

A BILL

FOR

AN ACT TO AMEND THE ECONOMIC AND FINANCIAL CRIMES COMMISSION ACT TO PROVIDE FOR THE PROTECTION OF THE FUNDAMENTAL HUMAN RIGHTS OF SUSPECTS AND TO ENSURE THAT INVESTIGATIONS ARE CONCLUDED BEFORE SUSPECTS ARE APPREHENDED AND CHARGED TO COURT AND FOR OTHER RELATED MATTERS

Sponsored by Senator Matthew A. Urhoghide

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The Economic and Financial Crimes Commission Act, 2004
2 Laws of the Federation of Nigeria 2004 (hereinafter referred to as the
3 “Principal Act”) is amended as set out in this Act.

4 2. Section 2(1)(a)(ii)&(iii) of the Principal Act is amended to read:
5 (ii) Be a serving or retired High Court Judge or law enforcement
6 agency not below the rank of Deputy- inspector general of Police or
7 equivalent; and

8 (iii) Possess not less than 20 years cognate experience;

9 (iv) Must be a graduate;

10 (v) Operation head be a retired or Serving DIG of Police.

11 3. Section 12 of the Principal Act is amended by inserting new
12 paragraph (f) and re- arrange accordingly;

13 “(f) Human Rights Preservation Unit.

14 4. Section 13(1)(b) of the Principal Act is Amended to read:

15 (b) The investigation and invitation for questioning where
16 necessary, persons suspected of committing financial crimes.

17 5. Section 13 of the principal Act is amended by inserting new
18 subsection (3) and re- arranged accordingly.

1 (3) "The Administration unit shall be charged with the responsibility
2 for-

3 (a) That all petitions to the commission against suspects of financial
4 crimes, must be duly signed by the petitioner, with the said petition containing
5 the name, address and phone number of the petitioner. The petitioner must also
6 undertake to be liable, if it is discovered that the petition is frivolous and made
7 in bad faith;

8 (b) That every petition to be attended to by the commission must be
9 purely petitions against suspects for economic and financial crime, against the
10 federal government of Nigeria;

11 (c) That petitions for mere recovery of debts against parties to
12 business are not entertained by the commission;

13 (d) That letter of invitation are duly sent to suspects, stating the date
14 and time they are needed at the commission for questioning, to aid the
15 investigation of the commission;

16 (e) Performing such other legal duties as the commission may refer to
17 it from time to time.

18 6. Section 13 of the Principal Act is amended by inserting new
19 subsection (4) and re-arranged accordingly;

20 (4) "The Human Rights Preservation unit shall be charged with the
21 responsibility;

22 (a) "ensuring that the fundamental human rights of suspects invited
23 for questioning are not violated in any way, either by way of torture, unlawful
24 detention, intimidation etc."

25 (b) "Ensuring that suspects who are invited for questioning at the
26 investigation stage are released promptly, and shall not be detained for
27 whatever reason for more than 24 hours."

28 (c) "Ensuring that no suspect be arrested until investigations are fully
29 conducted and the suspect charged to court if a prima facie case is established
30 against him or her."

1 (d) "Ensuring that no publication of arrest is made in the media or
2 other network whatsoever until the suspect is charged to court.

3 (e) "To ensure that relatives of financial crimes suspects are not
4 invited and detained in any way, in the stead of the suspects.

5 (f) "To ensure that suspects of financial crimes have access to their
6 lawyer, when invited to the commission for questioning.

7 (g) "Performing such other legal duties as the commission may
8 refer to it from time, to time.

9 7. Section 40-9 of EFCC act of 2004/2011 of NFIU states that
10 domiciled NFIU in EFCC to be expunged and NFIU to now domiciled with
11 Central Bank of Nigeria in line with global best practices as stated by Global
12 Anti-Money Laundering.

13 8. This Bill may be cited as the Economic and Financial Crimes Citation
14 Commission Act (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the protection of the fundamental Human Rights of suspects and to ensure that investigations are concluded before suspects are apprehended and charged to Court and for other related matters.

