

NIGERIA

Criminal Laws

The Anti-terrorism, Economic and Financial Crimes Act sets out to criminalize terrorism and is currently before the National Assembly. Until it is enacted, Nigeria does not have jurisdiction to deal with crimes committed by Nigerians outside the country, or foreigners within the country.

Prevention of Terrorism

The Nigerian Police, State Security Services (SSS), Immigration Department, and the Central Bank of Nigeria cooperate to gather intelligence and prevent crimes. Measures to monitor have been enhanced since the September 11 2001 attacks in the United States including tighter watch on financial transactions, supervision of border patrol, and heightened monitoring of suspected terrorists.

Nigerian Police work through its Intelligence Bureau to gather information on terrorist activity nationally and internationally. Activities include monitoring suspected terrorists through the Central Intelligence Bureau (CIB) and the Federal Intelligence Bureau (FIB) and sharing information with INTERPOL. Furthermore, the “Joint Intelligence Board” is a consortium of Nigerian government organizations that focus on “ways and means of curbing and preventing terrorism and terrorist activities in the country.”

Laws Pertaining To Biology

Nigeria’s National Agency for Food and Drug Administration Control (NAFDAC) ensures that the use of drugs and precursors remains within the medical and scientific communities by way of licensing, monitoring acquisition and disposal, reports, and physical inspections of establishments and records. Nigeria is also taking steps to better control the import of drugs and precursors through application of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

The National Biosafety Committee (“NBC”) has the authority to manage biotechnology activities. The NBC will establish subcommittees for specific divisions such as agriculture, health and industry. Members of the NBC will consist of scientist, relevant ministries/agencies, public and private community members. The responsibilities of the NBC include formulating policies and procedures on the national level as well as providing technical advice. The NBC will deal with bodies responsible for assessment and regulation of in-country research; assessment of the safety of import and export of biotechnology products and assessment of environmental effects of biotechnology products.

The Institutional Biosafety Committee (“IBC”) includes all Nigerian institutions, both public and private, that plan to undertake biotechnology research and/or development. The IBC must cooperate and act in response to the NBC. The responsibilities of the IBC is to establish guidelines of biotechnological research, assist principal investigators, appoint a bio-safety officer and assure prompt reports to the NBC of any significant problems. Responsibilities include consulting with the NBC and seeking the NBC approval, implement the recommendations of the NBC, establish a policy that provide for safe biotechnological research, review of applications, and creation and maintenance of a central reference file including safety equipment availability, host vector systems for biological containment and suitable training for personnel.

The Guidelines on Biosafety for Nigeria provide a general framework to ensure safe application of Genetically Modified Organisms in research, development and utilization. The Guidelines ensure public environmental safety and to prevent accidents as programs for biotechnology are developed.

Weapons Control and Weapons of Mass Destruction

The Fire Arms Act restricts ownership and importation of fire arms. Any person who acquires or imports weapons without Presidential or governmental authorization can be punished with life imprisonment. Legislation is in place to prevent the “illegal movement of nuclear chemicals and other materials used in the manufacture of weapons of mass destruction.”

Preventing the Financing of Terrorism and Money-Laundering, and Freezing Assets

The Central Bank of Nigeria (CBN) has directed “all commercial banks in the country to report any transaction of a sum over half a million naira (US \$5,000),” which the CBN then transmits to the National Economic Intelligence Committee (NEIC). This system is set up to monitor money sources and uses, track spending patterns and generally forestall terrorist activity. Anyone who cannot satisfactorily explain a transaction over a half million naira may be charged under the Exchange Control (Anti-Sabotage) Act, which carries a minimum penalty of five years in prison for individuals, and a fine of N 100,000 (US \$1000) for corporate enterprises. Legal persons can also be charged with “money laundering under the National Drug Law Enforcement Agency (NDLEA) Act”, which carries a penalty of ten years to life in prison, and forfeiture of assets.

If a bank fails to report transactions for amounts over a half million naira, it may carry a penalty of imprisonment, fines, or both. Corporations convicted of such an offense may be forced to forfeit its property and assets. The informal banking network (“Hamala”) is not subject to regulations, while registered “Unit Trust Schemes” are. Persons other than banks, like attorneys or accountants, are not required to report suspicious transactions.

The National Drug Law Enforcement Agency Act, the Foreign Exchange (Monitoring and Miscellaneous Provisions) Decree (previously the now repealed Exchange Control (Anti-Sabotage) Act) and the Money Laundering Act all authorize the freezing of assets. Freezing accounts may be administrative or judicial, coming from the Central Bank of Nigeria, or as the result of a judgment handed by an authorized court or tribunal. Assets can be frozen at the request of another government in cases where both governments share mutual legal treaties in cases of criminal or civil matters.

International Cooperation

Nigeria engages in information exchange with other states. The exchange of operational information has been amplified by the alignment of the Nigerian branch of INTERPOL and other states, and through the functioning of the Nigerian Intelligence Agency. Regional and sub-regional organizations are increasingly important, such as the International Chiefs of Police Association (ICPA). Nigeria has also entered into bilateral agreements for legal assistance in criminal matters and extradition. Offenses that are listed as terrorist acts in the relevant international conventions are extraditable offenses in Nigeria.

BIBLIOGRAPHY OF NIGERIAN LEGISLATION

The Law and Internal Cooperation

1. National Drug Law Enforcement Agency (NDLEA) Act
2. Money Laundering Act
3. Draft Anti-Terrorism, Economic and Financial Crimes Act
4. Manufacture of Spirits Regulation (Excise Control of Distillation) Act

Laws Pertaining To Biology

1. Guidelines for Biosafety for Nigeria
2. Decree No. 10 on Food, Quality and Safety Regulations

Weapons Control and Weapons of Mass Destruction

1. Public Order Act (1990), Section 6
2. Criminal Code (1990), Sections 62-88
3. Firearms Act, Schedule, Part 1; Sections 18-22, 28
4. Explosive Act, Section 13
5. Decree No. 10 on Food, Quality and Safety Regulations
6. Guidelines for Biosafety for Nigeria

Preventing the Financing of Terrorism and Money-Laundering, and Freezing Assets

1. Exchange Control (Anti-Sabotage) Act (repealed) by Foreign Exchange (Monitoring and Miscellaneous Provisions) Decree No. 17 (1995)
2. Decree No. 24, Central Bank of Nigeria Decree (1991), Section 28
3. National Drug Law Enforcement Agency (NDLEA) Act (1990), Sections 3, 4, 18-25
4. Decree No. 3, Money Laundering Act (1995), Section 17
5. Draft Anti-Terrorism, Economic and Financial Crimes Act
6. Banks and other Financial Institutions Act No. 25 (1991), Section 30

International Cooperation

1. Extradition Act, Sections 1, 4-14
2. National Drug Law Enforcement Agency (NDLEA) Act, Section 35

Secondary Materials

- <http://www.allafrica.com>