

**PUBLIC SECURITY (DETENTION OF PERSONS)
DECREE 1979**



Decree No. 1

[8th January 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) If the Chief of Staff, Supreme Headquarters or, as the case may be, the Inspector-General of Police is satisfied that any person is or recently has been concerned in acts prejudicial to public security, 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 a police station ; and it shall be the duty of the superintendent or other person in charge of any civil prison, or the police officer in charge of any police station, as the case may be, if an order made in respect of any person is delivered to him, to keep that person in custody until the order is revoked.

Special
power to
detain
persons for
acts pre-
judicial
to public
security.

(2) An order made under subsection (1) above shall be full authority for any police officer or member of the armed forces to arrest the person to whom an order relates and to remove him to a civil prison or police station.

2. The Chief of Staff, Supreme Headquarters or, as the case may be, the Inspector-General of Police shall not later than three months after the date of an order made by him under this Decree and every three months thereafter review the case of every person detained pursuant to the order and, if satisfied that the circumstances no longer require the continued detention of the person affected, may revoke the order.

Review of
detention.

3.—(1) Any person detained in a civil prison or a police station on the date of the making of this Decree pursuant to an order made under the Armed Forces and Police (Special Powers) Decree 1967 shall be deemed to have been detained under this Decree and the order made under the Decree of 1967 shall have full effect as if made under this Decree.

Subsisting
detentions
under 1967
No. 24.

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

Exclusion of proceedings.

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 Decree.

(2) Chapter III of the Constitution of the Federation is hereby suspended for the purposes of this Decree 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 Decree shall not be inquired into in any court of law, and accordingly sections 115 and 117 (2) (d) of that Constitution shall not apply in relation to any such question.

Citation and expiry.

5.—(1) This Decree may be cited as the Public Security (Detention of Persons) Decree 1979.

(2) This Decree shall remain in force until 30th September 1979 whereupon it shall stand repealed.

MADE at Lagos this 8th day of January, 1979.

LT-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

**MILITARY COURTS (SPECIAL POWERS) (AMENDMENT)
DECREE 1979**



Decree No. 2

[21st September 1978]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Military Courts (Special Powers) Decree 1977 is hereby amended as follows, that is—

Amendment
of Decree
No. 4 of
1977.

(a) in subsection (1) of section 1 thereof, by the repeal of the words "in time of war or at any time during the continuance of the state of emergency in Nigeria"; and

(b) by the substitution for the existing section 9 thereof of the following, that is—

Citation,
etc. 9.—(1) This Decree may be cited as the Military Courts (Special Powers) Decree 1977.

(2) This Decree shall remain in force until 30th September 1979 and shall thereafter stand repealed."

2. This Decree may be cited as the Military Courts (Special Powers) (Amendment) Decree 1979 and shall be deemed to have come into operation on 21st September 1978.

Citation and
commence-
ment.

MADE at Lagos this 8th day of January 1979.

LT-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*