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Wednesday
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NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 14th October, 2009

The Senate met at 10:40 am

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Tuesday, 13th October, 2009. Page 223?

Senator Dahiru Kuta (Niger East): Mr. President, No 3 item, Announcements; Honourable Members of Lagelu and Akinyele Local Council. I do not know whether it is Local Government Council or Council of Chiefs. Should it not be Local Government Council?

The President: It is Local Government Councils. Secretariat should take note. Page 224, 225?

Senator Omar Hambagda (Borno South): Mr. President, Page 224, first line reads in part; *participation at the even ...* I believe the word; *even* there should be *event*. I do not know if the original letter is like that or it is a typographical error.

The President: It should be; *participation at the event*. Secretariat should take note.

Senator Sylvester Anyanwu (Imo North): Mr. President, I rise to move that the Votes and Proceedings of Tuesday, 13th October, 2009 be approved as amended.

Senator Festus Ola Olabode (Ekiti Central): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 13th October, 2009 be approved as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 13th October, 2009 be approved as amended.

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ANNOUNCEMENT

Verification Exercise for Military Pensioners

The President: There is only one announcement today concerning Military Pensioners. Your verification exercise will stop on Friday this week.

MATTER OF URGENT PUBLIC IMPORTANCE

Murder of Grace Ushang Adie

Senator Victor Ndoma-Egba (Cross River Centre): Mr. President, Point of Order!

The President: What is your Point of Order, distinguished Senator Ndoma-Egba?

Senator Victor Ndoma-Egba: My Point of Order is founded on Standing Orders 42 and 52. Mr. President with your kind indulgence, may I read Order 42.

The President: Read please.

Senator Victor Ndoma-Egba: Order 42 says:

(1) The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

(2) If the claim is allowed by the President of the Senate and the Leave of the Senate is given, by at least one-fifth of all the Senators the matter shall stand over till the next legislative day.

Order 52 says: *Notice shall not be dispensed with in the case of a motion or in respect of any other proceeding for which notice is required except with the consent of the President of the Senate and the general assent of the Senators present.*

Mr. President, you will recall that I had brought to your notice the issue of the gruesome murder of one Grace Ushang Adie, a serving Corp member in Borno State. I thought that since this affects somebody who is on national duty because the NYSC is a Constitutional requirement because the Act governing the NYSC is part of our Constitution. The issue of protection for our Corps members is critical and urgent. So, I thought I should draw the attention of this Senate to the situation as it affects the security of Youth Corpers nation wide.

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The Motion is already listed on the Order Paper for tomorrow but I thought that given its urgency, we should take it today.

The President: Distinguished Senator Victor Ndoma-Egba did discuss this matter with me yesterday because I had allowed one person under Order 42 it was not possible for him to come again under Order 42 yesterday. It is already listed for discussion tomorrow but I thought we could dispose of it and not allow it to linger any further.

I personally have no objection to it but as required by Order 42, I have to seek the consent of the Senate. If you have no serious objection, then I would allow Senator Victor Ndoma-Egba but let me just seek your consent. Senator Victor, before I do that I just want to plead that if eventually you get it through just be brief about it so that we do not spend any extra time on it. So, I will put the Question in favour of allowing him to present the Motion today.

Question put and agreed to.

Please, Senator Victor Ndoma-Egba, I urge you to be very brief with the Motion.

Senator Victor Ndoma-Egba: Thank you Mr. President and my Colleagues for your indulgence. The Motion reads thus:

The Senate:

Notes that after the Nigerian Civil War, the National Youth Service Act of 1974 was enacted to encourage and develop common ties among the youths of Nigeria and to promote national unity and that government is expected to protect corps members;

Further notes with grief, the pathetic case of Miss Grace Ushang Adie, aged 24, an indigene of Kakum Town in Obudu Local Government Area of Cross River State, and a recent graduate of Education (Administration and Management) from the University of Calabar, Cross River State, who was doing her NYSC with the El-Kanemi College of Business Administration, Maiduguri, Borno State;

Aware that on 26th September 2009, the late Grace Ushang Adie, dressed in NYSC khaki trouser, left the Corpers' lodge to get food in the neighbourhood when she was attacked by unknown persons and gruesomely murdered;

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Concerned that based on the report of one of the staff of NYSC in Maiduguri, some of the people who watched Grace being killed rushed to the Corpers' lodge to report the incident to the Corpers and thereafter vanished into thin air. On getting to the scene of the incident, the Corpers found Grace already dead, with a deep knife cut on her forehead, another knife cut across her eyes and yet another cut across her neck, leaving her with no chance of survival;

Further aware that the remains of the Grace Ushang Adie was laid to rest on Wednesday, 7th October 2009, leaving her distraught family in pain. Incidentally, Grace was brought up by a single mother who had eked out her living in a very rural environment and had invested all her hopes on her educated daughter. Curiously, Grace's murder has been shrouded in secrecy and cover ups. Some newspapers had reported her story as a case of rape. Granted that it was a case of rape, the abrasions on her face leave no one in doubt that the perpetrators of the dastardly act intended murder and nothing else;

Expresses concern that up till now, the culprits are yet to be apprehended. No arrest has so far been made, and when two of Grace's relatives demanded from Police an autopsy report, they were told that the Police report was not yet ready and bluntly refused access to her autopsy report;

Further observes that in recent times Youth Corpers nationwide have become vulnerable to extremism and intolerance.

Accordingly resolves to:

- (i) Invite the Director General of NYSC and the State Coordinator of NYSC in Borno State, to brief the relevant Committee of the Senate on efforts by the NYSC to ensure that the victim's assailants are arrested and prosecuted. Urge the Federal Government to provide adequate security for all Corps Members and to step into the matter and ensure that the culprits are made to face the wrath of the law;
- (ii) Urge the Federal Government of Nigeria to pay adequate compensation to the victim's family;
- (iii) Commiserate with the government and people of Cross River State and the victim's family on this needless waste of a promising life.

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I so move

The President: I would take just one comment on this and would then I will submit it up.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, the Motion from Senator Victor Ndoma-Egba is very painful and also very shameful that we are in a country where we do not respect human life anymore. We do not respect the law of Nigeria. The National Youth Service Scheme is a programme designed for the unity of this country. It was designed as a basic education for graduates to understand the country called Nigeria and to appreciate each other. This programme has been going on for a long time.

The Motion brought by Senator Ndoma-Egba is just a tip of the iceberg on what is happening to Corpsers all over the nation. We wondered at what is going on that people sent on national service to teach in remote areas are experiencing nightmare. The lives of Corpsers are being threatened. They are no longer safe. So, it is a very serious challenge. Many parents in the South do not want their children to go to the North vice versa parents in the North do not want their wards to go to the South. The programme as it stands is being threatened. It has been threatened to the extent that if parents refuse their wards to go on the assignment, what is left of the programme? The safety of the Corpsers is our collectively concern as Nigerians more especially those of us sitting in the Senate. We have to save this programme. What should be done at this moment to educate Nigerians that the youth Corpsers are diplomats sent from one place to the other. They are representatives of their Constituencies sent to other Constituencies. In our character as Nigerians, we normally respect ourselves and visitors to our constituencies.

The issue entails public awareness from all stakeholders to see whether the programme should continue or not. We would go further than that and commit Committees to go into discussions with the National Youth Service and all State Governments. It should be discussed very widely to see whether or not the programme should continue.

Therefore, I support this Motion. We should do all within our reach to save the National Youth Service Scheme from the imminent collapse.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I rise with all sense of humility to support the Motion ably moved by our Learned Senior

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Advocate of Nigeria, Senator Victor Ndoma-Egba. As has been captured in this very Motion, this has to do with human right values. Unfortunately, though there is a common adage that says; *death is a necessary end*, this has unfortunately, come prematurely to this young lady who was serving her fatherland.

We should dig into the circumstances that led to the death of this innocent Nigerian, especially as the story was narrated that some miscreants over-powered her and did a lot of mischief which led to her death. That alone is a matter of concern to every one of us. We have been telling young Nigerians not to go abroad but to stay in Nigeria for their livelihood. Here was a lady that was serving her country but some very inhuman beings wherever they are killed the young lady. We should go to the Prayers, and call the NYSC Director-General to see how much we can do to strengthen the security of our NYSC members.

Today it is this lady; tomorrow it could be anybody's son or daughter. I urge my Colleagues to support this important Motion based on human right values that we all cherish. I thank you for this opportunity.

The President: Let me take the last comment from Senator Kaka Yale.

Senator Kaka Yale (Borno Central): Mr. President, I support the Motion and I condemn the act in its entirety. The matter should be investigated and the corps members should be given security.

The President: He said he supports the Motion and the matter should be thoroughly investigated. Distinguished Colleagues, this is a serious enough matter. The National Youth Corps is a programme designed to bring all of us together as one nation, particularly for our youths to understand and know the various parts of the country. I, as a person, have always been opposed to anybody who studied in the South to do his or her youth corps service in the South vice versa those who studied in the North doing youth service in the North. We need to let our youths go round this country to understand the reason we are all together. The wordings on our Coat of Arms are very clear: Unity, Peace, and Progress. Those virtues must be instilled in our youths at early age. If a situation develops where parents will begin to fear sending their children or wards out, it is not in the best interest of this country.

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This is an isolated case and that is why we should not make it appear as if it is the normal thing. Isolated as the case is, it is a bad and not good enough for us. I do not believe that this is some thing that happens across the country. Every part of this country has criminals, whether South, North, East or West and some criminals have done this. I agree entirely that there should be no cover up at all. All those involved should be brought to book and timely, too, so that we give confidence to the Youth Service Corps. We should go straight to the Prayers and not dwell any more time on the issue. Prayer (i) says:

- (i) Invite the Director of NYSC and the State Co-ordinator of NYSC in Born State to brief the relevant Senate Committee on efforts the NYSC has made to ensure that the victim's assailants are arrested and prosecuted. Urge the Federal Government to provide adequate security for all Corpers and to step into the matter and ensure that the culprits are made to face the wrath of the law.

Actually, there are two Prayers put together there as one so, we need to split them. Prayer (i) will then read: *Invite the Director of NYSC and the State Coordinator in Borno to brief the relevant Senate Committee on efforts NYSC has made to ensure that the victim's assailants are arrested and prosecuted.*

Amendment put and agreed to.

Prayer (ii) now will read: *Urge the Federal Government to provide adequate security for all Corpers and to step into the matter and ensure that the culprits are made to face the wrath of the law.*

Sen. Adeleke O. Mamowora (Lagos East): Mr. Senate President, I would like amend that to include the State Government or the State of Posting because when Corpers are posted it becomes the responsibility of the State in which they have been posted to take charge of their security. So, I wish that Prayer would incorporate the respective State Governments of posting to ensure adequate security for the Corpers.

The President: I have had the explanation Senator Mamowora, what is the sentence?

Sen. Adeleke O. Mamowora: The Prayer should read: *Urge the Federal Government and the respective State of posting of Corps Members to ensure adequate security for all Corpers.*

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The President: You will be amending Senator Mamowora's own and not this one any more.

Sen. Anyim C. Ude: (Ebonyi South): Mr. President, there are three levels of government and invariably Corpers are posted to villages under Local Governments, so we can as well say Federal, State and Local Governments.

Sen. Satty Davis Gogwim: (Plateau Central): Mr. President, Prayer (i) has about two other Prayers. You have actually mentioned one and the second one is the amendment made by Senator Mamowora. The third one should be: *Urge the Federal Government to step into the matter and ensure that the culprits are made to face the full wrath of the law.*

The President: That has been sorted out already. Let us finish with the amendment at hand. I will put the Prayer (ii) as amended by Senator Mamowora.

Amendment put and agreed to.

Prayer (iii) reads: *Urge the Federal Government to pay adequate compensation to the victim's family.*

That will depend on the NYSC Act, is it not? Supposing an NYSC person dies in an accident in a place what would happen? I am not too sure about this Prayer but I will put the Question.

Question put and agreed to.

Prayer (iv) reads: *Commiserate with the government and people of Cross River State and the victim's family on this needless waist of a promising life.*

Question put and agreed to.

Sen. Lee Ledogo Maeba (Rivers South-East): Mr. President, my additional Prayer is based on the fact that apart from the Motion brought by Senator Victor Ndoma-Egba, across the nation, intimidation of Corpers is very rampant, more especially in the remote areas. So, we have to do something to save the National Youth Service Scheme and my additional Prayer reads thus: *Urge the Federal Government and all relevant stakeholders to take urgent steps to save the National Youth Service.* Why I said this is because I have places in my State where Corpers are not posted. No Corper will go there. When they are sending Corpers people

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will tell them not to come and that is dangerous. So, it is better to create the awareness. The Committee on Education or any Committee that is handling the National Youth Service Scheme can convoke a stakeholders' forum where every Local Government Chairman and every body will know the implication of a Corper losing his or her life in his constituency.
(Interruptions)

The President: Senator Lee Maeba, the National Youth Service Corps Scheme is not dying. There is nothing wrong with it. This, as I said, is just an isolated case and we should not make it appear as if it is happening every blessed day. The National Youth Service Corps Scheme is very much alive and is being encouraged. What you have done today will encourage both the Youth Corps Members and their parents.

Do you think I should put the Question at all?

Question put and negatived.

Resolved: That the Senate:

- i. *Invite the Director of NYSC and the State Coordinator in Borno to brief the relevant Senate Committee on efforts NYSC has made to ensure that the victim's assailants are arrested and prosecuted.*
- ii. *Urge the Federal Government and the respective State of posting of Corps Members to ensure adequate security for all Corpers.*
- iii. *Urge the Federal Government to pay adequate compensation to the victim's family.*
- iv. *Commiserate with the government and people of Cross River State and the victim's family on this needless waist of a promising life.*

Sen. Umaru Dahiru: Point of Order, Mr. President!

The President: What is your Point of Order?

Senator Umaru Dahiru: It is Order 44(1) and (2). Order 44(1) reads: *An Order of the Day is a Bill or other matter which the Senate has ordered to be taken into consideration on a particular day. An earlier day cannot be substituted for the day so appointed.*

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Order 44(2) says: *Orders of the Day shall have precedence over each other according to the Order of the Day in which they appear on the Order Paper. An Order of the Day may be postponed on motion without Notice moved by the Senator in charge thereof, or, in his absence by another Senator at his request.*

I am bringing this Order in view of our Votes and Proceedings as was taken today. If you check at page 225, item (10) which had been approved. I am referring to the Report on Judiciary and Human Rights and Legal Matters regarding the confirmation of nomination of Justice Daniel Agboti as Hon. Chief Judge of the Federal High Court.

According to the Votes and Proceedings of yesterday, which has been approved today, it is supposed to be taken today because the Report had been deferred to the next legislative day. From my own understanding the next legislative day should be the next day following. That was yesterday, and so today is the next legislative day. When I checked our Order Paper of today, there is no reflection of this Report, and not only that, if you go through it, there is no Notice of it on any of the days 14th, 22nd, 25th, 27th, 28th and 29th. I do not know what we mean by next legislative day.

By this Order, I urge that this Motion be taken today because that is the real interpretation of what we mean, by next legislative day. We are bound by our own Votes and Proceedings.

The President: The strength of your Point of Order is only on the Votes and Proceedings. If you read Order 44(3) which says: *Orders of the day not reached before the end of a Sitting or appointed for a day on which the Senate does not sit shall be set down for a later date to be determined by the Rules and Business Committee.* You conveniently refused to read that one and that is why I said that the strength of the point you are making is on the Votes and Proceeding. The Votes and Proceedings says that it is deferred to the next legislative day and that is the only point you have. If the Votes and Proceedings has referred to another legislative day you will then not have any point at all.

Senator Dahiru: What is the meaning of the next legislative day?

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The President: Being a lawyer, you should tell me whether this Order will take precedence over our Votes and Proceedings. That is why I read Order 44(3) to you. *Orders of the day not reached before the end of a Sitting or appointed for a day on which the Senate does not sit shall be set down for a later date to be determined by the Rules and Business Committee.*

Senator Dahiru: If you look into our Votes and Proceedings, which has been approved, equally at page 225, items No. 9 and 10 which are decisions we reached. Item No. 10 which concerns me reads: *Consideration of the Report deferred to the next legislative day.* If I go to the interpretation section it interprets to mean the next day following.

Secondly equally under Item 11 it says: Consideration of the Bill deferred to another... and the word, another can be any other day. So, Order 44(3) will apply when the word; *another* is used. But in my own case the next day means today and that is the real interpretation.

The President: What is the difference between what you said and what I said? **Senator Dahiru:** The difference is that next day means today because we took the decision yesterday. Another day means any other day.

The President: This is what I have explained that your strength is on the Order Paper but what I want you to explain to me is the Votes and Proceedings and the Standing Orders which takes precedence.

Senator Dahiru: Order 44(2) comes before Order 44(3) and under Order 44(2), it was agreed unanimously that we will defer this matter to the next legislative day. That is what has been reflected. So, Order 44(2) will take precedence over Order 44(3).

The President: Do you see where you are wrong. Order 44(2) reads: *Orders of the Day shall have precedence over each other according to the Order of the Day in which they appear on the Order Paper. We have no problem with that.*

Where you hinge your argument is in the next provision which says: *An Order of the Day may be postponed on motion without Notice moved by the Senator in charge thereof, or, in his absence, by another Senator at his request.* We postponed it. I agree that Order 44(2) takes precedence but Order 44(2) is referring to the Order in which they appear on the Order Paper that is what Order 44(2) is all about.

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Before I rule, let me explain to you why I am going to rule you out of order because what you are requesting for is that we must take what is on page 225 of the Votes and Proceedings and forget our Order Paper.

Senator Teslim Kolawole Folarin (Oyo Central): With all due respect to Senator Dahiru who was not here yesterday when we adjourned, what we did was to step down all items on the Order Paper till another legislative day. I am surprised the way it appeared in the Votes and Proceedings.

The President: It is the recording on the Votes and Proceedings that has caused this problem because instead of it saying another legislative day they said the next legislative day.

Senator Teslim Folarin: In one of the items; item 12 says *till another legislative day.*

The President: The recording is wrong because all those were taken in one swoop. Items 8, 9, 10, 11 and 12 were all taken in one swoop.

Senator Ike Ekweremadu (Enugu West): I just received a copy of the Senate Official Report for yesterday the last page, page 0204 if I may read it says:

Suspension of Items on the Order Paper

Senator Teslim K. Folarin: *Mr. President because of the Public Hearing of the Constitution Review taking place at the International Conference Centre, I move that the other items on the Order Paper be stood down to another Legislative Day.*

This is Official Report.

The President: The recording here in the Votes and Proceedings is not correct. Even assuming that this recording is correct, you are campaigning for your own human rights but there are two other Bills even before your own. I do not see how you will get your own through. You are saying that we should take your own today and that is exactly against Order 42(2) because you are moving your own ahead of other ones. By Order 42(2) you cannot move your own ahead of the other two; the solid Minerals and the Demise of the Royal Highness. So, I rule you out of Order. I took this long time to rule you out of Order. The Secretariat, is the one that has messed everybody up in this exercise. This confusion should not arise again at all.

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Senator Lee Ledogo Maeba (Rivers South-East):
Mr. President, I have a Point of Order.

The President: Yes, Senator Lee Maeba, what is your Point of Order?

Senator Lee Ledogo Maeba: Order 53(6), if I may read says: *It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.*

Mr. President you understand that the problem you have here is caused by the Leader and not the Secretariat. You were here when a Senator brought an issue of a Motion about a local Chief that died somewhere, even when Senator Gaya brought a Motion about a market in Kano when we were going to Kano we decided that we would not be putting on our Order Paper the death of local Chiefs and what happened in Local Government Councils.

My Chief died three weeks ago and if I had brought the Motion, the other Senator's Chief died last month, how can we cope? We have resolved that we will not be addressing issues of Chiefs that died here and there. There are so many Chiefs in this country, in fact, over a million of them. We have resolved that within this Session we will not entertain any Local Government matter any more. This is a Local Government matter, so it is illegal. It is the Leader that put it on the Order Paper that caused the trouble. I believe that you should caution the Leader not to be bringing any Local Government matter here because this is a national Senate.

The President: Senator Lee Maeba, I do not see where Order 53(6) has come into the equation and how does cautioning the Leader come under Order 53(6)? We are not discussing the death of any Chief now; are we? Senator Lee, I rule you out of Order.

PRESENTATION OF REPORTS

Year 2008 Audited Financial Report and Management Report

Senator Teslim K. Folarin: The First Business of the Day is the presentation of Year 2008 Audited Financial Report and Management Report of the Federal Medical Centre, Azare. With your permission I wish to move a Motion for the Senate to receive this Report.

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Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I second the Motion moved by the Leader.

Question put and agreed to.

(Report accordingly laid on the Table)

Nigeria Solid Minerals Summit (NISOMS 2008)

Senator Teslim Folarin: Mr. President the second Business of the Day is the presentation of the Report of the Committee on Solid Minerals on the Nigeria Solid Minerals Summit held in Jos. You may now invite the Chairman of the Committee Senator George Sekibo to move the Motion for the Senate to receive the Report.

Senator George Thompson Sekibo (River East): Mr. President, may I move that the Senate do receive the Report of the Committee on Solid Minerals on Nigeria Solid Minerals Summit of 2008 held in Jos between 25 and 26 September, 2008.

Senator James Manager (Delta South): Mr. President, I rise to second the Motion ably moved by Senator George Sekibo that he should be permitted to lay his Report on the Table.

Question put and agreed to.

(Report accordingly laid on the Table).

ORDERS OF THE DAY

MOTION

Multiple Accidents at Umunya Section of the Onitsha-Enugu Expressway

Senator Teslim Folarin: Mr. President, the first Order of the Day is a Motion standing in the name of Senator Joy Emodi on the Multiple Accident at Umunya Section of the Onitsha-Enugu Expressway. You will recall that yesterday, 13th October, 2009, the Senate vide Order for 42(2) of our Standing Order approved that this Motion be moved on to the next legislative day which is today. You may now invite the sponsor of the Motion, Senator Joy Emodi to move her Motion.

Senator Joy Emodi (Anambra North): Mr. President, this Motion is unique *(Interruptions)*

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Senator Bob Effiong (Akwa-Ibom North East):
Point of Order Mr. President.

The President: What is your Point of Order, distinguished Senator Bob Effiong?

Senator Bob Effiong: My Point of Order is raised because this is the Senate of the Federal Republic of Nigeria and the Senate must be seen to be consistent. This Senate will recall that I brought a Motion similar to this matter. People died on Akwa-Ibom/Cross River road; Akwa-Ibom/Rivers road and Akwa-Ibom/Abia road and I complained. I was shouted down that it was so specific that it ought to be all roads in Nigeria and the matter was adjourned for the Report on all Roads to be brought before this Senate. It is this similar Motion that my distinguished Colleague is bringing for this Senate to consider.

I am of the opinion that this matter has already been covered by the Report of the Ad-Hoc Committee headed by Senator Lokpobiri. This matter should be taken all the way to that Committee to continue. Let people die in any specific road. Nothing should be done until the issue of Akwa-Ibom/Cross River road, Akwa-Ibom/Rivers road and Akwa-Ibom/Abia State road is addressed. It is the same thing. If this Senate had taken a decision on a Matter of Urgent Public Importance to address the issue that I raised and Senator Lee and others supported on that day, this would have been a different matter. It is the same Motion. People die on the roads. It is the issue of bad road situation in this country. We also decided that the Minister; the Chairman and members of FERMA be invited to take this issue as a matter of urgent public importance and address the specific issues. I was shouted down. So, this Motion is dead.

The President: You have not even called the Order yet.

Senator Bob Effiong: It is Order 53(6).

The President: Senator Bob Effiong, the difference between your Motion and what is happening now is that you should have gotten up yesterday to say this. Your Motion did not come on the Order Paper at all. It was not carried

Senator Bob Effiong: No, I raised it as a Matter of Urgent Public Importance. It was adjourned till the next legislative day. It is the same pattern that my Motion came. I consulted you and briefed you about the state of the roads linking Akwa-Ibom and other

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neighbouring States of Rivers, Cross River and Abia. You referred the matter to be brought by substantive Motion, which I did and I raised it. But by way of Point of Order which Senator Lokpobiri raised, the Senate agreed that it was a specific matter for Akwa-Ibom State, complaining about bad roads linking the State and it was referred to Senator Lokpobiri's Committee. It is the same thing that is happening now. The complaint is about the death of people. People have been dying along Akwa-Ibom/Cross River road; Akwa-Ibom/Rivers and Akwa-Ibom/Abia road.

The President: Senator Bob Effiong, the difference between your Motion and her own Motion, although you are right, Senator Joy Emodi almost committed herself; this Motion is only about the last Prayer. Senator Joy, you over-emphasised so many other Prayers about dualisation and rehabilitation of roads which are covered by Senator Bob Effiong's Motion. So, your Motion really was screwed in wrong direction. You screwed it on to roads but the reason I allowed you to bring this Motion is because of the number of lives lost not the state of the roads. You focused your Motion on the state of the roads. I am going to rule on your Point of Order; just give me a second.

Senator George T. Sekibo: Mr. President, when Senator Joy Emodi came by Point of Order yesterday, she thought about loss of lives along this particular road and because of the figures he gave, the entire Members in the Chamber allowed her to come with the Motion. The Motion is here today, the caption is multiple accidents but when you look at paragraphs 3, 4 and 5 most of the things she talk about is the state of roads.

If you also look at the Prayers, particularly Prayers (i), (ii) and (iii) are also on roads. But, it is very important that we discuss issues relating to the death of people along our roads; lost of lives on the roads. It may have to do with the bad state of the roads, but what she is bringing in is loss of lives on our roads. I think that is important. But if you look at the emphasis laid on the roads, she has to rephrase the entire Motion to agree with what she brought in yesterday.

The President: Senator Joy Emodi, you actually misled us. Your emphasis was on the loss of lives about 70 lives and our emphasis also was on the loss of lives but in presenting this Motion today, you shifted it from loss of lives to maintenance of roads which is identical to the Prayers in Senator Bob Effiong's Motion. The reason Senator Bob Effiong's Motion was not taken was because he did not talk about loss of life at all. His

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Prayers (1) to (v) concern maintenance of roads. Your Prayers (i) to (iii) are also about maintenance of roads.

Senator Bob Effiong, let me rule on your Point of Order. We have not taken a decision on this specific issue. She was granted permission to bring her Motion today based on the number of lives lost on that road which involved school children. Therefore, in recasting, Senator Joy Emodi would abandon her Prayers (i) to (iii) *ab initio*.

Senator Effiong Bob: If she does that, I withdraw my Point of Order.

The President: Thank you for withdrawing your Point of Order. Senator Joy Emodi, *ab initio*, you abandon your Prayers (i) to (iii). You can now present your Motion.

Senator Joy Emodi: Thank you very much, Mr. President, and my good Friend Senator Bob-Effiong.

This is a very straightforward Motion and I am so sorry that I brought in the issue of roads. It happens that there is no way I can move this Motion without bringing in the cause of the accident. Be that as it may, there was a calamity that befell the people of Nigeria, Anambrarians, especially the people of Anambra North Senatorial Zone, the site of the accident, which was caused by bad road where a tanker got stuck, exploded and affected eight other vehicles loaded with people. There was also a school bus filled with children and all of them got burnt to death. I see this as an adverse impact as a result of someone not doing what he should do; here meaning the Minister of Works.

I do not want to go through the Motion as I have it here, because I have to respect the decision of the Senate of the Federal Republic of Nigeria. Unfortunately, I was away for another important national assignment when my Colleague brought his Motion. If I were present then, I could not have crafted my Motion to bring in Prayers (i) to (iii). So, based on this, I am hereby, abandoning Prayers (i) to (iii) and allowing only Prayer (iv) to stand. However, I still feel that it is important for us to talk about our roads. It is a perennial problem and it is a duty we owe this country, if not for anything, to give the people of Nigeria good road infrastructure. We have the resources to achieve that.

I thank you, Mr. President for allowing this Motion. I so move.

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Senator Sahabi Ya'u: Mr. President, I would want to commend and associate myself with the mover of this Motion. I second this Motion moved by Senator Joy Emodi for the simple fact that it is noble, and it is high time we took, as much as possible, all necessary actions to prevent road accidents in this country. What happened in Anambra is unfortunate, pathetic and uncalled for.

What I read on the newspapers about what caused that accident was the impatience of a convoy that would have obeyed the order of the Road Safety Commission. The road was cordoned off and the Road Safety Personnel were trying to clear whatever that had been spilled on the road by the petrol tanker before allowing free passage. This convoy was impatient and drove into the road without permission. Along the line, maybe, one of the vehicles sparked off the petrol and it was ignited and there was flame all over.

To some extent, the accident was not caused by the bad road of that place but by the impatience of some few people that thought they were above the law, therefore, could do whatever they wanted at whatever time and this led to the death of these 70 people.

It is high time we call to order our people to be lawful. We should obey road signs, and we should be patient at whatever circumstance or situation we may find ourselves.

With these few remarks, I commiserate with the good people of Anambra State and Nigeria as a whole for the loss of these precious lives. May God bless those that lost their lives in this accident, and may the family have the fortitude to bear the loss.

Senator Wilson Asinobi Ake (Rivers West): Mr. President, I rise to support this Motion because it involves loss of lives.

It is almost impossible to talk about accident on our roads without also talking about our bad roads we have; the death traps we call roads. The accident that happened in Anambra is very unfortunate and we are lucky that we have somebody that saw that accident and brought it up on this hallowed Chamber. This thing happens on daily basis on our roads. It is something that calls for concern to every Nigerian. We have bad roads but the users themselves are also problems. I find it difficult to compare us to other countries but moment comes you have to do it. I was surprised that I spent eight days in South Africa and I never heard blowing of horns on their roads.

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There is high level of impatience among our drivers and unfortunately the training of our drivers is not taken seriously. Most people just go to a road side trainer and come out without testing, the next day they have driving licence. Something has to be done to see that our drivers; the users of these roads will not be the problem of these roads. The roads are very bad quite all, but we have to know how to use our roads, it is very important.

It is unfortunate that 70 persons lost their lives and it is also unfortunate that we do not foresee an end to it. What could be done about it? In Abuja metropolis, you could see the speed at which people move on the roads because the roads are good but it also constitutes a problem because of the users. There are accidents on daily basis in Abuja metropolis which shows that the users themselves are a greater problem to our roads.

On this note, I sympathise with the people of Anambra State and other people that have lost their persons on the roads and we hope that we would learn how to use our roads and how to manage our vehicles.

Senator Ibrahim Ida (Katsina Central): Mr. President, I associate myself with the mover of this Motion. When a life is lost it is a sad event, but where 70 lives go it is a tragedy not only to the families but also to the Nation and to humanity. However, let us ask ourselves why do such things continue to happen? Only few days ago a whole family was wiped out at the Giri – Abuja Junction. Not long ago, around Nyanya so many lives were lost. Why is this?

The issue of the road condition has been mentioned but there are other issues also involved. Take the road from Abuja to Kaduna and proceed to Tafa, you will see disaster waiting to happen because by the way trucks are parked along the road at that location, anybody passing there will pray to God that accident would never happen. It is also the same thing when you go to Mararaba, Jos, Kaduna, and many other places. What do we do? There are Agencies of Government such as the Federal Road Safety Corps, the Police *et cetera* charged with the responsibility of ensuring that people respect and obey traffic laws but do we do so? The answer is, no.

First, you will see road construction companies do not prepare proper road signs. Indeed, when repairing the roads they dig holes without any signs. So many lives have perished as a result of that.

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Second, you see drivers driving at the wrong side of the road. For instance, some truck drivers keep to the right of the road instead of to the left. If you have to overtake them, you have to go by the wrong side of the road and so many accidents have happened that way. You find people carrying fuel and other inflammable materials in the vehicles with the result that any havoc creates a disaster. What do we do?

First, Local Governments and Local Authorities should provide adequate parking spaces particularly for the large trucks at different locations where the drivers who have traveled on long trips can stay and rest. We have tanker drivers who travel to places like Tafa, Mararaba, Jos, Daka Tsalle in Kano and so many other places, in-fact, along Lagos – Ibadan Expressway, there is need to provide proper parking spaces for these drivers to stay overnight.

Second, the Road Safety Corps and other Law Enforcement Agencies should be on the watch out; their patrol should not simply be stopping people on the road but overseeing and making sure that whoever drives on the wrong side of the road is called to order immediately. Drivers of large trucks should be made to obey the traffic rules. Anybody that fails to do so should be sanctioned.

Official convoys should be made to drive within the confines of the law. Most times you see official convoys moving from one place to another they first obstruct drivers' movement on the road. When they decide to be charitable, they go so fast to the extent of pushing away whoever that does not give them way. It is high time we take notice of this and take proper action to avert this unnecessary loss of lives, limbs and serious injury to victims. I support this Motion and I feel that we should give it all the emphasis it commands.

Senator Julius Ucha (Ebonyi Central): Mr. President, I support this Motion because of its peculiar nature. I thank my Friend and Learned Colleague, distinguished Senator Bob Effiong for a kind representation he made.

This Motion is intended to address the issue of a society that is drifting from culture of life to culture of death. What happened to the innocent young children along Nigerian road ordinarily should not have happened if that particular spot at Umunya was in a motorable condition and other vehicles that were involved had not the opportunity to escape. They were

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trapped because the road was bad. They all got into that spot that were bad and there was no way of escape and that was the reason for the calamity that befell the very innocent children of a Nursery School. It is pathetic that an accident like that would continue to happen on our roads. One will ask, does accident not happen everywhere and at any time that accident is supposed to happen because it is an act of God? Naturally, what we are not able to control we would say it is an act of God. But in most cases some of these accidents, ordinarily, it could be act of man. This is because if we do not do what we are supposed to do, and dangerous things involving human life happen, we normally baptise it an act of God.

We were told that some portions of that road had been given out on contract for reconstruction to a company. The Ministry has always said that contract for the construction of that portion of the road had been awarded and the contractor mobilised. I sincerely believe that if contract had been awarded (*Interruptions*)

The President: I am sorry, Senator Ucha, the lecture you are getting into is a bit off the target. Who actually knows exactly what happened? We know that they lost 70 lives there but we want to know what exactly happened before we begin to attribute it to bad road. I agree that bad road may be one of the reasons but what exactly happened. Senator Joy Emodi, do you have the details of what happened before the road accident? Do you have the scenario of exactly how it all happened?

Senator Julius A. Ucha: What I heard was that a petrol tanker got into the ditch and fell and exploded with fire. When this happened, the vehicles that were following the tanker on the row in the ditch could not escape and they caught fire. That was what happened and that was what we were told. .

The President: What do you mean by ditch?

Senator Julius A. Ucha: What I mean by a ditch is a very big hole. The vehicles fell on the road and caught fire.

The President: The petrol tanker ran into a pot-hole in the centre of the road and exploded? Well, I think we should go to the Prayers. I am the first to admit that the state of our roads is terribly bad. It is totally unacceptable for the level at which we want to go. We have said it over and over again that it is a terrible condition. I do not know what the Ministry of

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Works is doing and I do not know how much they have been able to do. Senator Ucha, you must get the Ministry to tell you what they have done from the beginning of the year up till this point in time. Every body here is complaining of the bad state of the roads in his or her area. There is nobody who will tell you that they have good roads in his or her Senatorial District yet we voted money over and over for the roads in this country. Federal Road Maintenance Agency (FERMA) and Ministry of Works must come and brief the Senate Committee on Works and you get the Report across to us. Apart from Heineken Lokpobiri's Report that we are going to take, we are not neglecting the issue of roads but because we have already decided that there is a Report coming before us and we are going to consider it, we are not going to emphasise on that now.

The attitude of our drivers is very important. There are too many people driving vehicles who cannot read or write. They cannot read road signs and they are careless. The Road Safe Corps Officers should be able to check these sorts of things. Where the roads are terribly bad it is only proper that the driver is a little more careful than he does ordinarily.

In the centre of Abuja, people do not know when the light is showing red, green or yellow, they just drive through. They do not know when to slow down and all the speed limits nobody obeys them. We just carry on as if life has duplicate once we enter a vehicle. That is what we should emphasise on and educate our drivers on them. With these few remarks, we should now take the Prayers.

Senator Joy Emodi, you have withdrawn your Prayers (i) to (iii). Secretariat, please take note that Prayers (i) to (iii) have been withdrawn.

Prayer (i) which is the only one now reads: Condole the government and the people of Anambra State on the loss of over 70 lives in the multiple auto-accident.

Question put and agreed to.

Resolved: That the Senate do condole the government and the people of Anambra State on the loss of over 70 lives in the multiple auto-accident.

Suspension of the Next Item on the Order Paper

Senator Teslim K. Folarin: Mr. President, I move that the next item on the Order Paper, a Bill for an Act to repeal Education Fund, be stood down till the next legislative day.

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Senator Kabiru Ibrahim Gaya (Kano South): Mr. President, I second the Motion that the next item on the agenda be stood down for the next legislative day.

The President: Again, because of this Votes of Proceedings it is not on the agenda, but on the Order Paper.

Senator Kabiru Ibrahim Gaya: Mr. President, the next item on the Order Paper is a Bill for an Act to Repeal Education Tax Act Cap E4 Laws of the Federation, 2004. I second the Motion that this Bill be moved to the next legislative day.

Question put and agreed to.

Resolved: That the next item on the Order Paper be stood down to the next legislative day.

CONSIDERATION OF A BILL

Deoxyribonucleic Acid (DNA) Test for Human Identification Bill 2009

A Bill for an Act to Establish the Deoxyribonucleic Acid (DNA) Tests for Human Identification, a National DNA Databank, the National Bureau and Other Matters Connected Therewith, 2009 (SB.269)

Order for Second Reading

Senator Teslim Kolawole Folarin: Mr. President, the third and last Order of the Day is Second Reading of a DNA Test for Human Identification Bill, 2009. The Bill was read First Time in this hallowed Chamber on Thursday, 2nd June, 2009. You may now invite the sponsor of this Bill, Senator Eferakeya (Delta Central) to move the Motion for the Bill to be read a Second Time.

Senator Adegbo Erhiawarie Eferakeya (Delta Central): Mr. President, I feel privileged for the opportunity given me to lead the debate on the general principles of a Bill for an Act to Establish the Deoxyribonucleic Acid (DNA) Test for Human Identification, the National DNA Databank, the National DNA Bureau and Other Matters Connected Therewith 2009.

This Bill was read sometime in June, 2009. I will like to give you the background to the Bill. One of the commonest tools for investigation of crimes is the finger print system. However, DNA Prints and

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Database provide very important and additional dimension to crime investigation leading to higher and faster solvability.

DNA profiling serves the criminal justice process by assisting to convict the guilty and exonerate the innocent. DNA profiling can be extracted from biological samples such as blood, hair, saliva, perspiration, semen, cigarette butt, fingerprints on door handles and even on tea cups or glasses. Therefore, it is almost technically impossible not to leave behind some biological evidence at the scene of crime. Whereas fingerprints cannot be obtained from biological samples mentioned above. Thus, DNA profiling is *sine qua non* to crime investigation especially where biological evidence is left at the scene of crime.

The objectives of the Bill

- a. To obtain DNA prints for human identification. DNA prints are obtained by a process called DNA profiling in which the genetic material in a cell is extracted and processed into visible patterns making it possible to compare prints.
- b. To create the National DNA Databank. This is a computerised system into which we feed the DNA profiles or patterns and they can be compared within 24 hours.
- c. To establish the National DNA Bureau. I will explain this later.

The other objectives or the usefulness of the Bill:

- a. To investigate crimes; that is to identify suspects or find links between different crimes,
- b. To identify unknown corpses. We have had cases where people are burnt and you cannot identify them, therefore, you have mass burial. With DNA profiling, you can identify them and the relatives can be linked up, therefore, have a proper burial,
- c. To determine paternity. Cases where parents are unknown, DNA profiling can be used;
- d. To predict a person's origin. This is a very important area. This can be used to trace brothers, sisters, parents and children. As a matter of fact, it is being extended to identifying the kind of person who can even be a president of a country. The characteristics can be seen in DNA profiling.

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The Bill consists of eight Parts and two Schedules. Part I is the citation and the objectives. Part II provides the reason for obtaining non-intimate sample or without a person's consent. Where samples are taken, the Police records the DNA register and the reason for taking the sample.

Part III provides for an intimate sample, consent and court order for forensic sample to be taken from a person.

Part IV specifies who may give sample namely; victims, volunteers, suspects, convicts, police officers and persons who attend to crime scene.

Part V is miscellaneous provision which deals with issues of storage of DNA Data in the National DNA Databank and destruction of DNA samples after ten years.

Part VI provides for the National DNA Databank which comprises four databases and also for the custodian of the National DNA Databank.

Part VII establishes the National DNA Bureau charged with the responsibility of making regulations for the effective performance of the activities of the Bureau; employ other staff required to carry out technological duties. The Bureau consists of six seasoned experts and professionals with experience in forensic DNA training.

Part VIII identifies acts capable of constituting offences and penalties in relation to this Act.

The Schedules are the interpretations of terms and DNA forms for taking DNA samples under this Act.

Having this Bill, we made contact with the Police and we are aware that they have some of the equipment at Lagos, Alagbon Headquarters. We have come up with a takeoff estimates of about N191 million.

I have an attachment which you may want to look at and I will read; Police Investigation Method Rusty – AIG. *The Nigeria Police still - (Interruptions)*

The President: Senator Eferakeya that should not form part of your Second Reading.

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Senator Eferakeya: Mr. President, I was only trying to emphasise that the Police are aware that they need a law to back them up to use this instrument as legal evidence in either convicting or exonerating suspects.

I want to thank you for given me the audience.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, I support this Bill wholeheartedly because DNA tests are utilised world over to achieve those objectives as stipulated in the Bill. It is used for human identification, investigate crime, paternity issues and to identify corpses. I support that DNA should be used in fighting crime in this country.

I also want to add that instead of having a Bureau that would be charged with responsibilities of DNA Databank, the Forensic Department of the Nigeria Police should be strengthened to be able to handle things such as DNA.

Senator Nicholas Yahaya Ugbanne (Kogi East): Mr. President, I want to congratulate Professor Eferakeya on this Bill. This is one of the advantages of having somebody of a different background being in the Senate so that we put our strengths together for the benefit of all Nigerians as evidenced in this Bill.

I will like to look at two things about this Bill and I want to give a short story. About two weeks ago, I was watching *Sky News* where they were able to trace the person that committed a crime 27 years ago. The surprise of the story is that the person that committed the crime had died but unfortunately, they had arrested the wrong person who had served 27 years in jail. When they conducted DNA on the dead person, they were able to confirm that it matched with what they had in their DNA Databank. So the person that was put in prison for 27 years was released.

The President: Was he just released and asked to go?

Senator Nicholas Ugbanne: He was released from Prison and his lawyer said that they were going to claim damages from the government. In Nigeria today, we have criminals who commit crimes in one State and relocate to another State to commit another crime and go about terrorizing people. If we have this DNA Databank, we would be able to trace criminals and would be able to identify who has done what and so on. At times in obvious murder cases, we were unable to

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identify who committed murder while biological pieces of evidence are available on the scene.

So, we should move forward. Nigeria is changing. Scientific evidence is incontrovertible and cannot be disproved anywhere. We need this kind of Bill, so that quality of justice, timely dispensation of justice can be given to our people.

I support this Bill wholeheartedly and I will also call on my Colleagues to support it as a way forward.

Senator Ahmed Ibrahim Lawan (Yobe North): Mr. President, let me say from the onset that I support this Bill. I believe that we should do everything possible to enhance the capacity and ability of our Law Enforcement Agencies, particularly, the Police to fight crime in this country. We also need to strengthen the Police in the area of forensic means of fighting crime. I believe that DNA is an improvement in forensic process.

Though I support this Bill, I have some fears. Who, for example, will donate the sample? Is it voluntary? If it is voluntary, then, we are safe. If every Nigerian, for example, must give samples, then we are not safe because that will tantamount to breaching the fundamental human rights of those who may not like to give samples. So, we need to address the issue of donation of samples for DNA and I suggest that it must be voluntary.

Secondly, when a person is found to be guilty of a crime and he or she serves the term, will the Police continue to hold his DNA? If it is so, what are the chances that when another crime is committed by someone else and the Police are not able to get the right person, the Police will not come back to use the same sample against the person that was jailed and who, perhaps, is now an improved and repentant person? So, I believe that we need to be very careful. The Police must be very thorough. Even, in the developed countries, DNA is not full proof but I believe that we need to improve our system of detecting crime in this country. In the process, we must not forget the basic means that the Police are used in this country, that is the forensic process because we are yet to give them what they need to actually even use the forensic process.

So, we have to side by side fund both the DNA, which we intend to introduce in this country through the passage of this Bill into an Act as well as improving the traditional means of detecting crime that we know.

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Senator Simeon O. Oduoye (Osun Central): Mr. President, the issue of forensic examination to identify criminals, principally in the case of murder or kidnapping; one would easily remember a case that was celebrated in Lagos State some time ago, where a maternity home specialised in stealing children and disposing them to people who are looking forward to have their own children.

A girl was stolen from a young mother under the pretext that the child died at birth. This child was sold to a woman and eventually information leaked to the Police and the case was embarked upon. Apart from other pieces of evidence, the Police invited experts from United Kingdom with the knowledge of DNA examination in forensic matters to establish the case. The real mother of the child was eventually traced and the woman who eventually bought the child from the maternity worker was apprehended. DNA test will go a long way to enhance investigations on the side of the Police to, at least, identify paternity in civil matters and at the same time identify criminals in criminal cases.

Wholeheartedly, I support the Bill. I am convinced it is a Bill that has come at the right time.

Senator Annie Okonkwo (Anambra Central): Mr. President, I represent the good people of Anambra Central Senatorial District. I support this Bill fully (*Interruptions*)

The President: I agree entirely with you when you say the good people of Anambra, but the Leader was shaking his head given an impression that they have not been able to conduct very successful and peaceful primaries.

Senator Annie Okonkwo: The people of Anambra State are still very peaceful and they are hoping that those concerned should still come and do justice.

I want to fully support this Bill because we need DNA Databank in this country, especially, in a country like ours where we have a lot of crimes. It would help to reduce crime in this country. We have seen it work all over the world. Today, somebody's picture can be used to detect where he is coming from without seeing the person.

This particular Databank is going to cost us money, because I saw the estimate that was put together. But I believe it is going to cost more. But, it is better for us to do it. It is not only a question of preventing crimes, but

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also a question of identifying criminals. We should have the DNA Databank because we have lost a lot through criminal activities. This is a big country that needs to have this facility. With this facility we can detect criminals easily even if it was one that was committed ten years ago. I believe that it will definitely help the Police in any investigation. With the DNA Databank you can actually pinpoint where the person comes from. Of course, it will give the history of the person. It will tell you who he is, where he comes from; his parents and of course his background. Once you can pinpoint where a criminal is comes from, it is easy to apprehend him.

So, I fully support this Bill and I will urge my Colleagues to support the Bill. Let the cost not be a hindrance to passing this Bill. I believe that the cost as we have seen will not even be enough. If we can put this DNA Databank in place, it will be good for this country.

Senator Iyabo Obasanjo-Bello (Ogun Central): Mr. President, I support this Bill wholeheartedly. I have some concerns which I would outline. First, I believe that the Forensic Laboratory should be independent. There have been comments made here that it should be under the Police.

The Forensic Laboratory in a criminal case would give evidence. If it is put under the Police and the Police is prosecuting somebody, would the Police Laboratory give evidence. If that is the case, it would seem as if the Police Laboratory personnel have manipulated the exhibit. Therefore, the Forensic Laboratory should be independent. The Bureau should also be separated from the Police. If not, the feeling would be that the Police is just concocting evidence to support their case. Therefore, a Bureau independent of the Police is very important to prove that the DNA is indisputable. Yes, DNA is indisputable but you can lie against a person just as you can lie in other cases. So, it is important that it is independent.

In terms of computerisation, yes, it can be computerised but you cannot have DNA without computerising it. What is important is for the analysis to be done and kept. The reason I am saying this is because our electricity system is still weak. If we have computerisation as part of it, with electricity the way it is in Nigeria, we would not be able to do it. But once you do DNA and the analysis, it is forever.

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I do agree with Senator Ahmed Lawan that we do not have the right investigative resources yet. But if we do DNA now as Senator Ugbane said, in 27 years time, you can still use the information. We need to improve the investigative powers of the Police in order for DNA to even be useful to them.

I also want to give information that there is a Forensic Laboratory under the Ministry of Health. The total appropriation last year to that Forensic Laboratory was ₦10 million. How do we expect them to do anything? For fairness, I believe that, that Forensic Laboratory should be improved not the Police because the evidence should be neutral. The Police is the prosecutor of the person who has committed a crime and a neutral lab should bring the evidence to say it supports what the Police is saying and it is against what the alleged perpetrator is saying it is. But if the evidence supports the accused then it should say so. It should not be only the Police to say yes, everything supports their case. This is my submission.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I am in support of the Bill, but I have my fears. DNA we are struggling to establish is not all that full proof. Like the Magnetic Resonance Images (MRI) recently used against our players, you can find that if it is very successful, perhaps, it is 90 *per cent*; it still has loopholes that can be manipulated.

My fear with the Bill is that if you look at the presentation Part 2, and the Constitution of the Federal Republic of Nigeria under Chapter IV on Fundamental Rights, here the presenter is saying that, it provides reasons for obtaining non-intimate sample with or without the person's consent. You obtain sample from a human being with or without his consent.

If you go to the Constitution under Chapter IV on Fundamental Rights, Section 34 is clear. It says: *Every individual is entitled to respect for the dignity of his person*. How safe are we for somebody to collect part of our body either saliva, blood, urine or whatsoever without our consent? It is a dangerous thing and we must have to consider that area. That is the only fear that I have. I am not against the Bill but I have my fears if we give that type of authority to either the Police or whoever that is going to be responsible then our fundamental right may be breached.

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Senator Sola Akinyede (Ekiti South): Mr. President, I rise to support this Bill. Some of the fears expressed are correct except that even under the fundamental human rights, there is a general provision that nothing that is necessary in a democratic society is accepted. That means that the fundamental human rights of the people are guaranteed but not without exceptions.

Secondly, the DNA Databank is usually got from people who are arrested for offences. I want to say that in supporting this Bill since the advent of DNA more than 40 years ago other methods of human identification have emerged. Some have expressed concerns about invasion of privacy, by compelling people to provide samples. But there are other methods, and one of these methods is the Optic Biometrical Method of identification.

This is a method by which human beings are identified by the prints on their eyeballs. This is because no two human beings have the same prints on the eyeballs. This method is quicker and faster. For example, you get to an Airport and the Machine scans your eye prints and within two minutes there is a databank that has that information elsewhere. If you arrive with a false passport, within two minutes, your correct identification is received at that Airport. It is non-invasive and it is private. It does not require you to donate samples or anything.

I want to suggest that in setting up this databank we should also consider having the Optic Biometrical databank so that Nigerians all over the world can be identified without invasion of their privacy. As I said, this method is faster and quicker. With this addition, I support the Bill.

Senator Joseph Iorshagheer Akaagerger (Benue North East): Mr. President, I stand fully in support of this Bill for several reasons. One, to advance the merits, some of which have already been mentioned and two, to address a few issues by way of observation with respect to some fears and anxieties raised in the course of debate.

Let me first say that DNA Technology has really advanced in the administration of criminal justice all over the world and that is why certain jurisdictions that have long realised this have passed Laws on DNA Databanks to be established both at the Federal and State levels. In the United States, for example, the State of Virginia requires that every person convicted of an

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offence from the age of 14 must submit himself for DNA testing and the result kept in the Databank.

In the advancement of administration of justice in this country, I am particularly concerned about forensic DNA with respect to election petitions, particularly, fingerprints and so on. This will ease the process and administer justice in a more scientific way better than what we have done before.

Therefore, before I address the few merits of this Bill, let me just make a comment with respect to the issue of burden of proof in criminal cases. The Law is not saying that you should bring evidence available. The Law is not saying you must bring mathematical accuracy. *(Interruptions)*

The President: Senator Akaagerger, there are many people who want to speak on DNA please do not digress to legality here.

Senator Akaagerger: Give me one minute, Sir. The burden of proof is probability. One of the issues which makes it very necessary is that:

1. It links seemingly unrelated crimes;
2. It identifies scientifically suspects who are completely unknown to investigators, it does not only sought to convict but to exonerate as well such that innocent people are jailed.

Post DNA testing and the effects. I will discuss with Professor so that other people can contribute.

Senator Simon Ayogu Eze (Enugu North): Mr. President, I rise to support this Bill and then in doing so I also want to commend the sponsor of the Bill and my Colleagues who have spoken very eloquently about the advantages and the use to which this Deoxyribonucleic Acid (DNA) Tests. In making this Law we have to put safe guards because of recent developments which a number of people here have alluded to. I read a scientific report less than a month ago where it was reported in a journal that some people have cracked the DNA code and have created a kind of confusion that will make it possible for you to actually produce, for example, using your own sample and through manipulation in your own Laboratory, produce something that looks exactly like my DNA, therefore, can cause an innocent person to be implicated. This is one of the safeguards that we have to put in this Law.

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I support the Law and it is a Law whose time has come. I also think that the explanations of some of my Colleagues are important. We are not talking about whether or not it is voluntary because when somebody is being tried for crime, he has lost certain privileges and rights, therefore, at that point in time he is duty bound to submit to whatever is required by the Law Enforcement Agencies to make sure that investigation is not hampered. What happens is that when you generate this type of data, you bank it against the future when such a person repeats such a crime or something else happens. So that apprehension does not arise.

With these few remarks, I want to urge my Colleagues to support the Bill.

The President: May I take the last comment from Senator Garba Adamu Talba.

Senator Adamu Garba Talba (Yobe South): Mr. President, I associate myself with my good Friend Professor Adegbo Eferakeya for coming up with this very important and technical Bill.

In fact, I want to draw the attention of my Colleagues to the AIG of Police's comment on one of the Niger Delta papers that the Nigeria Police depends entirely on elementary methods of investigation. I believe there are lots of crimes all over the place. There is increase of crime in Nigeria. So, if we depend entirely on elementary methods of investigation, I do not think we are going any where. That is why I congratulate my friend for bringing up this Bill. It is very important and it should be taken seriously.

One of the objectives of this Bill is to obtain DNA prints for human identification; the most important is that the DNA is not being used for crime only. The use of DNA is for investigating crime first and to identify unknown causes to determine paternity and to predict a person for real. So, all these are important. I, therefore, lend my weight to the Professor for a job well done.

The President: I think we have had enough on it. There is nothing else to be said unless you are capable of pronouncing the full name otherwise just talking on DNA itself is not useful any more.

We have had a very lively debate on this and obviously, anything we can do to help the Police solve crimes, particularly the very habitual ones, we should encourage them to do so. I believe this is a very useful technology. But it is not just enough to get DNA equipment and store it unless we are capable of connecting it round the whole country. If we install DNA equipment in Abuja and a crime is committed in Lagos and you cannot relate the two then it is

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absolutely of no use at all. It is not just to get a Bank but to get one that is readily accessible for comparing records. We must emphasise that. By and large it is a good technology and a good way to assist the Police and in so doing, assist all of us in detecting crimes that are committed in this country. With this few remarks, I feel I can put the Question now in favour of its Second Reading.

Question put and agreed to.

The President: It is referred to the Committee on Health and judiciary. I do not think that Police comes in here. They can use it but they do not need to be involved unless we join Science and Technology. We have not referred anything to Science and Technology, so it is to Health, Science and Technology and Judiciary. The Police are end users; they are not part of the Bill. The Committee on Health is the leading Committee. Senator Barigha-Amange how many weeks can we give Senator Iyabo Obasanjo-Bello?

Senator Nimi Barigha-Amange: Mr. President, we should give them two weeks.

The President: In what capacity are you answering now?

Senator Nimi Barigha-Amange: Mr. President, I am speaking on behalf of the Chairman of the Committee on Science and Technology who is unavoidably absent.

The President: Let us give them three weeks to bring it back.

(Bill read the Second Time and referred to the Committees on Health, Science and Technology and Judiciary to be returned in three weeks).

ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, I move that this Senate do now adjourned till tomorrow, Thursday, 15th October, 2009 at 10.00 a.m.

Senator Sahabi Ya'u: Mr. President, I rise to second the Motion ably moved by the Senate Leader that the Senate do adjourned till tomorrow, 15th October, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do adjourn till tomorrow, Thursday, 15th October, 2009 at 10.00 a.m.

The Senate accordingly adjourned at 12.55 p.m.