

CHAPTER 23
COLLECTIVE PUNISHMENT LAW

Arrangement of sections

Section

1. Short title
2. Interpretation
- 3 Fine on villages, etc., accessory to crime
4. Fine on villages where homicide is committed or attempted
5. Power to return whole or part of fine after period of good behaviour
6. Power to order delivery up of arms
7. Governor may determine limits of village or district, or define tribe or community
8. Proceedings to enforce payment of fines
9. Inquiry under this Law
10. Finality of orders

CHAPTER 23
COLLECTIVE PUNISHMENT LAW

A.N.S.L.Cap 25

A Law to provide for the imposition of fines on villages and communities in certain cases.

[27th August 1991]

1. This Law may be cited as the Collective Punishment Law

Short title

2. In this Law—

Interpretation

"arms" includes arms of precision and any weapon discharging a projectile by explosion, and any part of such weapon, and also swords, cutlasses, spears, dagger, bows and arrows.

"arms of precision" includes magazine guns, rifles, breach loaders, cap-guns, flint-locks with rifled barrels, revolvers, pistols, air guns and air pistols, or any part thereof

“Governor” means Governor of the State:

"State" means Enugu State of Nigeria

- 3 The Governor may impose fines on all or any inhabitants of any village or district or members of any tribe or community if, after inquiry, he finds—

Fine on
villages, etc,
accessory to
crime

(a). that they have colluded with any criminal, or harboured, or rescued, or attempted to rescue, or failed to take all reasonable means to prevent the escape of, any criminal or any person accused of having committed a crime concerning whom a public announcement had previously

been made within the limits of their village or district by an authorized emissary of an administrative officer or of a local government;

(b). that they have suppressed, or combined to suppress, evidence in any criminal case, investigation, or inquiry, or in any inquest;

(c). that stolen property, or property which might reasonably be suspected of being the proceeds, or part of the proceeds, of a theft concerning which a public announcement had previously been made in the manner specified in paragraph (a) having been traced to within the limits of their village or district, they have failed or neglected to restore the property or take on the track beyond the limits of such village or district.

(d). that they have wilfully disobeyed, or neglected or refused to carry out, any lawful order given to them by an administrative officer or a local government

(e). that then conduct has been such as to require the bringing of soldiers or police to the village or district or the employment of soldiers or police against them for the purposes of preventing or suppressing disturbances, or enforcing lawful orders or the payment of taxes livable under any law.

and may order the whole or any part of the fines recovered under the provisions of paragraphs (a), (b) and (c) to be applied in compensation for the injury caused by the offence of which the criminal is accused or to which the criminal case investigation, inquiry, or inquest relates, or in compensation to the owner of the stolen property.

Fine on villages where homicide is committed or attempted

4 (1). Where within any village or district a person is unlawfully killed, or dangerously wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the Governor may impose a fine on all or any of the inhabitants of such village or district or the members of any tribe or community resident therein unless they can show that they did not take part in the commission of the offence and either—

(a). had not an opportunity of preventing the offence or arresting the offender; or

(b). have used all reasonable means to bring the offender to justice,

(2). The Governor may order the whole or any part of a fine recovered under the provisions of this section to be paid as compensation to the person wounded or to the members of the family of the person killed.

5. The Governor may, either by the order imposing the fine or by a subsequent order, direct that the whole or any part of the fine recovered under the provision of this Law shall be repaid to the

Power to return whole or part of fine after period of good behaviour

persons paying such fine

Provided that they shall have kept the peace and been of good behaviour for such period.as the Governor may determine; and any such order may be subsequently varied by a further order of the Governor curtailing or extending such period

6. In addition to or in lieu of 3 fine the Governor may order all or any inhabitants of any village or district or members of any tribe or community who have been guilty of any offence against any of the provisions of any of the foregoing sections to deliver up such number of arms as may be ordered to such officer as may be specified.

7. The Governor may determine the limits of a village or district or define a tribe or community for the purposes of any order under this Law,

8. If the fines or any part thereof are not paid within twenty-one days next after the date fixed for payment thereof, if shall be levied upon the movable and immovable property of all or any of the persons upon whom the fines have been imposed in respect of the amount then remaining unpaid.

Community,
Proceedings to
enforce
payment of
lines

9. (1). An inquiry under this Law shall be conducted in the same manner, as far as may be, as an inquiry under Chapter 41 of the Criminal Procedure Law.

Inquiry under this
Law

(2). The Governor may in any case direct that an inquiry under this Law shall be conducted by two or more officers sitting together

10. An appeal shall not lie from any order made under this Law, which shall be final and shall not be liable to be contested by suit or otherwise.

Finality of
orders

SUBSIDIARY LEGISLATION

(No subsidiary legislation)