

## THE PUBLIC SECURITY DECREE 1967



## Decree No. 31

[26th July 1967]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) Any person who,—

(a) being the owner or, as the case may be, the landlord of property or premises owned by him or under his control, fails without lawful excuse to report the presence thereon or therein of any ammunition, explosive, firearm or offensive weapon, or

Possession  
etc. of  
certain  
explosives  
an offence  
etc.

(b) possesses, has under his apparent control, places on or under the ground, throws away, or discards in any manner, any ammunition, explosive, firearm or offensive weapon recklessly or without regard being had to property or the safety of persons likely to be affected thereby,

shall be guilty of an offence and liable on conviction to be sentenced to death or to imprisonment for a term of not less than 21 years.

(2) The power of arrest conferred by the Armed Forces and Police (Special Powers) Decree 1967 shall extend and apply to offences under this Decree, so however that any offender shall be tried under the provisions of this Decree, any other enactment to the contrary notwithstanding.

1967 No. 24.

In the application of this subsection, where a person suspected of having committed an offence under this Decree is arrested and attempts to escape, it shall be lawful for any person authorised to make an arrest under this Decree, to shoot to kill.

(3) It shall likewise be an offence for any person to dig in such manner as to cause persons in the neighbourhood to fear on reasonable grounds that an offence has been or is about to be committed under this Decree.

(4) There shall be for the purpose of this Decree a military tribunal to consist of three officers of the Armed Forces appointed for any particular trial or trials by the Commander-in-Chief, and proceedings before the tribunal shall take place in camera.

(5) The tribunal may hear such evidence as it thinks fit, and an accused shall be allowed to conduct his own defence in person.

(6) Where the penalty of death is imposed, it shall be subject to confirmation by the Commander-in-Chief, or by an officer designated by him if outside Lagos, and the sentence shall be carried out by a firing squad or in any other manner as directed by the confirming officer.

(7) In the application of this Decree,—

(a) the onus of proof of absence of guilty intent or that the accused had regard to the safety of any person, shall lie upon the accused ; and

(b) the provisions of section 5 of the Armed Forces and Police (Special Powers) Decree 1967 shall apply for the interpretation of the words "ammunition", "explosive", "firearm" or "offensive weapon" as used in this Decree, as they apply for that Decree.

Citation and  
extent.

2. This Decree may be cited as the Public Security Decree 1967 and shall apply throughout the Federation.

MADE at Lagos this 26th day of July 1967.

MAJOR-GENERAL Y. GOWON,  
*Head of the Federal Military Government,  
Commander-in-Chief of the Armed Forces,  
Federal Republic of Nigeria*