

**EKITI STATE SECURITY NETWORK AGENCY BILL  
2020**

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## A BILL

# FOR A LAW TO ESTABLISH THE EKITI STATE SECURITY NETWORK AGENCY AND AMOTEKUN CORPS TO ASSIST IN MAINTAINING LAW AND ORDER IN EKITI STATE AND FOR CONNECTED PURPOSES

BE IT ENACTED by the Ekiti State House of Assembly as follows: -

## PART 1

### ESTABLISHMENT OF THE EKITI STATE SECURITY NETWORK AGENCY

#### 1. Short Title

This Law may be cited as the Ekiti State Security Network Agency Law and shall come into force on the ..... day of ....., 2020.

#### 2. Interpretation

In this Law, unless the context otherwise requires:

“**Agency**” means the Ekiti State Security Network Agency established by this Law;

“**Amotekun**” is the symbol of the Ekiti State *Amotekun* Corps depicted by the image of a Leopard;

“**Arms**” means firearms properly licensed by the Police;

“**Attorney-General**” means the Attorney-General and Commissioner for Justice of Ekiti State;

“**Governor**” means the Governor of Ekiti State;

“**Ministry of Justice**” means the Ministry of Justice of Ekiti State;

“**Ekiti State Amotekun Corps**” means officials engaged under the Ekiti State *Amotekun* Corps established by this Law;

“**Police**” has the same meaning as provided in the Nigeria Police Act;

“**State**” means Ekiti State of Nigeria; and

“Tag” means a badge which includes the name and identification number of a member of the Ekiti State *Amotekun* Corps.

### **3. Establishment of the Ekiti State Security Network Agency**

- (1) There is established the Ekiti State Security Network Agency.
- (2) The Ekiti State Security Network Agency shall:
  - (a) be a body corporate with perpetual succession and common seal;
  - (b) have power to sue and be sued in its corporate name; and
  - (c) be capable of acquiring, holding, managing and disposing of properties movable or immovable, for the purpose of exercising the objectives and functions specified in this Law.
- (3) The Agency shall work with similar Security Network Agencies in other States of the Federation and in particular, shall collaborate with other Security Network Agencies in Ogun, Lagos, Ondo, Osun and Oyo States.

### **4. Objectives of the Ekiti State Security Network Agency**

The objectives of the Agency are to:

- (a) gather information and share intelligence about crime, crime in progress, suspicious activities, criminal suspects and other criminal activities;
- (b) collaborate with similar security network agencies, particularly in Ogun, Lagos, Ondo, Osun and Oyo States to deter kidnapping, terrorism, cattle rustling, cultism, highway robbery and other offences and to assist the Police in apprehending such criminals;
- (c) protect lives and property within the State;
- (d) ensure that all persons travelling along the highways, major roads, remote areas, hinterland, forest and inland waterways are free to participate in their normal social and economic life without fear or hindrance; and
- (e) assist the Police to carry out any other lawful activity for maintaining law and order in the State.

## 5. Functions of the Ekiti State Security Network Agency

(1) The functions of the Agency are to:

- (a) collaborate with and assist the Police and other Security Network Agencies in gathering information about crime, crime investigation, arrest and prosecution of persons suspected or involved in kidnapping, terrorism, cattle rustling, cultism, highway robbery and other criminal activities;
- (b) collaborate with and assist the Police and other security agencies in maintaining law and order within the state by:
  - (i) making available relevant information on crime, crime in progress, crime related activities, suspicious activities and criminal suspects;
  - (ii) undertaking routine day and night patrol on major roads, remote areas, hinterland, forests and inland waterways;
  - (iii) ensuring that offenders are identified, arrested, registered and promptly handed over to the nearest Police station or post;
  - (iv) giving timely report of suspicious activities and crimes in progress to aid in the effective policing of the State;
  - (v) providing the Police and other security agencies with relevant information to aid in the effective policing of the State;
- (c) disarm unauthorized persons in possession of arms and other dangerous weapons;
- (d) render prompt assistance to crime and accident victims;
- (e) undertake routine day and night patrols on interconnected roads and surveillance on highways, major roads, remote areas, hinterland, forests and inland waterways;
- (f) undertake joint operations with the Police and other security agencies in furtherance of the objects of the Agency;
- (g) react and respond promptly and strategically to distress calls;
- (h) prevent highway crimes and any other criminal activities by way of local intelligence gathering and use of technology;
- (i) collaborate with the Ekiti Peace Corps or other security agencies in carrying out its duties; and
- (j) carry out such other directives as the Governor may expressly give to the Ekiti State *Amotekun* Corps in relation to security and the maintenance of public order and safety.

- (2) The Agency shall in the course of carrying out its duties safeguard the human rights of every person as enshrined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and other relevant human rights instruments.

## **6. Establishment and Composition of the Ekiti State Security Network Agency Governing Board**

- (1) There is established for the Agency a Governing Board (referred to in this Law as the “Board”)
- (2) The Board shall comprise:
  - (a) a Chairman, who shall be a person of proven integrity with experience in security matters and shall be a retired Law Enforcement or Military Officer not below the rank of a Major or its equivalent in the other Security Services;
  - (b) The Commissioner of Police in the State or his/her representative;
  - (c) One member representing the different services of the Armed Forces of Nigeria operating in the State;
  - (d) The State Commandant of the Nigerian Security and Civil Defence Corps in the State or his/her representative;
  - (e) The Executive Secretary, Ekiti State Security Trust Fund or his/her representative;
  - (f) One representative each of the Community Development Association drawn from the three Senatorial zones the State;
  - (g) The Chairman, Ekiti State Council of Traditional Rulers or his representative;
  - (h) The Ekiti State *Amotekun* Corps Commander.
- (3) The Secretary to the Board shall be the Legal Adviser of the Agency.

- (4) The Chairman and members of the Board shall be appointed by the Governor on the recommendation of the Attorney-General.

## **7. Powers of the Ekiti State Security Network Agency Governing Board**

The powers of the Board shall include:

- (a) setting general policy guidelines for the management of the Agency;
- (b) setting the administrative guidelines for the conditions and welfare of staff of the Agency;
- (c) making recommendations to the Governor on the terms and conditions of employment and remuneration of staff of the Agency;
- (d) approving programmes of training for members of the Agency for effectiveness and efficiency in the performance of their functions under this Law;
- (e) providing a graded Command structure for the Ekiti State *Amotekun* Corps;
- (f) designing and approving the uniform of the different grades of the Ekiti State *Amotekun* Corps;
- (g) appointing suitable persons as members of the Ekiti State *Amotekun* Corps;
- (h) promoting and disciplining the staff of the Agency;
- (i) removing or deleting from the register, the name of an Ekiti State *Amotekun* Corps member if:
  - (i) the member is unfit to discharge the functions of the Ekiti State *Amotekun* Corps by reason of infirmity or misconduct; or
  - (ii) he withdraws in writing, from being a member of the Ekiti State *Amotekun* Corps;
- (j) fostering relationships between the Agency and similar security network agencies, particularly in Ogun, Lagos, Ondo, Osun and Oyo States; and
- (k) doing other such things as the Board may consider appropriate for the overall development and growth of the Agency.

## **8. Tenure of Office**

A person appointed as a member of the Board shall hold office on part-time basis for four (4) years and be eligible for re-appointment for one further term of four (4) years.



## **9. Remuneration**

The Chairman and members of the Board shall be paid such remuneration as the Governor may determine.

## **10. Cessation of Membership**

- (1) A member of the Board shall cease to hold office if such person:
  - (a) resigns his appointment by giving one (1) months' notice in writing to the Governor.
  - (b) is declared unfit or unable to discharge the functions of his office either by reason of infirmity or mental incapacity;
  - (c) becomes bankrupt;
  - (d) is convicted of a felony or any offence involving dishonesty;
  - (e) is guilty of serious misconduct or dereliction of duty.
  
- (2) The Chairman and any member of the Board may be removed from office by the Governor if the Governor is satisfied that it is not in the interest of the public that such a member should continue in office.

## **11. Meetings and proceedings of the Ekiti State Security Network Agency Governing Board**

- (1) The Board may make standing orders regulating its proceedings.
  
- (2) The Board shall meet not less than four (4) times in a year.
  
- (3) At any meeting of the Board, the Chairman or, in his absence, any member duly appointed by members present shall preside.

## **12. Quorum**

The quorum at any meeting of the Board shall be six (6) members, including the Chairman.

## **13. Voting**

- (1) All questions at a meeting of the Board shall be determined by a majority of votes of the members of the Board present and voting.

- (2) At any meeting of the Board each member shall have one vote, and if there is a tie of votes, the Chairman of the meeting shall have a second or determining vote.

#### **14. The Ekiti State *Amotekun* Corps Commander**

- (1) There shall be appointed by the Governor, a Corps Commander for the Agency, who shall be a retired Law Enforcement Officer or Military Officer not below the rank of a Major or its equivalent in other Security Services.
- (2) The Corps Commander shall:
  - (a) be a person with at least ten (10) years cognate experience in security matters;
  - (b) be responsible for the day-to-day running of the affairs of the Ekiti State *Amotekun* Corps and implementation of the decisions of the Board;
  - (c) hold meetings with his counterparts in other States, particularly Ogun, Lagos, Ondo, Osun and Oyo States on a quarterly basis or as may be collectively determined by the Corps Commanders in those dates;
  - (d) have general supervision and control of all employees of the Ekiti State *Amotekun* Corps;
  - (e) draw up programmes of training for members of the Ekiti State *Amotekun* Corps for effectiveness and efficiency in the performance of their functions under the Law; and
  - (f) generally, perform all other duties affecting the Agency as may be specifically assigned by the Board.
- (3) The Ekiti State *Amotekun* Corps Commander shall be appointed for a term of four (4) years in the first instance and shall be eligible for re-appointment for one further term of four (4) years.
- (4) The Ekiti State *Amotekun* Corps Commander may be removed from office by the Governor if the Governor is satisfied that it is not in the interest of the public that he should continue in office.

#### **15. The Legal Adviser and other Staff of the Ekiti State Security Network Agency**

- (1) There shall be a Legal Adviser for the Agency who shall also be the Secretary to the Board.
- (2) The Legal Adviser and Secretary shall be a State Counsel not below Grade Level 13 and shall be responsible to the Ekiti State *Amotekun* Corps Commander for the discharge of his duties.

- (3) The Legal Adviser and Secretary shall be responsible for the following matters:
  - (a) issuing legal advice;
  - (b) arranging meetings preparing agenda and minutes of meetings;
  - (c) conveying decisions of the Board to its members;
  - (d) arranging for the payment of allowances to members of the Board and other related matters; and
  - (e) generally performing all other duties affecting the Agency as may be assigned by the Ekiti State *Amotekun* Corps Commander.
- (4) The Agency may, subject to the approval of the Governor engage such other staff as may be necessary for the proper execution of its functions under this Law and pay to such persons so employed such remuneration and allowances as may be determined by the Board, subject to the extant policies of the State Government.

#### **16. Zones of the Command**

- (1) The Command shall comprise zones as may be created by Regulation under this Law.
- (2) There shall be Deputy Corps Commanders in charge of the Operations Unit and Monitoring Unit of each zones of the Corps Command who shall be responsible for the coordination of the activities of the zones of the Corps Command under the general command of the Corps Commander and such other Commanders as may be created by Regulation.

### **PART II**

#### **ESTABLISHMENT OF THE EKITI STATE *AMOTEKUN* CORPS**

#### **17. Establishment of the Ekiti State *Amotekun* Corps**

- (1) There is established for the Agency a body to be known as the Ekiti State *Amotekun* Corps.
- (2) The *Amotekun* Corps shall be responsible for carrying out the functions of the Agency as set out under the provisions of this Law.
- (3) The *Amotekun* Corps Commander shall be the head of the *Amotekun* Corps.

## **18. Powers of the Ekiti State *Amotekun* Corps**

- (1) The Ekiti State *Amotekun* Corps shall, subject to the approval of the Inspector General of Police have the power to bear licensed arms in the performance of its duties and as may be incidental to the operation of its objectives under this Law.
- (2) The Ekiti State *Amotekun* Corps shall also have power to:
  - (a) collaborate with similar security agencies, particularly in Ogun, Lagos, Ondo, Osun and Oyo States in the enforcement of the provisions of this Law; and
  - (b) share intelligence, equipment and resources with similar security agencies, particularly in Ogun, Lagos, Ondo, Osun and Oyo States.

## **19. Criteria for enlistment into the Ekiti State *Amotekun* Corps**

A person may qualify to enlist with the *Amotekun* Corps, if the person:

- (a) has applied in writing to the Agency;
- (b) has received confirmation from the Divisional Police Officer in his Local Government Area of residence that he/she is of proven character and integrity and has no criminal records;
- (c) has been endorsed by the Chairman of his/her Local Government Area of residence or the traditional ruler of the community where such a person resides

## **20. Composition of the Ekiti State *Amotekun* Corps**

The Ekiti State *Amotekun* Corps may be composed of persons qualified under Section 19 of this Law who are members of:

- (a) Registered vigilante groups operating within the State;
- (b) statutory security agencies operating within the State; and
- (c) any other person qualified under the provisions of this Law.

## **21. Appointment of Corps Ambassadors**

- (1) Without prejudice to sections 19 and 20 of this Law, the Agency may appoint Corps Ambassadors of exemplary conduct from within the Ekiti State Council of Traditional Rulers and other pool of prominent indigenes of the State.
- (2) Corps Ambassadors appointed under subsection (1) of this section may, among other things, be engaged in mobilizing support for the Agency and rallying their communities for the purposes of mass orientation, security consciousness and campaign against social vices.

## **22. Identification of the *Amotekun* Corps**

- (1) Every member of the Ekiti State *Amotekun* Corps shall be allocated an identification number.
- (2) An identification tag bearing the name and identification number of an Ekiti State *Amotekun* Corps member shall be issued by the Board and when on duty, the tag must be worn at all times by the Ekiti State *Amotekun* Corps member.
- (3) An identification card issued under this section shall be valid for one (1) year only after the date of issuance.
- (4) A uniformed member of the *Amotekun* Corps shall be in uniform whenever on duty.

## **23. Register of Ekiti State *Amotekun* Corps**

- (1) On fulfillment of the criteria for membership of the Ekiti State *Amotekun* Corps provided under this Law, the Agency shall capture the biometric information of all intending personnel for the Ekiti State *Amotekun* Corps.
- (2) The Agency shall maintain a register of the Ekiti State *Amotekun* Corps containing the names, addresses, thumb impressions, photographs and other biometric information of all the personnel of the Ekiti State *Amotekun* Corps.
- (3) The identification number issued to every *Amotekun* Corps member shall be prefixed against his or her name in the register for personnel.

## **24. Internal Audit and Investigations Unit**

- (1) There shall be an Internal Audit and Investigations Unit within the Ekiti State *Amotekun* Corps to be entrusted with the internal supervision of the workings and operations of the *Amotekun* Corps to ensure its accountability.
- (2) The Internal Audit and Investigations Unit is responsible for checking processes and internal procedures as well as investigating any complaint against *Amotekun* Corps officers made by members of the Public or the Corps.
- (3) Upon receipt of a complaint, the Internal Audit and Investigations Unit shall, as soon as possible, inform the Independent *Amotekun* Corps Complaints Board.

- (4) The Internal Audit and Investigations Unit shall, as soon as practicable, after concluding an investigation on a complaint, transmit a report and recommendations thereof to the Independent *Amotekun* Corps Complaints Board and forward a copy of the report and recommendations to the Corps Commander.

## **25. Establishment of Independent *Amotekun* Corps Complaints Board**

- (1) There is established an independent *Amotekun* Corps Complaints Board (referred to in this Law as the “Complaints Board”) composed of three (3) members, one of whom shall be the Chairman, to be appointed by the Governor acting on the advice of the Attorney-General.
- (2) The members shall hold office for a period of three (3) years and may be re-appointed for one further term of three (3) years.
- (3) The Chairman of the Complaints Board shall be a retired Judge or Magistrate and no person shall be qualified to be appointed as, or remain, a member of the Complaints Board if he is a public officer, or a member, officer or servant of any body corporate or established by law, or a serving Judge or Magistrate or a member of the House of Assembly or a member of a Local Government Council.
- (4) If any vacancy on the Complaints Board occurs during the term of appointment, on account of death, resignation, or for any other cause, the Governor shall, as soon as practicable, appoint another person to fill the vacancy and the person so appointed, shall remain in office for the remainder of the term of office of his predecessor: Provided that, the Complaints Board shall continue to act notwithstanding any such vacancy.
- (5) A member of the Complaints Board may be removed from office by the Governor acting on the advice of the Attorney-General on the ground of inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause or for misbehaviour.
- (6) The Complaints Board shall be supported by a Legal Officer and the necessary Administrative Staff.
- (7) The Complaints Board shall have the power to:
  - (a) summon witnesses who shall be heard on oath; and
  - (b) administer an oath to any witness and to any person concerned in the investigation of a complaint and require them to give evidence.

- (8) Summonses for attendance of witnesses may be in such form as may be prescribed by the Complaints Board.
- (9) A summons may be served either by hand or by post and where it is served by hand it shall be sufficient to prove service by evidence that the summons was left with a person over the age of sixteen years at the place of residence or of business of the person summoned, and if served by post, it shall be sufficient to prove service by evidence that the summons was properly addressed and posted.
- (10) Any person summoned as aforesaid who refuses, or without sufficient cause fails, to attend at the time and place mentioned in the summons, or refuses, without sufficient cause, to answer or to answer fully and satisfactorily, to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Complaints Board, or refuses or fails, without sufficient cause, to produce any document he was required to produce by or with the concurrence of the Complaints Board, shall be liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira Only (₦250,000.00) or to imprisonment not exceeding one month or to both such fine and imprisonment: Provided that, without prejudice to the generality of the provisions of sub-section (7)(b) of this section, no person giving evidence before the Complaints Board may be compelled to answer any question which tends to expose him to any criminal prosecution, and every such person shall, in respect of any evidence given by him before the Complaints Board, be entitled to the same privileges to which a witness giving evidence before a Court of Law is entitled.
- (11) No proceedings shall be commenced in respect of any offence against sub-section (10) of this section.
- (12) The functions of the Complaints Board are to:
- (a) expeditiously inquire into and report on any matter regarding the conduct of the Ekiti State *Amotekun* Corps or any of its members either on its own motion, on any matter referred by the Attorney-General, or on any complaint and request which the Complaints Board may receive;
  - (b) inquire and report on any complaint made to the Complaints Board by any *Amotekun* Corps officer against treatment deemed prejudicial or discriminatory, or which may be the cause of undue distress;

- (c) request, if necessary, at any stage, the collaboration or assistance of the Internal Audit and Investigations Unit;
  - (d) monitor relations between the Ekiti State *Amotekun* Corps and the Public;
  - (e) perform any other function that may be assigned to it by Regulation, or by any specific written instructions from the Attorney-General;
  - (f) recommend, in its decisions, any such action deemed fit and send its recommendations to the Attorney-General in respect of every complaint and request received;
  - (g) refer its findings to the Attorney-General and the Commissioner of Police where it resolves that the matter may involve criminal proceedings; and
  - (h) submit an Annual Report to the Attorney-General by the end of March of the following year.
- (13) The Corps Commander, any *Amotekun* Corps officer or any civilian employee may be requested to appear before the Complaints Board to answer questions and provide information that may be relevant to the Complaints Board in the execution of its duties.
- (14) The Complainant may also be asked to appear before the Complaints Board to give further information.
- (15) It shall not be lawful for the Complaints Board to demand the production of any document connected with a criminal investigation or to demand to be given information on any such criminal investigation.
- (16) A complaint shall not be entertained unless it is made not later than twelve (12) months from the day on which the complainant first had knowledge of the matters complained about: Provided that, the Complaints Board may conduct an inquiry in respect of a complaint not made within that period if it considers that there are special circumstances which make it proper to do so.

## **26. Remuneration of the Independent *Amotekun* Corps Complaints Board**

The Chairman and members of the Complaints Board shall be paid such remuneration and allowances as the Governor may approve.



## **27. Exemption from Liability**

No member of the Complaints Board shall be liable for any act done in good faith in the exercise of the powers conferred on the Board by this Law.

## **28. Appeal against the Decision of the Complaints Board**

An Appeal against the decision of the Board shall lie as of right to the High Court of the State provided that such Appeal shall be made within 45 days after written notification of the ruling of the Panel.

## **29. Records of Arrest**

A written record shall be made of any intervention involving the arrest of a person and shall include:

- (a) the grounds on which the arrest was made;
- (b) the name of the corps member who effected the arrest;
- (c) the name of the person arrested;
- (d) the date and time of the arrest;
- (e) the location of the Police station or post the person arrested was handed over to;
- (f) the name, rank and signature of the Officer within the Police station or post to whom the person arrested was handed over to;
- (g) the date and time the person arrested was handed over to the Police; and
- (h) Any other information pertaining to the arrest.

## **PART III**

### ***FINANCIAL PROVISIONS***

## **30. Funds of the Ekiti State Security Network Agency**

The funds and resources of the Agency shall consist of:

- (a) subventions from the State;
- (b) gifts and donations from individuals and corporate bodies; and
- (c) any other money or property which may in any way become payable to or vested in the Agency.

## **31. Gifts, donations, grants and endowments**

The Agency may accept money, grants, gifts, endowments, donations and testamentary dispositions or other property in aid of its objectives on the condition that such are not inconsistent with its functions, policies and objectives.

### **32. Audit**

The Agency shall prepare at the end of each financial year, statements of its accounts which shall be audited by a firm of auditors appointed by the Board from the list of Auditors provided from time to time by the Auditor-General of the State.

### **33. Annual Report and Estimates**

- (1) The Agency shall, in accordance with the State Administrative Guidelines and within such periods as may be indicated, prepare and submit to the Governor through the Attorney-General a report of its activities and operations with a certified copy of the audited accounts of the Agency and the Auditor's report on same.
- (2) The Agency shall through the Corps Commander prepare and submit to the Ministry charged with the responsibility for budget planning for the Governor's approval, its annual estimates of revenue and expenditure for the period commencing on the 1<sup>st</sup> day of January and ending on the 31<sup>st</sup> day of December of each year in accordance with extant directives on budget preparation.

## **PART IV**

### ***Miscellaneous Provisions***

### **34. Acts Done in the Course of Duty**

Any member of the Board, staff of the Agency or member of the Ekiti State *Amotekun* Corps is hereby excluded from liability and shall not be sued in his or her personal capacity for any lawful act done in the course of duty.

### **35. Pre-Action Notice**

A suit shall not commence against the Agency unless thirty (30) days written notice of intention to commence an action is issued to the Agency and it must include the particulars of the intending Claimant, details of the complaint and reliefs sought.

### **36. Obstruction of *Amotekun* Corps Member in the Performance of His Duty**

Any person who wilfully hinders, delays, obstructs or assaults a member of the Ekiti State *Amotekun* Corps in the course of the exercise of his lawful duties under this Law shall be guilty of an offence and liable on conviction to imprisonment for a term of one month or to a fine not exceeding Two Hundred and Fifty Thousand Naira Only (~~₦~~250,000.00) or to both such fine and imprisonment.

### **37. Application of the Pensions Law**

- (1) The Ekiti State Pension Law, 2017 shall, in its application to any office under this Law, have effect as if the office were in the Civil Service of the State.
- (2) Nothing in this section shall prevent the appointment of a person to any office on terms, which preclude the grant of a pension or gratuity in respect of service in that office.

### **38. Power to make Regulations**

- (1) The Attorney-General may make regulations generally for carrying into effect the provisions of this Law, including any necessary regulations to guide the operations of the Agency and ensure the maintenance of discipline among its Officers and Operatives.
- (2) Until such regulations are made, extant regulations applicable in the Civil Service of Ekiti State shall continue to apply to the Officers and Operatives of the Agency.

**This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be true copy of the said Bill.**

.....

**MR. TOLA ESAN**  
**Clerk of the House of Assembly**

.....

**Rt. Hon. Funminiyi Afuye**  
**Speaker of the House**

**Governor's Assent**

**I hereby signify my assent to this Bill**

**DR. JOHN KAYODE FAYEMI**  
**Executive Governor of Ekiti State.**

**MADE AT ADO-EKITI THIS ..... DAY OF ....., 2020**