

# STATE SECURITY (DETENTION OF PERSONS) DECREE 1966



## Decree No. 3

WHEREAS I, MAJOR-GENERAL JOHNSON THOMAS UMUNAKWE AGUIYI-IRONSU, Head of the Federal Military Government, Supreme Commander of the Armed Forces, am satisfied that the arrest and detention of certain persons are in the interest of the security of Nigeria and it is expedient to make this decree accordingly :

NOW THEREFORE the FEDERAL MILITARY GOVERNMENT hereby decrees that—

1. The persons specified in the Schedule hereto shall be detained for a period not exceeding six months in such place or places as the Head of the Federal Military Government may from time to time direct either generally or specifically, and persons so detained shall be liable to be removed to and be detained there under conditions as to confinement including conditions as to maintenance, discipline and punishment for breaches of discipline, as may from time to time be imposed in respect of person duly convicted of an offence by a court of law.
2. The persons so detained shall, as soon as may be, be entitled to make representations in writing which shall be addressed to and forwarded by the person making the representation through the appropriate detaining authority to the Federal Military Government ; but information which is against the public interest shall not at any time be disclosed thereafter by any person.
- 3.—(a) The Federal Military Government may if it thinks fit in its discretion constitute tribunals for the purpose of advising the Federal Military Government on any detention cases which that Government may think necessary to refer to the tribunals.
- (b) A tribunal for the purpose of this decree shall consist of two members one of whom as the Chairman, shall be a barrister of not less than seven years standing nominated by the Chief Justice of Nigeria, and the other member shall be a person appointed by the Federal Military Government.
- (c) Members appointed under this section shall be persons who appear to the Federal Military Government such as will exercise an independent and impartial judgment in considering cases referred under this decree ; and members may be appointed for a particular case or series of cases, and every tribunal may regulate its own procedure.
- (d) The tribunal considering a case referred to it shall submit its report on the basis of material placed before it, within four weeks from the date of the reference of the case to it ; but nothing in this section shall entitle any person detained under this decree to attend in person or be represented by any person during the consideration by the tribunal of the case as it affects any such person.
- (e) Notwithstanding the provision of section 1, the Federal Military Government may after considering the report of a tribunal continue the detention of the person who is the subject of the report, for such further period as the Federal Military Government may think fit.

(f) Without prejudice to the provisions of this section, the detention of any person held under this decree may at any time be revoked; but the release of any such person shall not be a bar to the making of any fresh decree against that person.

4.—(a) Save in any case within paragraph (b) of this section, a court shall not allow to be made or given before it any statement or evidence of any representation made by a person affected by this decree; and anything in any enactment to the contrary notwithstanding, a court shall not be entitled to require any public officer to produce before it or to disclose the substance of any such representation.

(b) It shall be an offence punishable with imprisonment for a term of not less than twelve months or more than two years for any person to disclose or publish without the previous permission of the Federal Military Government any contents or matter purporting to be contents of any representation within the provisions of paragraph (a) of this section.

5. No suit, prosecution or other legal proceeding shall lie against any person for anything done in good faith or intended to be done in pursuance of this decree.

6. Chapter III of the Constitution of the Federation is hereby suspended for the purpose of this decree, and—

(a) the 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 enquired into in any court of law, and accordingly sections 115 and 117 (1) (d) of that Constitution shall not apply in relation to any such question; and

(b) an application for a writ of *habeas corpus ad subjiciendum* shall not lie at the instance of a person detained under this decree, or on his behalf.

7. This decree may be cited as the State Security (Detention of Persons) Decree 1966, and shall apply throughout the Federation.

#### SCHEDULE

- (i) Mr Okunola Adebayo
- (ii) Chief Adebiyi Omowonuola Adeyi
- (iii) Mr Richard Osuolale Abimbola Akinjide
- (iv) Oba Claudius Dosa Akran
- (v) Mr Salawu Olasupo Fajinmi
- (vi) Chief Remi Fani-Kayode
- (vii) Mr Nathaniel Adedamola Babalola Kotoye
- (viii) Alhaji Busari Obisesan
- (ix) Mr Emmanuel Olakanmi
- (x) Chief Babatunji Olowofoyeku
- (xi) Chief Lalekan Salami
- (xii) Prince Adekeke Ademiluyi

DATED at Lagos this 8th day of February, 1966.

MAJOR-GENERAL J. T. U. AGUTYI-IRONSII,  
*Head of the Federal Military Government,  
Supreme Commander of the Armed Forces,  
Federal Republic of Nigeria*

# THE SUPPRESSION OF DISORDER DECREE 1966



## ARRANGEMENT OF SECTIONS

### Section

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#### SCHEDULES :

Schedule 1—Offences against public order.

Schedule 2—Offences which can only be committed within a military area.

## Decree No. 4

[11th February 1966]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

## PART I—OFFENCES AGAINST PUBLIC ORDER

1.—Any person who commits any offence against public order under Schedule 1 of this Decree shall be liable on conviction to be sentenced either to death or to imprisonment for a term not exceeding twenty-one years.

Penalty for  
offences  
against  
public  
order under  
Schedule 1.

2.—(1) Except in the case of an offence alleged to have been committed within an area which was at the material time a military area within the meaning of this Decree, a person charged with an offence against public order under Schedule 1 of this Decree shall be tried summarily by a single judge of the High Court within whose jurisdiction the offence was committed.

Jurisdiction  
in respect  
of offences  
under  
Schedule 1  
committed  
elsewhere  
than in a  
military  
area.

(2) It is hereby declared that the provisions of section 117 of the Constitution of the Federation relating to appeals to the Supreme Court from decisions in criminal proceedings before a High Court sitting at first instance, and in particular subsection (2) (e) of that section (by virtue of which such an appeal lies as of right from a sentence of death), apply to decisions of a High Court in proceedings for any offence under Schedule 1 of this Decree.

1963 No. 20.

## PART II—MILITARY AREAS

3.—(1) If it appears to the Head of the Federal Military Government that widespread public disturbances are occurring in any part of Nigeria, he may proclaim any area which appears to him to be affected by the disturbances to be a military area for the purposes of this Decree.

Proclama-  
tion of  
military  
areas.

(2) Every proclamation made under subsection (1) above—

(a) shall include a statement informing the public that the jurisdiction of any military tribunal set up to try offences committed within the military area in question will be limited to offences against public order under Schedule 1 of this Decree and offences under Schedule 2 of this Decree, and that all other offences will fall to be dealt with by the civil courts ;

(b) shall come into force as soon as it is published, whether by means of a broadcast or in any other way ; and

(c) unless it is first published in the Federal Gazette, shall be re-published in that Gazette as soon as may be after its first publication.

(3) As soon as he is satisfied, as regards any military area, that it is no longer necessary for that area to be a military area, the Head of the Federal Military Government shall by order published in the Federal Gazette direct that the area shall cease to be a military area for the purposes of this Decree as from such date as may be specified in the order.

(4) In this Decree "military area" means any area which has been proclaimed to be such under subsection (1) above and which has not ceased to be such by virtue of an order made under subsection (3) above.

The  
military  
area  
executive  
committee.

4.—(1) As soon as possible after a Region or any part of a Region is proclaimed to be a military area under section 3 of this Decree, the Military Governor of the Region shall constitute a military area executive committee for that area.

(2) A military area executive committee shall consist of—

(a) a chairman, who shall be an officer in the armed forces who has held a commission for not less than three years ;

(b) a police member, who shall be either the senior superior police officer stationed in the military area or a police officer of or above the rank of assistant superintendent ;

(c) an administrative member, who shall be a member of the public service of the Region or of the Federation,

all of whom shall be appointed by the Military Governor of the Region.

(3) It shall be the duty of the military area executive committee constituted for a military area—

(a) to carry out all instructions given to them by the Military Governor ;

(b) subject to any such instructions, to initiate and carry out such measures as they think fit for the purpose of restoring and maintaining public order throughout the military area ; and

(c) for that purpose, to co-ordinate the activities of the armed forces, the police and the civil administration within the military area.

Power to  
constitute  
military  
tribunals.

5.—(1) The Military Governor of the Region in which any military area is situated may constitute for that area one or more military tribunals for the trial of persons charged with offences under Schedule 1 or 2 of this Decree committed within the area.

(2) A military tribunal shall consist of

(a) a president, who must be an officer in the Nigerian Army of or above the rank of major or an officer in the Nigerian Navy or Air Force of or above the corresponding rank ; and

(b) two, three or four other members, each of whom must be an officer in the armed forces who has held a commission for not less than three years.

(3) The president and other members of a military tribunal shall be appointed by the Military Governor by whom the tribunal is constituted.

(4) At the time when by virtue of an order made under section 3 (3) of this Decree a military area ceases to be such an area, every military tribunal constituted for that area under this section shall cease to function, and shall by virtue of that order stand dissolved at that time.

(5) The dissolution of a military tribunal in accordance with subsection (4) above shall not affect any punishment imposed by the tribunal before its dissolution ; and any sentence passed by such a military tribunal before that time may be dealt with in accordance with section 7 of this Decree after that time and, if confirmed, may be executed accordingly.

Jurisdiction  
of military  
tribunals.

6.—(1) Subject to subsections (2) and (3) below, a military tribunal constituted under section 5 of this Decree for a military area—

(a) shall, to the exclusion of all other courts of law in Nigeria, have jurisdiction to try any person charged with having committed within that military area any offence against public order under Schedule 1 of this Decree or any offence under Schedule 2 of this Decree ; but

(b) shall have no jurisdiction in respect of any other offence whatsoever, and in particular no jurisdiction in respect of any such offence as is mentioned in paragraph (a) above which was committed before the area in question was proclaimed to be a military area.

(2) Where any person is brought before a military tribunal charged with an offence against public order under Schedule 1 of this Decree, the tribunal, if in its opinion the case is not one which ought to be tried by a military tribunal, may direct fresh proceedings to be commenced against the accused in a civil court.

(3) Where proceedings are brought against a person in a civil court in pursuance of a direction given under subsection (2) above, that person—

(a) shall not be charged with any offence under this Decree; but

(b) may be charged with any other offence in respect of the conduct by reason of which he was brought before the tribunal.

7.—(1) Subject to the provisions of this and the next following section, the practice and procedure applicable to proceedings before a court-martial under the Nigerian Army Act 1960 shall, with such modifications as may be necessary, be followed in proceedings before a military tribunal.

Practice and  
procedure  
of military  
tribunals.  
1960 No. 26.

(2) The prosecution of any offence under Schedule 1 or 2 of this Decree before a military tribunal shall be conducted either by a legal practitioner or by a police officer of or above the rank of inspector, who need not be a legal practitioner.

(3) In any proceedings before a military tribunal the accused person shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner.

8.—(1) Where a military tribunal finds the accused guilty of an offence under Schedule 1 or 2 of this Decree, the record of the proceedings of the tribunal shall be transmitted to the confirming authority for confirmation of the sentence of the tribunal for that offence.

Confirma-  
tion of  
proceedings  
of military  
tribunals.

(2) A finding of guilty by a military tribunal shall not require or be subject to confirmation.

(3) A sentence of a military tribunal shall not be treated as a sentence of the tribunal until confirmed:

Provided that this subsection shall not affect the keeping of the accused in custody pending confirmation.

(4) The confirming authority shall deal with the sentence of a military tribunal either by confirming it or by withholding confirmation.

(5) In confirming the sentence of a military tribunal the confirming authority may—

(a) in the case of a sentence of death, substitute for that punishment imprisonment for a term not exceeding the maximum term which could have been imposed by the tribunal for the offence in question;

(b) in the case of a sentence other than a sentence of death, either remit in whole or in part the punishment awarded by the tribunal or substitute for it some other punishment which could have been imposed by the tribunal for the offence in question, being a punishment less severe than the punishment awarded by the tribunal.

(6) A sentence substituted by the confirming authority or any sentence having effect after the confirming authority has remitted punishment, shall be treated for all purposes as a sentence of the military tribunal duly confirmed.

(7) The confirmation of a sentence shall not be treated as completed until the confirmation has been made known to the accused; and in the event of any such substitution or remission as aforesaid, the effect of the substitution or remission shall be explained to the accused.

(8) Where the confirming authority determines to withhold confirmation of a sentence, the determination shall be made known to the accused without delay and shall have effect as from the time when it is made known to him as an absolute discharge of the accused.

1960 No. 26.

(9) Sections 100 to 107 of the Nigerian Army Act 1960 (which relate to the confirmation, revision and review of proceedings of courts-martial) shall not apply in relation to proceedings of military tribunals; and, without prejudice to the foregoing provisions of this section, no appeal shall lie from a decision of a military tribunal.

(10) For the purpose of this section the confirming authority—

(a) in the case of a sentence for an offence under Schedule 1 of this Decree shall be the Head of the Federal Military Government;

(b) in the case of a sentence for an offence under Schedule 2 of this Decree, shall be the Military Governor of the Region within which the military area in which the offence was committed is situated.

Execution  
of sentences  
of military  
tribunals.

9.—(1) A sentence of death imposed by a military tribunal shall, if confirmed and duly made known to the accused under section 8 of this Decree, be executed by hanging the offender by the neck till he be dead.

(2) The place of execution of such a sentence of death shall be a civil prison.

1960 No. 26.

(3) Subject to subsections (1) and (2) above, sections 112 and 115 of the Nigerian Army Act 1960 (which relate to the receipt into civil prisons of persons sentenced by courts-martial, and the treatment there of such persons when received) and any rules relating to those matters which are from time to time in force under subsection (2) (a) or (b) of section 128 of that Act shall apply, with such modifications as may be necessary, in relation to persons sentenced to death or imprisonment by a military tribunal as they apply in relation to persons so sentenced by a court-martial.

Power to  
impose  
curfew in  
military  
area.

10.—(1) The Military Governor may by order impose a curfew upon the inhabitants of a military area or any part thereof.

(2) Every curfew order shall be made known to the inhabitants of the area to which it relates in such manner as the Military Governor thinks fit and shall come into operation on the date on which it is so made known.

(3) As soon as may be after a curfew order has been made it shall be published in the Regional Gazette.

(4) Where a curfew has been imposed under this section in any area, no person other than a police officer or a member of the armed forces or a qualified medical practitioner, or any other person authorised in writing under subsection (5) below shall be abroad within the curfew area between such hours as may be specified in the curfew order (in this section referred to as the hours of curfew).

(5) Any member of the military area executive committee or any superior police officer may issue to any person applying therefor a written permit authorising the holder thereof to be abroad within a curfew area during such times and for such purposes and subject to such conditions or restrictions as may be specified in the permit.

(6) It shall be a condition of every such permit that the person to whom it has been granted shall carry it on his person at all times when he is abroad in a curfew area during the hours of curfew; and every such permit shall, on demand, be produced for the inspection of a police officer or a member of the armed forces.

11.—(1) Where, by virtue of a proclamation under section 3 of this Decree published on any day, any area becomes a military area on that day, every person resident in that area or present in that area on that day who has in his possession or control within the area any explosive, ammunition, firearms or component parts thereof shall not later than midnight on the next following day notify a police officer of that fact and inform him of the nature and location of the articles in question :

Notification and collection of firearms, etc.

Provided that this subsection shall not apply to police officers, members of the armed forces or officers of customs and excise.

(2) The notification required to be given under subsection (1) above shall be given at the police station nearest to the place where the articles in question, or the bulk of those articles, are situated.

(3) It shall be the duty of the military area executive committee to arrange for the collection and safe custody of all articles of which notification has been given or ought to have been given under subsection (1) above; and any such article may be removed by any person authorised in that behalf by that committee, and may be detained in accordance with the arrangements made in pursuance of this subsection.

(4) Where by virtue of an order made under section 3 (3) of this Decree a military area ceases to be such an area, any article collected by virtue of subsection (3) above shall, if the person in whose possession or control it was at the time when it was collected had at that time a lawful title thereto, be returned to that person.

12.—(1) No person shall within a military area carry or otherwise have in his possession or control any explosive, ammunition or firearm unless he is authorised in writing under this section to do so or is excepted from the operation of this subsection by virtue of an order under subsection (2) below.

Restriction on possession of firearms, ammunition and explosives.

(2) The chairman of the military area executive committee may by order except from the operation of subsection (1) above—

(a) all police officers, or police officers of any class or description specified in the order;

(b) all members of the armed forces, or members of the armed forces of any class or description so specified;

(c) all officers of customs and excise or officers of customs and excise of any class or description so specified.

(3) The chairman of the military area executive committee may issue to any person applying therefor a written permit authorising the holder thereof to carry or otherwise have in his possession or control within the military area any such article as is mentioned in subsection (1) above, subject to such conditions or restrictions as may be specified in the permit.

Weapons  
other than  
firearms,  
ammunition  
and  
explosives  
not to be  
carried  
without  
good  
reason.

Power to  
give direc-  
tions with  
respect to  
weapons.

Power to  
disperse  
gatherings.

Power to  
arrest  
without  
warrant.

Powers of  
entry,  
search and  
seizure.

13.—(1) Subject to the provisions of this section, no person other than a police officer, a member of the armed forces or an officer of customs and excise shall carry any offensive weapon within a military area.

(2) A person charged with an offence by virtue of subsection (1) above shall not be convicted thereof if he satisfies the military tribunal that the offensive weapon in question was not being carried by him for any offensive purpose and that there was good reason for him to be carrying it at the material time.

14.—(1) Subject to subsection (2) below, every person who in a military area—

(a) has in his possession or control any explosive, ammunition, firearm or component part thereof; or

(b) is carrying any offensive weapon,

shall comply with such directions in respect thereof as may be given to him by any member of the armed forces or any police officer; and the directions may require the removal of any such article to such place as may be specified in the directions.

(2) Subsection (1) above shall not apply to any police officer, member of the armed forces or officer of customs and excise.

15. If, as regards any five or more persons gathered together in any place within a military area, any police officer or member of the armed forces is not satisfied that the occasion for the gathering is a lawful and proper one, he may order the gathering to disperse; and if the order is not obeyed, he may use such force as may be necessary to disperse the gathering.

16. Within a military area any police officer or member of the armed forces may without a warrant arrest—

(a) any person who in his presence commits any offence under Schedule 1 or 2 of this Decree; or

(b) any person whom he suspects upon reasonable grounds of having committed any such offence.

17.—(1) In any military area any police officer of or above the rank of inspector, or any member of the armed forces who by virtue of section 19 (b) of this Decree has the powers of an inspector of police, may without a warrant at any time enter and search any premises in which he has reasonable cause to believe that there is, or is likely to be—

(a) a person who has committed, or is suspected of having committed, any offence under Schedule 1 or Schedule 2 of this Decree; or

(b) any explosive, ammunition, firearm (or any component part thereof) owned, possessed or kept contrary to law, or any offensive weapon, and where any such person or thing is found, may arrest the person or seize the thing, as the case may be.

(2) Any person who enters any premises under subsection (1) above—

(a) may be accompanied by such other persons being police officers or members of the armed forces as he thinks necessary for the purpose;

(b) may use such force as may be necessary to enter and search the premises;

(c) shall, where possible, take with him a respectable person resident in the district in which the premises are situated; and

(d) shall, before leaving the premises, make out and sign a written report on the search, and shall include therein particulars—

(i) of any damage done to the premises in the course thereof, and

(ii) of any article seized for removal from the premises,

and shall read the report to the person (if any) in charge of the premises and the person (if any) whom in accordance with paragraph (c) above he took with him, and shall afford to each of them an opportunity of countersigning the report or adding to it a signed note stating the respects (if any) in which he disagrees with it.

(3) Anything seized under subsection (1) above may be detained in accordance with such directions as may be given by the military area executive committee; but section 11 (4) of this Decree shall, with the necessary modifications, apply to things so seized.

(4) In this section "premises" include a dwelling house, vehicle, ship or any other place.

18.—(1) If the chairman of the military area executive committee is satisfied that any person in a military area is or recently has been concerned in acts prejudicial to public order, 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, whether within the military area or not; 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 under this section is delivered to him, to keep that person in custody until the order is revoked or the military area in question ceases to be a military area, whichever first occurs.

Power to order detention of trouble-makers.

(2) On making an order under this section in respect of any person, the chairman of the military area executive committee in question shall forthwith inform the Military Governor of his action and of the circumstances which led him to take it; and, without prejudice to the power of the said chairman to revoke the order at any time, the Military Governor may himself at any time, after consultation with the said chairman, revoke the order.

(3) For the purposes of subsection (1) above, the chairman of the military area executive committee may take into account acts and activities which occurred before the area in question became a military area.

(4) 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 the order relates and to remove him to a civil prison or police station.

(5) Any person detained in pursuance of an order made under subsection (1) above shall be deemed to be in lawful custody.

(6) Nothing in this section shall be construed as requiring a person to be released from custody if he is liable to be detained by virtue of any enactment not contained in this Part of this Decree.

19. Within any military area but not elsewhere—

(a) every member of the armed forces shall by virtue of this section have the powers and immunities of a police officer;

(b) a member of the Nigerian Army above the rank of sergeant, and a member of the Nigerian Navy or Air Force above the corresponding rank, shall by virtue of this section have the powers of an inspector of police; and

Members of armed forces to have powers of police officers.

(c) a member of the armed forces who holds a commission shall by virtue of this section have the powers of a superior police officer.

Offences which can only be committed in a military area.

20. Schedule 2 of this Decree (which creates certain offences which can only be committed in a military area) shall have effect for the purposes of this Part of this Decree.

Exclusion of remedies for breaches of Chapter III of Constitution of Federation. 1963 No. 20.

21. The question whether any provision of Chapter III of the Constitution of the Federation has been, is being or would be contravened by anything done or proposed to be done in pursuance of this Part of this Decree shall not be enquired into in any court of law, and accordingly sections 32, 115 and 117 (1) (d) of that Constitution shall not apply in relation to any such question.

### PART III—GENERAL

Interpretation.

22. In this Decree—

“ammunition” includes all materials for loading firearms, percussion caps, and gunpowder of every kind ;

“the armed forces” means the Nigerian Army, Navy and Air Force, or any of them ;

“civil court” means a court of ordinary criminal jurisdiction ;

“civil prison” means a prison in Nigeria in which a person sentenced by a civil court to imprisonment can for the time being be confined ;

“explosive” includes gunpowder of every kind, nitroglycerine, dynamite, gun-cotton, blasting powder, detonators, fulminate of mercury or other metals, and every other explosive substance being any compound of, or having any ingredients in common with, any of the foregoing, and also includes rockets and fireworks of any kind ;

“firearm” includes any cannon, gun, rifle, carbine, machine-gun, cap-gun, flint-lock gun, revolver, pistol or other firearm, whether whole or in detached pieces ;

“military area” has the meaning assigned by section 3 (4) of this Decree :

“the Military Governor”, in relation to a military area, means the Military Governor of the Region in which the military area is situated ;

“military tribunal” means a military tribunal constituted under section 5 of this Decree ;

“offensive weapon” does not include a firearm, but does include an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel or any piece of wood, metal or stone capable of being used as an offensive weapon ;

“officer of customs and excise” means any person employed in the Department of Customs and Excise or for the time being performing duties in relation to customs or excise.

Application to Lagos.

23. This Decree shall apply in relation to the Federal territory as it applies in relation to a Region ; but in its application in relation to the Federal territory any reference to the Military Governor of a Region shall be construed as a reference to the Head of the Federal Military Government, and any reference to the Regional Gazette shall be construed as a reference to the Federal Gazette.

Citation and extent.

24. This Decree may be cited as the Suppression of Disorder Decree 1966 and shall apply throughout Nigeria.

SCHEDULE 1

OFFENCES AGAINST PUBLIC ORDER

Sections 1,  
5, 6, 7, 8,  
etc.

1. Any person who does any of the following things, that is to say—
  - (a) intentionally kills or injures any person ; or
  - (b) intentionally destroys or damages any property ; or
  - (c) intentionally discharges any firearm ; or
  - (d) commits any act of intimidation ; or
  - (e) does anything with intent to obstruct, prevent, pervert or defeat the course of justice,
 shall, if by doing that thing he causes or contributes to any public disorder, be guilty of an offence against public order.
2. Without prejudice to paragraph 1 above, any person who deliberately causes any public disorder shall be guilty of an offence against public order.
3. Any person who—
  - (a) steals from, or with intent to steal searches, the person of anyone killed or injured in the course of any public disorder ; or
  - (b) steals any property which has been left exposed or unprotected in consequence of any public disorder,
 shall be guilty of an offence against public order.
4. Any person who—
  - (a) aids another person in committing an offence against public order under paragraph 1, 2 or 3 above ; or
  - (b) incites, counsels or procures any other person to commit such an offence against public order, where that other person actually commits the offence in question,
 shall be guilty of an offence against public order.

SCHEDULE 2

OFFENCES WHICH CAN ONLY BE COMMITTED WITHIN A MILITARY AREA

Section 20.

1. Any person to whom a permit has been granted under section 10 of this Decree who fails to produce it when lawfully required to do so shall be guilty of an offence and be liable on conviction by a military tribunal to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months, or both.
2. Any person found abroad in any curfew area contrary to the provisions of section 10 (4) of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or both.
3. Any person who fails to comply with the provisions of section 11 (1) and (2) of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year, or both.
4. Any person who within a military area carries or otherwise has in his possession or control any explosive, ammunition or firearm contrary to the provisions of section 12 of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to imprisonment for a term not exceeding five years.

Failure to  
carry permit  
during  
Curfew  
[S. 10].

Being  
unlawfully  
abroad  
during  
curfew  
(S. 10 (4) ).

Failure to  
notify fire-  
arms etc.  
[S.11 (1)  
and (2) ].

Unlawful  
carrying or  
possession  
of firearms  
etc.  
[S.12].

Unlawful carrying of offensive weapons. (S.13).

Failure to comply with directions in respect of weapons (S.14).

Failure to obey order to disperse (S.15).

Obstruction (Part II Generally).

5. Subject to section 13 (2) of this Decree, any person who within a military area carries any offensive weapon contrary to the provisions of section 13 (1) of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to imprisonment for a term not exceeding one year.

6. Any person who fails to comply with any direction given under section 14 of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year, or both.

7. Any person who fails to comply with any order given under section 15 of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to imprisonment for a term not exceeding one year.

8. Any person who within a military area deliberately obstructs a person acting in the exercise of powers conferred on him by any provision of Part II of this Decree shall be guilty of an offence and be liable on conviction by a military tribunal to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months, or both.

DATED at Lagos this 11th day of February 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSI,  
*Head of the Federal Military Government,  
Supreme Commander 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 purposes)*

It is the desire of the Federal Military Government that normal conditions shall be restored in the recently disturbed areas of the Federation, and that in order to bring about these normal conditions as quickly as possible, all persons who have been constrained to leave their homes by reason of actual violence, or threats or fear of violence, should now make their return and resume their customary lives and occupations.

The Federal Military Government is determined that no ill-affected person or persons, whether inspired by party faction, plain hooliganism or any other cause, shall in anyway interfere with this resumption of normal life and activity; and to give proper force to its determination in this matter, the Federal Military Government has in this Decree provided that any person committing an offence against public order under Schedule 1 of this Decree shall be liable on conviction to be sentenced either to death or to imprisonment for up to 21 years.

It is the intention of the Federal Military Government that any person or persons charged with any such offence arising out of any isolated act of terrorism shall be tried by the civil courts.

If, however, these acts occur in any area of the Federation in widespread form, the Federal Military Government will have power under Part II of this Decree to proclaim the area affected to be a military area in which all such offences will be tried by military tribunals set up under this Decree.