

A BILL

FOR

AN ACT TO ESTABLISH THE OFFICE OF THE FEDERAL AND STATE
INDEPENDENT PROSECUTOR

Sponsored by Senator Ben Murray – Bruce

[] Commencement

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

1 1.-(1) There is established an office known as "the Office of the
2 Federal Independent Prosecutor (hereinafter referred to as "the Office").

3 (2) There is established an office known as "the Office of State
4 Independent Prosecutor (hereinafter referred to as "the State Office").

5 (3) The Office and the State Office shall be bodies corporate with
6 perpetual succession and a common seal.

7 (4) The Office and the State Office may sue and be sued in its
8 corporate name.

9 (5) The Office shall be situated in the Federal Capital Territory,
10 Abuja, and may establish branches in such places as the Federal
11 Independent Prosecutor Coordinator may determine.

12 (6) The State Office shall be situated in each of the 36 state capitals
13 and may establish branches in such places within the state as the State
14 independent prosecutor may determine.

15 2. The functions of the office shall be to:

16 (a) Prosecute cases of corruption and other economic crimes
17 against the Federal Republic of Nigeria;

18 (b) Coordinate with law enforcement agencies including the
19 Police, the Economic and Financial Crimes Commission and the
20 Independent Corrupt Practices Commission to ensure that investigated
21 cases are taken to trial in a timely manner;

1 (c) Liaise with the Central Bank of Nigeria and the Securities and
2 Exchange Commission for the purpose of prosecuting persons found to have
3 engaged in securities and other finance related fraud including money
4 laundering and acts likely to jeopardize Nigeria's banking and financial sector;

5 (d) Formulate policies and measures to prevent and counter
6 corruption within the Federal Government;

7 (e) Collaborate with prosecutors and stakeholders globally on both
8 bilateral and multilateral basis for the purpose of Prosecuting corruption cases
9 in Nigeria with dispatch and efficiency; and

10 (f) Undertake such other assignment relating to corruption
11 prosecution as may be identified by the Independent Prosecutor.

12 3. The functions of the state office shall be to:

13 (a) Prosecute cases of corruption and other economic crimes against
14 the Federal Republic of Nigeria within the state within the state government;

15 (b) Coordinate with law enforcement agencies including the Police,
16 the Economic and Financial Crimes Commission and the Independent Corrupt
17 Practices Commission at the state level to ensure that investigated cases are
18 taken to trial in a timely manner;

19 (c) Formulate policies and measures to prevent and counter
20 corruption within the State Government;

21 (d) Collaborate with prosecutors and Stakeholders in other states and
22 globally on both bilateral and multilateral basis through the office for the
23 purpose of Prosecuting corruption cases in the state with dispatch and
24 efficiency; and

25 (e) Undertake such other assignment relating to corruption
26 prosecution as may be identified by the State Independent Prosecutor.

Establishment
of the Office of
the Federal and
State Independent
Prosecutor

27 4.-(1) There shall be appointed a person known as "the Federal
28 Independent Prosecutor" (hereinafter referred to as the Prosecutor) who shall
29 be the Chief Executive Officer of the office.

30 (2) The Prosecutor shall be the Chief Executive Officer of the Office

1 and shall be elected by the Nigerian Bar Association (hereinafter called the
2 NBA) in an election involving contestants who must be members of the
3 NBA in good standing with at least fifteen years post call experience for a
4 term of 4 years subject to re-election or another 4 years term only.

5 (3) The salaries and other conditions of service of the Coordinator
6 shall be similar to those applicable to the Attorney General and Minister of
7 Justice of the Federation.

8 (4) The annual budget of the office shall be compiled under the
9 supervision of the Prosecutor and brought to the Senate of the National
10 Assembly for approval following which the approved amount SHALL be
11 remitted directly to the Office by the Ministry of Finance.

12 (5) The Prosecutor shall vacate office if:

13 (a) he resigns his appointment through a written letter after
14 notifying the Senate of the National Assembly;

15 (b) he is incapacitated due to physical or mental disability.

16 5.-(1) In the performance of his functions, the Prosecutor shall be
17 assisted by such other staff as he may appoint subject to the approval of the
18 Senate of the National Assembly.

19 (2) Notwithstanding the provision of subsection (1) of this section,
20 the Prosecutor shall have powers to engage the services of persons who
21 volunteer their legal and professional services and deputize them.

22 6.-(1) There shall be appointed a person known as "the State
23 Independent Prosecutor"(hereinafter referred to as the State Prosecutor)
24 who shall be the Chief Executive Officer of the state office.

25 (2) The State Prosecutor shall be the Chief Executive Officer of the
26 Office and shall be elected by the Nigerian Bar Association (hereinafter
27 called the NBA) in an election involving contestants who must be members
28 of the NBA in good standing with at least ten years post call experience for a
29 term of 4 years subject to re-election or another 4 years term only.

30 (3) The salaries and other conditions of service of the Coordinator

1 shall be similar to those applicable to the State Attorney General and
2 Commissioner of Justice of the state.

3 (4) The annual budget of the office shall be compiled under the
4 supervision of the Prosecutor and brought to the State House of Assembly for
5 approval following which the approved amount shall be remitted directly to the
6 State Office by the state Ministry of Finance.

7 (5) The State Prosecutor shall vacate office if:

8 (a) he resigns his appointment through a written letter after notifying
9 the Senate of the National Assembly;

10 (b) he is incapacitated due to physical or mental disability.

11 7.-(1) In the performance of his functions, the State Prosecutor shall
12 be assisted by such other staff as he may appoint subject to the approval of the
13 State House of Assembly.

14 (2) Notwithstanding the provision of subsection (1) of this section,
15 the State Prosecutor shall have powers to engage the services of persons who
16 volunteer their legal and professional services and deputize them.

17 8. Where the provisions of this Bill contradicts the provision of any
18 other law, the provision of this Bill shall prevail and that other law to the extent
19 of the contradiction shall be deemed void.

Citation

20 9. This Bill may be cited as the Establishment of the Office of Federal
21 and State Independent Prosecutors Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Office of the Federal and State Independent Prosecutors on and to provide that, that office shall be responsible for coordinating the prosecution of cases of corruption and other economic crimes against the Federal Republic of Nigeria and its constituent States.