

ANTI-JUNGLE JUSTICE AND OTHER RELATED OFFENCES BILL, 2015

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A BILL

FOR

AN ACT FOR THE PROHIBITION AND PROTECTION OF PERSONS FROM
LYNCHING, MOB ACTION AND EXTRAJUDICIAL EXECUTIONS AND OTHER
RELATED OFFENCES IN NIGERIA

Sponsored by Senator Dino Melaye

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 1. The word "*lynching*" when used in this Act, shall mean an
2 assemblage composed of three or more persons acting in concert for the
3 purpose of depriving any person of his life without authority of law as a
4 punishment for or to prevent the commission of some actual or supposed
5 public offense.

6 2. The phrase "*mob action*" when used in this Act, shall mean an
7 assemblage composed of three or more persons acting in concert for the
8 purpose of causing severe bodily harm capable of depriving any person of
9 his life without authority of law as a punishment for or to prevent the
10 commission of some actual or supposed public offense.

11 3. The phrase "*riotous assemblage*" when used in this Act, shall
12 mean an assemblage composed of three or more persons acting in concert
13 for the purpose of disturbing the peace, destruction of private and public
14 property and causing severe bodily harm capable of depriving any person of
15 his life without authority of law.

16 4. The phrase "*extrajudicial execution*" when used in this Act,
17 shall mean any physical act or act of
18 omission, through torture or otherwise, carried out by a Security officer of
19 the Federal Republic of Nigeria for the purpose of depriving any person of
20 his life without authority of law.

1 5. The phrase "*security officer*" when used in this Act, shall mean any
2 officer of the Nigerian Police Force, Armed Forces of the Federal Republic of
3 Nigeria, Department of State Security Services, the Nigerian Civil Defence,
4 and any other officer of a Paramilitary Organization established under an Act of
5 the National Assembly of the Federal Republic of Nigeria.

6 6. The phrase "*court of competent jurisdiction*" when used in this Act,
7 shall mean a Magistrate or High Court within the Judicial Division where an
8 offence of lynching or unlawful killing by mob action or riotous assemblage or
9 summary execution occurs.

10 7. The word "*offence*" when used in this Act, shall mean an act or
11 omission which renders the person doing the act or making the omission liable
12 to punishment under this Act.

13 8. The word "*felony*" when used in this Act shall mean any offence
14 which is declared by Law to be a felony, or is punishable, without proof of
15 previous conviction, with death or with imprisonment for three years or more.

16 9. That it shall be a criminal offence for any person to be deprived of
17 his life through lynching by a crowd, mob action or riotous assemblage.

18 10. That it shall be a criminal offence for any security officer of the
19 Nigeria Police Force, Armed Forces of the Federal Republic of Nigeria or any
20 other paramilitary organization to summarily execute, deprive any person of
21 his life or engage in the extrajudicial execution of any person within the Federal
22 Republic of Nigeria without authority of law.

23 11. That every State or Local Government shall take seriously the
24 protection of lives of every person, citizen and non-citizen, present within the
25 jurisdiction of that State or Local Government and shall do all that is necessary
26 within the powers of the State or Local Government to prevent the loss of live
27 of such persons, citizens or non-citizens as a result of lynching, mob action,
28 riotous assemblage or summary executions.

29 12. That if any State or Local Government thereof, fails, neglects, or
30 refuses to provide and maintain protection to the life of any person within its

1 jurisdiction against a mob or riotous assemblage, such State or Local
2 Government shall by reason of such failure, neglect, or refusal be deemed to
3 have denied to such person the equal protection of the Laws of the State, and
4 to the end such protection as is guaranteed to the citizens of the Federal
5 Republic of Nigeria by its Constitution.

6 **13.-(a)**That the Attorney General of any State where an unlawful
7 killing by lynching or mob action and or extrajudicial killing by security
8 officers within the State has occurred shall be empowered to commission
9 criminal investigation and prosecution of persons alleged to be parties to
10 such unlawful killing or lynching.

11 (b) In the case of an unlawful killing by lynching or mob action or
12 extrajudicial killing by security officers within the Federal Capital Territory,
13 Abuja, the Attorney General of the Federation shall be empowered to
14 commission criminal investigation and prosecution of persons alleged to be
15 parties to such unlawful killing or lynching.

16 **14.** That any person or persons who is or are identified as the
17 primary agitator for a lynching, mob action or riotous assemblage which
18 results in the unlawful killing of a person, citizen or non-citizen of the
19 Federal Republic of Nigeria shall be held liable for a felony of such unlawful
20 killing.

21 **15.** That any person or persons found guilty by a court of competent
22 jurisdiction as the primary agitator in the unlawful killing of a person,
23 citizen or non-citizen through lynching, mob action or riotous assemblage
24 shall upon prosecution be punished by imprisonment for life or not less than
25 twenty-five years in prison.

26 **16.-(a)**That any security officer charged with the duty or who
27 possesses the power or authority as such officer to protect the life of any
28 person that may be put to death or lynched by any mob or riotous
29 assemblage, but fails, neglects, or refuses to make all reasonable efforts to
30 prevent such person from being so lynched or put to death, shall be guilty of

1 a felony, and upon conviction thereof shall be punished by imprisonment not
2 exceeding five years or by a fine not exceeding ₦500,00.00, or by both such
3 fine and imprisonment.

4 (b) That any security officer charged with the duty or who possesses
5 the power or authority as such officer to protect the life of any person in his
6 charge as a prisoner, that may be put to death or lynched by any mob or riotous
7 assemblage, who fails, neglects, or refuses to make all reasonable efforts to
8 prevent such person or prisoner from being so put to death, shall be guilty of a
9 felony, and upon conviction thereof shall be punished by imprisonment not
10 exceeding five years or by a fine not exceeding ₦500,00.00, or by both such
11 fine and imprisonment.

12 (c) Any security officer charged with the duty of apprehending or
13 prosecuting any person participating in such mob or riotous assemblage who
14 fails, neglects, or refuses to make all reasonable efforts to perform his duty in
15 apprehending or prosecuting such persons under the provisions of this Act and
16 or under the provisions of the Criminal Laws of the Federal Republic of
17 Nigeria, shall be guilty of a felony, and upon conviction thereof shall be
18 punished by imprisonment not exceeding five years or by a fine not exceeding
19 ₦500,00.00, or by both such fine and imprisonment.

20 17.- (a) The Magistrate or High Court of the judicial division wherein
21 a person is put to death by a mob or riotous assemblage shall have jurisdiction
22 to try and punish those who participate therein, in accordance with this Act or
23 any other Act of the National Assembly or Laws of the State where the unlawful
24 killing is committed.

25 (b) Provided, that in the case of security officers charged in the
26 indictment, that by reason of the failure, neglect, or refusal of the security
27 officer or officers charged with the duty of protecting lives and prosecuting
28 such offence under the provisions of this Act or any Act of the National
29 Assembly or Laws of the State, to proceed with due diligence to apprehend and
30 prosecute such participants, the State is deemed to have denied to its citizens

1 the equal protection of the laws.

2 (c) The Magistrate or High Court of the judicial division wherein a
3 person is summarily executed or put to death by a security officer acting
4 alone or in collusion with others shall have jurisdiction to try and punish
5 those who participate therein, in accordance with this Act or any other Act of
6 the National Assembly or Laws of the State where the unlawful killing is
7 committed.

8 **18.** It shall not be necessary that the jurisdictional allegations
9 herein required shall be proven beyond a reasonable doubt, and it shall be
10 sufficient if such allegations are sustained by a preponderance of evidence.

11 **19.- (a)** That any State in which a person is put to death by a mob or
12 riotous assemblage shall, if it is alleged and proven that the security officers
13 in the State charged with the duty of protecting lives and prosecuting
14 criminally such offense under the provisions of this Act or any Act of the
15 National Assembly or Laws of the State, had failed, neglected, or refused to
16 proceed with due diligence to apprehend and prosecute the participants in
17 the mob or riotous assemblage, shall forfeit a compensation in the minimum
18 sum of ₦500,00.00, which may be recovered by a civil action by the
19 personal representatives of the person put to death against any such State.

20 (b) Such action shall be brought and prosecuted against the State in the
21 Supreme Court of Nigeria.

22 **20.** Where such compensation is not paid upon recovery of a
23 judgment thereof, such court shall have jurisdiction to enforce payment
24 thereof by levy of execution upon any property of the State, or may compel
25 the levy and collection of a tax, thereof, or may otherwise compel payment
26 thereof by mandamus or other appropriate process; and any officer of such
27 State or other person who disobeys or fails to comply with any lawful order
28 of the court shall be liable to punishment for contempt and to any other
29 penalty provided by Law thereof.

30 **21.** That in the event that any person so put to death shall have been

1 transported by such mob or riotous assemblage from one State to another State
2 during the time intervening between his capture and putting to death, the State
3 in which he is seized and the State in which he is put to death shall be jointly and
4 severally liable to pay the compensation herein provided.

5 **22.** That extrajudicial killing of any person, suspects or prisoners by
6 security officers shall be a felony;

7 (a) Any security officer acting as such officer under the authority of an
8 Act of the National Assembly, having in his custody or control a suspect, who
9 shall conspire, combine, or confederate with any person to summarily execute
10 or put such suspect to death without authority of law as a punishment for some
11 alleged public offense shall be guilty of a felony.

12 (b) Any security officer having in his custody or control a suspect,
13 who shall conspire, combine, or confederate with any person to suffer such
14 suspect to be taken or obtained from his custody or control for the purpose of
15 being summarily executed or put to death without authority of law as a
16 punishment for an alleged public offense, shall be guilty of a capital offence,
17 and those who so conspire, combine, or confederate with such officer shall
18 likewise be guilty of a felony.

19 **23.** That any security officer alleged to have carried out extrajudicial
20 killing of a suspect and who is found guilty of the allegation of extrajudicial
21 killing, shall upon conviction by a court of competent jurisdiction be sentenced
22 to death.

23 **24.** That any senior security officer who is alleged to have failed or
24 willingly refused to exercise his authority to prevent the ill-treatment and
25 extrajudicial killing of a suspect of any crime shall upon investigation be guilty
26 of a felony and upon conviction by a court of competent jurisdiction, be
27 dismissed from service and sentenced to imprisonment for 15 years.

28 **25.** That any security organization in which a person is summarily
29 executed or put to death by its officers, and if it is alleged and proven that the
30 security officers are responsible for the unlawful killing of such person, shall

1 forfeit a compensation in the minimum sum of ₦10,000,000.00, which may
2 be recovered by a civil action by the personal representatives of the person
3 so summarily killed or put to death.

4 (b) Such civil action shall be brought and prosecuted by the
5 personal representatives of the person summarily executed or put to death in
6 any High Court of Nigeria having jurisdiction therein.

7 **26.-(a)** That any security organization in which a person is
8 summarily executed or put to death by its officers shall be responsible for the
9 cost of autopsy of such death of persons in its custody;

10 (b) A sealed copy of the official autopsy result shall be presented to
11 the personal representatives or family of the deceased person.

12 **27. -(a)** Any person or persons who is in police detention or custody
13 and suffers from bullet wounds or any wound sustained during arrest shall
14 be given immediate medical treatment in the nearest general hospital within
15 the vicinity of the police station or area where the injury was sustained;

16 (b) Any security officer who denies access to immediate medical
17 treatment to be given to a person or persons suffering from bullet wounds or
18 any wound sustained during arrest in his/her custody shall be guilty of a
19 felony.

20 **28.** Any security officer who is alleged to have denied access to
21 immediate medical treatment of a victim of bullet wounds or any wound
22 sustained during arrest under Section 27 of this Act, resulting in the death of
23 such victim or victims, upon conviction shall be punished by imprisonment
24 for life or not less than twenty-five years in prison.

25 **29. -(a)** It shall be unlawful for any hospital or medical personnel to
26 reject or refuse medical treatment to any person or persons suffering from
27 bullet wound.

28 (b) It shall be unlawful for any medical personnel to demand for a
29 police report from a victim or victims of bullet wound as a condition before
30 treatment in any part of the Federal Republic of Nigeria.

1 (c) Any medical personnel who refuses, rejects or demands for a
2 police report as a condition before treatment of a victim of bullet wound shall
3 be guilty of a felony and where such victim dies as a result of any delay of
4 medical attention due to such refusal, rejection or demand for police report
5 before treatment, the medical personnel involved shall be guilty of criminal
6 negligence and punished by imprisonment for life or not less than twenty-five
7 years in prison.

8 (d) Any hospital which refuses, rejects or demands for a police report
9 as a condition before treatment of a victim or victims of bullet wounds, upon
10 investigation and indictment in a report by the Nigerian Police Force and, or the
11 Nigerian Medical Association, shall be liable to a fine of N10,000,000.00 to the
12 victim and, or the personal representatives of the victim where the victim
13 dies from the bullet wounds.

14 30. Notwithstanding the provisions of section 29 (d), a report by
15 either the Nigerian Police Force or the Nigerian Medical Association shall
16 suffice to warrant liability.

17 31.-(a) That any victim of bullet wound who suffers discrimination or
18 denial of medical treatment under Sections 27 and 29 of this Act, may petition
19 the Attorney General of the State in writing, seeking criminal prosecution
20 against such security officer, hospital or medical personnel.

21 32. -(a) Where any such petition is received by the Attorney-General
22 of the State from a victim of bullet wound, or from his/her personal
23 representatives, the Attorney-General shall order criminal investigation into
24 the matter;

25 (b) Where a prima facie case is established under section 29 of this
26 Act, the Attorney-General of the State, or the Attorney-General of the
27 Federation in the case of occurrence in the Federal Capital Territory, shall
28 commence criminal action against the security officer, hospital or medical
29 personnel.

30 33. This law may be cited as Anti-Jungle Justice and Other Related
Offences Bill, 2015.