

A BILL

FOR

AN ACT TO PROVIDE THE FRAMEWORK FOR THE SUPPORT, MANAGEMENT AND PROTECTION OF WITNESSES WHO PROVIDE INFORMATION, EVIDENCE OR ANY OTHER ASSISTANCE TO LAW ENFORCEMENT AGENCIES DURING INQUIRIES, INVESTIGATIONS OR PROSECUTION; AND FOR RELATED MATTERS

Sponsored by Hon. Dallyop Chollom Fom

[] Commencement

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

1 PART I - OBJECTIVES AND APPLICATION

2 1. The main objectives of this Act are to- Objective

3 (a) establish legal and institutional framework to protect witnesses
4 and related persons, with responsibilities for carrying out all administrative
5 duties relating to witnesses and related persons, including providing
6 temporary protection and related services in accordance with the provisions
7 of this Act;

8 (b) ensure that the relevant agency takes responsibility for entering
9 into an agreement with the witness on behalf of the State;

10 (c) regulate the procedure and determine the manner in which the
11 provisions of this Act shall be carried out;

12 (d) designate places to be utilised as places of safety for the
13 purposes of the Witness Protection Programme established under this Act;

14 (e) ensure effective use and nationwide supervision of Witness
15 Protection Officers of the relevant agency;

16 (f) ensure that adequate consideration is given to the rights of
17 witnesses under this Act;

18 (g) ensure that adequate funding is in place to support the witness

	1	protection program through the establishment of the Witness Protection Fund;
	2	and
	3	(h) harmonise existing laws and policies on witness protection and
	4	management.
Application	5	2. -(1) The provisions of this Act shall apply to investigation and
	6	prosecution of offences relating to-
	7	(a) terrorism;
	8	(b) money laundering prevention and prohibition;
	9	(c) economic and financial crimes;
	10	(d) corrupt practices and other related offences;
	11	(e) drugs and narcotics and their trafficking;
	12	(f) trafficking in persons;
	13	(g) Criminal Code and Penal Code offences;
	14	(h) customs and excise management;
	15	(i) any legislation dealing with proceeds of crimes, confiscation and
	16	forfeiture of assets; and
	17	(j) such other offences as may be contained in enactments by the
	18	National Assembly and designated by Attorney-General by an order published
	19	in the Federal Government Gazette.
	20	(2) All justice sector institutions and authorities, including the courts,
	21	law enforcement and security agencies, and other relevant regulatory
	22	institutions towards the protection of witnesses in the course of the
	23	investigation, detection and prosecution of offences.
Meaning of witness under this Act	24	3. -(1) A person is a witness under this Act if he has information about
	25	the commission of an offence or wrongdoing, and -
	26	(a) has given, is giving, or agreed to give, evidence on behalf of the
	27	State in-
	28	(i) the proceedings for the trial of the offence; or
	29	(ii) hearings or proceedings relating to the offence or a wrong doing
	30	before an authority which is declared by the Attorney-General by an order

1 published in the Federal Government Gazette to be an authority to which
2 this paragraph applies;

3 (b) has given, is giving or agreed to give evidence, otherwise than
4 as mentioned in paragraph (a), in relation to the commission or possible
5 commission of an offence;

6 (c) has made a statement to-

7 (i) the Inspector-General of Police or a member of the Nigeria
8 Police Force; or

9 (ii) a law enforcement officer, in relation to an offence in
10 contravention of a law in Nigeria;

11 (d) is required to give evidence in a prosecution or an inquiry held
12 before a court or tribunal outside Nigeria-

13 (i) for the purposes of a treaty or an agreement to which Nigeria is a
14 party;

15 (ii) for the purposes of the operations of any legislation on mutual
16 assistance in criminal matters; or

17 (iii) in circumstances prescribed by regulations made under this Act;

18 (e) has given, is giving or has agreed to give, evidence before an
19 investigating authority, a commission of inquiry or tribunal; or

20 (f) may, for any other related reason, require protection or other
21 assistance under this Act.

22 (2) A person is also considered to be a witness for the purposes of
23 this Act if, because of a family or other relationship with, or an association
24 with, a person to whom subsection (1) applies, may require protection or
25 other assistance under this Act.

26 PART II - ESTABLISHMENT OF THE WITNESS PROTECTION AND
27 MANAGEMENT PROGRAMME

28 4.-(1) A relevant agency shall establish-

29 (a) a Witness Protection and Management Programme (in this Act
30 referred to as "the Programme") and take such actions as may be necessary

Establishment
of the Witness
Protection and
Management
Programme

- 1 and reasonable to provide for the safety and welfare of witnesses, who provide
2 information, evidence or any other form of assistance to the relevant agency;
- 3 (b) a department or unit for the purpose of the Programme established
4 under paragraph (a);
- 5 (c) a procedure to determine criteria for admission to and removal
6 from the Programme; and
- 7 (d) a training scheme for Witness Protection Officers.
- 8 (2) The actions taken under subsection (1) may include-
- 9 (a) physical and armed protection;
- 10 (b) making necessary arrangement to allow the witness establish a
11 new identity;
- 12 (c) relocating the witness;
- 13 (d) providing accommodation for the witness;
- 14 (e) providing logistics for transporting the property of the witness;
- 15 (f) providing reasonable financial assistance to the witness;
- 16 (g) permitting a person involved in the administration of the
17 Programme to use an assumed name in carrying out his duties and have proper
18 documentation supporting the assumed name; or
- 19 (h) taking the actions listed in paragraphs (a) to (g) in respect of a
20 foreign witness present in Nigeria, under any law, agreement or arrangement
21 between Nigeria and the country of the foreign witness.
- 22 (3) The relevant agency may request the court to implement during
23 court proceedings, protection measures which may include-
- 24 (a) holding closed sessions;
- 25 (b) the use of pseudonyms;
- 26 (c) the redaction of identity information;
- 27 (d) the use of video link with the opportunity for cross examination of
28 a witness by the legal practitioner representing the defendant, where
29 practicable; and

1 (f) employing measures to obscure or distort the identity of the
2 witness.

3 (4) The relevant agency shall put in place support measures to
4 facilitate the integration of the witness into the Programme.

5 5.-(1) A witness who has reason to believe that his safety or the
6 safety of any other person is or may be threatened by any person or group or
7 class of persons whether known to him or not by reason of his being a
8 witness, may-

Application for
inclusion in the
Programme

9 (a) report the belief-

10 (i) to the investigating officer in that investigation;

11 (ii) to a person in charge of a police station;

12 (iii) if he is in a correctional facility, to the person in charge of the
13 correctional facility where he is being detained;

14 (iv) to the prosecutor or any other person concerned; or

15 (v) to the heads of the relevant agency.

16 (b) apply in the prescribed manner that he or any related person be
17 placed under protection.

18 (2) A person to whom a report is made under subsection (1) shall
19 assist the applicant in the making of an application for protection and, unless
20 he is the head of the relevant agency, shall immediately-

21 (a) inform the head of the relevant agency of the application; and

22 (b) submit the application to the head of the relevant agency.

23 (3) Where a witness is for any reason unable to make a report under
24 subsection (1) (a) or to make an application for protection under subsection
25 (1) (b)-

26 (a) the investigating officer or prosecutor concerned with the case;

27 (b) a law enforcement officer; or

28 (c) the legal representative of the witness,

29 may if he has reason to believe that the safety of the witness or any related
30 person is or may be threatened as specified in subsection (1), make the report

1 or application on behalf of the witness.

2 (4) Notwithstanding the provision of subsection (3), a court may
3 order or direct the making of a report or an application on behalf of the witness.

4 (5) An application for the inclusion of a witness below the age of 18
5 years may, in such circumstances as the Attorney-General may specify in
6 regulations, be made without the consent of the child's parent or guardian.

Temporary
protection

7 6.-(1) The relevant agency may, pending the finalisation of an
8 application for the protection of a witness or related person concerned, place
9 the witness under temporary protection for a period not exceeding 28 days, if
10 the relevant agency considers it necessary for the safety of the witness or
11 related person.

12 (2) Where a report or an application under section 5 of this Act is
13 made, the witness or related person may be placed under temporary protection
14 only if he consents to it.

15 (3) A child shall not be placed under temporary protection without the
16 consent of his parent or guardian, unless-

17 (a) the head of the relevant agency is of the opinion that exceptional
18 circumstances exist which does not warrant consent; or

19 (b) an application for the inclusion of a witness below the age of
20 eighteen years has been made in such circumstances, as the Attorney-General
21 may specify in regulations, in accordance with the provisions of section 5 (5) of
22 this Act.

Assessing witness
for inclusion in
the Programme

23 7.-(1) The relevant agency is responsible for deciding whether to
24 include a witness in the Programme.

25 (2) In deciding whether to include a witness in the Programme, the
26 relevant agency shall have regard to-

27 (a) the seriousness of the offence to which the statement or evidence
28 of the witness relates;

29 (b) the nature and importance of the witness's testimony;

30 (c) the nature of the perceived threat and or danger to the witness;

1 (d) the nature of the witness relationship to any other witness being
2 considered for inclusion or who is already in the Programme;

3 (e) the result of any psychological or psychiatric examination or
4 evaluation of the witness conducted to determine his suitability for inclusion
5 in the Programme;

6 (f) whether there are viable alternative methods of protecting the
7 witness;

8 (g) whether the witness has a criminal record, particularly in
9 respect of violent crime, which indicates a risk to the public if he is included
10 in the Programme;

11 (h) the probability that the witness or any related person will be
12 able to adjust to protection, having regard to the personal characteristics,
13 circumstances and family or other relationships of the witness or any other
14 person;

15 (i) likelihood of any danger to the community if the witness or any
16 other person is not placed under protection; and

17 (j) any other factor that the relevant agency may consider relevant.

18 (3) To enable the department or unit of a relevant agency make a
19 proper evaluation of an application for inclusion in the Programme, it shall
20 be-

21 (a) afforded immediate and full access to any crime docket and
22 statement of a witness and to any evidence given in any proceedings; and

23 (b) entitled to obtain certified true copies of any statement or
24 evidence or any part of it made in connection with the matter.

25 (4) Without prejudice to the provisions of section 5 of this Act, a
26 witness shall not be included in the Programme unless the witness or a
27 person legally responsible for the witness agrees in writing to the inclusion
28 in the Programme.

29 (5) The relevant agency shall not consider documentation from a
30 witness which represents that the witness-

	1	(a) has a qualification which he does not have; or
	2	(b) is entitled to a benefit to which he is not entitled.
Inclusion in the Programme	3	8. -(1) After considering an application for inclusion in the
	4	Programme, the relevant agency may-
	5	(a) subject to section 6 (1) and pending the approval or refusal of an
	6	application under paragraph (b) or (c), make any interim arrangement with the
	7	witness or related person relating to his protection under this Act;
	8	(b) approve the application and place the witness or any related
	9	person under protection in accordance with the protection agreement entered
	10	into by or on behalf of the witness or related person and the relevant agency; or
	11	(c) refuse the application and, where applicable, by written notice to
	12	the witness, revoke any temporary protection under which he or any related
	13	person has been placed under section 5 (1) of this Act.
	14	(2) Where the relevant agency refuses an application under
	15	subsection (1), the head shall inform the witness of the refusal and the witness
	16	may, within seven days of being informed, apply to the relevant agency for a
	17	review of the decision.
	18	(3) The relevant agency shall, within seven days of receipt of the
	19	request for a review of its decision under subsection (2)-
	20	(a) review, confirm, reverse or vary the decision; and
	21	(b) inform the witness in writing of its decision.
Protection agreement	22	9. -(1) Prior to the inclusion of a witness or related person in the
	23	Programme, the relevant agency shall, subject to subsection (2), enter into a
	24	written protection agreement-
	25	(a) with the witness;
	26	(b) where applicable, with each related person; and
	27	(c) subject to the provisions of this Act, in the case of a child, with the
	28	parent or guardian.
	29	(2) The relevant agency may enter into a provisional protection
	30	agreement with a child referred to in section 5 (5) of this Act.

- 1 (3) Where-
- 2 (a) a parent or guardian of a witness signs a protection agreement
- 3 because the witness was under the age of eighteen years; and
- 4 (b) the agreement is still operating after the witness attains the age
- 5 of eighteen years,
- 6 the relevant agency may require the witness to sign the agreement having
- 7 attained the age of maturity.
- 8 (4) A protection agreement shall set out the terms and conditions
- 9 under which a witness or related person is to be placed under protection,
- 10 including-
- 11 (a) an obligation on the relevant agency-
- 12 (i) to take such reasonable steps as are necessary to provide the
- 13 witness with the protection and related services, as referred to in the
- 14 protection agreement, and
- 15 (ii) not to keep a protected person under protection in any
- 16 correctional facility or custody, unless otherwise agreed upon.
- 17 (b) an obligation on the witness or related person -
- 18 (i) where applicable, to give the evidence as required in the
- 19 proceedings to which the protection relates,
- 20 (ii) to meet all financial obligations incurred by him that are not
- 21 payable by the relevant agency under the terms of the protection agreement,
- 22 (iii) to meet all legal obligations, expenses incurred by the witness,
- 23 including any obligation regarding the custody and maintenance of the
- 24 dependant,
- 25 (iv) to refrain from any activity that constitutes a criminal offence,
- 26 (v) to refrain from activities that might endanger his safety or that
- 27 of any other protected person,
- 28 (vi) to accept and give effect to all reasonable requests and
- 29 directions made or given by the relevant agency in relation to the protection
- 30 provided and obligations under the protection agreement,

1 (vii) to inform the relevant agency of any other proceedings which
2 have been or may be instituted by or against the witness, or in which the witness
3 is otherwise involved, and

4 (viii) not to endanger the security or any other aspect of the protection
5 agreement or any other matter relating to the Programme;

6 (c) any other prescribed terms and conditions or obligations agreed
7 upon; and

8 (d) a procedure in accordance with which the protection agreement
9 may, if necessary, be amended.

Protection of
a child

10 **10.**-(1) Subject to subsection (2), a child shall not be included in the
11 Programme without the consent of the parent or guardian.

12 (2) A child-

13 (a) who, as a witness, applies for protection in respect of proceedings
14 against his parent or guardian or in which his parent or guardian is a suspect;

15 (b) who has no parent or guardian;

16 (c) whose parent or guardian cannot be identified or found,
17 notwithstanding reasonable efforts made to do so; or

18 (d) whose parent or guardian is unreasonably withholding or is unable
19 to give his consent,

20 may be included in the Programme without the consent of the parent or
21 guardian, where the relevant agency is of the opinion that it is necessary to do
22 so for the safety of the child.

23 (3) The relevant agency shall, in the circumstances referred in
24 subsection (2)-

25 (a) within seven days of the inclusion; or

26 (b) within such further period as the court, in whose area of
27 jurisdiction the child is domiciled or ordinarily resident, may determine in an
28 application made to him in chambers by the relevant agency,

29 submit to the court, for consideration in chambers, a report setting out the
30 reasons for the inclusion and the provisional protection agreement referred to

1 in section 9 (2) of this Act.

2 (4) The relevant agency shall also furnish to the child concerned
3 and, where applicable, to the parent or guardian, a copy of the report and the
4 provisional protection agreement referred to in subsection (3).

5 (5) After consideration of the report and provisional protection
6 agreement referred to in subsection (3), the court may, by order-

7 (a) set aside the inclusion in the Programme;

8 (b) confirm the inclusion and ratify the provisional protection
9 agreement; or

10 (c) confirm the inclusion and amend the provisional protection
11 agreement in such manner as he considers to be in the best interest of the
12 child, and necessary to ensure the safety of the child.

13 (6) Where the inclusion of a child in the Programme is set aside
14 under subsection (5) (a), the relevant agency shall immediately discharge
15 the child from protection.

16 (7) A provisional protection agreement, ratified or amended under
17 subsection (5), shall constitute a binding protection agreement between the
18 relevant agency and the child.

19 (8) The Court shall appoint the head of the relevant agency as the
20 guardian of a child placed under temporary protection under section 6 (2) of
21 this Act or included in the Programme under subsection (2).

22 **11.**-(1) The relevant agency may, subject to subsections (6) and
23 (10), by written notice, terminate the inclusion of a witness in the
24 Programme, if the relevant agency is of the opinion that-

25 (a) the safety of the witness is no longer threatened;

26 (b) satisfactory alternative arrangements have been made for the
27 protection of the witness;

28 (c) the witness has failed to comply with any obligation imposed
29 under this Act or by the protection agreement;

Termination of
protection

- 1 (d) the witness in making application for inclusion in the Programme-
- 2 (i) wilfully furnished false or misleading information;
- 3 (ii) made a statement which is false or misleading; or
- 4 (iii) wilfully failed to disclose any relevant information in the
- 5 application;
- 6 (e) the conduct of the witness has endangered or may endanger the
- 7 safety of another protected witness;
- 8 (f) the conduct of the witness is likely to threaten the security or
- 9 compromise the integrity of the Programme; or
- 10 (g) the witness has wilfully caused serious damage to the place of
- 11 safety or to any property in or at the place of safety.
- 12 (2) Subject to subsections (4) and (6), the relevant agency may, after
- 13 considering any representation made under subsection (6), and on being
- 14 satisfied that-
- 15 (a) the evidence of a witness is no longer required in the proceedings
- 16 concerned; or
- 17 (b) the proceedings have been concluded,
- 18 by written notice of termination, within a reasonable time but not later than 28
- 19 days, terminate the participation of the witness and all related persons in the
- 20 Programme.
- 21 (3) Where, after the conclusion of proceedings, the relevant agency is
- 22 of the opinion that the safety of a person who is to be discharged from the
- 23 witness protection Programme is still being threatened, the relevant agency
- 24 may on the application of-
- 25 (a) the person;
- 26 (b) the parent or guardian of a child; or
- 27 (c) a child referred to in section 10 (2) of this Act,
- 28 extend the protection for such period as it considers necessary.
- 29 (4) The protection of a child referred to in section 10 (2) of this Act

1 shall not be extended under subsection (3) without the prior approval of a
2 court in chambers.

3 (5) The relevant agency shall, before it terminates a witness'
4 participation in the Programme under subsections (1) and (2), take
5 reasonable step to notify the witness and in the case of a child, his parents or
6 guardian if any, in the case of a termination.

7 (6) The relevant agency shall allow the witness, and in the case of a
8 child, his parent or guardian, if any, to make written representation to it in
9 relation to any matter regarding the termination under subsection (2) of this
10 section within 28 days.

11 (7) A witness remains a participant in the Programme until-

12 (a) the witness' participation is terminated under subsection (1) or
13 (2) or in accordance with an agreement referred to in section 9 (1) (a) of this
14 Act; or

15 (b) a waiver of protection, in the prescribed manner, is submitted to
16 the relevant agency by-

17 (i) the witness,

18 (ii) the parent or guardian of a child, if any, or

19 (iii) a child referred to under section 10 (2) of this Act.

20 (8) Subject to subsection (9), the relevant agency shall, on receipt
21 of a waiver of protection referred to in subsection (7), terminate the
22 participation of a witness in the Programme, without any delay and notify
23 the witness.

24 (9) The relevant agency shall not terminate the participation of a
25 child referred to in section 10 (2) of this Act under this section without the
26 prior approval of a court in chambers.

27 (10) A decision of the relevant agency to terminate participation of
28 a witness in the Programme takes effect-

29 (a) within a reasonable time, but not later than 28 days, of the
30 relevant agency notifying the witness of the decision; or

1 (b) where the witness location is not known and the relevant agency
2 has taken reasonable but unsuccessful steps to notify the witness, at the end of a
3 period of twenty-eight days after due steps were taken.

Review by the
relevant agency

4 **12.**-(1) A witness who is aggrieved by a decision, action or steps taken
5 by the relevant agency may, within fourteen days, apply to the relevant agency
6 for a review.

7 (2) The relevant agency shall, on receiving an application under
8 subsection (1)-

9 (a) review the decision, action or steps concerned, and confirm,
10 reverse or vary it; and

11 (b) inform the witness of the decision.

Other proceedings
in which a witness
is a party or a
witness

12 **13.**-(1) Proceedings in which a protected person is a party or a witness
13 may, subject to the provisions of subsection (2), be proceeded with under the
14 laws regulating the proceedings.

15 (2) Where it appears to a court, in an ex parte application, made in
16 chambers by the head of a relevant agency, that the safety of a witness might be
17 endangered by the institution or prosecution of any proceedings in which a
18 protected person is a party or a witness within his area of jurisdiction, the court
19 may make any order it considers appropriate with regards to the institution,
20 prosecution or postponement of those proceedings to-

21 (a) prevent the disclosure of the identity or whereabouts of the person;

22 (b) achieve the objectives of this Act.

23 (3) The parties to the proceedings concerned and their legal
24 representatives shall be given notice of an order made under subsection (2) in
25 accordance with the rules of court.

26 (4) The address of the relevant agency shall, for all purposes of
27 service of processes on a witness, serve as the residential address of the witness
28 and notice of that address shall be given in writing by the head of the relevant
29 agency and delivered by hand or sent by registered mail by him to all other
30 parties or their legal representatives.

1 14. Where a court, in an ex-parte application made to it in chambers
2 by the relevant agency, is satisfied that the safety of a witness might be
3 endangered by the exercise of a right of access of that person, the court may
4 suspend the right of access or make any order it considers appropriate with
5 regards to the exercise of the right to-

Access to persons
in the Programme

- 6 (a) prevent the disclosure of the identity or location of the witness;
7 (b) achieve the objectives of this Act.

8 15.-(1) The head and any other employee of the department or unit
9 of the relevant agency established under section 4 of this Act, shall, on
10 assumption of office in the relevant agency, take an oath or make an
11 affirmation in the prescribed form.

Rules of
confidentiality
and disclosure of
information

12 (2) The oath or affirmation referred to in subsection (1), shall be
13 taken or made, in the case of-

- 14 (a) the head of department or unit, before the Attorney - General;
15 and

16 (b) any other employee of the department or unit of the relevant
17 agency, before the head or as otherwise directed.

18 (3) Subject to subsection (4), a person who obtains information in
19 the ordinary course of his official duty relating to the administration of the
20 Programme, shall not be required, in any proceedings before any court,
21 tribunal or commission of inquiry, howsoever described, to-

- 22 (a) produce any document; or
23 (b) divulge or communicate any matter obtained, relating to the
24 performance of his duties in connection with the Programme,
25 unless the Court makes an order in the interest of justice that provides to the
26 contrary, or the proceedings relate to an offence against this Act.

27 (4) Subject to subsection (6), the relevant agency may, on such
28 conditions as it deems fit, disclose any information in respect of a witness-

- 29 (a) with the consent of-
30 (i) the witness concerned, or

- 1 (ii) his parent or guardian, where he is a child;
- 2 (b) where the witness has previously disclosed the information or
3 acted in a manner which resulted in the disclosure;
- 4 (c) where the disclosure is-
- 5 (i) required for the exercise or protection of any right, or
6 (ii) in the public interest; or
- 7 (d) in any criminal proceedings, if the disclosure is necessary to
8 establish the guilt or innocence of a person.
- 9 (5) The relevant agency shall not disclose any information in respect
10 of a child referred to in section 10 (2) of this Act without the prior approval of a
11 court.
- 12 (6) The relevant agency shall, before it discloses any information in
13 respect of a witness in the circumstances referred in subsection (4) (b), (c) or
14 (d), take reasonable steps to notify-
- 15 (a) the witness; or
16 (b) the parent or guardian of the witness, if any, if he is a child, of the
17 contemplated disclosure in the prescribed manner.
- 18 (7) The relevant agency shall allow a witness or, where applicable, his
19 parent or guardian, if any, to make written representation to it within the
20 prescribed period in relation to any matter relating to the contemplated
21 disclosure.
- 22 (8) The provisions of subsection (6) do not apply if the relevant
23 agency is of the opinion that the notification may jeopardise the purpose for
24 which the information is to be disclosed.
- 25 (9) The relevant agency shall, in determining whether information in
26 respect of a witness should be disclosed under subsection (4), take into
27 consideration-
- 28 (a) the reasons for the disclosure;
- 29 (b) the probability that the disclosure may endanger the safety of the
30 witness concerned or that of any other protected person or the integrity of the

1 Programme under this Act;

2 (c) whether the need for the disclosure can effectively be met by
3 any other means;

4 (d) whether there are effective means available to prevent any
5 further disclosure of the information; and

6 (e) any other factor that, in the opinion of the Relevant agency,
7 should be taken into consideration.

8 (10) A person shall not disclose any information referred to in
9 subsection (3)-

10 (a) which came into his possession, or to his knowledge or was
11 disclosed to him; or

12 (b) where he ought to have reasonably suspected that the
13 information was disclosed to him.

14 **16.-(1)** A court, shall make an order referred to in subsection (2)-

15 (a) at any proceeding in which a protected person is a party or a
16 witness; or

17 (b) at any proceeding, other than "proceedings" as defined in
18 section 9 of this Act, instituted or conducted under any law, in which a
19 protected person is a party or a witness and in respect of which he is under
20 any law compellable to-

21 (i) answer questions,

22 (ii) give assistance, or

23 (iii) produce any book, record, document or object in his
24 possession or under his control in the proceedings.

25 (2) The court shall make an order under subsection (1) prohibiting
26 the publication of any information, including any drawing, picture,
27 illustration, painting, photograph, whether produced through or by means
28 of computer software on a screen or a computer printout, pamphlet, poster
29 or other printed material, which may disclose the information relating to-

30 (a) the circumstances of the protected person,

Prohibition of
publication of
information
concerning a
protected person

1 (b) the identity of any protected person and the place of safety or
2 location where the person is being protected, or

3 (c) the relocation or change of identity of protected person,
4 unless the relevant agency satisfies the court that exceptional circumstances,
5 which are in the interest of justice, exist why the order should not be made.

Agreements with
international
bodies, institutions,
organisations or
foreign countries

6 **17.-(1)** The relevant agency may, with the approval of the Attorney-
7 General, make an arrangement with a foreign State, international body,
8 institution or organisation on any matter relating to cooperation between
9 Nigeria and any other State, international body, institution or organisation
10 relating to witness protection.

11 (2) The relevant agency may enter into an agreement, either in general
12 or on specific terms and condition with a relevant agency in a foreign country in
13 order to-

14 (a) place a protected person under a witness protection arrangement
15 administered by the foreign country; or

16 (b) admit a protected person to witness protection arrangement under
17 any law applicable to the foreign country.

18 PART III - PROTECTING WITNESSES FROM IDENTIFICATION

Application for
court order

19 **18.-(1)** The relevant agency may apply to the court for an order
20 authorising a specified person, or a person of a specified class or description to-

21 (a) make entry in a register of-

22 (i) births or a register of marriages in respect of a witness,

23 (ii) in a register of deaths in respect of a witness or a relative (by blood
24 or marriage) of a witness; or

25 (b) issue, in the witness's new identity, a document of a kind
26 previously issued to the witness.

27 (2) The relevant agency shall provide such evidence as the court may
28 require satisfying itself as to the matters specified in the application.

Court order
protecting witness
identity

29 **19.-(1)** The court may make an order under section 18 of this Act if it
30 is satisfied that the life or safety of that person may be endangered by virtue of

1 the person being a witness.

2 (2) Any proceedings of the court under this section and section 18
3 of this Act, shall be conducted in camera, and all records of the proceedings
4 shall be sealed.

5 **20.**-(1) On the making of the order referred in section 19 (1) of this
6 Act-

Effect of court
order protecting
witness identity

7 (a) any person authorised to do so by the order, may make such
8 entries in the registers of births, deaths or marriages as are necessary to give
9 effect to the order; and

10 (b) the Registrar of births, deaths or marriages shall afford the
11 person an authorised full access to the relevant register and give him such
12 assistance as may be required.

13 (2) An entry made in the registers of births, deaths or marriages
14 under the order referred to in section 19 (1) of this Act has effect as if it were
15 a valid entry made under the Births, Deaths, etc., (Compulsory Registration)
16 Act and the Marriage Act.

17 (3) The relevant agency shall maintain records showing details of
18 the original birth, death or marriage of each person in respect of whom an
19 entry is made under subsection (1) (a).

20 **21.** An entry made under section 20 of this Act in a register of
21 births, deaths or marriages shall not be cancelled except by an order of the
22 court made on the-

Cancellation of
entry in register

23 (a) application of relevant agency; and

24 (b) court being satisfied that the witness is no longer a participant in
25 the Programme.

26 **22.**-(1) A witness who has been provided with a new identity under
27 the Programme shall not marry using the new identity unless-

Special provision
in case of marriage
of witness

28 (a) the witness is of marriageable age under the Marriage Act;

29 (b) where the witness has been previously married, the witness is
30 now divorced or the former spouse has died; and

1 (c) there is no legal impediment to the marriage.

2 (2) A person who contravenes this section commits an offence and is
3 liable on conviction to a fine of not less than N100,000 or imprisonment for a
4 term of twelve months or to both.

Provision of
information to a
designated person

5 **23.**-(1) The relevant agency may take an action as provided under
6 subsection (2), where-

7 (a) a witness under the Programme has been provided with a new
8 identity or relocated under this Act; and

9 (b) the relevant agency is notified by a designated person that the
10 witness under investigation, has been arrested or is charged with a serious
11 offence.

12 (2) The relevant agency may under subsection (1)-

13 (a) release to the designated person the new identity or location of a
14 person;

15 (b) provide the designated person with the criminal record and
16 fingerprint of the person;

17 (c) release to the designated person such other information as the
18 relevant agency considers appropriate in the circumstances; and

19 (d) cooperate as considered appropriate with the designated person.

Restoration of
original identity

20 **24.**-(1) The relevant agency may, if it considers it appropriate to do so,
21 take such action as is necessary to restore the original identity of a witness
22 whose protection and assistance under the Programme has been terminated.

23 (2) Where the relevant agency takes action under this section to
24 restore the original identity of a former witness, the relevant agency shall notify
25 the former witness in writing to return, within twenty one days, all documents
26 relating to the identity provided to him under the Programme.

27 (3) A former witness, who, without reasonable excuse, refuses or fails
28 to return documents to the relevant agency in accordance to the provisions of
29 subsection (2) within 21 days after receiving the notice, commits an offence
30 and is liable on conviction to a fine of at least N100,000 or imprisonment for a

1 term of 12 months or to both.

2 **25.**-(1) A person in respect of whom an entry is made in a register of
3 births, deaths or marriages, who uses or obtains any document issued by a
4 Registrar having charge of such register, commits an offence, where the
5 entry made under this Act in the register is in force.

Offences in
relation to documents

6 (2) A person who commits an offence under subsection (1) is liable
7 on conviction to a fine of at least N100,000 or imprisonment for a term of 12
8 months or both.

9 **26.**-(1) A person who, either directly or indirectly, makes a record
10 of, discloses or communicates to another person, any information relating to
11 the making of an entry in a register of births, deaths or marriages, unless it is
12 necessary to do so-

Information not
to be disclosed

13 (a) for the purposes of this Act;

14 (b) for the purposes of an investigation by the relevant agency; or

15 (c) to comply with an order of the court,

16 commits an offence and is liable on conviction to a fine of not less than
17 N100,000 or imprisonment for a term of 12 months or to both.

18 (2) Notwithstanding subsection (1), the relevant agency may
19 disclose the original identity of a witness or former witness for the purpose
20 of obtaining documents relating to the new identity of the witness or former
21 witness under the Programme.

22 **27.**-(1) Where-

Non-disclosure
of original witness

23 (a) a witness who has been provided with a new identity under the
24 Programme would, apart from this section, be required by or under any law
25 in force in Nigeria to disclose his original identity for a particular purpose;
26 and

27 (b) the relevant agency has given the witness authorisation, in the
28 form prescribed by regulations made under this Act, not to disclose his
29 original identity for that purpose, the witness is not required to disclose his
30 original identity to any person for that purpose.

1 (2) Where a witness has been given an authorisation under subsection
2 (1) not to disclose his original identity for a particular purpose, he may, in any
3 proceedings or for any purpose, under or in relation to any relevant law in force
4 in Nigeria claim that his new identity is his only identity.

Non-disclosure
of information
or publication
of document on
the Programme

5 **28.** A person who is or has been associated with the administration of
6 the Programme, and who has obtained access to information or a document
7 relevant to the Programme, shall not disclose that information or publish that
8 document except as authorised by the relevant agency.

Identity of witness
not to be disclosed
in legal proceedings

9 **29.**-(1) Where, in any proceedings in a court, tribunal or commission
10 of inquiry, the identity of a witness is in issue or may be disclosed, the court,
11 tribunal, or commission shall, unless it considers that the interests of justice
12 require otherwise-

13 (a) hold that part of the proceedings, which relates to the identity of
14 the witness in camera; and

15 (b) make such order relating to the suppression of publication of
16 evidence given before the court, tribunal or commission of inquiry as, in its
17 opinion, will ensure that the identity of the witness is not disclosed.

18 (2) A court, tribunal or commission of inquiry, before which a witness
19 or former witness who has been provided with a new identity under the
20 Programme is giving evidence, may hold that part of the proceedings in
21 camera.

22 (3) The court, tribunal or commission of inquiry before which any
23 proceedings referred to in subsection (1) or (2) are conducted may, if it deems
24 fit, by order direct that no-

25 (a) question shall be asked in the proceedings which might lead to the
26 disclosure of the identity of a witness or former witness or of his place of abode;

27 (b) witness in the proceedings, including a witness or former witness,
28 shall be required to answer a question, give any evidence, or provide any
29 information, which may lead to the disclosure of the identity of the witness
30 or former witness or of his place of abode; and

1 (c) person involved in the proceedings shall, in the proceedings,
2 make a statement which discloses or could disclose a protected identity of a
3 participant or former participant or his place of abode.

4 (4) Notwithstanding any provisions to the contrary contained in
5 any law or rule of evidence, the provisions of this section shall apply to
6 proceedings to which this section relates.

7 **30.**-(1) A person who is or was a witness or a witness considered for
8 inclusion in the Programme and who directly or indirectly discloses or
9 communicates to another person- Disclosure by
witnesses and
others

10 (a) the fact that he or a member of his family has entered a
11 protection agreement under section 9 of this Act;

12 (b) details of the protection agreement;

13 (c) information relating to anything done by the head or an
14 employee of the Relevant agency under this Act; or

15 (d) information about any officer obtained by the person as a result
16 of anything done under this Act,
17 commits of an offence and is liable on conviction to imprisonment for a term
18 not more than three years.

19 (2) This section does not apply to a disclosure or communication
20 which has been-

21 (a) determined by the relevant agency for the purposes of an
22 investigation; or

23 (b) is necessary to comply with an order of the court.

24 (3) For the purposes of subsection (1), a person is a witness
25 considered for inclusion in the Programme if-

26 (a) the person is a witness who is the subject of consideration under
27 this Act for inclusion in the Programme, even if the relevant agency
28 subsequently decides not to include the witness; or

29 (b) the person is a witness included in the Programme temporarily

1 under this Act, even if the witness does not go on to be included in the
2 Programme.

3 PART IV - MANAGEMENT OF THE WITNESS PROTECTION PROGRAMME

Witness protection
officers and
deployment to
branch offices

4 **31.**-(1) The relevant agency shall ensure that witnesses and related
5 persons are protected in accordance with the provisions of this Act and shall for
6 this purpose designate a Witness Protection Office at each branch office.

7 (2) A Witness Protection Office created under subsection (1) shall
8 exercise the powers and perform the functions assigned by the provisions of
9 this Act.

Dealing with rights
and obligations
of witness

10 **32.**-(1) Where a witness has any outstanding rights or obligations or is
11 subject to any restrictions, the relevant agency shall take such steps as are
12 reasonably practicable to ensure that-

13 (a) those rights or obligations are dealt with according to law; or

14 (b) the person complies with those restrictions.

15 (2) The relevant agency may take such steps under subsection (1) -

16 (a) providing protection for the witness while the witness is attending
17 court proceedings; or

18 (b) notifying a party or possible party to legal proceedings that the
19 relevant agency will, on behalf of the witness, accept processes issued by a
20 court, a tribunal or a commission of inquiry and nominating a relevant agency
21 for that purpose.

Avoidance of
obligations by
witness

22 **33.**-(1) If the relevant agency is satisfied that a witness who has been
23 provided with a new identity under the Programme is using the new identity to
24 avoid-

25 (a) obligations which were incurred before the new identity was
26 established; or

27 (b) complying with restrictions which were imposed on the person
28 before the new identity was established,

29 the relevant agency shall give notice in writing to the witness as specified in
30 subsection (2).

1 (2) The notice under subsection (1) shall specify that unless the
2 witness satisfies the relevant agency that-

3 (a) the obligations will be dealt with according to law; or

4 (b) the restrictions will be complied with,

5 the relevant agency shall take such action as it considers reasonably
6 necessary to ensure that they are dealt with according to law or complied
7 with.

8 (3) The action the relevant agency may take under subsection (2)
9 include informing a person who is seeking to enforce rights against the
10 witness of the details of any property, whether real or personal, owned by the
11 witness under his original identity.

12 **34.**-(1) The relevant agency may, at its discretion, certify in writing
13 that the whole or part of an amount held by a witness represents payments
14 made to the witness under the Programme.

Payments under
the Programme

15 (2) An amount so certified shall not be confiscated or restrained,
16 and shall not be applied in payment of pecuniary penalties, under any law.

17 **35.** Where a person attends court as a state witness, the witness
18 shall be entitled to payment of such reasonable expenses as may be
19 prescribed.

Expenses of
witnesses for the
protection

20 **36.** Where a person attends court as a witness to give evidence for
21 the defence, the court may in its discretion on application, order payment by
22 the Registrar to such witness of court such sums of money, as it may deem
23 reasonable and sufficient to compensate the witness for the expenses he
24 reasonably incurred in attending the court.

Expenses of
witnesses for the
defence

25 **37.** The court may permit on application of a party for an
26 adjournment of the proceedings and in so doing, may order the party seeking
27 the adjournment to pay to a witness present in court and whose evidence it
28 has not been possible to take owing to the adjournment, such sum in the
29 amount payable to a witness in accordance with section 35 and 36 of this
30 Act, or such sum as the court may fix.

Adjournment may
be granted subject
to witnesses' costs

1 are under protection;

2 (c) to cover witness expenses likely to be incurred for purposes like
3 change of name, relocation or anything done to conceal the identity of the
4 witness;

5 (d) to procure gadgets, tools and equipment that would be needed
6 by the relevant agencies in furtherance to maintaining and promoting an
7 effective witness protection program; and

8 (e) for such other expenditure as the Committee may from time to
9 time approve in line with its mandate and to foster the effectiveness of
10 witness protection in Nigeria.

11 41.-(1) There is established the Witness Protection Fund
12 Committee (in this Act referred to as "the Committee").

Establishment
of the Witness
Protection Fund
Committee

13 (2) The Committee shall consist of-

14 (a) the Chief Judge of the Federal High Court who shall be the
15 Chairman;

16 (b) the Chief Judge of the FCT High Court who shall be the Co-
17 Chairman;

18 (c) the Attorney General of the Federation or the Director of Public
19 prosecution;

20 (d) the Inspector General of Police or the Commissioner of Police
21 in charge of Legal;

22 (e) the Executive Secretary of the National Human Rights
23 Commission or his representative not below the rank of a director;

24 (f) a representative of a Civil Society working on human rights or
25 access to justice who shall be appointed by the Committee to serve for a
26 single term of two years.

27 (3) The Committee shall be responsible for the management and
28 control of the Protection Fund established under this Act.

29 (4) The Committee shall have the power to make rules and
30 guidelines for the purpose of accessing the Protection Fund.

	1	(5) No expenditure shall be made from the Protection Fund unless the
	2	Committee approves the expenditure
	3	(6) The Committee shall not approve expenditure from the Protection
	4	Fund for purposes other than those specified in section 40 of this Act.
Special report	5	42. A report of every exercise of the relevant agency's power under
	6	this Part shall be included in the annual report which the relevant agency is
	7	required to submit to the office of the Attorney-General of the Federation.
Estimate, accounts and audit	8	43. The Committee shall prepare estimates and cause proper books of
	9	accounts and other records to be kept in connection with the Protection Fund.
investment of money	10	44. The Committee may-
	11	(a) invest any money of the Protection Fund in such manner as the
	12	Committee may determine; and
	13	(b) vary and diversify investments as the Committee may also
	14	determine.
	15	PART VI - OFFENCES AND PENALTIES
Offences relating to disclosures concerning protected witness	16	45. A person who, without lawful excuse, discloses information-
	17	(a) about the identity or location of a person who is or has been a
	18	witness under the Programme; or
	19	(b) which compromises the security of that witness,
	20	commits an offence and is liable on conviction to a fine of at least N1,000,000
	21	or imprisonment for a term of at least five years or both.
Prohibition of false representation	22	46. A person who, without prior written approval of the relevant
	23	agency and in connection with an activity carried on by him, takes, assumes,
	24	uses or in any manner publishes a name, description, title or symbol which
	25	indicates or conveys or is likely to lead other persons to believe or infer that the
	26	activity is carried on behalf of the relevant agency, commits an offence and is
	27	liable on conviction to a fine of at least N1,000,000 or imprisonment for a term
	28	of at least five years or both.
Offences in connection with employee of the relevant agency	29	47. A person, who-
	30	(a) not being the head or an employee of the relevant agency, by

1 words, conduct or demeanour falsely represents himself to be the head or an
2 employee of the relevant agency,

3 (b) exercises or attempts to exercise undue influence over the head
4 or an employee of the relevant agency which is calculated to prevent the
5 head or employee from carrying out his duties or encouraging him to
6 perform an act which is in conflict with his duties, or

7 (c) is an accomplice to the commission of an act by which a lawful
8 order, directive or instruction given to an employee may be evaded,
9 commits an offence and is liable on conviction to a fine of at least N500,000
10 or imprisonment for a term not more than two years or both.

11 **48.** A person who assaults, resists or wilfully obstructs an
12 employee of the relevant agency or a person acting under the direction of
13 that employee in the due execution of his duties under this Act, commits an
14 offence and is liable on conviction for-

Obstruction of
employees of the
relevant agency

15 (a) a first offence, to a fine of at least N500,000 or imprisonment for
16 a term of not more than two years or both; and

17 (b) a second or subsequent offence, to imprisonment for a term of at
18 least five years.

19 **49.**-(1) The relevant agency may, by notice in the Federal
20 Government Gazette or in any other manner as it may be necessary in the
21 circumstance, prohibit or restrict access to land or premises under the
22 control of the relevant agency.

Prohibition of
access to premises
of the relevant
agency

23 (2) The relevant agency may-

24 (a) take or cause to be taken measures as it may consider necessary
25 for the security of, or the application of, a prohibition of or a restriction on
26 access to land or premises referred to in subsection (1); and

27 (b) in connection with measures taken, cause notices to be
28 published or warning notices to be erected as it may, in each particular case,
29 consider necessary.

30 (3) A person who enters upon or is on land or premises in

1 contravention of a prohibition or restriction under subsection (1), commits an
2 offence and is liable on conviction to a fine of at least N500,000 or
3 imprisonment for a term not more than 12 months or both.

Unauthorised
access to a witness

4 **50.** A person who-
5 (a) wilfully or negligently allows an unauthorised person to gain
6 access to a witness;
7 (b) wilfully or negligently discloses, in contravention of any
8 provision of this Act-
9 (i) the identity of any protected person,
10 (ii) information that a particular protected person is under protection,
11 (iii) the place of safety or location where any person is under
12 protection or has been relocated under this Act,
13 (iv) any information which could lead to the identification of any such
14 person or any such place of safety,
15 (v) any information which undermines or compromises or could
16 undermine or compromise the integrity of a witness protection arrangement
17 under this Act,
18 (vi) any information relating to the relocation or change of identity of
19 a protected person, or
20 (vi) contravenes any other provision of this Act,
21 commits an offence and is liable on conviction to a fine of at least N1,000,000
22 or imprisonment for a term of at least two years or both.

23 PART VII - MISCELLANEOUS PROVISIONS

Legal Proceedings

24 **51.**-(1) No civil action shall be commenced against the Relevant
25 agency or its authorised officers before the expiration of a period of thirty days
26 after written notice of intention to commence the suit shall have been served on
27 the Relevant agency by the intending plaintiff or his agent, and the notice shall
28 clearly and explicitly state the-
29 (a) cause of action;
30 (b) particulars of the claim;

1 (c) name and place of abode of the intending plaintiff; and

2 (d) relief sought.

3 (2) The notice referred to in subsection (1) and any summons, or
4 other documents required or authorised to be served on the Relevant agency
5 under this Act or any other enactment or law, may be served by-

6 (a) delivering it to the office of the relevant agency; or

7 (b) sending it by registered mail to the postal address of the relevant
8 agency.

9 **52.** Except as otherwise provided by an order of the Court, a person
10 who acquires knowledge or information as a result of association or
11 connection, duty or service with the Programme or the relevant agency shall
12 not be compelled, in proceedings in a court, tribunal or commission of
13 inquiry, to-

Non-compellability
of witness

14 (a) produce any document; or

15 (b) divulge or communicate a matter or a thing, related to the
16 exercise of functions under this Act or the protection of witnesses included
17 in the Programme.

18 **53.** In any action or suit against the relevant agency, no execution
19 shall be levied or attachment process issued against the relevant agency
20 unless not less than three months' notice of the intention to execute or attach
21 has been given to the relevant agency.

Restriction on
execution against
property of the
relevant agency

22 **54.** The head, officer or employee of the relevant agency shall be
23 indemnified out of the Fund of the relevant agency against any proceedings
24 brought against him in his capacity as a member of the head, officer or
25 employee of the relevant agency where the act complained of is not ultra
26 vires his powers.

Indemnity of officers
of the relevant
agency

27 **55.** The protection given by this Act is in addition to, and does not
28 derogate from, any privilege, protection, or immunity existing apart from
29 this Act under any law passed by the National Assembly.

Other laws not
excluded

Review of the operations of this Act	1	56. -(1) The Attorney-General shall carry out a review of the operation
	2	of this Act five years after the commencement of this Act, and shall, for
	3	purposes of the review, have regard to-
	4	(a) the attainment of the purposes of this Act;
	5	(b) the administration of this Act; and
	6	(c) such other matters as appear to him to be relevant.
	7	(2) The Attorney-General shall prepare and submit to the President, a
	8	report based on the review made under subsection (1).
Power to make regulations	9	57. The relevant agency may, with the approval of the Attorney-
	10	General, make regulations for or with respect to any matter necessary or
	11	expedient to be prescribed for carrying out or giving effect to this Act.
Role of the Attorney-General	12	58. The Attorney-General shall not later than three months after the
	13	coming into force of this Act, take such steps as are necessary to bring into
	14	being the institutional structures of the relevant agency under the provisions of
	15	this Act.
Interpretation	16	59. In this Act-
	17	"Attorney-General" means the Attorney-General of the Federation and
	18	Minister of Justice;
	19	"branch office" includes regional, state, or local offices;
	20	"Child" means child as defined in the Child Rights Act, No. 26 Laws of the
	21	Federation of Nigeria;
	22	"complaint" includes an allegation, application, charge, motion, objection,
	23	petition, report, request or summons;
	24	"court" means the Federal High Court, the High Court of a State or the High
	25	Court of the Federal Capital, Abuja or any other court or tribunal having
	26	jurisdiction;
	27	"court proceedings" include any proceeding in a court or tribunal;
	28	"employee" includes a public officer and a worker of a public sector contractor;
	29	"employer" includes the Government of the Federation and a public sector
	30	contractor;

1 "environment" has the meaning given to it in the Environmental Impact
2 Assessment Act, Cap. E121, Laws of the Federation of Nigeria, 2004;
3 "head" means the head of the relevant agency under this Act;
4 "family" means a spouse, child, adopted child, step child, grandchild,
5 parent, grandparent, niece, nephew, aunt, uncle or any other relative or
6 person with whom the witness maintains a close family relationship;
7 "Government" means the Federal Government of Nigeria;
8 "Legislative House" means the Senate or the House of Representatives;
9 "participant" means a witness who is included in the Programme;
10 "proceedings" means any procedure conducted by or under supervision of
11 the Judge or judicial officer, however described in relation to any alleged or
12 proven offence, or any property derived from an offence, and include an
13 inquiry, investigation, or preliminary or final determination of facts;
14 "Programme" means the Witness Protection Programme established and
15 maintained under Part II of this Act;
16 "property derived from an offence" means any property derived or realised
17 directly or indirectly from an offence and includes-
18 (a) on a proportional basis, property into which any property
19 derived or realised directly from the offence was later successfully
20 converted, transformed or intermediate; and
21 (b) income, capital or other economic gains derived or realized
22 from the property at any time since the commission of the offence;
23 "protected person" means a witness included in the Programme;
24 "public authority" means-
25 (a) a Ministry, a department, extra Ministerial Department or any
26 public office or institution;
27 (b) a Legislative House or the Judiciary;
28 (c) a prescribed person; or
29 (d) any other body that is established for a public purpose under a
30 written law;

- 1 "public officer" means an officer in the service of the Federation and includes -
- 2 (a) a Minister of the Government of the Federation;
- 3 (b) a member of a Legislative House;
- 4 (c) a judicial officer;
- 5 (d) a police officer;
- 6 (e) a person authorised under a written law to execute or serve any
- 7 process of a court or tribunal for remuneration;
- 8 (f) a member, officer, or employee of a public authority;
- 9 (g) the holder of-
- 10 (i) a public office that is established for a public purpose under a
- 11 written law, or
- 12 (ii) an office that is established by a Minister; and
- 13 (h) any other person holding public office under the Government of
- 14 the Federation;
- 15 "public sector contractor" means-
- 16 (a) a person who, other than as an employee, contracts with a public
- 17 authority to supply goods or services to or on behalf of the authority or the
- 18 Government of the Federation or as directed in accordance with the contract;
- 19 (b) a person who, other than as an employee, contracts with a public
- 20 authority or the Government of the Federation to perform a public function; or
- 21 (c) a subcontractor or employee of a person referred to in paragraph
- 22 (a) or (b) and each person who contracts with another person for the execution
- 23 of the whole or part of the requirements of a contract referred to in those
- 24 paragraphs; and
- 25 "register of births" means a register of births maintained under the Births and
- 26 Deaths Registration Act;
- 27 "register of deaths" means a register of deaths maintained under the Births and
- 28 Deaths Registration Act;
- 29 "register of marriages" means-
- 30 (a) a register maintained under any Act in which marriages are

1 registered or recorded; or

2 (b) an index, maintained under any Act, or certified copies of any
3 such registers;

4 "related person" means a person who because of a family or other
5 relationship with, or an association with, a Witness, may require protection
6 or other assistance under this Act;

7 "related services" means other services or assistance that may be provided to
8 a witness;

9 "relevant agency" means any agency which is vested with the powers of
10 investigation and arrest and for which a witness may be required to give
11 evidence in a proceeding in any court;

12 "witness" has the meaning ascribed to it under section 3 of this Act; and

13 "Witness Protection Officers" means any person designated by the relevant
14 agency for the purpose of witness protection.

15 **60.** This Bill may be cited as the Witness Protection and Citation
16 Management Bill, 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to ensure that effective and efficient administration of justice in criminal and related proceedings is not prejudiced by the unwillingness of witnesses to give evidence for fear of violence, serious injury, death or for such other reasons as may be prescribed by regulations made under this Bill.