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**NIGERIA  
GOVERNORS'  
FORUM**



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16<sup>th</sup> November, 2017

Hon. Akinloye H. Babajide  
Chairman  
House Committee on Anti-Corruption  
National Assembly Complex  
Abuja.

Dear Sir,

**Re: Proposed Bill for an Act to Amend the Independent Corrupt Practices and Other Related Offences, Cap 131 Laws of the Federation of Nigeria, 2004 to Enhance and Strengthen the Commission's Efficiency, Provide for Forfeiture to be Made to the Original Sources of the Crimes and for other Related Matters.**

**Position of the Nigeria Governors' Forum**

I wish to acknowledge receipt of your letter dated 6<sup>th</sup> November, 2017 on the above subject matter, with reference number NASS/HR/CT/12/NGF/PH19.

I am pleased to present the position of the Nigeria Governors' Forum on the proposed bill as follows:

**Proposed Amendment**

To enhance and strengthen the ICPC Act, 2004 by providing for forfeiture to be made to the original sources of the crimes.

The proposed amendment adds a new subsection (3) to S.41 and provides

*"Where the forfeited property originally belonged to a State Government or any of its agencies, the property forfeited to the Court shall be transferred in totality to that State Government and mutatis mutandis Local Government or any of its agencies."*

Similarly, a new (4) is added to the said S.41 and provides

"Where any refund or monetary payments is made to the Court sequel to the investigation, prosecution or conviction of any offence involving fraudulent acquisition of property or corruption, such refund or payment should be returned to the original source be it the Federal Government, State Government, Local Government or private persons"

**Intendment**

By these amendments, the framers intend to ensure that any money or monies fraudulently acquired from government, or any its agencies is recovered, such money or monies should be returned to its original owner (s).

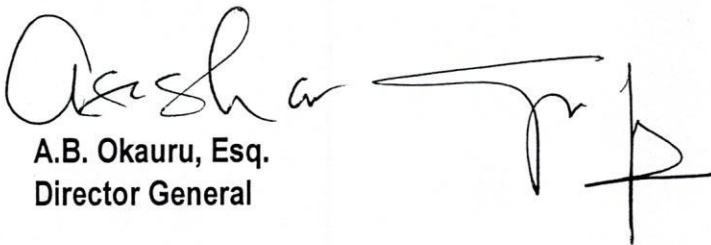
**Comment:**

This proposal is an improvement to the status quo where recovered funds are either retained by the recovering Enforcement Agency or paid into the accounts of the Federal Government. This way, no Government, Agency or person is shortchanged when money that was illegally or fraudulently deprived it is recovered.

**Our Position**

This is a positive development in the fight against corruption. However, the Law should provide ingredients to ground a conviction under these new provisions. For instance, the Government, Agency or person should be able to prove that the monies allegedly found on the suspected person belongs to it or him. It is not enough that someone is suddenly found in possession of funds.

Please accept the assurances of my highest considerations.

  
A.B. Okauru, Esq.  
Director General