

EXTRADITION (AMENDMENT) ACT, 2018**EXPLANATORY MEMORANDUM**

This Act amends the Extradition Act Cap E25, Laws of the Federation of Nigeria, 2004 to give effect to the rule against double jeopardy as recognised under the 1999 Constitution of the Federal Republic of Nigeria, provide for procedural safeguards to avoid extradition of persons in cases of mistaken identity and effect appropriate modifications on the Act to conform to the provisions of the Constitution.

EXTRADITION (AMENDMENT) ACT, 2018

Arrangement of Sections

Section:

1. Amendment of Cap. E25, LFN, 2004.
 2. Amendment of section 6.
 3. Amendment of section 7.
 4. Amendment of section 8.
 5. Amendment of section 9.
 6. Amendment of section 15.
 7. Amendment of section 21.
 8. Amendment of Second Schedule.
- . Citation.

- (b) in subsection (1), by substituting for the word, "magistrate", in lines 1, 2 and 5, the words, " Judge of the Federal High Court";
- (c) in subsection (2), by substituting for the word, "magistrate", in line 1, the words, "Judge of the Federal High Court"
- (d) in subsection (3), by substituting for the word, "magistrate", in lines 2 and 3, the words, "Judge of the Federal High Court";
- (e) in subsection (3) (d), by substituting for the word, "magistrate", in line 6, the words, "Judge of the Federal High Court";
- (f) in subsection (4), by substituting for the word, "magistrate", in line 2, the words, "Judge of the Federal High Court";
- (g) in subsection (4) (c), by substituting for the word, "magistrate", in line 6, the words, "Judge of the Federal High Court";
- (h) in subsection (5), by substituting for the word, "magistrate", in line 2, the words, "Judge of the Federal High Court".
- (i) by inserting after subsection (6), a new subsection "(6A)" -

“(6A) Where a claim of mistaken identity is raised by a person who is the Defendant in an extradition case and no evidence is led by the Plaintiff or the requesting country to satisfactorily rebut the claim of mistaken identity as raised by the Defendant, the court shall dismiss the application for extradition order and accordingly order the Defendant discharged.”; and

- (k) in subsection (7), by substituting for the words, "magistrate", in lines 1 and 2, the words, "Judge of the Federal High Court".

6. Section 15 of the Principal Act is amended –

Amendment of section 15.

- (a) by inserting a new paragraph "(2)", -


“(2) No person surrendered to Nigeria in accordance with the provisions of this section shall be arrested, detained, extradited, proceeded against or otherwise dealt with in Nigeria or any other country within the Commonwealth or country that has same Extradition Agreement with Nigeria, if the proceeding relates to an offence for which he has been previously convicted

or acquitted in the requesting country for which extradition is sought by the Nigerian authorities.”; and

(b) renumbering the section appropriately.

- 7. Section 21 of the Principal Act is amended by deleting the word, “magistrate”. Amendment of section 21.
- 8. The Second Schedule to the Principal Act is amended by deleting the word. “magistrate” appearing in Form I, II and IV. Amendment of Second Schedule.
- 9. This Act may be cited as the Extradition (Amendment) Act, 2018. Citation.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



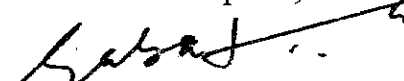
**MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY**

5th DAY OF OCTOBER, 2018


Schedule to the Extradition (Amendment) Bill, 2018

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Extradition (Amendment) Bill, 2018.	An Act to amend the Extradition Act, Cap. E25, Laws of the Federation of Nigeria, 2004 to give effect to the rule against double jeopardy as recognised under the 1999 Constitution of the Federal Republic of Nigeria, provide for procedural safeguards to avoid extradition of persons in cases of mistaken identity and effect appropriate modifications on the act to conform to the provisions of the Constitution; and for related matters.	This Bill amends the Extradition Act Cap E25, Laws of the Federation of Nigeria, 2004 to give effect to the rule against double jeopardy as recognised under the 1999 Constitution of the Federal Republic of Nigeria, provide for procedural safeguards to avoid extradition of persons in cases of mistaken identity and effect appropriate modifications on the Act to conform to the provisions of the Constitution.	10 th July, 2018	16 th May, 2018

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
5th Day of October, 2018

I ASSENT


MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
06 Day of October, 2018
NOV.