



## SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 28th September, 2017

1. The Senate met at 10:51 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**  
The Senate examined the Votes and Proceedings of Wednesday, 27th September, 2017.

*Question was put and the Votes and Proceedings were approved.*

3. **Announcements:**

(a) **Meeting:**

The Senate President read a letter from Senator Ike Ekweremadu (*Enugu West*) as follows:

**FEDERAL REPUBLIC OF NIGERIA  
NATIONAL ASSEMBLY  
SENATE  
COMMITTEE ON NIGERIA-MOROCCO  
PARLIAMENTARY FRIENDSHIP GROUP**

NASS/S/SCNMPFG/03/021

27<sup>th</sup> September, 2017

*Senate President,  
Federal Republic of Nigeria,  
National Assembly Complex,  
Abuja.*

*Your Excellency,*

**LETTER OF NOTIFICATION OF MEETING**

*There will be a meeting of Nigeria-Morocco Parliamentary Friendship Group scheduled to hold as follows:*

*Date: Thursday, 28<sup>th</sup> September, 2017*

*Venue: Senate Meeting Room 416 Senate New Building National Assembly Complex Abuja.*

Time: 2.00 pm

*Members of the Group are:*

- (a) Senator Abdullahi Adamu
- (b) Senator Philip T. Aduda
- (c) Senator Bukar Abba Ibrahim
- (d) Senator Gershom o. Bassey
- (e) Senator Olarenwaju A. Tejuoso
- (f) Senator Francis A. Alimikhena
- (g) Senator Sabo M. Mohammed
- (h) Senator Dino Melaye

*Accept the assurances of my highest regard.*

*(Signed)*

*Senator Ike Ekweremadu*

*Deputy Senate President/Chairman*

**(b) Composition of Committee Membership of Local Content:**

The Senate President announced the composition of Committee Membership of Local Content as follows:

- |    |                           |        |
|----|---------------------------|--------|
| 1. | Sen. Donald O. Alasoadura | Member |
| 2. | Sen. Kabiru G. Marafa     | Member |
| 3. | Sen. Mallam A. Wakili     | Member |
| 4. | Sen. Abdullahi A. Sabi    | Member |
| 5. | Sen. Joseph O. Ogba       | Member |
| 6. | Sen. Andrew I. Uchendu    | Member |
| 7. | Sen. Binta Masi Garba     | Member |
| 8. | Sen. Biodun C. Olujimi    | Member |
| 9. | Sen. Baba Kaka Garbai     | Member |

**(c) Acknowledgment:**

The Senate President acknowledged the presence of the following who were in the gallery to observe Senate Proceedings:

- (i) Members of National Youth Corper's Forum, Uyo, Akwa Ibom State; and
- (ii) Members of Students Union Government, Imo State University, Owerri, Imo State.

**4. Petitions:**

- (i) Rising on Rule 41, Senator Attai A. Aidoko (*Kogi East*) drew the attention of the Senate to a petition from his constituent, Elder Friday Sani, against Kogi State House of Assembly, over his unlawful suspension. He urged the Senate to look into the matter.

*Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.*

- (ii) Rising on Rule 41, Senator Danjuma Laah (*Kaduna South*) drew the attention of the Senate to a petition from Okere K. Nnamdi, against National Security Adviser (NSA), over unlawful stoppage of his personal emolument. He urged the Senate to look into the matter.

*Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.*

**5. Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Ike Ekweremadu (*Enugu West*) drew the attention of the Senate to the 57<sup>th</sup> Independence Anniversary of Nigeria. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate notes that on Sunday, 1<sup>st</sup> October, 2017, Nigeria will mark her 57<sup>th</sup> Independence Anniversary having attained Independence from Britain on October 1, 1960;

*appreciates* that from 29<sup>th</sup> May, 1999 till date, Nigeria at 57 has had the longest reign of democratic government in her political history;

*aware* that while we may have had our challenges as a nation, we are moving forward as one nation indivisible in character and aspiration;

*agree* that while we have come this far, our vision of the future must be kept bright with hard work and dedication;

*urges* Nigerians to continue to demonstrate commitment to our unity and oneness as a nation of free citizens; and

*acknowledges* the progress recorded in the education sector with over 200 universities in the year 2017 as against only one at the time of attaining independence.

*Accordingly resolves to:*

congratulate Nigeria and Nigerians on the 57<sup>th</sup> Independence Celebration and call for unity of the country for the good of the citizens and development of the country.

*Debate:*

***Proposed Resolution:***

*Question:* That the Senate do congratulate Nigeria and Nigerians on the 57<sup>th</sup> Independence Celebration and call for unity of the country for the good of the citizens and development of the country — *Agreed to.*

*Resolved:*

That the Senate do congratulate Nigeria and Nigerians on the 57<sup>th</sup> Independence Celebration and call for unity of the country for the good of the citizens and development of the country (S/Res/035/03/17).

**6. Motion:**

***Recession of Senate Resolution (S/Res/033/03/17).***

That the Senate do recede its Resolution of Tuesday, 26<sup>th</sup> September, 2017 on the invitation of the Hon. Ministers of Finance; and Budget and National Planning to appear before the Senate in Plenary; and

That the Hon. Ministers are now to appear before the Committees on Appropriations; and Finance on Tuesday, 3<sup>rd</sup> October, 2017 [Rules 53(6) and 52].

*Question put and agreed to.*

*Resolved:*

That the Senate do recede its Resolution of Tuesday, 26<sup>th</sup> September, 2017 on the invitation of the Hon. Ministers of Finance; and Budget and National Planning to appear before the Senate in Plenary; and

That the Hon. Ministers are now to appear before the Committees on Appropriations; and Finance on Tuesday, 3<sup>rd</sup> October, 2017 [Rules 53(6) and 52] (S/Res/036/03/17).

**7. Committee on Trade and Investment:**

***Report on the Counterfeit Goods Bill, 2017 (SB.117):***

*Motion made:* That the Senate do consider the Report of the Committee on Trade and Investment on the Counterfeit Goods Bill, 2017 (Senator Fatimat O. Raji-Rasaki — Ekiti Central).

*Question put and agreed to.*

*Report presented.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO INTRODUCE MEASURES AGAINST THE TRADE IN COUNTERFEIT GOODS TO FURTHER PROTECT OWNERS OF TRADEMARKS AND COPYRIGHT AGAINST THE UNLAWFUL APPLICATION, IN RELATION TO GOODS, OF THE SUBJECT MATTER OF THEIR RESPECTIVE INTELLECTUAL PROPERTY RIGHTS AND THE RELEASE OF GOODS OF THAT NATURE INTO THE CHANNELS OF COMMERCE; AND FOR RELATED MATTERS, 2017.

*Debate:*

*Consideration of report deferred for further Legislative Action by the Directorate of Legal Services.*

Chairman to report progress.

**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Trade and Investment on the Counterfeit Goods Bill, 2017 and deferred consideration of report for further Legislative Action by the Directorate of Legal Services:

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

**8. Committee on Judiciary, Human Rights and Legal Matters:**

***Report on the Abduction, Wrongful Restraints and Wrongful Confinement for Ransom Bill, 2017 (SB. 118):***

*Motion made:* That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Abduction, Wrongful Restraint and Wrongful Confinement for Ransom Bill, 2017 (Senator Chukwuka G. Utazi — Enugu North).

*Question put and agreed to.*

*Report presented.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT TO PROVIDE FOR THE PUNISHMENT OF THE OFFENCES OF ABDUCTION, WRONGFUL RESTRAINT OR WRONGFUL CONFINEMENT FOR RANSOM AND FOR RELATED OFFENCES, 2017.

**Clause 1: Abduction, Wrongful Restraint or Wrongful Confinement for Ransom:**

- (1) Where a person, with intent to hold any person for ransom, abducts or wrongfully restrains or wrongfully confines such person, the offender shall be guilty of an offence and shall be liable on conviction to life imprisonment without option of fine.

- (2) Where the offence in subsection (1) of this section, resulted in serious injury to the abducted victim, the offender shall be punished on conviction to life imprisonment without option of fine.

**Amendment Proposed:**

Immediately after the word "victim" in line 2, *insert* the words "or any other person" (*Senator Godswill O. Akpabio — Akwa Ibom North-West*).

*Question that the amendment be made, put and agreed to.*

- (3) whoever is guilty of the offence in subsection (1) of this section, which resulted in the death of the victim, shall be liable on conviction to be sentenced to death.

**Amendment Proposed:**

Immediately after the word "victim" in line 2, *insert* the words "any other person" (*Senator Godswill O. Akpabio — Akwa Ibom North-West*).

*Question that the amendment be made, put and agreed to.*

- (4) Whoever conspires, aids or abets to commit the offence in this section, is guilty of an offence and shall be liable on conviction to:—

**Amendment Proposed:**

Immediately after the word "abets" in line 1, *insert* the words "the commission of any" (*Senator Bala Ibn Na'Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

- (i) life imprisonment; and
- (ii) death sentence, where the offence results in the death of the victim  
(*Senator Chukwuka G. Utazi — Enugu North*).

*Question that Clause 1 as amended do stand part of the Bill, put and agreed to.*

**Clause 2: Penalty for Receiving or in possession of Ransom:**

Whoever knowingly and unlawfully receives or has possession of or disposes of any money or property or any proceeds thereof, which has at any time been delivered as ransom in connection with any offence punishable under section 1 of this Act, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of 30 years without option of fine (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

Immediately after the word "Whoever" in line 1, *leave out* the word "knowingly" and *insert* the word "intentionally" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 2 as amended do stand part of the Bill, put and agreed to.*

**Clause 3: Collusion for Payment of Ransom:**

Whoever knowingly negotiates or assists in any negotiation to obtain for the abductor, any ransom for the release of any person, who has been wrongfully restrained or wrongfully confined, shall be guilty of an offence and shall be punished on conviction with imprisonment for a term of 30 years without option of fine (Senator Chukwuka G. Utazi — Enugu North).

**Amendment Proposed:**

Leave out the provision in Clause 3 and insert the following instead thereof:

“Whoever colludes with the abductor to receive any ransom for the release of any person, who has been wrongfully restrained or wrongfully confined, shall be guilty of an offence and shall be punished on conviction with imprisonment for a term of 30 years without option of fine” (Senator Ike Ekweremadu — Enugu West).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 3 as amended do stand part of the Bill, put and agreed to.*

**Clause 4: Inspector General Powers to Order Inspection of Books, Accounts, Receipts, Vouchers or Other Documents**

- (1) The Inspector-General may, if he considers that there exist any evidence of the commission of an offence under this Act or a conspiracy to commit, or an attempt to commit, or an abetment of such offence by a person is likely to be found in any book, account, receipts, vouchers or other documents in respect of payment of money or the delivery of property relating to such person, the spouse or child of such person or to a person reasonably believed by the Inspector-General to be a trustee or agent for such person or the spouse or child of that person, by an order authorize any Police Officer to inspect any such book, account, receipts, vouchers or other documents and a Police Officer so authorized may, at any reasonable time, enter any premises specified in such order and inspect any such book, account, receipts, vouchers or other documents and may take copies thereof of any relevant part thereof.
- (2) Any person who fails to produce any such book, account, receipts, vouchers or other documents which is in his possession or control shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100,000.00 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

**Committee's Recommendation:**

That the provision in Clause 4 be retained (Senator Chukwuka G. Utazi — Enugu North) — Agreed to.

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Investigation:**

- (1) If in the course of any investigation into or related to any offence by any person under this Act the Inspector General may by order:—
  - (a) require any such person to furnish a statutory declaration enumerating all movable or immovable property belonging to or possessed by such person and by the spouse and children of such person, and specifying the date on which each of the property enumerated was acquired and whether it was acquired by way of purchase, gift, bequest, inheritance or otherwise;

- (b) require any such person to furnish a statutory declaration of any money or other property paid or disposed of by him during such period as may be specified in the order;
  - (c) require any other person to furnish a statutory declaration enumerating all movable or immovable property belonging to or possessed by such person where the Inspector-General has reasonable grounds to believe that such information may be relevant to the investigation or proceedings;
  - (d) require the person in charge of any department, office or establishment of Government or the President, Chairman, Manager or Chief Executive officer of any Public Body to produce any document or a certified copy of any document, which is in his possession or under his control.
  - (e) Require the manager of any Bank to give copies of account records of such person or of the spouse or child of such person at the Bank.
- (2) Every person to whom an order is given by the Inspector-General under subsection (1) of this section shall, comply with terms of the order within such time as may be specified therein and any person who wilfully neglects or fails to comply, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100,000.00 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

***Committee's Recommendation:***

That the provision in Clause 5 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6: Duty to give information to the Police:**

Where any person who is aware of the commission of or the intention of any other person to commit an offence under this Act, without any reasonable cause, fails to give information to a police officer, shall be liable on conviction to a fine not less than ₦100,000.00 or to imprisonment for a term not less than one year or to both such fine and imprisonment.

***Committee's Recommendation:***

That the provision in Clause 6 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

**Clause 7: Power to intercept Communications:**

Where the Inspector-General may, if he considers any information relating to the payment of ransom for the release of a person who has been wrongfully restrained or wrongfully confined, may authorise any Police Officer:—

- (a) to intercept, detain and open any postal article in course of transmission by post;
  - (b) to intercept any message transmitted or received by any telecommunication;
- or

- (c) to intercept or listen to any conversation by telephone.

**Committee's Recommendation:**

That the provision in Clause 7 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 7 do stand part of the Bill, put and agreed to.*

**Clause 8: Evidence of Accomplice:**

No witness shall in any trial for any offence under this Act be presumed to be unworthy of credit by reason only that he has provided funds for the payment of any ransom to procure the release of any person who has been wrongfully restrained or wrongfully confined.

**Committee's Recommendation:**

That the provision in Clause 8 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9: Evidence of Pecuniary Resources or Property:**

- (1) In any trial or inquiry by a court into an offence under this Act or into a conspiracy to commit, or attempt to commit, or an abetment of any such offence, the fact that an accused person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he had, at or about the time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration.
- (2) An accused person shall, for the purpose of subsection (1) of this section, be deemed to be in possession of resources or property or to have obtained an accretion thereto where such resources or property are held or such accretion is obtained by any other person whom, having regard to his relationship to the accused or to any other circumstances, there is reason to believe that the person holding such resources or property or to have obtained it for such an accused person or as a gift from such accused person.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

**Clause 10: Protection of Informers:**

- (1) Except as here in after provided, no complaint as to an offence under this Act shall be admitted in evidence in any criminal proceeding whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer or state any matter which might lead to his discovery.
- (2) If any book, document or paper which is in evidence or liable to inspection in civil or criminal proceeding, contain any entry in which any informer is named or described or which might lead to his discovery, the court where the proceedings is held, shall cause all such passages to be concealed from view so far as is necessary to protect the informer from discovery.

- (3) If in a trial for any offence under this Act, the court, after full inquiry into the case, is of the opinion that the informer wilfully made in his complaint, a material statement which he knew or believed to be untrue, the court may require the production of the original complaint, if in writing, and permit inquiry that requires full disclosure concerning the identity of the informer.

**Committee's Recommendation:**

That the provision in Clause 10 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 10 do stand part of the Bill, put and agreed to.*

**Clause 11: Prosecution of offences:**

A prosecution under this Act shall not be instituted except by or with the consent of the Attorney-General:

Provided that a person charged with such offence may be arrested and any person so arrested may be remanded in custody or release on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

Leave out the provision in Clause 11 (*Senator Joshua M. Lidani — Gombe South*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 11 as amended do stand part of the Bill, put and agreed to.*

**Clause 12: Interpretations:**

In this Act —

"Abduction, wrongful restraint and wrongful confinement" means to keep somebody hostage for ransom.

*Question: That the words "Abduction, wrongful restrain and wrongful confinement" be as defined in the Interpretation to this Act, put and agreed to.*

"Attorney-General" means the Attorney-General of the Federation and Minister of Justice.

*Question: That the words "Attorney-General" be as defined in the Interpretation to this Act, put and agreed to.*

"Book" includes ledgers, daybook, carb books, account books and all other books and documents used in ordinary course of business of a bank.

*Question: That the word "Book" be as defined in the Interpretation to this Act, put and agreed to.*

"Bank" means any company carrying on the business of bankers in Nigeria.

*Question: That the word "Bank" be as defined in the Interpretation to this Act, put and agreed to.*

**Amendment Proposed:**

*Insert interpretation of the words "Inspector-General; means Inspector-General of Police" (Senator Matthew A. Urhoghide — Edo South).*

*Question that the amendment be made, put and agreed to.*

**Amendment Proposed:**

*Insert interpretation of the words "Ransom; means consideration paid by any person to secure release of a victim" (Senator Chukwuka G. Utazi — Enugu North).*

*Question that the amendment be made, put and agreed to.*

*Question that Clause 12 as amended do stand part of the Bill, put and agreed to.*

**Clause 13: Short Title**

This Bill may be cited as the Abduction, Wrongful Restraint and Confinement For Ransom Bill, 2017.

**Committee's Recommendation:**

That the provision in Clause 13 be retained (Senator Chukwuka G. Utazi — Enugu North) — *Agreed to.*

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Abduction, Wrongful Restraint and Wrongful Confinement for Ransom Bill, 2017 and approved as follows:

|               |   |                |
|---------------|---|----------------|
| Clauses 1- 3  | — | As Amended     |
| Clauses 4- 10 | — | As Recommended |
| Clause 11     | — | Deleted        |
| Clause 12     | — | As Amended     |
| Clause 13     | — | As Recommended |

*Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.*

*Motion made: That the Bill be now Read the Third Time (Senate Leader).*

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**9. Committee on Judiciary, Human Rights and Legal Matters:**

***Report on the Prohibition and Protection of Persons from Lynching, Mob Action and Extra Judicial Executions Bill, 2017 (SB. 109):***

*Motion made: That the Senate do consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Prohibition and protection of persons from Lynching or unlawful killings by Mob action or riotous Assemblage or Extrajudicial Killings in Nigeria and for Other Related Offences, 2017 (Senator Chukwuka G. Utazi — Enugu North).*

*Question put and agreed to.*

*Report presented.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

*Question put and agreed to.*

**(SENATE IN THE COMMITTEE OF THE WHOLE)**

CONSIDERATION OF A BILL FOR AN ACT FOR THE PROHIBITION AND PROTECTION OF PERSONS FROM LYNCHING OR UNLAWFUL KILLINGS BY MOB ACTION OR RIOTOUS ASSEMBLAGE OR EXTRAJUDICIAL KILLINGS IN NIGERIA AND FOR OTHER RELATED OFFENCES, 2017

**PART I — OFFENCES AND APPLICATION**

**Clause 1: Criminalisation of Lynching or Unlawful Killing by Mob action or Riotous Assemblage:**

It shall be a criminal offence to deprive any person of his life through lynching or unlawful killing by mob action or riotous assemblage.

**Committee's Recommendation:**

That the provision in Clause 1 be retained (Senator Chukwuka G. Utazi — Enugu North) — Agreed to.

*Question that Clause 1 do stand part of the Bill, put and agreed to.*

**Clause 2: Criminalisation of Extrajudicial Killings by Security Officers:**

It shall be a criminal offence for any security officer of the Nigeria Police Force, Armed Forces of the Federal Republic of Nigeria or any other paramilitary organisation to deprive any person of his life or engage in the extrajudicial killings of any person within the Federal Republic of Nigeria without authority of law (Senator Chukwuka G. Utazi — Enugu North).

**Amendment Proposed:**

Leave out all the words Immediately after the word “without” in line 4, and insert the word “lawful” instead thereof. Thereafter delete the words “of law” (Senator Bala Ibn Na'Allah — Kebbi South).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 2 as amended do stand part of the Bill, put and agreed to.*

**Clause 3: Role and Obligation of the State to Protection of Lives:**

A State or a Local Government shall be responsible for the protection of lives of every person within its jurisdiction and shall exercise such powers so as to prevent loss of lives of persons, through lynching or unlawful killings by mob action, riotous assemblage or by extrajudicial killings.

**Committee's Recommendation:**

That the provision in Clause 3 be retained (Senator Chukwuka G. Utazi — Enugu North) — Agreed to.

*Question that Clause 3 do stand part of the Bill, put and agreed to.*

**Clause 4: Liability of the State:**

Any State or Local Government thereof that fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage, such State or Local Government shall by reason of such failure, neglect, or refusal be said to have denied to such person the equal protection of the Laws of the State as guaranteed by the Constitution of the Federal Republic of Nigeria.

**Committee's Recommendation:**

That the provision in Clause 4 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

**Clause 5: Parties to Lynching or Unlawful Killing by Mob Action, Riotous Assemblage or Extrajudicial Killing:**

Any person or persons who is or are identified as the primary agitator for lynching or unlawful killings by mob action, riotous assemblage or by extrajudicial killings, which results in the death of a person, shall be held liable for an offence (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

Leave out all the words immediately after the word "person" in line 3, and insert the words "is said to have committed an offence" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 5 as amended do stand part of the Bill, put and agreed to.*

**PART II — PUNISHMENT****Clause 6: Punishment for Lynching or Unlawful Killing by Mob Action, Riotous Assemblage or by Extrajudicial Killing:**

- (1) Any person who is a primary agitator in the lynching or unlawful killing by mob action or riotous assemblage or extrajudicial killing, either as a party or parties to the unlawful acts, shall be guilty of an offence and liable upon conviction to death.
- (2) Where such unlawful act does not result in the death of a person, the party or parties shall upon conviction be liable to 15 years imprisonment.
- (3) The extrajudicial killing of any person, suspects or prisoners by: —
  - (a) any security officer acting under the authority of the law, having in his custody or control, a suspect, who conspires with any person to put such suspect to death without authority of law, as a punishment for some alleged offence, shall be guilty of an offence and upon conviction be sentenced to death; and
  - (b) any security officer having in his custody or control, a suspect, who aided and abetted with any person to suffer such suspect to be taken or obtained from his custody or control for the purpose of being killed or put to death without authority of law, as a punishment for an alleged public offence, shall be guilty of an offence, and those who so aided and abetted with such officer, shall likewise be guilty of an offence and upon conviction be sentenced to death.

**Committee's Recommendation:**

That the provision in Clause 6 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 6 do stand part of the Bill, put and agreed to.*

**PART III — UNLAWFUL KILLINGS****Clause 7: Criminal Liability in Lynching, Unlawful Killing by Mob Action, Riotous Assemblage or by Extrajudicial Killing:**

- (1) Any security officer charged with the duty or who possesses the power or authority to protect the life of any person or persons in his charge as a prisoner, may be put to death or lynched by any mob or riotous assemblage, but fails, neglects, or refuses to make all reasonable efforts to prevent such person from being so lynched or put to death, shall be guilty of an offence a felony, and upon conviction thereof shall be punished by imprisonment of not less than five years or by a fine of not less than ₦500,000.00 or by both such fine and imprisonment.

**Amendment Proposed:**

Leave out the figure "₦500,000.00" in line 8, and insert the figure "₦1,000,000.00" instead thereof (*Senator Barau I. Jibrin — Kano North*).

*Question that the amendment be made, put and agreed to.*

- (2) Any security officer charged with the duty of apprehending or prosecuting any person participating in lynching by mob action, riotous assemblage or extrajudicial killing who fails, neglects, refuses to make all reasonable efforts to perform his duty in apprehending or prosecuting such persons under the provisions of this Act and or under the provisions of any existing Laws of the Federal Republic of Nigeria, shall be guilty of a felonyan offence, and upon conviction thereof shall be punished by imprisonment of not less than five years or a fine of not less than ₦500,000:00, or to both such fine and imprisonment.

**Amendment Proposed:**

Leave out the figure "₦500,000.00" in line 8, and insert the figure "₦1,000,000.00" instead thereof (*Senator Barau I. Jibrin — Kano North*).

*Question that the amendment be made, put and agreed to.*

- (3) Any senior security officer who is alleged to have failed or willingly refused to exercise his authority to prevent the ill-treatment and extrajudicial killing of a suspect of any crime, shall be guilty of a an offence and upon conviction, be dismissed from service and sentenced to imprisonment for 15 years (*Senator Chukwuka G. Utazi — Enugu North*).

*Question that Clause 7 as amended do stand part of the Bill, put and agreed to.*

**Clause 8: Joint and Several Liability of States:**

In the event that any person so put to death shall have been transported by such mob or riotous assemblage from one State to another State during the time intervening between his capture and putting to death, the State in which he is seized and the State in which he is put to death shall be jointly and severally liable to pay compensation herein provided.

**Committee's Recommendation:**

That the provision in Clause 8 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 8 do stand part of the Bill, put and agreed to.*

**Clause 9: Compulsory Autopsy**

- (1) Any security organisation in which a person is put to death by its officers or dies in their custody, shall be responsible for the cost of autopsy of such dead persons in its custody.
- (2) A sealed copy of the official autopsy result shall be presented to the personal representatives or family of the deceased person.

**Committee's Recommendation:**

That the provision in Clause 9 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 9 do stand part of the Bill, put and agreed to.*

**PART IV — CRIMINAL LIABILITY****Clause 10: Financial Compensation**

- (1) Any State in which a person is put to death by a mob or riotous assemblage shall, if it is alleged and proven that the security officers in the State charged with the duty of protecting lives and prosecuting such offences under the provisions of this Act or any Act of the National Assembly or Laws of the State, had failed, neglected, or refused to proceed with due diligence to apprehend and prosecute the participants in the mob or riotous assemblage, shall pay compensation of not less than ₦1,000,000.00, which may be recovered in a civil action by the personal representatives of the person put to death against any such a State.

**Amendment Proposed:**

Leave out the figure "₦1,000,000.00" in line 7, and insert the figure "₦2,000,000.00" instead thereof (*Senator Dino Melaye — Kogi West*).

*Question that the amendment be made, put and agreed to.*

- (2) Any security organisation in which a person is killed or put to death by its officers, and it is proven that the security officers are responsible for the unlawful killing of such person, shall forfeit a compensation in the minimum sum of ₦10,000,000.00; which may be recovered by a civil action by the personal representatives of the person killed or put to death (*Senator Chukwuka G. Utazi — Enugu North*).

*Question that Clause 10 as amended do stand part of the Bill, put and agreed to.*

**Clause 11: Procedure for Failure to Compensate:**

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

***Committee's Recommendation:***

That the provision in Clause 11 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 11 do stand part of the Bill, put and agreed to.*

**PART V — JURISDICTION****Clause 12: Jurisdiction of Court**

- (a) The High Court of a State where a person is put to death by a mob or riotous assemblage or extrajudicial killing shall have jurisdiction to try and punish the offenders in accordance with this Act or any other Act of the National Assembly or Laws of the State where the unlawful killing is committed.
- (b) The High Court of a State shall have jurisdiction to try any security officer charged in the indictment, by reason of failure, neglect, or refusal of the security officer or officers charged with the duty of protecting lives and prosecuting such offence under the provisions of this Act to proceed with due diligence to apprehend and prosecute such participants and the State is said to have denied to its citizens the equal protection of the law.
- (c) The High Court of a State where a person is killed or put to death by a security officer acting alone or in collusion with others shall have jurisdiction to try and punish the offenders in accordance with this Act where the extrajudicial killing is committed.

***Committee's Recommendation:***

That the provision in Clause 12 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 12 do stand part of the Bill, put and agreed to.*

**PART VI — OTHER RELATED OFFENCES****Clause 13: Criminal Negligence, Denial of Access to Medical Treatment of Victims of Bullet Wounds:**

- (1) Any person or persons who is in police detention or custody and suffers from bullet wounds or any wound sustained during arrest, shall be given immediate medical treatment in the nearest general hospital within the vicinity of the police station or area where the injury was sustained.
- (2) Any security officer who denies access to immediate medical treatment to be given to a person or persons suffering from bullet wounds or any wound sustained during arrest in his/her custody, shall be guilty of an offence and shall upon conviction be sentenced to imprisonment for 7 years.

***Committee's Recommendation:***

That the provision in Clause 13 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — Agreed to.

*Question that Clause 13 do stand part of the Bill, put and agreed to.*

**Clause 14: Liability of Security Officers to Victims of Bullet Wounds:**

Any security officer who is alleged to have denied access to immediate medical treatment of a victim of bullet wounds or any wound sustained during arrest under Section 9 of this Act, resulting in the death of such victim or victims, upon conviction shall be punished with imprisonment for twenty-five years.

**Committee's Recommendation:**

That the provision in Clause 14 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — *Agreed to.*

*Question that Clause 14 do stand part of the Bill, put and agreed to.*

**Clause 15: Liability of Health Facilities and Medical Personnel:**

- (1) It shall be unlawful for any hospital or medical personnel to reject or refuse medical treatment to any person or persons suffering from bullet wound on account of failure to produce a police report, provided that a report of any such treatment shall be made by the Hospital to the Police before discharge.

**Amendment Proposed:**

*Leave out* the provision in Clause 15(1) and *insert* the following instead thereof:

- “(1) It shall be unlawful for any health facility or medical personnel to reject or refuse medical treatment to any person or persons suffering from bullet wound on account of failure to produce a police report, provided that a report of any such treatment shall be made by the health facility to the Police immediately (*Senator Bala Ibn Na’Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

- (2) It shall be unlawful for any medical personnel to demand for a police report from a victim or victims of bullet wound as a condition before treatment in any part of the Federal Republic of Nigeria.
- (3) Any medical personnel who refuses, rejects or demands for a police report as a condition before treatment of a victim of bullet wound and where such victim dies as a result of any delay of medical attention due to such refusal, rejection or demand for police report before treatment, the medical personnel involved shall be guilty of an offence and punished by imprisonment for twenty-five years.
- (4) Any hospital which that refuses, rejects or demands for a police report as a condition before treatment of a victim or victims of bullet wounds, upon investigation and indictment in a report by the Nigerian Police Force and, or the Nigerian Medical Association shall be liable upon conviction to pay compensation of ₦10,000,000.00 to the victim and, or the personal representatives of the victim where the victim dies from the bullet wounds (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

Immediately after the word “Any” in line 1, *leave out* the word “hospital” and *insert* the words “health facility” instead thereof (*Senator Bala Ibn Na’Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 15 as amended do stand part of the Bill, put and agreed to.*

**Clause 16: Powers of the Attorney General:**

- (a) The Attorney-General of any State may with the consent of the Attorney General of the Federation, where lynching or unlawful killing by mob action, riotous assemblage or by extrajudicial killing within the State has occurred, shall commence criminal investigation and prosecution of persons alleged to be parties to such unlawful killing or lynching.
- (b) Where lynching or unlawful killing by mob action, riotous assemblage or extrajudicial killing by security officers within the Federal capital Territory, Abuja, the Attorney General of the Federation shall with or without petition from a member of the public commence criminal investigation and prosecution of persons alleged to be parties to such unlawful killing or lynching (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

*Leave out the provision in Clause 16 (Senator Bala Ibn Na'Allah — Kebbi South).*

*Question that the amendment be made, put and agreed to.*

*Question that Clause 16 as amended do stand part of the Bill, put and agreed to.*

**Clause 17: Petition to Attorney-General:**

Any victim of bullet wound who suffers discrimination or denial of medical treatment under Section 9 of this Act, may either by himself or through his personal representative, petition the Attorney General of the Federation State in writing, seeking criminal prosecution against such security officer, hospital or medical personnel (*Senator Chukwuka G. Utazi — Enugu North*).

**Amendment Proposed:**

Immediately after the word "officer" in line 4, *leave out* the word "hospital" and *insert* the words "health facility" instead thereof (*Senator Bala Ibn Na'Allah — Kebbi South*).

*Question that the amendment be made, put and agreed to.*

*Question that Clause 17 as amended do stand part of the Bill, put and agreed to.*

**Clause 18: Prosecution by Attorney-General:**

- (1) Where any such petition is received by the Attorney-General from a victim of bullet wound, or from his/her personal representatives, the Attorney-General shall order criminal investigation into the matter;
- (2) Where a prima facie case is established under section 20 of this Act, the Attorney-General of the State may, commence criminal action against the security officer, hospital or medical personnel.

**Committee's Recommendation:**

That the provision in Clause 18 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — *Agreed to.*

*Question that Clause 18 do stand part of the Bill, put and agreed to.*

**Clause 19: Interpretation:**

In this Bill —

"Lynching" means death caused by two or more persons acting in concert for the purpose of depriving any person of his life without authority of the law as a punishment for or to prevent the commission of some actual or supposed offense.

*Question: That the word "Lynching" be as defined in the Interpretation to this Act, put and agreed to.*

"Mob action" means an assemblage of two or more persons acting in concert for the purpose of causing severe bodily harm capable of depriving any person of his life without authority of the law as a punishment for or to prevent the commission of some actual or supposed public offense.

*Question: That the word "Mob action" be as defined in the Interpretation to this Act, put and agreed to.*

"Riotous assemblage" means an assemblage of two or more persons acting in concert for the purpose of disturbing the peace, destruction of private or public property and causing severe bodily harm capable of depriving any person of his life without authority of the law.

*Question: That the word "Riotous assemblage" be as defined in the Interpretation to this Act, put and agreed to.*

"Extrajudicial Killing" means any death arising from or occasioned by any omission or physical act, including torture, carried out by a Security officer of the Federal Republic of Nigeria for the purpose of depriving any person of his life without authority of the law.

*Question: That the word "Extrajudicial Killing" be as defined in the Interpretation to this Act, put and agreed to.*

"Security officer" means any officer of the Nigerian Police Force, Armed Forces of the Federal Republic of Nigeria, Department of State Services, the Nigerian Civil Defence, and any other officer of a Paramilitary Organisations established under an Act or a law of a State.

*Question: That the word "Security Officer" be as defined in the Interpretation to this Act, put and agreed to.*

"Court of competent jurisdiction" means a Magistrate or High Court within the Judicial Division where an offence of lynching or unlawful killing by mob action or riotous assemblage or summary execution occurs.

*Question: That the word "Court of competent jurisdiction" be as defined in the Interpretation to this Act, put and agreed to.*

"Offence" means an act or omission which renders the person doing the act or making the omission liable to punishment under this Act.

*Question: That the word "Offence" be as defined in the Interpretation to this Act, put and agreed to.*

***Committee's Recommendation:***

That the provision in Clause 19 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — *Agreed to.*

*Question that Clause 19 do stand part of the Bill, put and agreed to.*

**Clause 20: Short Title**

This Bill may be cited as the Anti-Jungle Justice and Other Related Offences Bill, 2017.

***Committee's Recommendation:***

That the provision in Clause 20 be retained (*Senator Chukwuka G. Utazi — Enugu North*) — *Agreed to.*

*Question that Clause 20 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Prohibition and protection of persons from Lynching or unlawful killings by Mob action or riotous Assemblage or Extrajudicial Killings in Nigeria and for Other Related Offences, 2017 and approved as follows:

|               |   |                |
|---------------|---|----------------|
| Clause 1      | — | As Recommended |
| Clause 2      | — | As Amended     |
| Clauses 3 & 4 | — | As Recommended |
| Clause 5      | — | As Amended     |
| Clause 6      | — | As Recommended |
| Clause 7      | — | As Amended     |
| Clauses 8 & 9 | — | As Recommended |
| Clause 10     | — | As Amended     |
| Clauses 11-14 | — | As Recommended |
| Clause 15     | — | As Amended     |
| Clause 16     | — | Deleted        |
| Clause 17     | — | As Amended     |
| Clauses 18-20 | — | As Recommended |

*Question:* That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

*Motion made:* That the Bill be now Read the Third Time (*Senate Leader*).

*Question put and agreed to.*

*Bill accordingly Read the Third Time and Passed.*

**10. Committee on Establishment and Public Service:**

*Report on the Chartered Institute of Entrepreneurs (Establishment, etc.) Bill, 2017 (SB. 07):*

*Consideration of Report deferred to another Legislative Day.*

**11. Committee on Ethics, Privileges and Public Petitions:**

*Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:*

- a. petition from Mr. Eddy Edumoh, against the Nigeria Police Force (NPF) for alleged Wrongful Dismissal from the Force;
- b. petition from L.A. Idu Esq., on behalf of Mr. Abdulrahman Lamina against Commodore Abimbola O. Ayuba for using Military Might to resist vacating a Private Property;
- c. petition from Mr. Collins Iwe and Six (6) others, against the Management of Pipeline and Products Marketing Company (PPMC) for alleged Wrongful Termination of their Appointments by the Company;
- d. petition from Mr. Charles Uwaeche, against Conoil Nigeria Plc for Non-payment of his Entitlements after a Forced Resignation;
- e. petition from Barrister Owette Emmanuel Chukwudi, against the Independent National Electoral Commission (INEC) for his Compulsory Retirement and Non-payment of his Entitlements;
- f. petition from Sir Godfrey Ohuabunwa (KSC) on behalf of the association of Licensed Set Top Box (STB) Manufacturers of Nigeria, against the National Broadcasting Commission (NBC) for alleged Non-payment of the Set Top Boxes manufactured and delivered;
- g. petition from Opiatoha K'Idoma, against the Federal Character Commission and the Federal University of Agriculture, Makurdi for an alleged abuse of the Principles of Federal Character in the appointment of Principal Officers of the Federal University of Agriculture, Makurdi; and
- h. petition from Lt. Col. Thomas Edirin Arigbe, against the Nigerian Army for Wrongful Retirement from the Army.

*Consideration of Reports deferred to another Legislative Day.*

**12. Adjournment:**

*Motion made:* That the Senate do now adjourn till Tuesday, 3rd October, 2017 at 10:00 a.m. (*Senate Leader*).

*Adjourned accordingly at 1:52 p.m.*

Abubakar Olubukola Saraki, CON  
President,  
Senate of the Federal Republic of Nigeria.