



**INDEPENDENT CORRUPT PRACTICES
AND OTHER RELATED OFFENCES COMMISSION**

**CASE MANAGEMENT AND
ENFORCEMENT GUIDELINE**

Issued pursuant to Section 7(1) and 70 of the ICPC Act, 2000

INTRODUCTION

1.1 The Board Sub-Committee on Case Management and Enforcement was set up for the purpose of managing cases in the Commission.

The members of the committee consist of the following:

- i. Hon. Justice Adamu Bello (Rtd) -
Chairman
- ii. Hon. Obiora Igwedibia -
Member
- iii. Hon. Okolo Titus M. -
Member

The Committee held series of meetings with Heads of Investigation Departments/Units in order to share experiences and come up with ways and manner of handling/managing of cases in the Commission:

1.2 In exercise of the powers conferred on me by section 7(1) of the Corrupt Practices and Other Related Offences Act, 2000 (“the act”) and section 70 of the Act, I hereby issue, make and approve the following Policy/Guideline

- 1 The Legal Department shall within 7 days forward report of cases farmed out to external solicitors to the Case Management Sub-Committee (hereinafter CMC)
- 2 The Commission shall increase budgetary allocation for external solicitors.

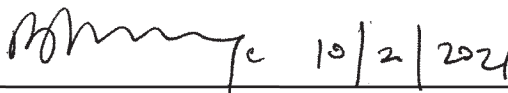
- 3 A case update and review of the CMC meeting shall hold Wednesday 3-5 pm fortnightly.
- 4 All drafted and vetted charges on high profile cases by Prosecution Department shall be reviewed by the CMC before filing in court.
- 5 The CMC shall manage and monitor the prosecution of all high profile cases from receipt of petition to disposal and appeal.
- 6 The flow chart of cases/petitions shall be from Hon. Chairman – Petition Registry – CSU – Chairman (to determine whether to investigate in line with legal opinion offered) – Case Management Committee (for proper documentation and oversight) – Director of Operations – (assign to a team for investigation) – Prosecution. A case update and review meetings with Head of Investigation shall hold every Tuesday (2 – 5pm) while that of Head of Legal to be held every Wednesday (2 – 5pm).
- 7 Two methods will be employed in effecting arrest of suspects; with or without warrant as it deems appropriate. A reminder should be given to a witness before effecting arrest.
- 8 One month is the regulated period within which investigation report shall be submitted except on high profile cases for which extension of time may be granted in writing.

9. 3-5 days may be given to investigators who embarked on investigation trips depending on the nature of the case and shall register their arrival and departure in the state offices, or where none exist inform the nearest state office.
10. ICPC State Commissioners should liaise with Commissioner of Police/DSS to take care of the security of investigators coming to their jurisdiction to avoid unnecessary delays and for protection.
11. In order to prosecute effectively, not less than two lawyers shall appear in court but in High profile cases, a Senior Advocate and two in-house lawyers shall appear.
12. The Commission shall discourage the issue of watching brief.
13. A high profile case should include: politically exposed persons, their spouses, children, Chief Executives of MDAs/VCs of universities etc.
14. The Commission shall appoint not less than two Exhibit Keepers with proven integrity and may be deployed on short term assignment when the need arises. The state offices shall maintain at least one exhibit keeper in this regard.
15. The Committee shall in appropriate cases reopen high profile cases that investigators recommended lack of evidence to prosecute and the investigators may be invited to defend their positions.

16. In-house lawyers attached to external solicitors shall forward written update of the proceedings of the court to the CMC which shall weekly brief the Hon. Chairman on the workings of the Committee.
17. The Commission shall source for funds to finance prosecution and investigation of cases. The idea of prosecutors and investigators using their personal money for official trips should be discouraged.
18. The Case Lawyer or any person who drafted charges shall demonstrate to the Case Management Committee how the charges will be successfully prosecuted, hence the request for a 'moot' court for the CMC.
19. In no circumstance, shall an external solicitor appear in court alone.
20. The CMC shall issue a Trial Ready Certificate (TRC) after vetting the charges, provided it is satisfied that there is a realistic prospect of a conviction. The CMC shall sign the TRC and hand over to the Head of Legal Department for prosecution.
21. Where the charges are not trial ready, the CMC shall direct an action plan with a return date.
22. A charge or information shall not be filed in court without a TRC.
23. Where bail is granted, the prosecutor shall propose stringent conditions that shall ensure attendance of the defendant in court.

24. All investigated case files, wherein prosecution is declined; the prosecution shall forward the case file to CMC for review before closure of the case file.
25. Where investigation and prosecution differ in opinion on whether to prosecute or not, the case file shall be sent to the CMC for final decision and recommendation to Chairman.
26. At least one lawyer or in certain circumstances more than one shall be attached to an investigation team for legal guidance.
27. External solicitor shall within 72 hours send a progress report to the Chairman, who in turn will minute to the CMC for action after every hearing in a matter.
28. The external solicitor shall conduct a case conference with the in-house lawyers and Case Team to plan the trial, allocate roles, and estimate the duration of trial and planning the attendance of witnesses.
29. The CMC shall monitor and manage the progress of the prosecution in line with the agreed strategy and objectives.
30. The CMC shall maintain regular contact with the Case Team on every Thursday by 3 – 5pm.
31. The Case Team shall compile a monthly list of cases that have not been concluded within 6 months of arraignment and forward same to the CMC for an action plan to address the causes of delay.

32. Seized suspected proceeds of crime in the nature of cash or precious stones or jewelries shall be deposited at the Central Bank.
33. Emphasis should be given to assets recovery in the course of prosecution.
34. All charges shall be filed by in-house lawyers.
35. A Register to record inventory of all properties finally forfeited or seized for the Federal government shall be kept by the CMC irrespective of other Departments keeping same. This will help the Commission in the reconciliation of its record. ATRM shall on monthly basis update the inventory register.
36. CMC shall maintain a secretariat housing a moot court and office space with personnel drawn from various departments including but not limited to 3 lawyers, one investigator, one qualified accountant and 3 other secretarial staff.
37. The CMC may advise the Hon. Chairman on how intelligence led investigation should be carried out.
38. The CMC shall recommend to the Chairman and supervise, monitor cases that are suitable for plea bargain under Section 270 of the ACJ Act 2015 under the directive of the Hon. Chairman.

 10/2/2021

PROF. BOLAJI OWASANOYE, SAN
Chairman, ICPC

