



UNDERSTUDYING THE TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022 TOWARDS A REFORM FOR PLATEAU STATE COUNTER TERRORISM LEGISLATION

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1.0 Abstract

The war against terrorism must be deliberate, total and comprehensive the world over. While the countries of the world make efforts to ensure the safety of their territories and the protection of the lives and properties of their citizens, states or federating units within countries must be deliberate to replicating and complimenting the efforts of the centre. In Nigeria, Terrorism is not specifically mentioned as an item under any of the Legislative Lists, hence, a subject matter of consideration for both states and Federal Governments as this subject fall under the Security and protection of citizens and their properties. Another phrase that interchangeably gets used to indicate efforts in combating terrorism or acts of terror is “Counter Terrorism”. Counter-terrorism¹, is a ‘measures designed to combat or prevent terrorism or ‘actions by a group, army, etc., that are done to prevent terrorist attacks and destroy terrorist networks. According to Stepanova, counter-terrorism is ‘a security task performed by a security component of a national or international authority².’ Plateau State is one of the states in Nigeria that have domesticated the terrorism prevention legislation in order to curb the menace of this ill. This work targets a study of the National legislation in order to make recommendations for a reform in Plateau State.

Key words: Terrorism, Combat, Counter Terrorism, Human Rights, Reform

2.0 INTRODUCTION

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¹ The Merriam Webster Dictionary ‘Counterterrorism’ <<https://www.merriam-webster.com/cou...>> accessed on the 20th December 2024.

² African Charter on Human and Peoples’ Rights 1981 adopted by the 18th Assembly of Heads of States and Government, (June 1981) at Nairobi, Kenya accessed on 14th October, 2022 accessed on 24th October, 2024

In order to fulfil their obligations under human rights law to protect the life and security of individuals under their jurisdiction, States have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights.³ There are statutes in Nigeria that make provisions for ways to provide a framework for combating terrorism or lay the foundation and provide the enabling mechanisms for the fight against terrorism and all acts of terror. These statutes *inter alia*, regulate and provide control over human activities in directions that relate to terrorism and other crimes in society. Since law is both normative and prescriptive, it has, through the instrumentality of some legislation, made provisions as to how best human conduct in society will be regulated. Analysis of the provisions are done and recommendations are made.

The protection and preservation of human rights is sacrosanct and human rights are what make humans worth living. The law combating terrorism and acts of terror does need to protect the people in order for them to enjoy the benefits of the life being protected and the properties being preserved. It is in this light that this work is targeted at proffering suggestions for Plateau State counter terrorism legislation to be properly directed for safer and more effective implementation.

3.0 THE TERRORISM (PREVENTION AND PROHIBITION) ACT, 2022

The nature and historical development of terrorism in Nigeria is an indication of how the country has gradually transformed from a once peaceful and quiet society to a modern state where

³ Office of the United Nations High Commissioner for human Rights, 'Human Rights, Terrorism and Counter – Terrorism (Geneva Fact Sheet No.32, 2007) *Published by the Peace and Security Section of the Department of Public Information* Accessed at www.un.org/terrorism 8-9

acts of terrorism threaten the very existence of the Nigerian state⁴. Nigeria has had a long and unfortunate history of communal conflicts, ethnic and religious violence. Although activities of different groups that target civilians are terrorist in nature, the attempts by the government to use this label, may have created some confusion and terrorism remained undefined for a long time under Nigerian law⁵. Groups agitating for political, philosophical, ideological, racial, ethnic and religious interests of their people and groups⁶. These ethnic militia groups often unleashed terror and attacks against the security forces. Depending on one's perspective and understanding of the motivations of each group, there is a tendency to define the groups using different terms: self-determination groups, nationalist, guerrilla fighters, rebels, urban youth gangs or terrorists⁷

In the light of the necessity to curtail and combat terrorism in Nigeria, the law *inter alia*, regulate and provide control over human activities in directions that relate to terrorism and other crimes in society⁸. Since law is both normative and prescriptive, it has, through the instrumentality of some legislation, made provisions as to how best human conduct in society will be regulated generally⁹, the essence of every nation engaging in counter terrorism will as of priority, seek to redress the following areas, disrupt the ability of people to travel abroad to engage in terrorist activity and then return to enhance the ability of operational agencies to monitor and control the

⁴ Dakas C.J Dakas, 'Terrorism in the Aviation Sector: The Human Rights Dimension of the use of Body Scanners' In *Law and Security in Nigeria* (Nigerian Institute of Advanced Legal Studies Press, 2011) 5-6 citing UN General Assembly Resolution 54/164, 'Human Rights and Terrorism' UN GAOR, 54th Session, Agenda Item 116(b), UN Doc A/Res/4/164 (2000)

⁵ B.O. Adeyomi, 'Terrorism in Nigeria: Groups, Activities and Politics'(2010) *International Journal of Politics and Good Governance* vol. 11. 14.

⁶ Agheyisi, J.E. Terrorized places and spaces: The Geographical Dimension of African Terrorism. *African Geographical Review* (2017) 36 (3): 305–319.

⁷ A. Mu'azu, "Understanding the Emerging Trends of Terrorism in Nigeria: A Case of Boko Haram and similar Groups, 2011". In *Responding to the Emerging Trends of Terrorism in Nigeria. Conference Proceedings*. CLEEN Foundation. No. 16.

⁸ Christian Akani: "2011 Terrorism Act in Nigeria: Prospects and Problems" Volume 2, Issue 8, pp. 218-223; October, 2013. *Online International Journal of Arts and Humanities. Online Research Journals*.

⁹ Joel Barde and Salome Konkato Kigbu , 'The Impact of Terrorism on Human Rights: The Case of Boko Haram and Bigger Delta Avengers in Nigeria', (2017) (3), (1) *Journal of International Law & Jurisprudence, JILJ*

actions of those who pose a threat and to combat the underlying ideology that feeds, supports and sanction terrorism. The law also punishes terrorism, in that, any person who engages in any conduct in preparation to commit acts of terrorism or assisting another person to commit an act of terrorism commits an offence and is liable on conviction to life imprisonment but the law must seek to establish ways to Prepare, Protect, Pursue and Prevent terrorism¹⁰.

Nigeria has suffered various terrorist attacks in the past. It is presently witnessing violent terrorist acts and future terrorist threats are still likely to occur. The nature and historical development of terrorism in Nigeria, is an indication of how the country has gradually transformed from a once peaceful and quiet society, to a modern state where acts of terrorism threaten the very existence of the Nigerian state. Nigeria has had a long and unfortunate history of communal conflicts, ethnic and religious violence¹¹. Although activities of different groups that target civilians are terrorist in nature, the attempts by the government to use this label may have created some confusion. Hence, terrorism remained undefined for a long time under Nigerian law¹².

By 2010, terrorism had evolved in Nigeria, full blown, both in scope and shape. Boko Haram insurgency had emerged and continued to escalate in sophistication¹³. Between September 2010 and May 2011, Boko Haram had successfully carried out over fifty attacks.¹⁴ Nigeria responded to terrorism by diverse legal and institutional frameworks.¹⁵ The fight against terrorism

¹⁰ "Addressing Security Council, Secretary-General, Kofi Anan Calls On Counter-Terrorism Committee To Develop Long-Term Strategy To Defeat Terror". (2014) *Un.org*. Accessed 2nd December, 2024.

¹¹ Ugwuoke, C.U, *Criminology: Explaining Crime in Nigerian Context* (Great AP Express Publishers Ltd, 2010) 74

¹² B.O. Adeyomi, 'Terrorism in Nigeria: Groups, Activities and Politics'. *International Journal of Politics and Good Governance* (2010) vol. 11, 23

¹³ Bertram, L. "How could a terrorist be de-radicalized?" *Journal for Deradicalization* 2015. 5: 120–149.

¹⁴ M. Ioannis *Boko Haram Attacks in Nigeria and Neighbouring Countries: A Chronology of Attacks*, (2014). Retrieved from www.terrorismanalysis.com/home no.6

¹⁵ Nigeria has ratified all the United Nations (UN) Anti-terrorism Conventions and the OAU Terrorism Convention on the Prevention and Combating of Terrorism (adopted in 1999). Nigeria has enacted several local legislations with a view to countering the menace of terrorism.

in Nigeria began from the Terrorism (Prevention and Prohibition) Act 2011, which was subsequently amended to Terrorism (Prevention and Prohibition) Act 2013¹⁶ and now to Terrorism (Prevention and Prohibition) Act 2022¹⁷. The Terrorism (Prevention and Prohibition) Act 2022 repealed the Terrorism Act 2011, the Terrorism (Amendment) Act 2013 and provides an enhanced framework to prevent, prosecute and punish acts of terrorism. The Terrorism (Prevention and Prohibition) Act, 2022 repealed Terrorism (Prevention) Act, No. 10, 2011 as amended in 2013 and enacted provisions for measures for the detection, prevention, combating and prohibition of acts of terrorism for the effective implementation of the international instruments. Section 3 (1) of the Terrorism (Prevention and Amendment) Act, 2022, ¹⁸provides that the Attorney General of the Federation is the authority for the effective implementation and administration of the Act and shall strengthen and enhance the existing framework to ensure the effective prosecution of terrorism matters.

The amendment largely enacts provisions for measures for the detection, prevention, combating and prohibition of acts of terrorism for the effective implementation of the international instruments on the prevention and combating of terrorism and suppression of the financing of terrorism, and establishes institutional framework, including the Nigeria Sanctions Committee for the implementation, coordination and enforcement of the provisions of the Act¹⁹. Section 64 of the

¹⁶ The 2013 amendment was largely to provide for extra territorial jurisdiction and also to strengthen the anti-terrorist financing provisions.¹⁶

¹⁷ The Act is designated as Act No. 15 of 2022 in the series of legislations passed by the National Assembly

¹⁸ Section 3(1) of the Terrorism (Prevention and Amendment) Act, 2022

¹⁹ Adeejat Kubra A. Kolawole, “Overview of the Terrorism (Prevention and Prohibition) Act 2022” (2022) accessed at

[https://www.researchgate.net/publication/363311927_OVERVIEW_OF_THE_TERRORISM_PREVENTION_ACT_2022#:~:text=The%20Terrorism%20\(Prevention%20and%20Prohibition\)%20Act%2C%202022,and%20suppressi on%20of%20the%20financing%20of%20terrorism](https://www.researchgate.net/publication/363311927_OVERVIEW_OF_THE_TERRORISM_PREVENTION_ACT_2022#:~:text=The%20Terrorism%20(Prevention%20and%20Prohibition)%20Act%2C%202022,and%20suppressi on%20of%20the%20financing%20of%20terrorism) on 12th December, 2024, 1

Act,²⁰ provides for investigation and search of a premises by the officer of a relevant agency without warrant, in a case of verifiable urgency, threat to life, or in order to prevent the commission of an offence under the Act. Under this provision, a search may commence while a warrant is being sought. While the rationale for this course of action may be valid, enforcement may still be subject to abuse. It is important to objectively define situations that fall under the purview of this provision for clarity. The amendments were necessitated by the reality of the dynamism associated with terrorism generally.

Section 66 of the Act,²¹ provides for the detention of a suspect for a terrorism-related offence for a period of 60 days using an order obtained through an ex-parte application to the Court. Such detention is intended to last until the conclusion of investigation and prosecution of the matter. It further provides for a renewal of the detention period but requires the involvement of the Attorney-General of the Federation by the relevant enforcement agency for renewal. This provision appears to be in contravention of section 35(4) and (5) of the 1999 Nigerian Constitution, which provide that a person arrested and detained for a criminal offence be charged to court within a reasonable time (1 to 2 days).

Section 56 of the Act, empowers the Registrar General of the Corporate Affairs Commission or the Director of the Special Control Unit against Money Laundering (SCUML) to sign a certificate refusing or revoking the registration of a non-profit organization based on criminal intelligence reports, grounds of national security or reasonable suspicion of terrorist links.

²⁰ Ibid

²¹ Ibid

Although the affected organization may apply to the Court for a review of this decision, the provision still raises concern about the possibility of abuse by the government²².

In a similar fashion, the Proceeds of Crime (Recovery and Management) Act 2022,²³ generally provides the legal and institutional framework for the government to recover and manage proceeds derived from unlawful activities, as well as unclaimed properties reasonably suspected to be proceed of crime. A provision of concern in the Act is section 74, which places the burden of proof on a defendant in proceedings under the Act, to prove that he or she is the legitimate owner of goods suspected to be proceed of crime or derived from unlawful activity, or to prove that the assets are of legitimate origin. This provision appears to contradict section 36(5) of the Constitution, 1999, which provides that a person who is charged with a criminal offence shall be presumed innocent until proven guilty. The position of Nigerian law on burden of proof is that a person who makes an allegation has the responsibility to prove it.²⁴

The rationale for placing the burden of proof on the defendant in section 74 of the Terrorism Act 2022, appears to be the Nigerian government expanding the scope of liability and basing it on the need to conform with Article 12(7) of the United Nations Convention against Transnational Organized Crime (UNTOC),²⁵ which provides that “*States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings*”.

²² Ibid

²³ See The Proceeds of Crime (Recovery and Management) Act 2022

²⁴ This principle is embedded in section 131 of the Evidence Act 2011.

²⁵ James D. Kiras: *The Globalization of World Politics* (3rd ed Oxford University Press, 2020) 89

However, it is clear that this provision is merely advisory and cannot override the principles of natural justice and rule of law recognized in the Nigerian Constitution. The provision of the Constitution acknowledging that items touching on territorial integrity of a nation state to be on the exclusive legislative list, has made the issue of direct fight against terrorism a bit restrained, in that, states cannot have the vires to proscribe any group as a terrorist group no matter how intense their operations are within their territories²⁶. There must be a synergy between nations to ensure their states and territories are in sync and altogether safe.

The Federal Government, through the National Counter-Terrorism Centre, has successfully concluded 1,743 terrorism-related trials from 2017 to the present day, according to a briefing in Abuja by the Director of Public Prosecution of the Federation, Mohammed Babadoko. Babadoko reported that out of the trials, 742 convictions were secured, 888 individuals were acquitted, and 92 cases were adjourned due to insufficient evidence. Specific details of the trials were as follows²⁷: as at October 2017: 50 convictions, 203 acquittals, and 28 adjournments; as at February 2018: 203 convictions, 582 acquittals, and 24 adjournments and as at July 2018: 113 convictions, 102 acquittals, and 9 adjournments. Convictions ranged from 60 years to life imprisonment for defendants charged with committing the offence of terrorism, terrorism financing, and other related crimes. Over the past year²⁸, 515 cases were resolved, and more than 800 individuals were transferred to the Operation Safe Corridor in Gombe for rehabilitation and reintegration, as per court orders and government policy.²⁹ Zakari Mijinyawa, the Director of Legal Services at the

²⁶ Francis M. Kwede and Others 'The Legal Regime for Combating Terrorism and Protection of Human Rights in International Law' (2015) (1) (2), *Al-Hikmah University Law Journal*

²⁷ Kingsley Omonobi "FG concludes 1,743 trials of Boko Haram and ISWAP terrorists since 2017;" *Vanguard News Paper*. 23rd December, 2024 Accessed on <https://www.vanguardngr.com/2024/12/fg-concludes-1743-trials-of-boko-haram-iswap-terrorists-since-2017/> Accessed on 31st December, 2024

²⁸ Between October 2023 – October 2024

²⁹ The trials are conducted under the Terrorism (Prevention and Prohibition) Act, 2022, and other related laws, which proscribe terrorist groups like Boko Haram, Ansaru, IPOB, Yan Bindiga, and Yan Ta'adda.

National Security Adviser's office, clarified that the Disarmament, Demobilization, Reintegration, and Rehabilitation (DDRR) programme applies to individuals not found guilty in court. Convicted individuals serve their sentences, while those suitable for rehabilitation receive psychological support and economic reintegration³⁰.

4.0 PLATEAU STATE PENAL CODE LAW, 2017

Section 77 and 78 of the Plateau State Penal Code Law, makes similar provisions relating to inciting public disturbance and disturbing public peace.³¹ Sections 188, 189, 190, 191, 192, 193, and 194 are the provisions relating to Homicide as in the manner of the penal Code Law. They relate to Homicide punishable with death and Homicide not punishable with death.³² Acts done deliberately to cause death or which acts causing the death were such as would be reasonably contemplated to cause death are qualified as Culpable Homicide punishable with death just as it is under the Penal Code Law of Northern Nigeria.

The Plateau State Anti- Land Grabbing and Related Offences Law 2020, has repealed all provisions relating to kidnapping under Sections 245, 246, 247, 248, 249, 250 and 251 and Unlawful Society under Sections 60 and 61 of the Plateau State Penal Code Law, 2017. The provisions of the Anti-Land Grabbing Law are currently the extant laws in relation to the offences of Kidnapping and unlawful society in Plateau State³³

The provisions of the Plateau State Code Law, 2017 are akin to those of the Penal Code of Northern Nigeria which scarcely provided for the direct criminalization of Terrorism, as was discussed and captured under the discuss of the Penal Code. However, there are two provisions of

³⁰ Ibid

³¹ It is also in the same manner as regulated under the Penal Code of Northern Nigeria.

³² The corresponding provisions on Homicide under the Plateau State Penal Code Law, 2017 are akin to those under the Penal Code of Northern Nigeria.

³³ These provisions have been discussed under the relevant law in this work.

the Plateau State Penal Code Law that directly touch on Terrorism, they are as contained under Sections 269 and 270 of the Law: Section 269 of the Plateau State Penal Code Law defines Terrorism as any: (a) act which may endanger the life, physical integrity or freedom of or cause serious injury or death of any person or group of persons or causes or may cause damage to property, natural resources, environmental or cultural heritage and is calculated or intended to:

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of it to do or abstain from doing any act or to adopt or abandon a particular stand point or to act according to certain principles;

(ii) disrupt any Public Service, the delivery of any essential service to the public or to create public emergency; or

(iii) create a situation of breakdown of Law and Order in the State; and

(b) promotion, sponsorship of, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy organization or procurement of any act referred to in sub-section (1) (a), (b) and (c) of this Section.

The provisions of Section 270(1) states that “a person who wilfully provides or relating to Terrorism collects by any means, directly or and Punishment indirectly, any money from any other person with intent that the money shall be used or with the knowledge that the money shall be used to promote any act of Terrorism, is guilty of an offence and shall be punished with life Imprisonment or Death and Section 270(1) stipulated the punishment for the offence of doing or attempting to do an act of Terrorism or participates in or facilitates the commission of an act of Terrorism, is guilty of an offence and shall be punished with life Imprisonment or Death. Also, Section 270(3) of the code, regulates the offence of terrorism funding or financing or financial

assets or economic sources or other related services available for the use of any other person to commit or attempt to commit, facilitate or participate in the commission of an act of Terrorism is guilty of an offence and shall be punished with life Imprisonment or Death.

The provisions of the Penal Code Law of Plateau State in relation to Culpable Homicide Punishable with death and not publishable with death are similar to those contained and discussed under the Penal Code Law of Northern Nigeria.

5.0 ANTI-LAND GRABBING, KIDNAPPING, CULTISM AND RELATED OFFENCES LAW, 2020.

Plateau State Anti- Land Grabbing and Related Offences Law 2020 covers wide range of offences to wit, Anti-Land Grabbing, Kidnapping, Cultism and Other Anti -Violence and (Related Matters); it was passed into effect in 2020 with 24th day of December, 2020 as the effective date³⁴. The Law seeks to Prohibit Anti-Land Grabbing, Kidnapping, Cultism and Other Anti -Violence activities as well as prescribe punitive measures for their violation.

The Law seeks to ensure the protection of landed properties³⁵. The law creates offences and prescribed punishments. Section 6, prohibits forceful takeover of Land by whatever means including through violence, (land grabbing)³⁶ and Section 7 prohibits entry by violence³⁷ which

³⁴ This Law has repealed all provisions relating to kidnapping under Sections 245, 246, 247, 248, 249, 250 and 251 and Unlawful Society under Sections 60 and 61 of the Plateau State Penal Code Law, 2017. This means therefore that these provisions shall not be reckoned with under the Plateau State Penal Code Law.

³⁵ “land” means bare lands, farm land, economic trees, rivers, creeks, ponds, waterways and includes any building and any other thing attached to the earth or permanently fastened to anything so attached; while “landed Property or Property” includes a parcel of Land or Farmland whether actively in use or not; an Improvement, Building, any land ancillary to a Building, the Site comprising any Building or Buildings together with any Land ancillary thereto and any other place.

³⁶ “land grabbers” means hoodlums, bandits, thugs, miscreants, touts and those who parade themselves as land owners without having lawful title to the Property; and “land grabbing” means the taking over of Land or landed Property using force as provided for in Section 6 of the Law.

³⁷ Section 8 of the Law prohibits illegal occupation of land or property whether directly or through an agent (Section 10) or traditional or community leaders (Section 11), or aided by government officials or authorities (Section 11 and 12), and this extends to sale of such property (Section 14 and 15 – where such sale is done without authority).

may include the act of assault³⁸, and prescribes punishment for land grabbing while armed with weapon³⁹.

Section 22, establishes a Joint Task Force Unit for the monitoring and enforcement of the mandate of the Law as indicated under Section 23 of the Law. Section 24 empowers the police or the task force with the power to effect arrest on anyone committing an offence under this Law.

Part IV of the Law regulates the offence of Kidnapping⁴⁰. Kidnapping under Section 25 of the Law, captures a number of concepts of similar offences to include kidnapping, abduction⁴¹, violence, ritual, resulting in death or grievous body harm, forcible detention and other related offences.

Section 26 of the Law regulates the offence of unlawful detention of a person other than kidnapping or abduction for ransom and prescribes the penalty thereof. Both individuals or corporate bodies are prohibited from participating in abduction, kidnapping⁴² or land grabbing.

³⁸ “assault” is defined under the law to include a wide range of actions – to mean striking, touching, moving or otherwise applying force, including heat, light, electrical force, gas odour or any other substance whether noxious or not or thing whatever, if applied in such a degree as to cause injury or Personal discomfort to the Person of another, either directly or indirectly without the Person’s consent or if the consent is obtained by Fraud; or any bodily act or gesture amounting to an attempt or threat to apply force of any kind as aforesaid to the Person of another without the Person’s consent, in such circumstances that the person making the attempt or threat has in fact or apparently, present ability to effect the purpose;

³⁹ Section 9 of the Law. By the definition Section under Section 2 of this Law, “firearms” includes any Canon, Gun, Rifle, Carbine, Machine-gun, Cap-gun, Flintlock Gun, Revolver, Pistol, Explosive or Ammunition or other Firearm whether in whole or detached pieces;

⁴⁰ Sections 25 to 36 of the Law regulates the offence of Kidnapping - “kidnap” means Abduction as defined in this Law;

⁴¹ “abduction” includes the unlawful removal or exportation of any person from a place where the person is to another place, from the vicinity where the Person is found or the unlawful confinement of a Person in any place without the Person’s consent with any of the following intention or purposes, to: (a) hold for: (i) Ransom, reward or other financial benefits; or (ii) as a shield or hostage; (b) facilitate or aid the commission of a Felony or a Misdemeanor or any other Crime; (c) inflict bodily injury or terrorize the Person abducted or another Person for the purpose of extorting Ransom or anything of value or material or financial benefit or to induce any Person to act in any particular manner; (d) interfere unlawfully with the performance of any Government or Political function or activity; (e) interfere unlawfully with the Person's business or the business of another; or (f) restrain or impede or forcefully imprison for payment of Ransom or doing an act by another in an unlawful manner: (Abduction in this Law does not relate to abduction within a family or filial relationship without a lawful or reasonable purpose);

⁴² Section 27 also criminalizes attempted abduction or kidnap.

⁴³Section 29 also prohibits arrangement by anyone to self-kidnap. The nature of these provisions clearly make it easier to apprehend and prosecute, and indeed, ultimately convict persons who are seen in possession of weapons or who pause as though they were kidnap whereas they self-kidnapped themselves, for whatever reason or motivation.

Sections 37 of the Law prohibits secret cults⁴⁴ and also prohibits the participation of both students and teachers⁴⁵ including lecturers⁴⁶ and further stipulates punishments for them. These activities are prohibited whether they are joined voluntarily, or by the use of force, or weapons⁴⁷, or even via harassments, intimidations or threats.

Sections 40 and 41 punishes students harassing, intimidating, assaulting and using violence on others or found to be in possession of offensive weapons to harass, intimidate, assault or threaten others. The provision of the law has brought the regulation of possession of weapons and harmful objects to the purview of students and this has the tendency of addressing the issues of cultism in schools among students as the proliferation of weapons and availability of dangerous weapons accelerate the commission of crime and armed attacks.

Despite the existence of these laws in Plateau State, it is disheartening that the offences of kidnapping, armed attacks and land grabbing are still very prevalent. The efforts of government and private individuals to ensuring the full enforcement of these laws cannot be overemphasized.

⁴³ Section 28 of the Law.

⁴⁴ Section 37 prohibits all secret cults and Section 38 dissolves all structures or ranking of leaderships in any such hitherto existing Secret Cult.

⁴⁵ Section 39 allows for disciplinary measures to be carried out on the participants of this crime while prosecution is initiated – when students are found guilty, they are to be expelled and not admitted by any other school

⁴⁶ “lecturer” means any person who gives lectures or teaches in any post-primary educational Institution. See Section 2 of the Law.

⁴⁷ See Section 41 of the Criminal Law

The laws cannot enforce themselves and so also, the offenders will not be apprehended without swift enforcement and close monitoring of the laws.

Again, the law must be closely checked in other to meet up with best practices the world over as far as the protection of lives and properties, the protection and preservation of human rights as well as ensuring that crime is best detected and prevented than combated because once the crime is committed, the casualties and victims are usually very affected and very many of them will be unable to return to their normal lives and livelihoods are often cut off.

The analysis of the Act of the National Assembly in combating terrorism is made in order for the laws in Plateau State to be better modelled and projected so as to make them easily implemented as well as adapted to the protection and guarantee of fundamental human rights. It is surely not true that fundamental human rights take the back seat when national security and welfare is concerned – the question will then be, for whom is National security preserved? And to whose benefit is national security maintained should the citizens' rights be violated or down played on the altar of national security.

3.9 CONCLUSION

The legal regimes variously discussed above show that there are some laws that merely make provisions for criminalizing the various acts that can be construed as acts of terrorism which, may not, ordinarily be so construed except where the circumstances show that they were carried out in a manner as terrorism was directly intended. For instance, offences such as kidnapping, robbery or armed robbery, murder and the likes are not in themselves terrorism, but they are acts that can cause fear and usually also engaged in when terrorism is fully engaged.

The law combating terrorism in Plateau State will need be codified in a single law such that it will be more comprehensive and effective in prescription, regulation, monitoring, preventing, combating, and implementation of punishment measures in relation to terrorism and acts of terrorism. The various states have domesticated their criminal laws to engage the varying peculiarities within their jurisdictions, but it is necessary to have a single universally applicable law combating terrorism in Nigeria for ease of administration. However, it need be stated here that these laws as outlined are not adequate for combating of terrorism or acts of terrorism and the peculiarities of the terrain and experiences in Plateau State will need to be factored into the regime suitable for the protection of the lives and properties of the people.