

Decree No. 14

[31st December 1983]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Recovery of Public Property (Special Military Tribunals) Decree 1984, as amended by the Recovery of Public Property (Special Military Tribunals) (Amendment) Decree 1984 is hereby further amended as follows :—

Amendment
of Decree
No. 3 of
1984.
1984 No. 8.

(a) for subsection (1A) of section 1 of the Recovery of Public Property (Special Military Tribunals) Decree 1984, as inserted by the Recovery of Public Property (Special Military Tribunals) (Amendment) Decree 1984, there shall be substituted the following new subsection (1A), that is—

“(1A) Any public officer who—

(a) has engaged in corrupt practices or has corruptly enriched himself or any other person ;

(b) has by virtue of abuse of his office contributed to the economic adversity of the Federal Republic of Nigeria ;

(c) has in any other way been in breach of the Code of Conduct ; or

(d) has attempted, aided, counselled, procured or conspired with any person to commit any of the offences set out in this section,

at any time after 30th September 1979 shall be guilty of an offence under this Decree and upon conviction shall, apart from any other penalty prescribed by or pursuant to any other provision of this Decree, forfeit the assets, whether movable or immovable property connected with the commission of the offence, to the Federal Military Government.”

(b) immediately after section 7 thereof, there shall be inserted the following new section 7A, that is to say—

“Evidence of 7A. Notwithstanding anything to the contrary in any law accomplices. (including any rule of law), no witness shall, in any trial or enquiry under this Decree, be presumed to be unworthy of credit by reason only that he took part in the commission of the offence.”

(c) in section 11 thereof, immediately after subsection (2) there shall be inserted the following new subsections, that is to say—

(3) Where a person is charged with an offence but the evidence establishes an attempt to commit the offence he may be convicted of having attempted to commit that offence, although the attempt is not separately charged, and punished as provided in subsection (1) of this section.

(4) Where a person is charged with an offence under this Decree but the evidence established the commission of another offence under this Decree the offender shall not be entitled to acquittal but he may be convicted of that other offence and punished as provided in subsection (1) of this section.

Citation,
commence-
ment and
repeal.

2.—(1) This Decree may be cited as the Recovery of Public Property (Special Military Tribunals) (Amendment) (No. 2) Decree 1984 and shall be deemed to have come into force on 31st December, 1983.

(2) The Recovery of Public Property (Special Military Tribunals) (Amendment) Decree 1984 is hereby repealed.

MADE at Lagos this 17th day of May 1984.

MAJOR-GENERAL M. BUHARI,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree amends the Recovery of Public Property (Special Military Tribunals) Decree 1984, as amended—

- (a) to create the additional offence of aiding, counselling, procuring or conspiring with any other person to commit an offence under the Decree;
- (b) to render admissible the evidence of an accomplice; and
- (c) to empower the tribunals to convict for an offence alternate to that charged.

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