

A BILL

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA CAP. C.23, LAWS OF THE FEDERAL REPUBLIC OF NIGERIA, 2004 FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION COURT UNDER THE CONSTITUTION FOR GREATER EFFICIENCY IN RESOLVING CORRUPTION CASES PROMPTLY AND FOR RELATED MATTERS

Sponsored by Hon. Akiolu Kayode Moshood

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- 1 **1.** The Constitution of the Federal Republic of Nigeria Cap. C23, Alteration of
- 2 Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the Cap. C23 LFN,
- 3 principal Act") is altered as out under this Bill. 2004

- 4 **2.** Section 6 of the Principal Act is altered in subsection (5) by Alteration of
- 5 inserting immediately after the existing paragraph (cc) a new paragraph Section 6
- 6 "(ce)"-"(ce) the International Anti-Corruption Court"

- 7 **3.** Section 84(4) of the Principal Act is altered inserting Alteration of
- 8 immediately after the words "judges of the National Industrial Court" in line Section 84
- 9 5, the words 84;
- 10 "President of the International Anti-corruption Court, judges of the
- 11 International Anti-Corruption Court".

- 12 **4.** Section 240 of the principal is altered by inserting immediately Alteration of
- 13 after the words "the National Industrial Court" in line 4, the words "the Section 240
- 14 International Anti-Corruption Court".

- 15 **5.** Section 243 of the Principal Act is altered by- Alteration of
- 16 (a) inserting immediately after the words "National Industrial Section 243
- 17 Court" in the marginal note, the words "International Anti-Corruption"; and
- 18 (b) inserting immediately after the existing section 243, new

1 subsections "(5)(6)" -

2 "(5) An appeal shall lie from the decision of the International Anti-
3 Corruption Court as of right to the Court of Appeal on questions of
4 fundamental rights as contained in Chapter IV of this Constitution as it relates
5 to matters upon which the International Anti-Corruption Court has jurisdiction.

6 (6) An Appeal shall only lie from the decision of the International
7 Anti-Corruption Court to the Court of Appeal as may be prescribed by an Act of
8 the National Assembly: provided that where an Act or Law prescribes that an
9 appeal shall lie from the decisions of the International Anti-Corruption Court to
10 the Court of Appeal, such appeal shall be with leave of the Court of Appeal.";
11 and

Alteration of
Chapter VII
Part I

12 6. Chapter VII Part 1 of the Principal Act is altered by inserting
13 immediately after section 254F a new sub-heading "(ee)" and sections "254AA
14 -254AF"-

15 "EE - The International Anti-Corruption Court of Nigeria 254AA- (1)
16 There shall be an International Anti-Corruption Court of Nigeria.

17 (2) The International Anti-Corruption Court shall consist of:

18 (a) President of the International Anti-Corruption Court; and

19 (b) such number of judges of the International Anti-Corruption Court
20 as may be prescribed by an Act of the National Assembly.

21 254AB (1) The appointment of a person to the office of the President
22 of the International Anti-Corruption Court shall be made by the President on
23 the recommendation of the National Judicial Council.

24 (2) The appointment of a person to the office of a Judge of the
25 International Anti-Corruption Court shall be made by the President on the
26 recommendation of the National Judicial Council.

27 (3) A person shall not be eligible to hold the office of a President of the
28 International Anti-Corruption court unless the person is qualified to practice as
29 a legal practitioner in Nigeria and has been so qualified for a period of not less
30 than ten years and has considerable knowledge and experience in the law and

1 practice of criminal law and anti- corruption practice.

2 (4) A person shall not be eligible to hold of a judge of the
3 International Anti-Corruption court unless the person is qualified to practice
4 as a legal practitioner in Nigeria and has been so qualified for a period of not
5 less than ten years and has considerable knowledge and experience in the
6 law and practice of criminal law and anti-corruption practice

7 (5) If the office of the President of the International Anti-
8 Corruption Court is vacant, or if the person holding the office is for any
9 reason unable to perform the functions of the office, then, until a person has
10 been appointed to and assumed the functions of that office or until the person
11 holding the office has resumed those functions, the President shall appoint
12 the most senior judge of the Court having the qualification to be appointed as
13 President of the International Anti-Corruption Court as provided under
14 subsection (3) of this section to perform those functions.

15 (6) Except on the recommendation of the National Judicial
16 Council, an appointment pursuant to the provisions of subsection (5) of this
17 section shall cease to have effect after the expiration of three months from
18 the date of such appointment and the President shall not reappoint a person
19 whose appointment has lapsed.

20 *Jurisdiction*

21 254AC- (1) Notwithstanding the provisions of sections 251, 257,
22 272, 254C and anything contained in this Constitution and in addition to
23 such other jurisdiction as may be conferred upon it by an Act of the National
24 Assembly, the International Anti-Corruption Court shall have and exercise
25 jurisdiction to the exclusion of any other court in criminal matters-

26 (a) relating to offences of corrupt practices created by an Act of the
27 National Assembly;

28 (b) relating to offences of corrupt practices which involves a trans-
29 border activities insofar as an activity that facilitated the crime was

1 transacted in Nigeria, whether or not the offence was fully committed in
2 Nigeria;

3 (c) relating to offences of corrupt practices involving a Nigerian
4 national whether or not the offence was committed in Nigeria;

5 (d) relating to offences of corrupt practices involving a foreign
6 national insofar as the offence was partial committed in Nigeria or the
7 Defendant arrested in Nigeria;

8 (e) relating to offences of corrupt practices to embarrass the Federal
9 Republic Nigeria or any government in Nigeria or any of its agencies, whether
10 or not committed in Nigeria;

11 (f) relating to offences of corrupt practices committed by public
12 officers in their official capacity;

13 (g) relating to offences of corrupt practices committed by against a
14 foreigner by a Nigerian national and vice-versa, whether or not the offence was
15 fully committed in Nigeria or not;

16 (h) relating to offences of corrupt practices which the Federal High
17 Court, the National Industrial Court and the High Court of the Federal Capital
18 Territory, Abuja, hitherto had exclusive jurisdictions;

19 (i) Notwithstanding anything to the contrary in this Constitution, the
20 International Anti-Corruption Court shall have the jurisdiction and power to
21 deal with any criminal offence connected with or pertaining with the
22 application of any international convention, treaty or protocol of which Nigeria
23 has ratified relating to anti-corruption or matters connected therewith.

24 (2) The International Anti-Corruption Court shall have and exercise
25 jurisdiction and powers to entertain any application for the enforcement of
26 decision, ruling or order made by any tribunal or commission, administrative
27 body, or board of inquiry relating to, connected with, arising from or pertaining
28 to any matter of which the International Anti-Corruption Court has the
29 jurisdiction to entertain.

30 (3) Notwithstanding anything to the contrary in this constitution,

1 appeal shall lie from the decision of the International Anti-Corruption Court
2 from matters in sub-section (1) of this section to the Court of Appeal as of
3 right.

4 *Powers*

5 254AD (1) For the purpose of exercising any jurisdiction conferred
6 upon it by this Constitution or as may be conferred by an Act of the National
7 Assembly, the International Anti-Corruption Court shall have all the powers
8 of a High Court.

9 (2) Notwithstanding subsection (1) of this section, the National
10 Assembly may by law, make provisions conferring upon the International
11 Anti-Corruption Court powers additional to those conferred by this section
12 as may appear necessary or desirable for enabling the Court to be more
13 effective in exercising its jurisdiction. Constitution of the Court.

14 254AE (1) For the purpose of exercising its jurisdiction, the
15 President of the Court may hear and determine or assign a single judge of the
16 Court to hear and determine such matter.

17 (2) For the purpose of exercising its criminal jurisdiction, the
18 provisions of the Criminal Code, Penal Code, Administration of Criminal
19 Justice Act or the Evidence Act shall apply"

20 7. Section 287(3) of the Principal Act is altered by inserting "the
21 International Anti-Corruption Court" immediately after, "the National
22 Industrial Court", in lines 2 and 5 respectively.

Alteration of
Section 287

23 8. Section 289 of the Principal Act is altered by inserting
24 immediately after the words "Judge of the National Industrial Court or" in
25 line 3, the words "Judge of the International Anti-Corruption Court"

Alteration of
Section 289

26 9. Section 292 of the Principal Act is altered in subsection (1)(a)(i),
27 line 3, by inserting immediately after the words "President of the National
28 Industrial Court" the words "President of the International Anti-Corruption
29 Court"

Alteration of
Section 292

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|-------------------------------------|----|---|
| Alteration of Section 294 | 1 | 10. Section 294(4) of the Principal Act is altered by inserting |
| | 2 | immediately after the words "the National Industrial Court" in line 2 the words |
| | 3 | "or the International Anti-Corruption Court" |
| Alteration of Section 316 | 4 | 11. Section 316 of the Principal Act is altered by inserting a new |
| | 5 | subsection "(6)" after the existing subsection (5)-" |
| | 6 | (6) Notwithstanding the provisions of this section the International |
| | 7 | Anti-Corruption Court Act and any office or authority established and charged |
| | 8 | with any function under the Act. shall be deemed to have been duly established |
| | 9 | and shall continue to be charged with such function by virtue of this |
| | 10 | Constitution or in accordance with the provision of a law made thereunder" |
| Alteration of Section 318 | 11 | 12. Section 318 of the Principal Act is altered by inserting the words- |
| | 12 | (a) "the office of the President or Judge of the International Anti- |
| | 13 | Corruption Court" immediately after the words "National Industrial Court" in |
| | 14 | line 3 under the interpretation of Judicial office; and |
| | 15 | (b) "the International Anti-Corruption Court" immediately after the |
| | 16 | words "the National Industrial Court" in paragraph (b), line 1 under the |
| | 17 | interpretation of "Public Service of the Federation. |
| Alteration of the Third Schedule | 18 | 13. The Third Schedule to the Principal Act is altered- |
| | 19 | (a) in paragraph 12, by inserting immediately after paragraph (dd), a |
| | 20 | new paragraph "(ee)"- |
| | 21 | "(ee)" the President of the international Anti-Corruption Court"; (b) |
| | 22 | in paragraph 13(a), by inserting new subparagraphs "(viaa)" and |
| | 23 | "(vibb)" immediately after the existing subparagraph (vi a)- "(viaa) |
| | 24 | the President of the International Anti -Corruption Court"; and |
| | 25 | (vibb) a Judge of the International Anti-Corruption Court, and"; |
| | 26 | (c)) in paragraph 13(c), by inserting immediately after the words "the |
| | 27 | National Industrial Court", in line 3, the words "the International Anti- |
| | 28 | Corruption Court"; |
| | 29 | (d) in paragraph 20, by inserting immediately after subparagraph (ee) |
| | 30 | a new subparagraph "(fl)"- |

1 "(fl)" "the President of the International Anti-Corruption Court";

2 and

3 (e) in paragraph 21 (a)(i), by inserting immediately after the words
4 "the President and Judges of the National Industrial Court" in line 4, the
5 words "the President and Judges of the International Anti- Corruption
6 Court".

7 **14.** The Seventh Schedule to the Principal Act is altered by Alteration of the
8 inserting immediately after the words "President/Judges of the National Seventh Schedule
9 Industrial Court" in line 4 under "Judicial oath", the words
10 "President/Judges of the International Anti-Corruption Court"

11 **15.** This Bill may be cited as the Constitution (Alteration) Bill, Citation
2024.

EXPLANATORY MEMORANDUM

This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria Cap. C23, Laws of the Federal Republic of Nigeria, 2004 for the establishment of the International Anti-Corruption Court under the Constitution for greater efficiency in resolving corruption cases promptly.