

LXXXIII. NIGER⁵³

ELEMENTS DU DISPOSITIF LEGISLATIF ET REGLEMENTAIRE DU NIGER

Le Code pénal et le Code de procédure pénale sont les textes que le Niger vient d'adopter sous forme de lois, respectivement les 5 et 7 mai 2003.

Le Code pénal nigérien prévoit des peines d'emprisonnement pour les personnes qui ont pris part à des activités dans le but de commettre des crimes sur le territoire du Niger.

En outre, le Code de procédure pénale prévoit des mesures appropriées concernant la compétence des juridictions nationales, en cas d'actes de terrorisme dans les articles 673 (alinéas 1, 2, 3 et 4), 679 et 680.

LXXXIV. NIGERIA⁵⁴

SUMMARY OF LEGISLATION OF NIGERIA RELATED TO TERRORISM

The legislation in force in Nigeria against the supply of weapons to terrorists are the Public Order Act and the Fire Arms Act. Under the former Act, recruitment into terrorist groups is contrary to public order. The penalty is a fine of N5,000.00 or imprisonment for 2 years or both such fine and imprisonment in the case of a person who is proved to have taken part in the organization or management of an association or in organizing, tracing, or equipping any person referred to in paragraph (a) and (b) of subsection 1 of section 6 of the Act. In the case of a person who is proved to have undertaken or been engaged in being organized, trained or equipped, be liable to a fine of N1,000 or imprisonment for six months or to both such fine and imprisonment.

The Fire Arms Act, on the other hand, prohibits any person or group of persons from acquiring a prohibited firearm. No firearms can be imported or acquired without the knowledge and permission of the President or his authorized representative. Weapons, which fall under the category of "Prohibited firearms", under part 1 of the schedule to the Firearms Act, CAP I46 are the following:

⁵³ Transmitted to the Secretariat by that Government on 22 January 2002 (S/2002/94, annex) and 3 June 2003 (S/2003/631, enclosure).

⁵⁴ Transmitted to the Secretariat by that Government on 14 January 2002 (S/2002/69, enclosure) and 7 March 2003 (S/2003/308, enclosure). Information was also provided in respect of the National Drug Law Enforcement Agency Act, Exchange Control (Anti Sabotage) Act and Money Laundering Act.

1. **Artillery**
2. **Apparatus for the discharge of any explosives or gas diffusing projectile**
3. **Rocket weapons**
4. **Bombs and grenade**
5. **Machine guns and machine pistols**
6. **Military Rifles, namely those of calibers of 62 mm, 9mm, 300 inches and 30.3 inches**
7. **Revolvers and pistols whether rifled or unrifled (including flit-lock pistols and cap pistols)**
8. **Any other firearm not specified in part II or part III of this schedule.**

The prohibition of the acquisition of firearms and explosives are implemented by the provision of sanctions under section 28 of the Firearms Act, which stipulates a sentence of up to 10 years for contravention of the Act. Sections 18 to 22 of the Act deal with and control the importation and exportation of weapons.

Nigeria had earlier enacted laws and regulations on explosive substances. For example, the Explosive Act CAP 117 of Laws of the Federal Republic of Nigeria stipulates, in section 13, that no person shall import explosives save under the Act, no person shall buy, sell or otherwise dispose of explosive, save under and in accordance with a license granted by the relevant authorities.

In Nigeria, it is a serious offence for any person to attempt to destroy any property or building by explosives or to put an explosive substance in any place for whatever reason. A person found guilty of such an offence is liable to 14 years imprisonment with hard labour.

Another law enacted by Nigeria which also has provisions for the prevention and suppression of terrorist acts is the Manufacture of Spirits Regulation (Excise Control of Distillation) Act.

The principal law in force on immigration issue generally is the Immigration Act CAP.171 Law of the Federal Republic of Nigeria. The Act has two (2) subsidiary Regulations to wit: Immigration Regulation and Immigration (Control of Aliens) Regulations. The procedure for grant of refugee status is governed by the aforesaid Act and Regulations.