



NIGERIAN BAR ASSOCIATION

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“IT IS AN OVERREACH FOR POLICE TO PURPORT TO HAVE POWER TO INVESTIGATE AN ATTORNEY GENERAL FOR DISCONTINUING A CRIMINAL MATTER”

In another new low and affront to the Constitution of the Federal Republic of Nigeria as well as the legal profession, the Nigeria Police Force has purported to have the power to investigate the exercise of the power of the Attorney General of Anambra to take over, continue, and/or withdraw criminal proceedings before the courts of the State. It is shocking and indeed provocative that the IGP Monitoring Unit of the Nigeria Police invited and released on bail the Director of Public Prosecution and some other law officers in the Ministry of Justice for exercising the power of the State Attorney General to enter a nolle prosequi in respect of a criminal matter. In continuing to display their brazen assault on the office of the Attorney General, the Police have also extended an invitation to the Attorney General of the State in purported exercise of constitutional powers.

We will be failing in our duty if we shut our eyes to this unsavoury development, as we are committed to ensuring that all forms of executive recklessness and impunity are stopped by our law enforcement agencies.

The Police need not be educated or reminded that they cannot question the Attorney General's decision to exercise the power of nolle prosequi. This power is not even subject to judicial review or questioning by other authorities, including the Police. This prerogative power of the Attorney General is spelt out in Section 211 of the Constitution of the Federal Republic of Nigeria. The NBA will not, therefore, sit idly by while the Police overreach themselves by brazenly assaulting the Constitution in this manner. We fear that if this is allowed to happen, the Police may one day purport to have the power to investigate a judicial officer for delivering judgments.

The office of the Attorney General will never be cowed. No amount of invitation, purported investigation, and/or intimidation will deter the holder of the office and the officers in his/her Ministry from discharging his/her constitutional duties. An Attorney General and his/her law officers should be able to execute these duties without any form of intimidation, threat,

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harassment, fear, and/or victimization. The Police must not only cease and desist from any further invitation and purported investigation of the Attorney General and the law officers, but also must tender an unreserved apology to the Attorney General and these officers for this unlawful act.

The matter also calls into question the needless invitation of these law officers to Abuja from Anambra State and the purported investigation of these law officers. The purported investigation once more calls into question our policing and investigative model, which requires that matters that should ordinarily be investigated by Police divisions are investigated by the Office of the Inspector General of Police. This not only suggests that the divisions or the Police in a state may not be competent to investigate matters within their jurisdiction, or cannot be trusted to do a good or thorough job. This mode of investigation, which is usually abused, imposes great cost on persons being investigated and puts them to severe hardship and disruption of their daily activities. It must be reviewed.

The Nigerian Bar Association calls on the Inspector General of Police to call off this investigation, as this action is clearly in breach of the Constitution of the Federal Republic of Nigeria, 1999 [as amended], and portends a grave danger to our democracy.

The Bar must also take this as a wake-up call to provide adequate protection of lawyers from job hazards and abuses by insisting on prosecution and discipline of errant officers, naming and shaming affected officers, etc. If the invitation and investigation is not called off immediately, the NBA National Litigation Committee, led by Ama Etuwewe, SAN, is hereby directed to provide legal services to these lawyers and also immediately consider taking all legal actions necessary to protect them from the abuse of their fundamental human rights and the subversion of the prerogative powers of an Attorney General to take over, continue, and/or discontinue a case.



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