



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 19th September, 2007

1. The Senate met at 11: 00 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, 18th September, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.
3. **Announcements:**

The Senate President announced the presence of the following in the gallery to observe Senate Proceedings:

 - (i) Students of Legal Magnate and Company, Faculty of Law, Olabisi Onabanjo University, Ago Iwoye, Ogun State
 - (ii) Members of Point to Point Nigeria Limited, Apo Permanent Site,

Abuja. He wished them happy observation.
4. **Matter of Urgent Public Importance:**

Rising on Rules 42 and 52, Senator Lee L. Maeba invited the attention of the Senate to the on-going feud between the Attorney-General/Minister of Justice and the Economic and Financial Crimes Commission (EFCC). He sought and obtained the leave of the Senate for the issue to be debated forthwith as a Matter of Urgent Public Importance.

Pass of Vote of Confidence on the Chairman of EFCC:
Motion made and Question Proposed: That the Senate acknowledge that the EFCC was created by an Act of the National Assembly in response to calls by Nigerians and the international community to tackle the menace of corruption which was ravaging the country's image and economy;

Noting that the EFCC has been discharging its responsibilities diligently, despite stiff resistance from corrupt politicians in high places;

Observing that the EFCC Chairman Mallam Nuhu Ribadu has become a household name within and outside the country due to his doggedness in combating the menace of corruption in Nigeria;

Convinced that Nigeria's image in the comity of nations has dramatically improved given the overt nods and show of appreciation the Commission has received from both the international community and well meaning Nigerians on the successes recorded by the EFCC since its inception;

Noting that the country's position on the Transparency International perception index has improved placing Nigeria 146th out of 163 nations in, the world and the delisting of Nigeria from its blacklist of countries with high records of financial crimes by the United States of America;

Concerned that the EFCC has been an object of attack by a few powerful individuals who have cases to answer before the Commission;

Noting that the independence of EFCC is adequately provided for in its enabling act and its prosecuting powers affirmed by the Supreme Court of Nigeria in the case of Federal Republic of Nigeria vs Osahon;

Affirming that all laws are made to serve the interest of the general public;

Acknowledging that the constitution empowers the Attorney General of the Federation under section 174 sub sections 1-2 to initiate, continue, or discontinue any criminal prosecution;

Acknowledging further that such powers cannot be exercised without adequate consideration of the public interest as provided for under sub section 3 which states in unequivocal terms that in exercising these powers under this section "... the Attorney-General of the Federation shall have regards to the public interest, the interest of justice and need to prevent abuse of legal process";

Acknowledging that several Newspapers advertorial has been placed by Civil Society Organizations, of the actions and utterances of the Attorney General, and the condemnation by the public and several Nigerians that is almost a daily features on major newspapers that is putting the anti - corruption crusade of the present government into ridicule. It is only imperative for the Senate to take urgent action to keep the anti-corruption war on course.

Accordingly resolves that:

- (i) The Senate do pass a vote of confidence on the Chairman of the EFCC (Mallam Nuhu Ribadu) for living up to the expectations of Nigerians in the discharge of his duties.
- (ii) The Senate do advice Mr. President to direct the Attorney General of the Federation to curtail the undue and incessant interference in the prosecuting powers of the EFCC which tend to mislead the public and tend to ridicule the resolve by this administration to fight corruption and bring corrupt persons to book.
- (Hi) The Senate do urge the EFCC to prosecute, without delay, all persons against whom it has established evidence of corrupt enrichment no matter how highly placed.
- (iv) The Senate do mandate its Committee on Judiciary, Human Rights and Legal Matters to investigate the controversy between the Attorney-General/Minister of Justice and EFCC and report back within 2 weeks.

Debate

Prayer (i):

Question:

That the Senate do pass a vote of confidence on the Chairman of the EFCC (Mallam Nuhu Ribadu) for living up to the expectations of Nigerians in the discharge of his duties — *Negated*.

Prayer (ii):

Question:

That the Senate do advice Mr. President to direct the Attorney General of the Federation to curtail the undue and incessant interference in the prosecuting powers of the EFCC which tend to mislead the public and tend to ridicule the resolve by this administration to fight corruption and bring corrupt persons to book — *Negated*.

Prayer (in):

Question:

That the Senate do urge the EFCC to prosecute, without delay, all persons against whom it has established evidence of corrupt enrichment no matter how highly placed — *Agreed to*.

Prayer (iv):

Question:

That the Senate do mandate its Committee on Judiciary, Human Rights and Legal Matters to investigate the controversy between the Attorney-General/Minister of Justice and EFCC and report back within 2 weeks.

Amendment Proposed:

Leave out the words "Committee on Judiciary, Human Rights and Legal Matters" and insert the words "Committees on Judiciary, Human Rights and Legal Matters, and Drugs, Narcotics and Anti-Corruption" instead thereof (*Senator Sola Akinyede*).

Question that the amendment be made put and agreed to.

Another Amendment Proposed:

Insert a new prayer (v) as follows:

"That the Senate observe with embarrassment the on-going public dispute between the Attorney-General of the Federation/Minister of Justice and the Economic and Financial Crimes Commission (EFCC) and earnestly call on the President of the Federal Republic of Nigeria to urgently step in and resolve the relationship between the two Executive Institutions and to do so in such a way as to preserve the undoubted Constitutional Powers of the Attorney-General of the Federation/Minister of Justice and to preserve those of the Economic and Financial Crimes Commission (EFCC) which has been internationally acknowledged as doing an excellent job, bringing credit to Nigeria in combating corruption as specifically enjoined by the Constitution" (*Senator Jibril M. Aminu*).

Question that the amendment be made put and agreed to.

Resolved:

- (i) That the Senate do urge the EFCC to prosecute, without delay, all persons against whom it has established evidence of corrupt enrichment no matter how highly placed.
- (ii) That the Senate do mandate its Committees on Judiciary/Legal Matters and Drugs, Narcotics and Anti-Corruption to investigate the controversy between the Attorney-General/Minister of Justice and EFCC and report back within 2 weeks.
- (iii) That the Senate observe with embarrassment the on going public dispute between the Attorney-General of the Federation/Minister of Justice and the Economic and Financial Crimes Commission (EFCC) and earnestly call on the President of the Federal Republic of Nigeria to urgently step in and resolve the relationship between the two Executive Institutions and to do so in such a way as to preserve the undoubted Constitutional Powers of the Attorney-General of the Federation/Minister of Justice and to preserve those of the Economic and Financial Crimes Commission (EFCC) which has been internationally acknowledged as doing an excellent job, bringing credit to Nigeria in combating corruption as specifically enjoined by the Constitution (*S.Res/018/01/07*).

5. Skills Acquisition and Development Trust Fund Bill (SB. 01):

Consideration of the Bill stood down.

6. Chartered Institute of Management Accountants Bill (SB. 04):

Consideration of the Bill stood down.

7. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Thursday, 20th September, 2007 at 10:00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 12:40 p.m.

David A. B. Mark
President of the Senate