



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 22nd October, 2008

1. The Senate met at 10.10 a.m. The Senate President read prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 21st October, 2008 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. **Announcement:**

Reception for Olympian Chika Chukwumerije:

The Senate President read a letter from Senator Uche Chukwumerije as follows:

On behalf of Chika Chukwumerije Reception Committee, I respectfully through Mr Senate President appeal to my distinguished Colleagues to find time from their very busy schedule to rejoice with me in the reception ceremony organised by a Committee of Nigerian Patriots and sports lovers in honour of my son Chika Chukwumerije by 6.30 p.m. today, Wednesday, 22nd October, 2008 at the Congress Hall of Transcorp Hilton Hotel, Abuja.

As distinguished Colleagues, we kindly remember the Committee has sent formal invitation to every Senator for this event. Your distinguished presence would be highly appreciated by me and members of Chika Chukwumerije Olympian Reception Committee.

With highest regards.

I remain,

Yours Comradely,

Signed:

Senator Uche Chukwumerije

4. **Presentation of Bills:**

- (i) Economic and Financial Crimes Commission Act (Amendment) Bill 2008 (SB.205)
Read the First Time.

4. Presentation of **B(i)** Economic and Financial Crimes Commission Act (Amendment) Bill 2008 (SB.205) — *Read the First Time.*

- (ii) Intellectual Property Commission (Establishment 2008 (SB .208) — *Read the First Time.*
- (iii) Nigerian Communications Commission Act (Amendment) Bill 2008 (SB. 210) — *Read the First Time.*
- (iv) National Resources Producing Areas Development Commission Bill 2008 (SB. 209) — *Read the First Time.*

5. Motion:

Rescission of Senate Resolution on the Petition by Sgt. Okwara Oliver & 27 Soldiers Against The Nigerian Army:

Motion made: That the Senate do recall that on 4th July, 2008, some soldiers of the 323 Artillery Regiment Akure, Ondo State, came out of their barracks, with arms, and staged skirmishes in the town, on the allegation that they were deliberately short-changed on payments of some allowances due to them while they were on a peace keeping operation;

Notes that given the sensitivity of the soldiers' action, and in consideration of the seriousness with which the Military High Command took the skirmishes, the soldiers were arrested and detained. Thereafter, and in accordance with the provisions of the Armed Forces Act, (AFA), 2004, Section 172, the Nigerian Army instituted a Board of inquiry to establish if a punishable offence had been committed by the soldiers;

Notes that after the inquiry, the Board established that the soldiers have a case to answer and in compliance with the provision of section 124 (6) (a) AFA, an appropriate Court Marshal was constituted to try the soldiers;

Notes that the proceedings of the Court Martial are currently on and given that a Court Martial is an institution recognized by the Constitution, any outside discussion of a matter before it is subjudice;

Notes that besides, by the provision of Section 149 (1) of the AFA 2004, an accused may, within 2 months after being found guilty and sentenced by a court Martial and before the sentence is confirmed, submit to the confirming authority a written representation which may reasonably tend to affect the confirming authority's decision whether to disapprove a finding of guilty verdict or approve the sentence;

Notes that where a guilty verdict of Court Martial is confirmed by the confirming authority, an accused has the right of appeal to the court of Appeal, and on to the supreme Court. Thus, the soldiers in question have full legal remedy, and so in accordance with Order 53 (5) of the Senate Rules 2007, As Amended, their petition cannot be entertained by the senate until they exhaust all the legal remedies available to them;

Notes that since the occurrence of the unfortunate incident, the senate committee on Defence and Army has been monitoring the handling of the matter and is resolved to see that justice is done to the accused soldiers.

Accordingly resolves to:

- (i) *Rescind* its decision of Wednesday 15th October, 2008 to commit the petition of Sgt. Okwara Oliver & 27 soldiers to the Committee on Ethics and Public Petition; and
- (ii) *Stay* any further action on the matter because so doing will be both subjudice and contrary to the provision of Order 53 (5) of the Senate Rules 2007 As Amended (*Senator Ibrahim M. Ida*).

Debate:

Prayer (i):

Question: That the Senate do rescind its decision of Wednesday 15th October, 2008 to commit the petition of Sgt. Okwara Oliver & 27 soldiers to the Committee on Ethics and Public Petition — *Agreed to.*

Resolved:

That the Senate do rescind its decision of Wednesday 15th October, 2008 to commit the petition of Sgt. Okwara Oliver & 27 soldiers to the Committee on Ethics and Public Petition (5. *Res/014/2/08*).

6. Report of the Committees on Federal Capital Territory and Housing:

Public Hearing in respect of the Administration of FCT between 1999 -2007:

Motion made: That the Senate do consider the Report of the Joint Committee on Federal Capital Territory and Housing, on the Public Hearing in respect of the Administration of FCT between 1999 - 2007 (*Senator Abubakar D. Sodangi*).

Debate:

Consideration of Report deferred to another legislative day.

7. Ecological Fund Establishment Bill 2008 (SB.91):

Motion made: That the Bill for an Act to Establish the Ecological Fund for the Purposes of Funding Certain Federal Agencies Dealing with Environmental and Ecological Problems and for Related Matters, 2008 be read the Second Time (*Senator Grace F. Bent*).

Debate:

Question put and agreed to:

Bill accordingly read the Second Time and referred to the Committee on Environment and Ecology to report within 2 weeks.

8. Establishment of the Nigerian Trade Bill 2008 (SB.80):

A Bill for an Act to provide for the Establishment of the Nigerian Trade and Competition Commission and for other matters connected therewith, 2008.

Consideration of Bill deferred to the next legislative day.

9. Prohibition of Electronic Fraud (SB. 185):

A Bill for an Act to provide for the Prohibition of Electronic Fraud in all Electronic Transactions in Nigeria and for other matters, 2008

Consideration of Bill deferred to the next legislative day.

10. Adjournment:

Motion made: That the Senate do adjourn till Thursday, 23rd October, 2008 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1.15 p.m

David A. B. Mark, GCON

President,

Senate of the Federal Republic of Nigeria.