

CHAPTER 414

STATE SECURITY (DETENTION OF PERSONS) ACT

1984
No.2.

An Act to empower the Federal Military Government to detain persons for acts prejudicial to State security for a period not exceeding six months at a time, and to provide for a review of such detention.

[31st December 1983]

Commence-
ment.Special power
to detain
persons for
acts
prejudicial to
State security.

1. (1) If the Chief of General Staff is satisfied that any person is or recently has been concerned in acts prejudicial to State security or has contributed to the economic adversity of the nation, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may by order in writing direct that that person be detained in a civil prison or police station or such other place specified by him; and it shall be the duty of the person or persons in charge of such place or places, if an order is made in respect of any person is delivered to him, to keep that person in custody until the order is revoked.

(2) An order made under subsection (1) of this section shall be full authority for any police officer or any member of the armed forces or any of the security agencies to arrest the person to whom an order relates and to remove him to a civil prison or police station or such other place as specified by the Chief of General Staff.

Establishment
of the
Detention of
Persons
Review Panel.
1990. No.3

2. (1) There is hereby established a panel to be known as the Detention of Persons Review Panel (hereafter in this Act referred to as "the Review Panel") which shall consist of—

- (a) the Attorney-General of the Federation and Minister of Justice who shall be the Chairman;
- (b) two religious leaders;
- (c) a retired Judge;
- (d) the Director of the Nigerian Prisons Service;
- (e) one person not below the rank of Deputy Inspector General of Police to represent the Nigerian Police Force and who shall be appointed by the Inspector-General of Police;

(f) one person to be recommended by the Nigerian Bar Association; and

(g) two other persons.

(2) The persons referred to in paragraphs (b), (c), (f) and (g) of subsection (1) of this section shall be appointed by the President, Commander-in-Chief of the Armed Forces.

(3) The Review Panel shall be charged with the duty of reviewing the case of every person detained pursuant to an order made under this Act and, if satisfied that the circumstances no longer require the continued detention of the person, it shall make recommendation to the Chief of General Staff for the revocation of the detention order.

(4) If the Chief of General Staff accepts a recommendation made to him under the subsection (3) of this section, he shall revoke the order and order the release of the person forthwith.

3. (1) Any person detained in any such place between 31st December 1983 and the date of the making of this Act, shall be deemed to have been detained under this Act notwithstanding that no order was issued in respect thereto.

Subsisting detentions.

(2) The review provided for under section 2 of this Act shall in respect of a person to whom this section relates be undertaken not later than six weeks from the making of this Act, and every six weeks thereafter.

1986 No.12
1990 No.3

4. (1) No suit or other legal proceedings shall lie against any person for anything done or intended to be done in pursuance of this Act.

Exclusion of proceedings.

(2) Chapter IV of the Constitution of the Federal Republic of Nigeria is hereby suspended for the purposes of this Act and any question whether any provision thereof has been or is being or would be contravened by anything done or proposed to be done in pursuance of this Act shall not be inquired into in any court of law, and accordingly sections 219 and 259 of that Constitution shall not apply in relation to any such question.

Cap. 62.

5. (1) This Act may be cited as the State Security (Detention of Persons) Act.

Short title.

STATE SECURITY (DETENTION OF PERSONS) ACT

CHAPTER 414

SUBSIDIARY LEGISLATION

No Subsidiary Legislation