

STEPS TO IMPEACH THE PRESIDENT OF NIGERIA

Section 143 of the 1999 Constitution of the Federal Republic of Nigeria (as amended)



Both chambers of the National Assembly have threatened to impeach Mr President.

However, given the provisions of Section 143 of the Nigerian Constitution (as amended), this is **very, very unlikely**.

The provisions are onerous, requiring a period of **almost 5 months from start to finish**.

In addition, Mr President's party - the All Progressives Congress (APC) dominate the National Assembly and elections are around the corner.

In the absence of impeachment, how do citizens hold Mr President accountable for the alarming state of insecurity and our struggling economy?

1 NOTICE OF ALLEGATION

There must be a notice of an allegation in writing alleging **gross misconduct*** on the part of the President. This notice must be signed by not less than one-third of the members of the National Assembly (both the Senate and House of Representatives) and it is presented to the Senate President.

*** Gross misconduct is defined by the Constitution as '...a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct.'**

2 NOTICE OF ALLEGATION IS SENT TO THE PRESIDENT

The Senate President must within **7 days**, serve the President and each member of the National Assembly with a copy of the **Notice of Allegation**.

3 THE PRESIDENT'S OPPORTUNITY TO RESPOND

The President has a right of reply (he does not have to reply however), and any such statement in reply to the allegation must be served **on each member** of the National Assembly.

4 MOTION FOR INVESTIGATION

Within **14 days** of the presentation of the notice to the Senate President, each chamber of the National Assembly shall resolve by motion without any debate whether or not the allegation shall be investigated. This motion needs to be passed by at least two-thirds majority of the National Assembly.

5 DETERMINATION OF MOTION & PANEL OF INVESTIGATION

If the motion fails to reach the two-thirds majority, the process immediately stops, and no further action will be taken. However, if the two-thirds

majority is obtained and the motion is passed, then the Senate President will **within 7 days** of the passing of the motion, request the Chief Justice of Nigeria (CJN) to appoint a Panel of seven persons who in his opinion are of **unquestionable integrity** to investigate the allegations. The members of the Panel cannot be members of any public service, legislative house or political party.

6 PRESIDENT'S DEFENCE

The President shall have the right to defend himself in person and be represented before the Panel by legal practitioners of his own choice.

7 COMPOSITION OF PANEL

A Panel shall be appointed which shall;

- Have such powers and exercise its functions in accordance with such procedure as may be prescribed by the National Assembly; and
- Within **3 months** of its appointment report its findings to the National Assembly.

8 PANEL REPORT & RESOLUTION FOR ADOPTION

Where the Panel reports that the allegation has not been proven, there will be no further action. However, if the report is that the allegation against the President has been proven, then within **14 days** of the receipt of the report, the National Assembly will consider the report, and a resolution for the adoption of the report shall be moved.

9 VOTE FOR IMPEACHMENT

For the resolution to be adopted, it must be supported by not less than two-thirds majority of the National Assembly. Once adopted, the President shall **stand removed from office as from the date of the adoption of the report**.



No proceedings or determination of the Panel or of the National Assembly or any matter relating thereto shall be entertained or questioned in any court.