

FEDERAL MILITARY GOVERNMENT  
(SUPREMACY AND ENFORCEMENT OF POWERS)  
DECREE 1994



Decree No. 12

(18th November, 1993) Commencement

**WHEREAS** the military revolution which took place on 17th November, 1993 effectively abrogated the whole pre-existing legal order in Nigeria except what has been preserved under the Constitution (Suspension and Modification) Decree No. 107 of 1993.

**AND WHEREAS** the military revolution aforesaid involved an abrupt political change which was not within the contemplation of the Constitution of the Federal Republic of Nigeria, 1979.

**AND WHEREAS BY THE** Constitution (Suspension and Modification) Decree No. 107 aforesaid there was established a new government known as the "Federal Military Government" with absolute powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever and, in exercise of the said powers, the said Federal Military Government permitted certain provisions of the Constitution of the Federal Republic of Nigeria, 1979 to remain in operation.

**AND WHEREAS** by section 5 of the said Constitution (Suspension and Modification) Decree, no question as to the validity of any Decree or any Edict (in so far as by section thereof the provisions of the Edict are not inconsistent with the provisions of a Decree) shall be entertained by any Court of law in Nigeria.

**AND WHEREAS** by section 1(3) of the said Constitution (Suspension and Modification) Decree the provisions of a Decree shall prevail over those of the unsuspended provisions of the said 1979 Constitution.

1. (1) The preamble hereo is hereby affirmed and declared as forming part of this Decree.

(2) it is hereby declared also that :

(a) for the efficacy and stability of the Government of the Federal Republic of Nigeria ; and

(b) with a view to assuring the effective maintenance of the territorial integrity of Nigeria and the peace, order and good government of the Federal Republic of Nigeria ; -

(c) no civil proceedings shall be or be instituted in any Court for or on account of or in respect of any act, matter or

Exclusion of  
Civil  
Proceeding

Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994

- thing done or purported to be done under or pursuant to any Decree or Edict and if such proceedings are instituted before, on or after the commencement of this Decree, the proceedings shall abate, be discharged and made void;
- (ii) the question whether any provision of chapter IV of the constitution of the Federal Republic of Nigeria 1979 has been, is being or would be contravened by anything done or purported to be done in pursuance of any Decree shall not be inquired into in any Court of law and accordingly, no provision of the Constitution shall apply in respect of any such question.

Short title: 2.

This Decree may be cited as the Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994.

MADE at Abuja, this 24th day of August, 1994.

GENERAL SANI ABACHA,  
 Head of State,  
 Commander-in-Chief of the Armed Forces,  
 Federal Republic of Nigeria.

EXPLANATORY NOTE

(This note does not form part of this Decree but is expected to explain its purport)

This Decree re-emphasises the supremacy of the Federal Military Government by giving protection to the act, matter or thing done or purported to be done under any Decree or Edict in consequence, excluding the application of Chapter 4 of the Constitution of the Federal Republic of Nigeria 1979.

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