

Supplement to Official Gazette Extraordinary No 15, Vol. 74, 20th March, 1987—Part A

CIVIL DISTURBANCES (SPECIAL TRIBUNAL) DECREE 1987



ARRANGEMENT OF SECTIONS

Section

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|---|--|
| 1. Constitution of Investigation Committee. | 5. Power to issue search warrant. |
| 2. Special tribunal. | 6. Attempt. |
| 3. Jurisdiction and power of tribunal, etc. | 7. Confirmation of penalties of tribunal, etc. |
| 4. Rules of procedure and institution of proceedings. | 8. Exclusion of proceedings. |
| | 9. Interpretation. |
| | 10. Citation. |

Decree No. 2

[18th March 1987]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—CONSTITUTION OF CIVIL DISTURBANCE INVESTIGATION COMMITTEE

1.—(1) Whenever the President, Commander-in-Chief of the Armed Forces is of the opinion that—

Constitution
of Civil
Disturbance
Investigation
Committee.

(a) there has occurred civil disturbances, commotions or unrest in any part of the Federal Republic of Nigeria ; or

(b) there has been a breach of the peace that would have the effect of destabilizing the peace and tranquillity of the nation ; or

(c) the public order and public safety of Nigeria is being threatened by any disturbance ; or

(d) there has occurred or may likely occur a riot or civil disturbances of a riotous nature resulting or likely to result, as the case may be, in loss of life and property or injury to person ;

he may constitute a special investigation committee (hereafter in this Decree referred to as the "Investigation Committee").

(2) The Investigation Committee constituted under subsection (1) of this section shall conduct investigation into the civil disturbances and determine—

(a) whether any person or group of persons by conduct or negligence or otherwise howsoever in any way caused or contributed to the breaking out of the disturbances and make, in the light of its findings in that behalf, recommendations as to measures to be taken against any such person or group of persons ;

(b) whether any person or group of persons propagating or holding religious, political, social or other beliefs, or any movement or association (howsoever called) led by any person or group of persons contributed to or participated in any way in the civil disturbances ;

(c) whether any person or persons, being citizens of Nigeria or not, encouraged, contributed to or participated in the civil disturbances.

(3) Further to subsection (2) of this section, the Investigation Committee may make recommendation for the trial of any person or persons involved in the civil disturbances.

(4) The Investigation Committee constituted under subsection (1) of this section—

(a) shall consist of such persons as the President, Commander-in-Chief of the Armed Forces may appoint ; and

(b) may, subject to any general or specific directions that may be given in that behalf by the President, Commander-in-Chief of the Armed Forces, regulate its own proceedings as it may deem fit.

PART II—CONSTITUTION AND POWERS OF TRIBUNAL

Special
tribunal.

2.—(1) The President, Commander-in-Chief of the Armed Forces is hereby empowered to constitute civil disturbances special tribunal (hereafter in this Decree referred to as the "tribunal") to try all cases of civil disturbances as stated in section 1 of this Decree.

(2) A tribunal constituted under subsection (1) of this section shall consist of—

(a) a Chairman who shall be a serving or retired judicial officer of any of the superior court of record in Nigeria ; and

(b) four other members one of whom shall be a serving member of the Armed Forces :

Provided that no person who has taken part in the search for, pursuit or apprehension of any person to be tried under this Decree or who has taken part in the investigation of any person to be tried shall sit as a member of the tribunal constituted for the trial of that person in respect of any offence referred to in this Decree.

Jurisdiction
and powers
of tribunal,
etc.

3.—(1) A tribunal shall have jurisdiction to try any person charged with any of the offences specified in Schedule 1 to this Decree and shall have power to award any penalties specified for the offences in either the Criminal Code or the Penal Code.

(2) For the purpose of subsection (1) of this section, where in respect of any act which is an offence under this Decree a tribunal is satisfied that any person, not being a person charged with an offence under this Decree—

(a) acted in concert or conspired with any person ; or

(b) knowingly took part to any extent whatsoever in the commission of the act constituting an offence referred to in Schedule 1 to this Decree, the tribunal shall have power to treat the person in like manner as a person charged with an offence under this Decree and shall proceed against him accordingly notwithstanding anything to the contrary in any other enactment.

(3) The President, Commander-in-Chief of the Armed Forces may add to or alter or modify the list of offences referred to in subsection (1) of this section.

4.—(1) The rules of procedure to be adopted in prosecutions for the offences in Schedule 1 to this Decree before a tribunal and the forms to be used in such prosecutions shall be as set out in Schedule 2 to this Decree.

Rules of
Procedure
and institu-
tion of
proceedings

(2) Prosecutions for offences referred to in this Decree shall be instituted in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such officer in the Federal Ministry of Justice as he may authorise so to do and, in addition thereto, he may—

(a) after consultation with the Attorney-General of any State in the Federation, authorise any officer of the Ministry of Justice concerned to undertake any such prosecutions directly or assist therein ; or

(b) if a tribunal so requests, or if contingencies so dictate, authorise any other legal practitioner in Nigeria to undertake any such prosecution or assist therein :

Provided that the question whether any authority has been given in pursuance of this subsection shall not be inquired into by any person.

(3) Any person accused of any offence referred to in this Decree shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner resident in Nigeria, but where an accused person charged with an offence punishable with life imprisonment or death is not defended by a legal practitioner as aforesaid, the tribunal shall assign to such person a legal practitioner for his defence.

5. Notwithstanding the provisions of any other enactment conferring power to search, if the Chairman of the tribunal is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place whatsoever, any dangerous weapon including arms, ammunition or weapon of any description or any books, records, statements or information in any other form whatsoever, which, in his opinion, are or may be material to the charge or any trial under this Decree, he may issue a warrant under his hand authorising any police officer or any member of the armed forces or security agencies to enter, if necessary by force, the said building or other place and every part thereof, and to search for, seize and remove any such thing as aforesaid, found therein.

Power to
issue search
warrants.

6.—(1) Where a person is charged with an offence but the evidence establishes an attempt to commit the offence he may be convicted of having attempted to commit that offence, although the attempt is not separately charged, and punished as provided under the relevant enactment.

Attempt.

(2) When a person is charged with an attempt to commit an offence but the evidence establishes the commission of the full offence the offender shall not be entitled to acquittal but he may be convicted of the attempt and punished as provided under the relevant enactment.

PART III—CONFIRMATION

Confirmation of penalties of tribunal, etc.

7.—(1) Where a tribunal finds the accused guilty of any offence referred to in this Decree, the record of the proceedings of the tribunal shall be transmitted to the confirming authority for confirmation of the sentence imposed by the tribunal.

(2) Any sentence imposed by the tribunal shall not take effect until the conviction or sentence is confirmed by the confirming authority and pending such confirmation the convicted offender shall be kept in such place of safe custody as the tribunal may determine.

(3) The confirming authority may confirm or vary the sentence of the tribunal.

(4) For the purposes of this Decree the confirming authority shall be the Armed Forces Ruling Council.

PART IV—SUPPLEMENTARY PROVISIONS

Exclusion of proceedings.

8.—(1) The validity of any decision, sentence, judgment, confirmation, direction, notice or order given or made, as the case may be, or any other thing whatsoever done under this Decree shall not be inquired into in any court of law.

1964 No. 1.

(2) It is hereby declared for the avoidance of doubt that section 24 of the Interpretation Act 1964 shall apply in respect of offences referred to in this Decree.

Interpretation.

9. In this Decree, unless the context otherwise requires—

“civil disturbance” includes riot, unrest, civil disorder, civil commotion, rampage, breach of the peace having the effect of destabilizing the peace and tranquillity of the nation or affecting public order and safety ;

“superior court of record in Nigeria” has the meaning assigned thereto in the Constitution of the Federal Republic of Nigeria 1979 ;

“tribunal” means any special tribunal constituted as provided in this Decree.

Citation.

10. This Decree may be cited as the Civil Disturbances (Special Tribunal) Decree 1987.

SCHEDULES

SCHEDULE 1

Section 3 (1)

A—CRIMINAL CODE

1. Treason.
2. Concealment of treason.
3. Unlawful assembly. Riot.
4. Rioters demolishing buildings.
5. Rioters injuring buildings.
6. Going armed so as to cause fear.
7. Forcible entry.
8. Violence.
9. Unlawful processions.
10. Insult to a religion.
11. Offering violence to officiating Ministers of religion.
12. Disturbing religious worship.
13. Murder.
14. Attempt to murder.
15. Manslaughter.
16. Grievous harm.
17. Acts intended to cause grievous harm or preventing arrest.
18. Assault occasioning harm.
19. Serious assault.
20. Rape.
21. Indecent assault on females.
22. Attempt to commit rape.
23. Unlawful possession.
24. Arson.
25. Attempt to commit arson.
26. Setting fire to crops and growing plants.
27. Attempting to set fire on crops.
28. Destroying or damaging an inhabited house or vessel with explosive.
29. Attempt to destroy property by explosive.
30. Treasonable felonies.
31. Wilful damage to property.
32. Sedition and the importation of seditious or undersirable publications.
33. Managing an unlawful society, membership of unlawful society.
34. Unlawful assemblies, breach of the peace.
35. Rioting.
36. Any other offences relating to or connected with civil disturbances as defined in this Decree.

B—PENAL CODE

1. Insulting or exciting contempt of religious creed.
2. Injuring or defiling place of worship.
3. Disturbing religious assembly.
4. Committing trespass on place of worship.
5. Culpable homicide punishable with death.
6. Culpable homicide not punishable with death.
7. Hurt.
8. Grievous hurt.
9. Voluntarily causing grievous hurt.
10. Voluntarily causing grievous hurt without provocation.

11. Voluntarily causing hurt with provocation.
12. Voluntarily causing hurt or grievous hurt by dangerous means.
13. Voluntarily causing hurt to extort property or to constrain to an illegal act.
14. Causing hurt by act endangering life or personal safety of others.
15. Criminal force.
16. Assault.
17. Assault or criminal force to deter public servant from discharge of his official duty.
18. Assault or criminal force to a woman to outrage her modesty.
19. Theft.
20. Theft in a dwelling home.
21. Theft after preparing to cause death, hurt or restrain in order to commit theft.
22. Extortion.
23. Putting person in fear of injury in order to commit extortion.
24. Extorting by putting a person in fear of death or grievous hurt.
25. Extortion by threat of accusation of an offence punishable with death.
26. Mischief.
27. Mischief by fire or explosive with intent to cause damage.
28. Mischief by fire or explosive with intent to destroy house.
29. Mischief committed after preparation made for causing death or hurt.
30. Rape.
31. Treason.
32. Act of gross indecency.
33. Unlawful possession of human head.
34. Death caused in act of committing offence.
35. Death caused when intention is to cause hurt only.
36. Causing disappearance of evidence of offence or giving false information to screen the offender.
37. Destruction of document to prevent its production as evidence.
38. Taking gratification to screen an offender from punishment.
39. Offering gratification in consideration of screening offender.
40. Unlawful assembly.
41. Joining unlawful assembly armed with deadly weapon.
42. Promoter of an unlawful assembly liable as a member.
43. Member of an unlawful assembly.
44. Rioting.
45. Rioting armed with deadly weapon.
46. Criminal conspiracy.
47. Unlawful society.
48. Management and membership of unlawful society.
49. Attempt to commit offences.
50. Disturbance of public peace.
51. Inciting disturbance.
52. Sedition.
53. Any other offences relating to or connected with civil disturbances as defined in this Decree.

SCHEDULE 2

Section 4 (1)

CIVIL DISTURBANCES (SPECIAL TRIBUNAL) RULES OF PROCEDURE

Commencement and Conduct of Trial

1. The trial of offences under this Decree shall commence by way of an application, supported by a summary of evidence or affidavit made to the tribunal by the prosecutor. Institution of proceedings.
2. Where after the perusal of the application and the summary of evidence, affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed an offence referred to in this Decree, it shall cause that person to be brought before the tribunal on such date and at such time as it may direct. Order on an accused to appear.
- 3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged. Commencement of trial.
- (2) If the accused pleads guilty the plea shall be recorded and he may in the discretion of the tribunal be convicted thereon unless the offence charged is punishable with life imprisonment or death; in which case the tribunal shall enter a plea of not guilty on behalf of the accused.
4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused the tribunal shall proceed to try the case. Plea of not guilty or no plea.
- 5.—(1) After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused. Presentation of case for prosecution.
- (2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.
- 6.—(1) After the conclusion of the presentation of evidence by the prosecutor, the tribunal shall ask the accused—
- (a) whether he wishes to give evidence on his own behalf ; and
- (b) whether he intends to call witnesses other than witnesses to character.
- (2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.
- (3) Notwithstanding the provisions of paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness, other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

Defence.

7. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

Right of
prosecutor
to reply.

8.—(1) If the accused or any of the accused calls any witness, other than a witness to character, or any document, other than a document relating to character, is put in evidence for the defence, the prosecutor shall be entitled to reply.

(2) If the accused has called only evidence as to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, the prosecution may, with the leave of the tribunal, be heard in reply on a point of law or on any new matter or evidence, other than evidence as to character introduced by the accused.

Considera-
tion of
findings.

9. When the case for the defence and the reply of the prosecution, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its findings.

Announce-
ment of
findings.

10. After the tribunal has made its findings the Chairman shall announce such findings, and, where the accused is found guilty, it shall impose the appropriate penalty prescribed in the relevant enactment as referred to in this Decree and issue appropriate order accordingly.

Recommen-
dation as to
mercy.

11. The tribunal may, in addition to its sentence, make appropriate recommendation as to mercy but in any such case shall give reasons for such recommendation.

Notes of
evidence to
be taken.

12.—(1) The Chairman or any other member of the tribunal authorised by the Chairman in that behalf shall in every case take notes in writing of the oral evidence, or so much thereof as he considers material, in a book to be kept for that purpose and such book shall be signed by the Chairman and not less than two other members of the tribunal including the person who took down the notes at the conclusion of each day's proceeding.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Supplemental

13. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence in respect of the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

Issue of
summons
for witness.

14. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non attendance then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoided service, the tribunal, on being satisfied that such person is likely to give material evidence may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant before the tribunal in order to testify as aforesaid.

Warrant of
witness after
summons.

15. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may require.

Local
inspections.

16. Subject to the express provisions, if any, of these rules the forms contained in the Annex to these rules may, in accordance with any instructions contained in the said forms, and with such variation as the circumstances of the particular case may require be used in the case to which they apply, and when so used, shall be good and sufficient in law.

Forms.

17. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences referred to in this Decree the provisions of the Criminal Procedure Code or, depending on the venue the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

Application
of Criminal
Procedure
Code or Act.

18. In these Rules, "the prosecutor" means the Attorney-General of the Federation or any other person authorised by him pursuant to section 4 of this Decree to conduct the prosecution of an offence before the tribunal or to assist therein.

Meaning of
prosecutor.

ANNEX

(Rule 16)

FORMS

FORM 1

Civil Disturbances (Special Tribunal) Decree 1987

APPLICATION TO COMMENCE TRIAL

To : The Chairman,

Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

Pursuant to section 4 of the Civil Disturbances (Special Tribunal) Decree 1987, I hereby apply for the commencement of a trial for the offence of

.....under section.....of against the
undermentioned persons :—

(i).....

(ii).....

2. In support of this application I attach hereto.....

copies of the summary of evidence or affidavit for the consideration of the Tribunal.

3. If this application is granted, I shall be relying on the facts disclosed in the summary of evidence and any further evidence the Tribunal may consider necessary at the trial. I attach hereto four copies of the charge against the accused. A list of the deponents and their addresses is also attached for the purpose of issuing witness summons on them.

.....
Prosecutor

FORM 2

Civil Disturbances (Special Tribunal) Decree 1987

SUMMONS TO ACCUSED

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

To. A.B. of.....

Complaint has been made this day by.....

for that on the.....day of.....

at.....in the.....

aforesaid did*.....

.....
.....
.....

You are therefore summoned to appear before the tribunal mentioned above sitting at

on.....to answer the said complaint.....

DATED the.....day of.....19.....

.....
Chairman of the Tribunal

* State concisely the substance of the offence.

FORM 3

Civil Disturbances (Special Tribunal) Decree 1987

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of Offences under the Civil Disturbances
(Special Tribunal) Decree 1987.

Between

The Federal Republic of Nigeria

and

.....Accused

To.....Police Officer. Complaint has
been made on.....of.....by.....
.....that.....hereinafter called the accused, on
the.....day of.....did *

You are hereby commanded to bring the accused before the tribunal
mentioned above sitting at.....on.....to answer the
said complaint and dealt with according to law.

Dated the.....day of19.....

.....
Chairman of the Tribunal

* *State concisely the substance of the offence.*

FORM 4

Civil Disturbances (Special Tribunal) Decree 1987

SUMMONS TO WITNESS

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

Between

The Federal Republic of Nigeria

and

..... Accused

To (i)

(ii)..... has been

charged by (iii)..... at

..... in

that he did (iv).....

and it appearing to me on the application of (iii).....
that you are likely to give material evidence therein on behalf of the prosecutor (or accused).

You are therefore summoned to appear before the tribunal named
above sitting at..... on the..... day of.....
19..... at the hour of..... in the noon, to
testify what you know in such matter.

DATED the..... day of 19.....

.....
Chairman of the Tribunal

(i) Insert name of witness.

(ii) Insert name of accused.

(iii) Insert the name of prosecutor or, if applicable, the accused.

(iv) State concisely the substance of the offence.

FORM 5

Civil Disturbances (Special Tribunal) Decree 1987

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

To _____
A.B. has been charged by _____
for that he on the _____ day of _____ at _____
_____ in the _____ State aforesaid did* _____

And it appearing to me by the oath of _____
that _____ is likely to give material evidence concerning the said
matter, and that it is probable he will not attend to give evidence unless
compelled to do so.

You are therefore hereby commanded to bring him before the tribunal
named above sitting at _____
forthwith to testify what he knows concerning the said matter.

DATED the _____ day of _____ 19 _____

Chairman of the Tribunal

* State concisely the substance of the offence.

FORM 6

Civil Disturbances (Special Tribunal) Decree 1987

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

Between

The Federal Republic of Nigeria

and

..... Accused

To.....Police Constable or to each and
all the Constables of.....

(i).....was duly summoned to appear
before the tribunal named above sitting at.....
on.....at the hour of.....
in the.....noon, to testify what he knows
concerning a certain complaint against.....

And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him (and that a reasonable sum has been paid (or tendered) to him for his costs and expenses in that behalf).

You are therefore hereby commanded to bring him before the tribunal named above sitting at.....forthwith to testify what he knows concerning the said matter.

DATED the.....of day.....19.....

.....
Chairman of the Tribunal

.....
(i) *Insert name of witness.*

FORM 7

Civil Disturbances (Special Tribunal) Decree 1987

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

Between

The Federal Republic of Nigeria

and

.....Accused
To.....and to the
Superintendent of.....Prison

(i).....having appeared
or been brought before the tribunal named above sitting at.....
.....on theday of.....19....
to testify what he knows concerning a certain matter against

(ii).....refused to take an oath
(or having taken an oath) refused to answer any (or a certain) question put
to him concerning the matter and did not offer any just excuse for his refusal.

You the said Police Officer are hereby commanded to convey the said

.....safely to the prison
and deliver him to the Superintendent thereof, together with this Warrant
and you, the Superintendent of the said prison, to receive him into your
custody and keep him for the period of.....unless,
he in the meantime consents to be examined and to answer concerning the
matter.

DATED the.....of day.....19.....

.....
Chairman of the Tribunal

(i) Insert name of witness.

(ii) Insert name of accused.

FORM 8

Civil Disturbances (Special Tribunal) Decree 1987

COMMITMENT ON REMAND

In the Tribunal for the trial of Offences under the Civil Disturbances
(Special Tribunal) Decree 1987

Between

The Federal Republic of Nigeria

and

..... Accused

To..... and Officer-in-Charge of
..... Police Station and to the
Superintendent of..... Prison.

(i) hereinafter called the
accused being brought before the tribunal named above, sitting at.....

..... charged with having

(ii)

The hearing of the case being adjourned :

You the said Police Officer are hereby commanded to convey the accused
to Police custody at.....*to the
prison and thereto deliver him to the Officer in Charge*/Superintendent
thereof, together with this Warrant, and you, the Officer-in-Charge*/the
Superintendent of the said prison to receive him into your custody, and keep
him until the.....day of.....19.....and on that day
to convey him before the said tribunal at the hour of.....
in the.....noon to be further dealt
with according to law.

DATED the.....day of.....19.....

.....
Chairman of the Tribunal

(i) Insert name of accused.

(ii) State the offence or offences.

* Delete whichever does not apply.

FORM 9

Civil Disturbances (Special Tribunal) Decree 1987

In the Tribunal for the trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987.

WARRANT OF CONVICTION

Between

The Federal Republic of Nigeria

and

.....Accused

(i)having appeared before the tribunal named above sitting at.....is this day convicted for that he, on the.....day of.....19.....at.....within the.....did

(ii).....And it is adjudged that the accused, for his said offence, be sentenced to (iii).....and the accused shall until the conviction and/or sentence be confirmed or disallowed by the Armed Forces Ruling Council kept in custody at (iv).....

DATED the.....day.....19.....

Chairman of the Tribunal

MADE at Lagos this 18th day of March 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree provides for the investigation and trial of persons involved in civil disturbances in any part of the Federal Republic of Nigeria.

RELIGIOUS SOCIETIES, ETC. (TEMPORARY PROHIBITION)
DECREE 1987



Decree No. 3

[18th March 1987]

Commence-
ment.

WHEREAS by section 35 of the Constitution of the Federal Republic of Nigeria 1979 every person is entitled to freedom of thought, conscience and religion including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice or observance ;

AND WHEREAS section 37 of the said Constitution guarantees to every person the right to assemble freely and associate with other persons ;

AND WHEREAS section 38 of the said Constitution guarantees to every citizen of Nigeria the right to move freely throughout Nigeria and to reside in any part thereof ;

AND WHEREAS section 41 of the said Constitution empowers the Federal Military Government to make laws that are reasonably justifiable in the interest of defence, public safety, public order, public morality and public health and in particular the Federal Military Government may make such laws for the purpose of protecting the rights and freedom of other persons ;

AND WHEREAS the Federal Military Government is empowered by section 11 of the said Constitution to make laws for the Federation or any part thereof with respect to the maintenance and securing of public safety and public order ;

AND WHEREAS there had occurred civil disturbances, commotions and unrests arising from and connected with the activities of certain religious societies and associations in institutions of learning resulting in loss of lives and property and the violation of the fundamental human rights and freedom of other persons :

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) All religious societies and associations in institutions of learning throughout Nigeria are hereby dissolved.

Prohibition
of religious
societies, etc.

(2) Accordingly no new religious societies or associations shall be formed in any institution of learning in Nigeria during the period prescribed by section 3 (2) of this Decree.

Offences and
penalties.

2.—(1) Any person who forms or belongs to or solicits any person to belong to or sponsors, encourages, engages in or participates in any activities of any society or association affected by this Decree shall be guilty of an offence and liable on conviction to a term of imprisonment for a period not exceeding five years without the option of a fine.

(2) An offence under this Decree shall be tried by the Civil Disturbances Special Tribunal constituted under the Civil Disturbances (Special Tribunal) Decree 1987.

Citation and
expiry.

3.—(1) This Decree may be cited as the Religious Societies, Etc. (Temporary Prohibition) Decree 1987.

(2) This Decree shall remain in force for a period of twelve months from the date of its commencement and shall stand repealed unless the President, Commander-in-Chief of the Armed Forces by Order published in the *Gazette* extends the expiry date by a period not exceeding twelve months at a time.

MADE at Lagos this 18th day of March 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its effect)*

The Decree dissolves for a period of 12 months religious societies and associations in institutions of learning in Nigeria and prohibits the formation of new ones. The period of dissolution may be extended by Order of the President, Commander-in-Chief of the Armed Forces for a further period of twelve months at any given time.