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**A BILL FOR AN ACT TO PROVIDE THE FRAMEWORK FOR THE SUPPORT, MANAGEMENT AND PROTECTION OF WITNESSES WHO PROVIDE INFORMATION, EVIDENCE OR ANY OTHER ASSISTANCE TO LAW ENFORCEMENT AGENCIES DURING INQUIRIES, INVESTIGATIONS OR PROSECUTION; AND FOR RELATED MATTERS HB. 1982**

| <b>PROVISIONS OF THE BILL</b>   | <b>COMMITTEE OF THE WHOLE RECOMMENDATIONS</b> |
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| ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-   |   |
| <b>PART I - OBJECTIVES AND APPLICATION</b>  |   |
| <b>1. Objective</b><br><br>The main objectives of this Bill are to –  | <b>RETAINED</b>                               |
| <ul style="list-style-type: none"> <li>(a) establish legal and institutional framework to protect witnesses and related persons, with responsibilities for carrying out all administrative duties relating to witnesses and related persons, including providing temporary protection and related services in accordance with the provisions of this Bill;</li> <li>(b) ensure that the relevant agency takes responsibility for entering into an agreement with the witness on behalf of the State;</li> <li>(c) regulate the procedure and determine the manner in which the provisions of this Bill shall be carried out;</li> <li>(d) designate places to be utilised as places of safety for the purposes of the Witness Protection Programme established under this Bill; and</li> <li>(e) ensure effective use and nationwide supervision of Witness Protection Officers of the relevant agency;</li> <li>(f) ensure that adequate consideration is given to the rights of witnesses under this Bill; and</li> <li>(g) harmonise existing laws and policies on witness protection and management.</li> </ul> |   |
| <b>2. Application</b><br><br>(1) The provisions of this Bill shall apply to investigation and prosecution of offences relating to –   | <b>RETAINED</b>                               |
| <ul style="list-style-type: none"> <li>(a) terrorism,</li> <li>(b) money laundering prevention and prohibition,</li> <li>(c) economic and financial crimes,</li> <li>(d) corrupt practices and other related offences,</li> <li>(e) drugs and narcotics and their trafficking,</li> <li>(f) trafficking in persons,</li> </ul>  |   |

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| <p>(g) Criminal and Penal Code offences,</p> <p>(h) customs and excise management,</p> <p>(i) any legislation dealing with proceeds of crimes, confiscation and forfeiture of assets, and</p> <p>(j) such other offences as may be contained in enactments enacted by the National Assembly and designated by Attorney – General by an order published in the Federal Gazette.</p> <p>(2) All justice sector institutions and authorities, including the courts, law enforcement and security agencies, and other relevant regulatory institutions towards the protection of witnesses in the course of the investigation, detection and prosecution of offences.</p>  |          |
| <p><b>3. Meaning of witness under this Bill</b></p> <p>(1) A person is a witness under this Bill if he has information about the commission of an offence or wrongdoing, and –</p> <p>(a) has given, is giving, or agreed to give, evidence on behalf of the State in-</p> <ul style="list-style-type: none"> <li>(i) the proceedings for the trial of the offence, or</li> <li>(ii) hearings or proceedings relating to the offence or a wrong doing before an authority which is declared by the Attorney-General by an order published in the Federal Gazette to be an authority to which this paragraph applies;</li> </ul> <p>(b) has given, is giving or agreed to give evidence, otherwise than as mentioned in paragraph (a) of this subsection, in relation to the commission or possible commission of an offence;</p> <p>(c) has made a statement to –</p> <ul style="list-style-type: none"> <li>(i) the Inspector-General of Police or a member of the Nigeria Police Force, or</li> <li>(ii) a law enforcement officer, in relation to an offence in contravention of a law in Nigeria;</li> </ul> <p>(d) is required to give evidence in a prosecution or an inquiry held before a court or tribunal outside Nigeria-</p> <ul style="list-style-type: none"> <li>(i) for the purposes of a treaty or an agreement to which Nigeria is a party,</li> <li>(ii) for the purposes of the operations of any legislation on mutual assistance in criminal matters, or</li> <li>(iii) in circumstances prescribed by regulations made under this Act;</li> </ul> | RETAINED |

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| <p>(e) has given, is giving or has agreed to give, evidence before an investigating authority, a commission of inquiry or tribunal; or</p> <p>(f) may, for any other related reason, require protection or other assistance under this Bill.</p> <p>(2) A person is also considered to be a witness for the purposes of this Bill if, because of a family or other relationship with, or an association with, a person to whom subsection (1) of this section applies, may require protection or other assistance under this Bill.</p>   |          |
| <p><b>PART II - ESTABLISHMENT OF THE WITNESS PROTECTION AND MANAGEMENT PROGRAMME</b></p>   |          |
| <p><b>4. Establishment of the Witness Protection and Management Programme</b></p>  |          |
| <p>(1) A relevant agency shall establish –</p> <ul style="list-style-type: none"> <li>(a) a Witness Protection and Management Programme (in this Bill referred to as “the Programme”) and take such actions as may be necessary and reasonable to provide for the safety and welfare of witnesses, who provide information, evidence or any other form of assistance to the relevant agency.</li> <li>(b) a department or unit for the purpose of the Programme under subsection (1) (a).</li> <li>(c) a procedure to determine criteria for admission to and removal from the Programme;</li> <li>(d) a training scheme for Witness Protection Officers.</li> </ul>   | RETAINED |
| <p>(2) The actions taken under subsection (1) of this section may include-</p> <ul style="list-style-type: none"> <li>(a) physical and armed protection;</li> <li>(b) making necessary arrangement to allow the witness establish a new identity;</li> <li>(c) relocating the witness;</li> <li>(d) providing accommodation for the witness;</li> <li>(e) providing logistics for transporting the property of the witness;</li> <li>(f) providing reasonable financial assistance to the witness;</li> <li>(g) permitting a person involved in the administration of the Programme to use an assumed name in carrying out his duties and have proper documentation supporting the assumed name;</li> <li>(h) taking the actions listed in paragraphs (a) to (g) of this subsection in respect of a foreign witness present in Nigeria, pursuant to any law, agreement or arrangement between Nigeria and the country of the foreign witness; and</li> </ul> |          |
| <p>(3) The relevant agency may request the court to implement during court proceedings, protection measures which may include-</p> <ul style="list-style-type: none"> <li>(a) holding closed sessions;</li> <li>(b) the use of pseudonyms;</li> </ul>  |          |

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| <ul style="list-style-type: none"> <li>(c) the redaction of identity information;</li> <li>(d) the use of video link with the opportunity for cross examination of a witness by the legal practitioner representing the defendant, where practicable; and</li> <li>(e) employing measures to obscure or distort the identity of the witness.</li> </ul> <p>(4) The relevant agency shall put in place support measures to facilitate the integration of the witness into the Programme.</p>   |          |
| <p><b>5. Application for inclusion in the Programme</b></p> <p>(1) A witness who has reason to believe that his safety or the safety of any other person is or may be threatened by any person or group or class of persons whether known to him or not by reason of his being a witness, may-</p> <ul style="list-style-type: none"> <li>(a) report the belief- <ul style="list-style-type: none"> <li>(i) to the investigating officer in that investigation,</li> <li>(ii) to a person in charge of a police station,</li> <li>(iii) if he is in a correctional facility, to the person in charge of the correctional facility where he is being detained,</li> <li>(iv) to the prosecutor or any other person concerned, or</li> <li>(v) to the heads of the relevant agency.</li> </ul> </li> <li>(b) apply in the prescribed manner that he or any related person be placed under protection.</li> </ul> <p>(2) A person to whom a report is made under subsection (1) of this section shall assist the applicant in the making of an application for protection and, unless he is the head of the relevant agency, shall immediately-</p> <ul style="list-style-type: none"> <li>(a) inform the head of the relevant agency of the application; and</li> <li>(b) submit the application to the head of the relevant agency.</li> </ul> <p>(3) Where a witness is for any reason unable to make a report under subsection (1) (a) of this section or to make an application for protection under subsection (1) (b) of this section-</p> <ul style="list-style-type: none"> <li>(a) the investigating officer or prosecutor concerned with the case;</li> <li>(b) a law enforcement officer; or</li> <li>(c) the legal representative of the witness;</li> </ul> <p>may if he has reason to believe that the safety of the witness or any related person is or may be threatened as specified in subsection (1) of this section, make the report or application on behalf of the witness.</p> | RETAINED |

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| <p>(4) Notwithstanding the provision of subsection (3) of this section, a judge may order or direct the making of a report or an application on behalf of the witness.</p> <p>(5) An application for the inclusion of a witness below the age of eighteen years may, in such circumstances as the Attorney-General may specify in regulations, be made without the consent of the minor's parent or guardian.</p>   |          |
| <p><b>6. Temporary protection</b></p> <p>(1) The relevant agency may, pending the finalization of an application for the protection of a witness or related person concerned, place the witness under temporary protection for a period not exceeding twenty-eight days, if the relevant agency considers it necessary for the safety of the witness or related person.</p> <p>(2) Where a report or an application under section 5 of this Act is made, the witness or related person may be placed under temporary protection only if he consents to it.</p> <p>(3) A minor shall not be placed under temporary protection without the consent of his parent or guardian, unless –</p> <ul style="list-style-type: none"> <li>(a) the head of the relevant agency is of the opinion that exceptional circumstances exist which does not warrant consent; or</li> <li>(b) an application for the inclusion of a witness below the age of eighteen years has been made in such circumstances, as the Attorney-General may specify in regulations, in accordance with the provisions of section 5 (5) of this Bill.</li> </ul> | RETAINED |
| <p><b>7. Assessing witness for inclusion in the Programme</b></p> <p>(1) The relevant agency is responsible for deciding whether to include a witness in the Programme.</p> <p>(2) In deciding whether to include a witness in the Programme, the relevant agency shall have regard to–</p> <ul style="list-style-type: none"> <li>(a) the seriousness of the offence to which the statement or evidence of the witness relates;</li> <li>(b) the nature and importance of the witness's testimony;</li> <li>(c) the nature of the perceived threat and or danger to the witness;</li> <li>(d) the nature of the witness relationship to any other witness being considered for inclusion or who is already in the Programme;</li> </ul>  | RETAINED |

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|                                      | <ul style="list-style-type: none"> <li>(e) the result of any psychological or psychiatric examination or evaluation of the witness conducted to determine his suitability for inclusion in the Programme;</li> <li>(f) whether there are viable alternative methods of protecting the witness;</li> <li>(g) whether the witness has a criminal record, particularly in respect of violent crime, which indicates a risk to the public if he is included in the Programme;</li> <li>(h) the probability that the witness or any related person will be able to adjust to protection, having regard to the personal characteristics, circumstances and family or other relationships of the witness or any other person;</li> <li>(i) likelihood of any danger to the community if the witness or any other person is not placed under protection; and</li> <li>(j) any other factor that the relevant agency may consider relevant.</li> </ul> <p>(3) To enable the department or unit of a relevant agency make a proper evaluation of an application for inclusion in the Programme, it shall be –</p> <ul style="list-style-type: none"> <li>(a) afforded immediate and full access to any crime docket and statement of a witness and to any evidence given in any proceedings; and</li> <li>(b) entitled to obtain certified true copies of any statement or evidence or any part of it made in connection with the matter.</li> </ul> <p>(4) Without prejudice to the provisions of section 5 of this Bill, a witness shall not be included in the Programme unless the witness or a person legally responsible for the witness agrees in writing to the inclusion in the Programme.</p> <p>(5) The relevant agency shall not consider documentation from a witness which represents that the witness–</p> <ul style="list-style-type: none"> <li>(a) has a qualification which he does not have; or</li> <li>(b) is entitled to a benefit to which he is not entitled.</li> </ul> |                 |
| <b>8. Inclusion in the Programme</b> | <p>(1) After considering an application for inclusion in the Programme, the relevant agency may–</p> <ul style="list-style-type: none"> <li>(a) subject to section 6 (1) and pending the approval or refusal of an application under paragraph (b) or (c) of this subsection, make any interim arrangement with the witness or related person relating to his protection under this Bill;</li> <li>(b) approve the application and place the witness or any related person under protection in accordance with the protection agreement</li> </ul>  | <b>RETAINED</b> |

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| <p>entered into by or on behalf of the witness or related person and the relevant agency; or</p> <p>(c) refuse the application and, where applicable, by written notice to the witness, revoke any temporary protection under which he or any related person has been placed under section 5 (1) of this Bill.</p> <p>(2) Where the relevant agency refuses an application under subsection (1) of this section, the Head shall inform the witness of the refusal and the witness may, within seven days of being informed, apply to the relevant agency for a review of the decision.</p> <p>(3) The relevant agency shall, within seven days of receipt of the request for a review of its decision under subsection (2) of this section-</p> <ul style="list-style-type: none"> <li>(a) review, confirm, reverse or vary the decision; and</li> <li>(b) inform the witness in writing of its decision.</li> </ul>   |          |
| <p><b>9. Protection agreement</b></p> <p>(1) Prior to the inclusion of a witness or related person in the Programme, the relevant agency shall, subject to subsection (2) of this section, enter into a written protection agreement-</p> <ul style="list-style-type: none"> <li>(a) with the witness;</li> <li>(b) where applicable, with each related person; and</li> <li>(c) subject to this Bill, in the case of a minor, with the parent or guardian.</li> </ul> <p>(2) The relevant agency may enter into a provisional protection agreement with a minor referred to in section 5 (5) of this Bill.</p> <p>(3) Where -</p> <ul style="list-style-type: none"> <li>(a) a parent or guardian of a witness signs a protection agreement because the witness was under the age of eighteen years; and</li> <li>(b) the agreement is still operating after the witness attains the age of eighteen years,</li> </ul> <p>the relevant agency may require the witness to sign the agreement having attained the age of maturity.</p> <p>(4) A protection agreement shall set out the terms and conditions under which a witness or related person is to be placed under protection, including -</p> <ul style="list-style-type: none"> <li>(a) an obligation on the relevant agency-</li> </ul> | RETAINED |

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| <ul style="list-style-type: none"> <li>(i) to take such reasonable steps as are necessary to provide the witness with the protection and related services, as referred to in the protection agreement, and</li> <li>(ii) not to keep a protected person under protection in any correctional facility or custody, unless otherwise agreed upon.</li> </ul> <p>(b) an obligation on the witness or related person -</p> <ul style="list-style-type: none"> <li>(i) where applicable, to give the evidence as required in the proceedings to which the protection relates,</li> <li>(ii) to meet all financial obligations incurred by him that are not payable by the relevant agency under the terms of the protection agreement,</li> <li>(iii) to meet all legal obligations, expenses incurred by the witness, including any obligation regarding the custody and maintenance of the defendant,</li> <li>(iv) to refrain from any activity that constitutes a criminal offence;</li> <li>(v) to refrain from activities that might endanger his safety or that of any other protected person,</li> <li>(vi) to accept and give effect to all reasonable requests and directions made or given by the relevant agency in relation to the protection provided and obligations under the protection agreement,</li> <li>(vii) to inform the relevant agency of any other proceedings which have been or may be instituted by or against the witness, or in which the witness is otherwise involved, and</li> <li>(viii) not to endanger the security or any other aspect of the protection agreement or any other matter relating to the Programme;</li> </ul> <p>(c) any other prescribed terms and conditions or obligations agreed upon; and</p> <p>(d) a procedure in accordance with which the protection agreement may, if necessary, be amended.</p> |          |
| <p><b>10. Protection of a minor</b></p> <p>(1) Subject to subsection (2) of this section, a minor shall not be included in the Programme without the consent of the parent or guardian.</p> <p>(2) A minor-</p>   | RETAINED |

- (a) who, as a witness, applies for protection in respect of proceedings against his parent or guardian or in which his parent or guardian is a suspect;
- (b) who has no parent or guardian;
- (c) whose parent or guardian cannot be identified or found, notwithstanding reasonable efforts made to do so; or
- (d) whose parent or guardian is unreasonably withholding or is unable to give his consent,

may be included in the Programme without the consent of the parent or guardian, where the relevant agency is of the opinion that it is necessary to do so for the safety of the minor.

(3) The relevant agency shall, in the circumstances referred in subsection (2) of this section-

- (a) within seven days of the inclusion; or
- (b) within such further period as the Judge, in whose area of jurisdiction the minor is domiciled or ordinarily resident, may determine in an application made to him in chambers by the relevant agency,

submit to the Judge, for consideration in chambers, a report setting out the reasons for the inclusion and the provisional protection agreement referred to in section 9 (2) of this Bill.

(4) The relevant agency shall also furnish to the minor concerned and, where applicable, to the parent or guardian, a copy of the report and the provisional protection agreement referred to in subsection (3) of this section.

(5) After consideration of the report and provisional protection agreement referred to in subsection (3) of this section, the Judge may, by order-

- (a) set aside the inclusion in the Programme;
- (b) confirm the inclusion and ratify the provisional protection agreement; or
- (c) confirm the inclusion and amend the provisional protection agreement in such manner as he considers to be in the best interest of the minor, and necessary to ensure the safety of the minor.

(6) Where the inclusion of a minor in the Programme is set aside under subsection (5) (a) of this section, the relevant agency shall immediately discharge the minor from protection.

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| <p>(7) A provisional protection agreement, ratified or amended under subsection (5) of this section, shall constitute a binding protection agreement between the relevant agency and the minor.</p> <p>(8) The Court shall appoint the head of the relevant agency as the guardian of a minor placed under temporary protection under section 6 (2) of this Bill or included in the Programme under subsection (2) of this section.</p>  |          |
| <p><b>11. Termination of protection</b></p> <p>(1) The relevant agency may, subject to subsections (6) and (10) of this section, by written notice, terminate the inclusion of a witness in the Programme, if the relevant agency is of the opinion that-</p> <ul style="list-style-type: none"> <li>(a) the safety of the witness is no longer threatened;</li> <li>(b) satisfactory alternative arrangements have been made for the protection of the witness;</li> <li>(c) the witness has failed to comply with any obligation imposed under this Bill or by the protection agreement;</li> <li>(d) the witness in making application for inclusion in the Programme- <ul style="list-style-type: none"> <li>(i) wilfully furnished false or misleading information,</li> <li>(ii) made a statement which is false or misleading, or</li> <li>(iii) wilfully failed to disclose any relevant information in the application;</li> </ul> </li> <li>(e) the conduct of the witness has endangered or may endanger the safety of another protected witness;</li> <li>(f) the conduct of the witness is likely to threaten the security or compromise the integrity of the Programme; or</li> <li>(g) the witness has wilfully caused serious damage to the place of safety or to any property in or at the place of safety.</li> </ul> <p>(2) Subject to subsections (4) and (6) of this section, the relevant agency may, after considering any representation made under subsection (6) of this section, and on being satisfied that-</p> <ul style="list-style-type: none"> <li>(a) the evidence of a witness is no longer required in the proceedings concerned; or</li> <li>(b) the proceedings have been concluded,</li> </ul> <p>by written notice of termination, within a reasonable time but not later than 28 days, terminate the participation of the witness and all related persons in the Programme.</p> | RETAINED |

(3) Where, after the conclusion of proceedings, the relevant agency is of the opinion that the safety of a person who is to be discharged from the witness protection Programme is still being threatened, the relevant agency may on the application of-

- (a) the person;
- (b) the parent or guardian of a minor; or
- (c) a minor referred to in section 10 (2) of this Act,

extend the protection for such period as it considers necessary.

(4) The protection of a minor referred to in section 10 (2) of this Bill shall not be extended under subsection (3) of this section without the prior approval of a Judge in chambers.

(5) The relevant agency shall, before it terminates a witness' participation in the Programme, take reasonable step to notify, in the case of a termination under-

- (a) subsection (1) of this section the witness and, if he is a minor, his parent or guardian, if any, and
- (b) subsection (2) of this section, the witness and, if he is a minor, his parent or guardian, if any.

(6) The relevant agency shall allow the witness, and in the case of a minor, his parent or guardian, if any to make written representation to it within the period of 28 days as in subsection (2) and in relation to any matter regarding the termination.

(7) A witness remains a participant in the Programme until-

- (a) the witness' participation is terminated under subsection (1) or (2) of this section or in accordance with an agreement referred to in section 9 (1) (a) of this Bill; or
- (b) a waiver of protection, in the prescribed manner, is submitted to the relevant agency by
  - (i) the witness,
  - (ii) the parent or guardian of a minor, if any, or
  - (iii) a minor referred to under section 10 (2) of this Act.

(8) Subject to subsection (9) of this section, the relevant agency shall, on receipt of a waiver of protection referred to in subsection (7) of this section, terminate the participation of a witness in the Programme, without any delay and notify the witness.

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| <p>(9) The relevant agency shall not terminate the participation of a minor referred to in section 10 (2) of this Bill under this section without the prior approval of a Judge in chambers.</p> <p>(10) A decision of the relevant agency to terminate participation of a witness in the Programme takes effect-</p> <ul style="list-style-type: none"> <li>(a) within a reasonable time, but not later than 28 days, of the relevant agency notifying the witness of the decision; or</li> <li>(b) where the witness's whereabouts is not known and the relevant agency has taken reasonable but unsuccessful steps to notify the witness, at the end of a period of twenty-eight days after due steps were taken.</li> </ul>   |                 |
| <p><b>12. Review by the relevant agency</b></p> <p>(1) A witness who is aggrieved by a decision, action or steps taken by the relevant agency may, within fourteen days, apply to the relevant agency for a review.</p> <p>(2) The relevant agency shall, on receiving an application under subsection (1) of this section-</p> <ul style="list-style-type: none"> <li>(a) review the decision, action or steps concerned, and confirm, reverse or vary it; and</li> <li>(b) inform the witness of the decision.</li> </ul>   | <b>RETAINED</b> |
| <p><b>13. Other proceedings in which a witness is a party or a witness</b></p> <p>(1) Proceedings in which a protected person is a party or a witness may, subject to the provisions of subsection (2) of this section, be proceeded with under the laws regulating the proceedings.</p> <p>(2) Where it appears to a Judge, in an <i>ex parte</i> application, made in chambers by the head of a relevant agency, that the safety of a witness might be endangered by the institution or prosecution of any proceedings in which a protected person is a party or a witness within his area of jurisdiction, the Judge may make any order he considers appropriate with regards to the institution, prosecution or postponement of those proceedings to-</p> <ul style="list-style-type: none"> <li>(a) prevent the disclosure of the identity or whereabouts of the person; or</li> <li>(b) achieve the objectives of this Bill.</li> </ul> | <b>RETAINED</b> |

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| <p>(3) The parties to the proceedings concerned and their legal representatives shall be given notice of an order made under subsection (2) of this section in accordance with the rules of court.</p> <p>(4) The address of the relevant agency shall, for all purposes of service of processes on a witness, serve as the residential address of the witness and notice of that address shall be given in writing by the Head of the relevant agency and delivered by hand or sent by registered mail by him to all other parties or their legal representatives.</p>  |          |
| <p><b>14. Access to persons in the Programme</b></p> <p>Where a Judge, in an <i>ex-parte</i> application made to him in chambers by the relevant agency, is satisfied that the safety of a witness might be endangered by the exercise of a right of access of that person, the Judge may suspend the right of access or make any order he considers appropriate with regards to the exercise of the right to –</p> <ul style="list-style-type: none"> <li>(a) prevent the disclosure of the identity or whereabouts of the witness; or</li> <li>(b) achieve the objectives of this Bill.</li> </ul>   | RETAINED |
| <p><b>15. Rules of confidentiality and disclosure of information</b></p> <p>(1) The head and any other employee of the relevant agency shall, on assumption of office in the relevant agency, take an oath or make an affirmation in the prescribed form.</p> <p>(2) The oath or affirmation referred to in subsection (1) of this section, shall be taken or made, in the case of -</p> <ul style="list-style-type: none"> <li>(a) the head, before the Attorney - General; and</li> <li>(b) any other employee of the relevant agency, before the Head.</li> </ul> <p>(3) Subject to subsection (4) of this section, a person who obtains information in the ordinary course of his official duty relating to the administration of the Programme, shall not be required, in any proceedings before any court, tribunal or commission of inquiry, howsoever described, to-</p> <ul style="list-style-type: none"> <li>(a) produce any document; or</li> <li>(b) divulge or communicate any matter obtained, relating to the performance of his duties in connection with the Programme,</li> </ul> | RETAINED |

unless the Court makes an order in the interest of justice that provides to the contrary, or the proceedings relate to an offence against this Bill.

(4) Subject to subsection (6) of this section, the relevant agency may, on such conditions as it deems fit, disclose any information in respect of a witness-

(a) with the consent of -

- (i) the witness concerned, or
- (ii) his parent or guardian, where he is a minor;

(b) where the witness has previously disclosed the information or acted in a manner which resulted in the disclosure;

(c) where the disclosure is -

- (i) required for the exercise or protection of any right, or
- (ii) in the public interest; or

(d) in any criminal proceedings, if the disclosure is necessary to establish the guilt or innocence of a person.

(5) The relevant agency shall not disclose any information in respect of a minor referred to in section 10 (2) of this Bill without the prior approval of a Judge in chambers.

(6) The relevant agency shall, before it discloses any information in respect of a witness in the circumstances referred in subsection (4) (b), (c) or (d) of this section, take reasonable steps to notify -

(a) the witness; or

(b) the parent or guardian of the witness, if any, if he is a minor, of the contemplated disclosure in the prescribed manner.

(7) The relevant agency shall allow a witness or, where applicable, his parent or guardian, if any, to make written representation to it within the prescribed period in relation to any matter relating to the contemplated disclosure.

(8) The provisions of subsection (6) of this section do not apply if the relevant agency is of the opinion that the notification may jeopardize the purpose for which the information is to be disclosed.

(9) The relevant agency shall, in determining whether information in respect of a witness should be disclosed under subsection (4) of this section, take into consideration-

(a) the reasons for the disclosure;

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| <p>(b) the probability that the disclosure may endanger the safety of the witness concerned or that of any other protected person or the integrity of the Programme under this Bill;</p> <p>(c) whether the need for the disclosure can effectively be met by any other means;</p> <p>(d) whether there are effective means available to prevent any further disclosure of the information; and</p> <p>(e) any other factor that, in the opinion of the Relevant agency, should be taken into consideration.</p> <p>(10) A person shall not disclose any information referred to in subsection (3) of this section-</p> <ul style="list-style-type: none"> <li>(a) which came into his possession, or to his knowledge or was disclosed to him; or</li> <li>(b) where he ought to have reasonably suspected that the information was disclosed to him.</li> </ul>   |                 |
| <p><b>16. Prohibition of publication of information concerning a protected person</b></p> <p>(1) A Judge, shall make an order referred to in subsection (2) of this section -</p> <ul style="list-style-type: none"> <li>(a) at any proceeding in which a protected person is a party or a witness; or</li> <li>(b) at any proceeding, other than "proceedings" as defined in section 9 of this Bill, instituted or conducted under any law, in which a protected person is a party or a witness and in respect of which he is under any law compellable to- <ul style="list-style-type: none"> <li>(i) answer questions,</li> <li>(ii) give assistance, or</li> <li>(iii) produce any book, record, document or object in his possession or under his control in the proceedings,</li> </ul> </li> </ul> <p>(2) The Judge shall make an order under subsection (1) of this section prohibiting the publication of any information, including any drawing, picture, illustration, painting, photograph, whether produced through or by means of computer software on a screen or a computer printout, pamphlet, poster or other printed material, which may disclose the information relating to-</p> <ul style="list-style-type: none"> <li>(a) the circumstances of the protected person;</li> <li>(b) the identity of any protected person and the place of safety or location where the person is being protected; or</li> <li>(c) the relocation or change of identity of the protected person,</li> </ul> <p>unless the relevant agency satisfies the Judge that exceptional circumstances, which are in the interest of justice, exist why the order should not be made.</p> | <b>RETAINED</b> |

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| <p><b>17. Agreements with international bodies, institutions, organizations or foreign countries</b></p> <p>(1) The relevant agency may, with the approval of the Attorney-General, make an arrangement with a foreign State, international body, institution or organization on any matter relating to cooperation between Nigeria and that State, international body, institution or organization relating to witness protection.</p> <p>(2) The relevant agency may enter into an agreement, either in general or on specific terms and condition with a competent authority in a foreign country in order to-</p> <ul style="list-style-type: none"> <li>(a) place a protected person under a witness protection arrangement administered by that country; or</li> <li>(b) admit a protected person to witness protection arrangement under any law applicable to that country.</li> </ul> | RETAINED |
| <p><b>PART III - PROTECTING WITNESSES FROM IDENTIFICATION</b></p> <p><b>18. Identifying documents</b></p> <p>The relevant agency may apply to the Court for an order to obtain from any appropriate or competent authority for any document necessary to –</p> <ul style="list-style-type: none"> <li>(a) allow a witness to establish a new identity;</li> <li>(b) protect the witness; or</li> <li>(c) restore a former witness's original identity.</li> </ul>  | RETAINED |
| <p><b>19. Application for court order</b></p> <p>(1) The relevant agency may apply to the court for an order authorising a specified person, or a person of a specified class or description to-</p> <ul style="list-style-type: none"> <li>(a) make a new entry in a register of - <ul style="list-style-type: none"> <li>(i) births or a register of marriages in respect of a witness,</li> <li>(ii) in a register of deaths in respect of a witness or a relative (by blood or marriage) of a witness; or</li> </ul> </li> <li>(b) issue, in the witness's new identity, a document of a kind previously issued to the witness.</li> </ul> <p>(2) The relevant agency shall provide such evidence as the court may require satisfying itself as to the matters specified in the application.</p>   | RETAINED |

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| <p><b>20. Court order protecting witness identity</b></p> <p>(1) The court may make an order under section 19 of this Bill if it is satisfied that the life or safety of that person may be endangered by virtue of the person being a witness.</p> <p>(2) Any proceedings of the court under this section and section 19 of this Bill, shall be conducted <i>in camera</i>, and all records of the proceedings shall be sealed.</p>   | <b>RETAINED</b> |
| <p><b>21. Effect of court order protecting witness identity</b></p> <p>(1) On the making of the order referred in section 20 (1) of this Bill-</p> <ul style="list-style-type: none"> <li>(a) any person authorized to do so by the order, may make such entries in the registers of births, deaths or marriages as are necessary to give effect to the order; and</li> <li>(b) the Registrar of births, deaths or marriages shall afford the person an authorised full access to the relevant register and give him such assistance as may be required,</li> </ul> <p>(2) An entry made in the registers of births, deaths or marriages pursuant to an order referred to in section 20 (1) of this Bill has effect as if it were a valid entry made under the Births, Deaths, etc., (Compulsory Registration) Act and the Marriage Act.</p> <p>(3) The relevant agency shall maintain records showing details of the original birth, death or marriage of each person in respect of whom an entry is made under subsection (1) (a) of this section.</p> | <b>RETAINED</b> |
| <p><b>22. Cancellation of entry in register</b></p> <p>An entry made under section 21 of this Bill in a register of births, deaths or marriages shall not be cancelled except by an order of the court made on the</p> <ul style="list-style-type: none"> <li>-</li> <li>(a) application of relevant agency; and</li> <li>(b) court being satisfied that the witness is no longer a participant in the Programme.</li> </ul>   | <b>RETAINED</b> |
| <p><b>23. Special provision in case of marriage of witness</b></p> <p>(1) A witness who has been provided with a new identity under the Programme shall not marry using the new identity unless-</p> <ul style="list-style-type: none"> <li>(a) the witness is of marriageable age under the Marriage Act;</li> </ul>  | <b>RETAINED</b> |

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| <p>(b) where the witness has been previously married, the witness is now divorced or the former spouse has died; and</p> <p>(c) there is no legal impediment to the marriage.</p> <p>(2) A person who contravenes this section commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira or to imprisonment for a term of twelve months or to both.</p>   |          |
| <p><b>24. Provision of information to competent authority</b></p> <p>(1) The relevant agency may take an action as provided under subsection (2) of this section, where-</p> <ul style="list-style-type: none"> <li>(a) a witness under the Programme has been provided with a new identity or relocated under this Bill; and</li> <li>(b) the relevant agency is notified by a competent authority that the witness is under investigation, has been arrested or is charged with a serious offence,</li> </ul> <p>(2) The relevant agency may pursuant to subsection (1) of this section-</p> <ul style="list-style-type: none"> <li>(a) release to the competent authority the new identity or location of a person;</li> <li>(b) provide that authority with the criminal record and fingerprint of the person;</li> <li>(c) release to the competent authority such other information as the relevant agency considers appropriate in the circumstances; and</li> <li>(d) cooperate as considered appropriate with the competent authority.</li> </ul> | RETAINED |
| <p><b>25. Restoration of original identity</b></p> <p>(1) The relevant agency may, if it considers it appropriate to do so, take such action as is necessary to restore the original identity of a witness whose protection and assistance under the Programme has been terminated.</p> <p>(2) Where the relevant agency takes action under this section to restore the original identity of a former witness, the relevant agency shall notify the former witness in writing to return, within twenty one days, all documents relating to the identity provided to him under the Programme.</p> <p>(3) A former witness, who, without reasonable excuse, refuses or fails to return documents to the relevant agency in accordance to the provisions of subsection (2) of this section within twenty one days after receiving the notice, commits an offence and is liable on conviction to a fine of not less than One hundred thousand naira or to imprisonment for a term of twelve months or to both.</p>   | RETAINED |

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| <p><b>26. Offences in relation to documents</b></p> <p>(1) A person in respect of whom an entry is made in a register of births, deaths or marriages, who uses or obtains any document issued by a Registrar having charge of such register, commits an offence, where the entry made under this Bill in the register is in force</p> <p>(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine of not less one hundred thousand naira or to imprisonment for a term of twelve months or both.</p>  | <b>RETAINED</b> |
| <p><b>27. Information not to be disclosed</b></p> <p>(1) A person who, either directly or indirectly, makes a record of, discloses or communicates to another person, any information relating to the making of an entry in a register of births, deaths or marriages, unless it is necessary to do so-</p> <ul style="list-style-type: none"> <li>(a) for the purposes of this Bill;</li> <li>(b) for the purposes of an investigation by the relevant agency or any law enforcement agency, an appropriate or competent authority; or</li> <li>(c) to comply with an order of the Court, commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira or imprisonment for a term of twelve months or to both.</li> </ul> <p>(2) Notwithstanding subsection (1) of this section, the relevant agency may disclose the original identity of a witness or former witness for the purpose of obtaining documents relating to the new identity of the witness or former witness under the Programme.</p> | <b>RETAINED</b> |
| <p><b>28. Non-disclosure of original identity of witness</b></p> <p>(1) Where-</p> <ul style="list-style-type: none"> <li>(a) a witness who has been provided with a new identity under the Programme would, apart from this section, be required by or under any law in force in Nigeria to disclose his original identity for a particular purpose; and</li> <li>(b) the relevant agency has given the witness authorisation, in the form prescribed by regulations made under this Act, not to disclose his original identity for that purpose, the witness is not required to disclose his original identity to any person for that purpose.</li> </ul>   | <b>RETAINED</b> |

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| <p>(2) Where a witness has been given an authorisation under subsection (1) of this section not to disclose his original identity for a particular purpose, he may, in any proceedings or for any purpose, under or in relation to any relevant law in force in Nigeria claim that his new identity is his only identity.</p>  |          |
| <p><b>29. Non-disclosure of information or publication of document on the Programme</b></p> <p>A person who is or has been associated with the administration of the Programme, and who has obtained access to information or a document relevant to the Programme, shall not disclose that information or publish that document except as authorised by the relevant agency.</p>  | RETAINED |
| <p><b>30. Identity of witness not to be disclosed in legal proceedings</b></p> <p>(1) Where, in any proceedings in a court, tribunal or commission of inquiry, the identity of a witness is in issue or may be disclosed, the court, tribunal, or commission shall, unless it considers that the interests of justice require otherwise-</p> <ul style="list-style-type: none"> <li>(a) hold that part of the proceedings, which relates to the identity of the witness <i>in camera</i>; and</li> <li>(b) make such order relating to the suppression of publication of evidence given before the court, tribunal or commission of inquiry as, in its opinion, will ensure that the identity of the witness is not disclosed.</li> </ul> <p>(2) A court, tribunal or commission of inquiry, before which a witness or former witness who has been provided with a new identity under the Programme is giving evidence, may hold that part of the proceedings <i>in camera</i>.</p> <p>(3) The court, tribunal or commission of inquiry before which any proceedings referred to in subsection (1) or (2) of this section are conducted may, if it thinks fit, by order direct that no-</p> <ul style="list-style-type: none"> <li>(a) question shall be asked in the proceedings which might lead to the disclosure of the identity of a witness or former witness or of his place of abode;</li> <li>(b) witness in the proceedings, including a witness or former witness, shall be required to answer a question, give any evidence, or provide any information, which may lead to the disclosure of the identity of the witness or former witness or of his place of abode; and</li> <li>(c) person involved in the proceedings shall, in the proceedings, make a statement which discloses or could disclose a protected identity of a participant or former participant or his place of abode.</li> </ul> | RETAINED |

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| <p>(4) Notwithstanding any provisions to the contrary contained in any law or rule of evidence, the provisions of this section shall apply to proceedings to which this section relates.</p>   |          |
| <p><b>31. Disclosure by witnesses and others</b></p> <p>(1) A person who is or was a witness or a witness considered for inclusion in the Programme and who directly or indirectly discloses or communicates to another person-</p> <ul style="list-style-type: none"> <li>(a) the fact that he or a member of his family has entered a protection agreement under section 9 of this Bill;</li> <li>(b) details of the protection agreement;</li> <li>(c) information relating to anything done by the Head or an employee of the Relevant agency under this Bill; or</li> <li>(d) information about any officer obtained by the person as a result of anything done under this Bill,</li> </ul> <p>commits of an offence and is liable on conviction to imprisonment for a term not exceeding three years.</p> <p>(2) This section does not apply to a disclosure or communication which has been-</p> <ul style="list-style-type: none"> <li>(a) determined by the Relevant agency for the purposes of an investigation; or</li> <li>(b) is necessary to comply with an order of the Court.</li> </ul> <p>(3) For the purposes of subsection (1) of this section, a person is a witness considered for inclusion in the Programme if-</p> <ul style="list-style-type: none"> <li>(a) the person is a witness who is the subject of consideration under this Act for inclusion in the Programme, even if the Relevant agency subsequently decides not to include the witness; or</li> <li>(b) the person is a witness included in the Programme temporarily under this Bill, even if the witness does not go on to be included in the Programme.</li> </ul> | RETAINED |
| <p><b>PART IV - MANAGEMENT OF THE WITNESS PROTECTION PROGRAMME</b></p> <p><b>32. Witness Protection Officers and deployment to branch offices</b></p>  | RETAINED |

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| <p>(1) The relevant agency shall ensure that witnesses and related persons are protected in accordance with the provisions of this Bill and shall for this purpose designate a Witness Protection Office at each branch office</p> <p>(2) A Witness Protection Office created under subsection (1) of this section shall exercise the powers and perform the functions assigned by the provisions of this Bill.</p>  |          |
| <p><b>33. Dealing with rights and obligations of witness</b></p> <p>(1) Where a witness has any outstanding rights or obligations or is subject to any restrictions, the relevant agency shall take such steps as are reasonably practicable to ensure that-</p> <ul style="list-style-type: none"> <li>(a) those rights or obligations are dealt with according to law; or</li> <li>(b) the person complies with those restrictions.</li> </ul> <p>(2) The relevant agency may take such steps under subsection (1) of this section -</p> <ul style="list-style-type: none"> <li>(a) providing protection for the witness while the witness is attending court proceedings; or</li> <li>(b) notifying a party or possible party to legal proceedings that the relevant agency will, on behalf of the witness, accept processes issued by a court, a tribunal or a commission of inquiry and nominating a relevant agency for that purpose.</li> </ul> | RETAINED |
| <p><b>34. Avoidance of obligations by witness</b></p> <p>(1) If the relevant agency is satisfied that a witness who has been provided with a new identity under the Programme is using the new identity to avoid-</p> <ul style="list-style-type: none"> <li>(a) obligations which were incurred before the new identity was established; or</li> <li>(b) complying with restrictions which were imposed on the person before the new identity was established,</li> </ul> <p>the relevant agency shall give notice in writing to the witness as specified in subsection (2) of this section.</p> <p>(2) The notice under subsection (1) shall specify that unless the witness satisfies the relevant agency that-</p> <ul style="list-style-type: none"> <li>(a) the obligations will be dealt with according to law; or</li> <li>(b) the restrictions will be complied with,</li> </ul>  | RETAINED |

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| <p>the relevant agency shall take such action as he it considers reasonably necessary to ensure that they are dealt with according to law or complied with.</p> <p>(3) The action the relevant agency may take under subsection (2) of this section include informing a person who is seeking to enforce rights against the witness of the details of any property, whether real or personal, owned by the witness under his original identity.</p>                                   |          |
| <p><b>35. Payments under the Programme</b></p> <p>(1) The relevant agency may, at its discretion, certify in writing that the whole or part of an amount held by a witness represents payments made to the witness under the Programme.</p> <p>(2) An amount so certified shall not be confiscated or restrained, and shall not be applied in payment of pecuniary penalties, under any law.</p>  | RETAINED |
| <p><b>36. Expenses of witnesses for the prosecution</b></p> <p>Where a person attends court as a state witness, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.</p>  | RETAINED |
| <p><b>37. Expenses of witnesses for the defence</b></p> <p>Where a person attends court as a witness to give evidence for the defence, the court may in its discretion on application, order payment by the Registrar to such witness of court such sums of money, as it may deem reasonable and sufficient to compensate the witness for the expenses he reasonably incurred in attending the court.</p>   | RETAINED |
| <p><b>38. Adjournment may be granted subject to witnesses' costs</b></p> <p>The court may permit on application of a party for an adjournment of the proceedings and in so doing, may order the party seeking the adjournment to pay to a witness present in court and whose evidence it has not been possible to take owing to the adjournment, such sum in the amount payable to a witness in accordance with section 36 and 37 of this Bill, or such sum as the court may fix.</p> | RETAINED |
| <p><b>39. Ascertainment of witnesses expenses</b></p> <p>The amount of the expenses payable to a witness pursuant to sections 36 and 37 of this Bill shall be processed and paid by the Registrar of the Court to the witness out of the relevant vote as appropriated by the National Assembly.</p>  | RETAINED |

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| <b>PART V- WITNESS PROTECTION FUND</b>  |                 |
| <b>40. Establishment of the Disclosures and Witness Protection Fund</b>   |                 |
| (1) There is established a fund to be known as the Witness Protection Fund (in this Bill referred to as "the Protection Fund").   | <b>RETAINED</b> |
| (2) The Relevant agency shall be responsible for the management and control of the Protection Fund established under this Bill.   |                 |
| <b>41. Sources of moneys in the Protection Fund</b>   |                 |
| The Protection Fund shall consist of-   | <b>RETAINED</b> |
| <ul style="list-style-type: none"> <li>(a) moneys appropriated by the National Assembly for payment into the Protection Fund which shall amount to at least fifty per cent of the total estimated expenditure of the Protection Fund;</li> <li>(b) moneys as may be approved by the President for – <ul style="list-style-type: none"> <li>(i) the protection of witnesses under the Witness Protection Programme established under this Bill,</li> <li>(ii) the protection and making rewards and compensation to the person making public interest disclosures;</li> </ul> </li> <li>(c) moneys accruing to the Protection Fund from any fund or account established in any legislation passed by the National Assembly for the lodgement of proceeds of confiscation and forfeiture of assets in Nigeria;</li> <li>(d) a percentage of the total amount recovered by the Government as a direct result of information provided by a protected person under this Bill shall be a minimum of two percent and not exceeding five per cent of the total amount recovered;</li> <li>(e) subventions, grants, aid and donations from Federal or State Government;</li> <li>(f) aid and assistance from international bilateral and multilateral agencies; and</li> </ul> <p>such other moneys as may accrue to the Protection Fund from other lawful sources, including interest on deposit and other investments made by the Relevant agency.</p> |                 |
| <b>42. Application of money in the Protection Fund</b>  |                 |
| The money in the Protection Fund shall be applied as follows -  | <b>RETAINED</b> |
| <ul style="list-style-type: none"> <li>(a) towards the basic material support of witnesses and related persons in the Programme;</li> </ul>   |                 |

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| <p>(b) for the purpose of giving effect to the operation of the Programme;<br/>and<br/>(c) towards the payment of reward to persons who make public disclosures under the provisions of this Bill where the information provided by the person who makes the disclosure contributes directly to the recovery of stolen or concealed public funds or assets.</p>   |          |
| <p><b>43. Restriction on expenditure from the Protection Fund</b></p> <p>(1) No expenditure shall be made from the Protection Fund unless the Council approves the expenditure.</p> <p>(2) The Council shall not approve expenditure from the Protection Fund for purposes other than those specified in section 42 of this Bill.</p>   | RETAINED |
| <p><b>44. Special report</b></p> <p>A report of every exercise of the relevant agency's power under this Part shall be included in the annual report which the Relevant agency is required to submit to the office of the Attorney-General of the Federation.</p>   | RETAINED |
| <p><b>45. Estimate, accounts and audit</b></p> <p>(1) The Relevant agency shall prepare estimates and cause proper books of accounts and other records to be kept in connection with the Protection Fund.</p> <p>(2) The provisions of sections 29 and 30 of this Act relating to estimates and the audit of the accounts of the relevant agency shall, with necessary modification, apply to the audit of the accounts of the Protection Fund.</p> | RETAINED |
| <p><b>46. Investment of money</b></p> <p>The relevant agency may-</p> <p>(a) invest any money of the Protection Fund in such manner as the Council may determine; and<br/>(b) vary and diversify investments as the Council may also determine.</p>   | RETAINED |
| <p><b>PART VI - OFFENCES AND PENALTIES</b></p> <p><b>47. False or misleading disclosure</b></p> <p>(1) A person who makes a statement to the relevant agency or to an appropriate or competent authority intending that it be acted upon as a public interest disclosure and in the statement, or in the course of inquiries into the statement, intentionally gives information that he –</p>  | RETAINED |

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| <p>(a) knows is false or misleading; or<br/> (b) is reckless about whether it is false or misleading in a material particular,<br/> commits an offence and is liable on conviction to a fine of not less than five hundred thousand naira or imprisonment for a term of not less than twelve months or to both.</p> <p>(2) For the purposes of subsection (1) of this section, a statement is made to the relevant agency or to an appropriate or competent authority if, were the statement truly a public interest disclosure, it is disclosed to relevant agency or to an appropriate or competent authority for the purposes of the Schedule to this Bill.</p> <p>(3) A person who makes a statement in contravention of this section is not protected by this Bill in respect of that statement, whether or not it is truly a public interest disclosure.</p> |                 |
| <p><b>48. Offences relating to disclosures concerning participants</b></p> <p>A person who, without lawful excuse, discloses information -</p> <p>(a) about the identity or location of a person who is or has been a witness under the Programme; or<br/> (b) which compromises the security of that witness, commits an offence and is liable on conviction to a fine of not less than one million Naira or imprisonment for a term not less than five years or to both.</p>   | <b>RETAINED</b> |
| <p><b>49. Prohibition of false representation</b></p> <p>A person who, without prior written approval of the relevant agency, in connection with an activity carried on by him, takes, assumes, uses or in any manner publishes a name, description, title or symbol-</p> <p>(a) conveying or purporting to indicate or convey; or<br/> (b) which is calculated or is likely to lead other persons to believe or infer, that the activity is carried on under or by virtue of the provisions of this Act or on behalf of the relevant agency, commits an offence and is liable on conviction to a fine of not less than one million Naira or to imprisonment for a term of not less than five years or to both.</p>  | <b>RETAINED</b> |
| <p><b>50. Offences in connection with employees of the relevant agency</b></p> <p>A person, who -</p>  | <b>RETAINED</b> |

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| <ul style="list-style-type: none"> <li>(a) not being the head or an employee of the relevant agency, by words, conduct or demeanour falsely represents himself to be the head or an employee of the relevant agency;</li> <li>(b) exercises or attempts to exercise undue influence over the Head or an employee of the relevant agency which is calculated to prevent the head or employee from carrying out his duties or encouraging him to perform an act which is in conflict with his duties; or</li> <li>(c) is an accomplice to the commission of an act by which a lawful order given to an employee or a regulation or directive or other rule may be evaded, commits an offence and is liable on conviction to a fine of not less than five hundred thousand Naira or to imprisonment for a term not exceeding two years or to both.</li> </ul>  |                 |
| <p><b>51. Obstruction of employees of the relevant agency</b></p> <p>A person who assaults, resists or wilfully obstructs an employee of the relevant agency or a person acting under the direction of that employee in the due execution of his duties under this Bill, commits an offence and is liable on conviction for-</p> <ul style="list-style-type: none"> <li>(a) a first offence, to a fine of not less than five hundred thousand naira or to imprisonment for a term not exceeding two years or to both; and</li> <li>(b) a second or subsequent offence, to imprisonment for a term not less than five years.</li> </ul>  | <b>RETAINED</b> |
| <p><b>52. Prohibition of access to premises of the relevant agency</b></p> <p>(1) The relevant agency may, by notice in the Federal <i>Gazette</i> or in any other manner as it may be necessary in the circumstance, prohibit or restrict access to land or premises under the control of the relevant agency.</p> <p>(2) The relevant agency may-</p> <ul style="list-style-type: none"> <li>(a) take or cause to be taken measures as it may consider necessary for the security of, or the application of, a prohibition of or a restriction on access to land or premises referred to in subsection (1) of this section; and</li> <li>(b) in connection with measures taken, cause notices to be published or warning notices to be erected as it may, in each particular case, consider necessary.</li> </ul> <p>(3) A person who enters upon or is on land or premises in contravention of a prohibition or restriction under subsection (1) of this section, commits an offence and is liable on conviction to a fine of not less than five hundred</p> | <b>RETAINED</b> |

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| <p>thousand Naira or to imprisonment for a term not exceeding twelve months or to both.</p>  |                 |
| <p><b>53. Unauthorized access to a witness</b></p> <p>A person who-</p> <ul style="list-style-type: none"> <li>(a) wilfully or negligently allows an unauthorized person to gain access to a witness;</li> <li>(b) wilfully or negligently discloses, in contravention of any provisions of this Bill- <ul style="list-style-type: none"> <li>(i) the identity of any protected person,</li> <li>(ii) information that a particular protected person is under protection,</li> <li>(iii) the place of safety or location where any person is under protection or has been relocated under this Act,</li> <li>(iv) any information which could lead to the identification of any such person or any such place of safety,</li> <li>(v) any information which undermines or compromises or could undermine or compromise the integrity of a witness protection arrangement under this Act, or</li> <li>(vi) any information relating to the relocation or change of identity of a protected person; or</li> <li>(vi) contravenes a provision of this Act, not already specified, commits an offence and is liable on conviction to a fine of not less one million naira or imprisonment for a period of not less than two years or to both.</li> </ul> </li> </ul> | <b>RETAINED</b> |
| <p><b>PART VII – MISCELLANEOUS</b></p>   |                 |
| <p><b>54. Legal proceedings</b></p> <ul style="list-style-type: none"> <li>(1) No civil action shall be commenced against the Relevant agency or its authorised officers before the expiration of a period of thirty days after written notice of intention to commence the suit shall have been served on the Relevant agency by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the – <ul style="list-style-type: none"> <li>(a) cause of action;</li> <li>(b) particulars of the claim;</li> <li>(c) name and place of abode of the intending plaintiff; and</li> <li>(d) relief sought.</li> </ul> </li> <li>(2) The notice referred to in subsection (1) of this section and any summons, or other documents required or authorized to be served on the Relevant agency under this Bill or any other enactment or law, may be served by –</li> </ul>  | <b>RETAINED</b> |

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| <p>(a) delivering it to the office of the relevant agency; or<br/> (b) sending it by registered mail to the postal address of the relevant agency.</p>   |          |
| <p><b>55. Non-compellability of witness</b></p> <p>Except as otherwise provided by an order of the Court, a person who acquires knowledge or information as a result of association or connection, duty or service with the Programme or the relevant agency shall not be compelled, in proceedings in a court, tribunal or commission of inquiry, to-</p> <p>(a) produce any document; or<br/> (b) divulge or communicate a matter or a thing, related to the exercise of functions under this Bill or the protection of witnesses included in the Programme.</p> | RETAINED |
| <p><b>56. Restriction on execution against property of the relevant agency</b></p> <p>In any action or suit against the relevant agency, no execution shall be levied or attachment process issued against the relevant agency unless not less than three months' notice of the intention to execute or attach has been given to the relevant agency.</p>  | RETAINED |
| <p><b>57. Indemnity of officers of the relevant agency</b></p> <p>A member of the Council, head, officer or employee of the relevant agency shall be indemnified out of the assets of the relevant agency against any proceedings brought against him in his capacity as a member of the Council, head, officer or employee of the relevant agency where the act complained of is not <i>ultra vires</i> his powers.</p>   | RETAINED |

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| <p><b>58. Other laws not excluded</b></p> <p>The protection given by this Bill is in addition to, and does not derogate from, any privilege, protection, or immunity existing apart from this Bill under any other enactment passed by the National Assembly.</p>   | <p><b>RETAINED</b></p> |
| <p><b>59. Review of the operations of this Bill</b></p> <p>(1) The Attorney-General shall carry out a review of the operation of this Bill five years after the commencement of this Bill, and shall, for purposes of the review, have regard to –</p> <ul style="list-style-type: none"> <li>(a) the attainment of the purposes of this Bill;</li> <li>(b) the administration of this Bill; and</li> <li>(c) such other matters as appear to him to be relevant.</li> </ul> <p>(2) The Attorney-General shall prepare and submit to the President, a report based on the review made under subsection (1) of this section.</p> | <p><b>RETAINED</b></p> |
| <p><b>60. Power to make regulations, etc.</b></p> <p>(1) The relevant agency may, with the approval of the Attorney-General, make regulations for or with respect to any matter necessary or expedient to be prescribed for carrying out or giving effect to this Bill.</p> <p>(2) The Attorney – General may by order published in the Federal Gazette add to or remove an appropriate authority to the list contained in the Schedule to this Bill.</p>   | <p><b>RETAINED</b></p> |
| <p><b>61. Role of the Federal Ministry of Justice</b></p> <p>The Federal Ministry of Justice shall not later than three months after the coming into force of this Bill, take such steps as are necessary to bring into being the institutional structures of the Relevant agency pursuant to the provisions of this Bill.</p>  | <p><b>RETAINED</b></p> |
| <p><b>62. Interpretation</b></p> <p>In this Bill, unless the context otherwise requires–</p> <p>“appropriate authority” means a person or authority to which a public interest disclosure can be made or referred to for the purpose of investigation and contained in list in the Schedule to this Bill and includes the National Judicial Council or the Presiding Officer of a Legislative House.</p> <p>“Attorney-General” means the Attorney-General of the Federation and Minister of Justice;</p>  | <p><b>RETAINED</b></p> |

"branch office" includes regional, state, or local offices;

"competent authority" means any person or authority contained in the list in the Schedule to this Bill with responsibility to investigate and prosecute any of the offences referred to in section 2 (1) (b) of this Bill;

"complaint" includes an allegation, application, charge, motion, objection, petition, report, request or summons;

"Court" means the Federal High Court, the High Court of a State or the High Court of the Federal Capital, Abuja;

"court proceedings" include any proceeding in a court or tribunal;

"detrimental action" includes action causing, comprising, or involving –

- (a) injury, damage, or loss;
- (b) intimidation or harassment;
- (c) adverse discrimination, disadvantage, or adverse treatment in relation to a person's career, profession, employment, trade, or business; or
- (c) a reprisal;

"employee" includes a public officer and a worker of a public sector contractor;

"employer" includes the Government of the Federation and a public sector contractor;

"environment" has the meaning given to it in the Environmental Impact Assessment Act (Cap. E121 LFN 2004);

"head" means the head of the relevant agency under this Bill;

"family" means a spouse, child, adopted child, step child, grandchild, parent, grandparent, niece, nephew, aunt, uncle or any other relative or person with whom the witness maintains a close family relationship;

"Government" means the Federal Government of Nigeria;

"Judge" means a Judge of the Court;

"Legislative House" means the Senate or the House of Representatives;

"participant" means a witness who is included in the Programme;

"proceedings" means any procedure conducted by or under supervision of the Judge or judicial officer, however described in relation to any alleged or proven

offence, or any property derived from an offence, and include an inquiry, investigation, or preliminary or final determination of facts;

"Programme" means the Witness Protection Programme established and maintained under Part II of this Bill;

"property derived from an offence" means any property derived or realized directly or indirectly from an offence and includes-

- (a) on a proportional basis, property into which any property derived or realized directly from the offence was later successfully converted, transformed or intermediate; and
- (b) income, capital or other economic gains derived or realized from the property at any time since the commission of the offence;

"protected person" means a witness included in the Programme;

"public authority" means-

- (a) a Ministry, a department, extra Ministerial Department or any public office or institution;
- (b) a Legislative House or the Judiciary;
- (c) a prescribed person; or
- (d) any other body that is established for a public purpose under a written law;

"public officer" means an officer in the service of the Federation and includes-

- (a) a Minister of the Government of the Federation;
- (b) a member of a Legislative House;
- (c) a judicial officer;
- (d) a police officer;
- (e) a person authorised under a written law to execute or serve any process of a court or tribunal for remuneration;
- (f) a member, officer, or employee of a public authority;
- (g) the holder of –
  - (i) a public office that is established for a public purpose under a written law; or
  - (ii) an office that is established by a Minister; and
- (h) any other person holding public office under the Government of the Federation;

"public sector contractor" means –

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| <p>(a) a person who, other than as an employee, contracts with a public authority to supply goods or services to or on behalf of the authority or the Government of the Federation or as directed in accordance with the contract;</p> <p>(b) a person who, other than as an employee, contracts with a public authority or the Government of the Federation to perform a public function; or</p> <p>(c) a subcontractor or employee of a person referred to in paragraph (a) or (b) of this subsection and each person who contracts with another person for the execution of the whole or part of the requirements of a contract referred to in those paragraphs; and</p> <p><b>"register of births"</b> means a register of births maintained under the Births and Deaths Registration Act;</p> <p><b>"register of deaths"</b> means a register of deaths maintained under the Births and Deaths Registration Act;</p> <p><b>"register of marriages"</b> means-</p> <p>(a) a register maintained under any Act in which marriages are registered or recorded; or</p> <p>(b) an index, maintained under any Act, or certified copies of any such registers;</p> <p><b>"witness"</b> has the meaning ascribed to it under section 3 of this Bill;</p> <p><b>"Witness Protection Officers"</b> means..... and</p> <p><b>"witness protection order"</b> means an order of the Court under Part XIII of this Bill.</p> |                 |
| <p><b>63. Short title</b></p> <p>This Act may be cited as the Witness Protection and Management Bill, 2022.</p>  | <b>RETAINED</b> |
| <p><b>SCHEDULE</b></p> <p><b>APPROPRIATE OR COMPETENT AUTHORITIES</b></p> <p>(1) For the purpose of this Bill, the appropriate or competent authorities includes where the witness protection relates to –</p> <p>(a) an act or omission that constitutes an offence under a written law, it is made to a police officer;</p> <p>(b) an unauthorised or irregular use of, or substantial mismanagement of public resources, it is made to, the-</p>  | <b>RETAINED</b> |

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| <ul style="list-style-type: none"> <li>(i) Auditor-General of the Federation,</li> <li>(ii) Economic and Financial Crimes Commission, or</li> <li>(iii) Fiscal Responsibility Commission;</li> </ul> <ul style="list-style-type: none"> <li>(c) a case of corruption, gratification or related offence, it is made to the Independent Corrupt Practices and other related offences Commission;</li> <li>(d) a case of money laundering, economic or financial crime, it is made to the Economic and Financial Crimes Commission;</li> <li>(e) a case of terrorism or related activities, to the Department of State Security;</li> <li>(f) drugs and drug trafficking, to the National Drug Law Enforcement Agency;</li> <li>(g) the trafficking or violence against persons, to the National Agency for the Prohibition of Trafficking in Persons;</li> <li>(h) the violation of the customs and excise laws, it is made to the Nigeria Customs Service;</li> <li>(i) the violation of any law on the recovery of proceeds of crime, to any agency of the Federal Government responsible for the recovery of proceeds of crime under any law passed by the National Assembly;</li> <li>(j) income tax and related taxes, it is made to the Federal Inland Revenue Services;</li> <li>(k) a matter of administration of funds or assets of a Government Ministry, department, agency or office, it is made to a person who occupies a position specified under section 38 (1)(a) of this Bill in relation to the Ministry, department, agency or office concerned;</li> <li>(l) a person who holds an appointment made under the Police Act, it is made to the Inspector-General of Police;</li> <li>(m) a judicial officer, it is made to the National Judicial Council;</li> <li>(n) a legislator, it is made to the Presiding Officer of the Legislative House to which the legislator belongs;</li> <li>(o) an officer in the civil service of the Federation, it is made to the Federal Civil Service Commission;</li> <li>(p) a matter falling within the area of responsibility of a public authority, it is made to a person who occupies a position specified under section 38 (1) (a) of this Bill in relation to that authority; and</li> <li>(q) a person or a matter of a prescribed class, it is made to— <ul style="list-style-type: none"> <li>(i) a person prescribed by an order of the Attorney-General under section 9 of this Bill to be a appropriate authority for the purposes of section 2 (1) (b) of this Bill in relation to the disclosure; or</li> <li>(ii)any other authority specified in this Bill or by regulations made under this Bill.</li> </ul> </li> </ul> |  |
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(2) Where a “public interest disclosure” has the meaning given to it in section 3 of this Bill; disclosure falls within two or more paragraphs of this Schedule, then it is made to an appropriate or competent authority if made to any or all of the authorities contemplated by the applicable paragraphs.

**EXPLANATORY MEMORANDUM**

This Bill seeks to ensure that effective and efficient administration of justice in criminal and related proceedings is not prejudiced by the unwillingness of witnesses to give evidence for fear of violence, serious injury, death or for such other reasons as may be prescribed by regulations made under this Bill.