surveillance and that
	3	the information is not likely to be obtained by any other means.
	4	(4) A visual surveillance warrant may be issued only on the
	5	application made in the prescribed form by the Director-General or by a person
	6	for the time being acting as the Director-General and the warrant shall specify
	7	the-
	8	(a) identity of the person to be observed; and
	9	(b) place, facility, or thing to be observed.
Right of access to record	10	<b>17.</b> -(1) The Director-General or an officer of the Service-
	11	(a) shall have a right of access to all the records of any person or
	12	authority affected by this Bill for the specific purpose of discharging his duties
	13	under this Bill; and
	14	(b) may, by notice in writing served on any person or authority to
	15	furnish information on such matters as may be specified in the notice.
	16	(2) A person or authority served with the notice under subsection (1),
	17	shall-
	18	(a) furnish information required subsection (1) and
	19	(b) comply with the notice within a reasonable time.
Regulations	20	<b>18.</b> The Attorney-General of the Federation may make regulations for
	21	the operation of this Bill.
Procedure for investigation and prosecution Act, No 13, 2015	22	<b>19.</b> The procedural law for the prosecution and investigation of
	23	offences under this Bill shall be as set out in the Administration of Criminal
	24	Justice Act.
Jurisdiction	25	<b>20.</b> The High Court shall have jurisdiction to try offences under this
	26	Bill and for the purpose of this Bill, "High Court" means the High Court of a
	27	State, High Court of the Federal Capital Territory and the Federal High Court.
Interpretation	28	<b>21.</b> In this Bill-
	29	"database" means an organized set of data that is stored in a computer and can
	30	be looked at and used in various ways;

- 1 "Director-General" means the Director-General of the State Security  
2 Service;
- 3 "High Court" means the Federal High Court, the High Court of a State or the  
4 High Court of the Federal Capital, Abuja;
- 5 "insurgency" means a violent armed rebellion by small, light armed bands  
6 who practice guerilla warfare from primary rural base areas against a larger  
7 authority;
- 8 "nuclear materials" means the metals uranium, plutonium and thorium in  
9 any form; and
- 10 "the Service" means the State Security Service established under the  
11 National Securities Agency Act.
- 12 **22.** This Bill may be cited as the Counter Insurgency Bill, 2024.

Citation

## EXPLANATORY MEMORANDUM

This Bill seeks to prohibit all forms of insurgency and make comprehensive provisions for civilian and military efforts designed to simultaneously defeat and contain insurgency by addressing its root causes and applying the internationally recognised best practices and rules of engagements in Nigeria.