

ATTORNEY GENERAL FAILED TO PURSUE WATERVILLE CASE DUE TO MISSING DOCUMENTS: GOVERNMENT AND ATTORNEY GENERAL STOP THE LIES – BY MARTIN A. B. K. AMIDU

I have read the online reportage in citifmonline, of 23rd June 2013, a vilifying statement made about me by one Victor Kojoga Adawudu who is described as a member of the National Democratic Congress (NDC) Legal Team. Mr. Adawudu accuses me in some portions expressly and in other portions impliedly of having taken away some documents from the Attorney General's Department resulting in the latter's inability to pursue claims against Waterville and Woyome. I write to refute the allegations as baseless, false, malicious and libelous publications intended by the office of the Attorney General to vilify me for fulfilling my constitutional obligation of defending the 1992 Constitution pursuant to Articles 2 and 3 thereof.

I returned from New York on 22nd December 2011 having made up my mind never to take possession of the Waterville/Woyome file or allow it to be left in my office. This was because I was lucky to have travelled to the 10th Session of the International Criminal Court at the United Nations Head office in New York with Mr. Cecil Adadevoh, a Senior State Attorney. When the Woyome judgment debt scandal broke out in New York, the Acting Director of Public Prosecutions who had also travelled with me to New York came to inform me that Mr. Cecil Adadevoh had told her he was the Attorney working up to Mr. Samuel Nerquaye-Tetteh (Chief State Attorney) on the case. I debriefed Mr. Adadevoh in the presence of the Acting Director of Public Prosecution and he disclosed amongst other things that the office did not have the original docket on the Waterville/Woyome cases. It transpired that the Attorney General's Department had all along been using an incomplete file allegedly built by Mr. Nerquaye-Tetteh without a copy of any of the two signed contracts dated 26th April 2006 on file.

Consequently, on 23rd December 2011 when the file was brought to my office by the Chief State Attorney, Samuel Nerquaye-Tetteh, in the company of the Solicitor-General (Mrs. Amma Gaisie) for my first briefing on the Alfred Agbesi Woyome judgment debt scandal which had infected the Ghanaian political environment, I never took custody of the file or permitted it to be left in my office. I am out of that office but I hope Mr. Adadevoh would be honourable enough to confirm that anytime he wanted me to have the file I asked him to make available to me only photocopies of the relevant pages we had discussed. There was, therefore, no way by which I could have taken copies of the documents from Waterville/Woyome files to deprive that Office of pursuing the cases when I left office. Incidentally, the exhibits annexed to the Attorney General's Statement of 1st Defendant's Case prepared, signed, and filed in the Supreme Court by Chief State Attorney, Mrs. Dorothy Afriyie-Ansah, which contains documents which were not in the incomplete file exposes the lies being supplied by the Attorney General's office to the NDC Legal Team with the active approval of the Government to vilify me as a documents' thief. For example, the two signed contracts with Waterville dated 26th April 2006 were not on the file at the time the settlements were made but upon my advice the Attorney General's Department got copies which were duly filed.

The story Mr. Nerquaye-Tetteh told the Deputy Attorney General, Barton Odro, the Solicitor General, Amma Abuakwa Gaisie, the Chief Director, Ahmed Suleiman and my poor self at the meeting of 23rd December 2011 was that the original file got missing since 2006 when he delivered the file to the then, Attorney General, Hon. Joe Ghartey, who never returned same when he was leaving office in 2009. I

asked Mr. Nerquaye-Tetteh whether he delivered the file to Hon Joe Ghartey through the approved process by ensuring it was signed and received at the Attorney General's office. He said: "No!". I asked him what evidence he had that he delivered the file to Hon. Joe Ghartey to enable me write to Hon. Joe Ghartey to return the file or indicate the officer with whom he left it in the Ministry. Mr. Nerquaye-Tetteh replied that he had none. He indicated that the file in his current possession was built by him from scratch that was why the documents were incomplete. I asked the Solicitor-General to ensure that her office contacted the Ministries and Departments involved in the case to have copies of at least the signed contracts on file before an investigation came to discover that the Attorney General's office at that time settled the cases without seeing signed copies of the contracts.

I instructed the Solicitor-General, Mrs. Amma Abuakwa Gaisie, as the head of the Civil Division of the Attorney General's office on 23rd December 2011 to supervise the building of a complete file on the Waterville/Woyome case and assumed it had been done. I left office in the evening of 19th January 2012 without being allowed to hand over or say good bye to the staff. Does the fact that the Attorney General was permitted by the technical staff to settle the alleged Waterville/Woyome judgment debts without reading the complete file not reflect disgracefully on the Solicitor General who is presumed to be the most technically knowledgeable legal officer in the Department and also as head of the Civil Division?

On 13th January 2012 Captain Kojo Tsikata (Rtd), former PNDC Member, who I considered a mentor persuaded me forcefully in the Chief of Staff's conference room not to resign but to pursue the objects of the June 4 and the 31st December Revolution by ensuring that I went to Court to retrieve the Woyome monies for Ghana. I had in writing demanded a draft amended Writ, and Statement of Claim to the Woyome case from the Solicitor General for my further action before filing at the High Court on 16th January 2012 which she never produced as at the close of work of Friday 13th January 2012. I respected Captain Tsikata as a mentor and elder, and acceded to his pleas. I then called the Acting Chief Director to summon the Solicitor General, Mrs. Nana Dontoh, and Mrs. Afriyei-Ansah, (both Chief State Attorneys) to wait and meet me in my office to start the processes of drafting and filing the amendment on Monday. I explained to the meeting what was to be done to retrieve the monies not only from Woyome but also how we were to join Waterville and Austro Invest to the suit after the High Court had granted us the amendment of both the writ and statement of claim. I directed the Chief Director to make available all logistics to enable the officers assembled to work on the Saturday and Sunday. I explained to the team when we met on Sunday evening why each of the reliefs was couched in the manner it was written and what informed each paragraph of the Statement of Claim. I repeated several times that we had to join Waterville and Austro Invest to enable us move the High Court to refer the constitutional issues to the Supreme Court as our ultimate aim.

Why did the Solicitor General not ensure the joinder of Waterville and Austro Invest to the suit when the amendments were granted? I had settled the pleadings in such a way that no further amendment was needed after the joinder. There was no way the office could prove its case without joining at least Waterville to the action. The judgment and orders of the Supreme Court delivered on 14th June 2013 now makes the case against Woyome easy as he would be unable to rely on anything related to the Waterville contracts of 2006.

Mr. Adawudu should have known that not being a member of the Attorney General's Department, even a fool will know that his falsehood that I took office documents away when my appointment was revoked

was fed to him by the Government through the Attorney General's office. The Solicitor General and her office who passed on the falsehood to the current Attorney General should be ashamed of themselves for maligning me just because I undertook a defence of the 1992 Constitution when the office failed to advise the then Attorney General that international business or economic transactions such as the Waterville and Isofoton contracts could not be settled when they had not been approved by Parliament.

In any case was it not the same Solicitor General who supported Nerquaye-Tetteh's memorandum in her memo of 3rd November 2011 to me requesting me to authorize the withdrawal of the Woyome action pending at the High Court and to make further payment to Woyome which I refused to endorse? At that time I had not yet been informed as the Attorney General that Nerquaye-Tetteh was suspected of having been paid an amount GH¢400,000.00 by Woyome, half of which he used to deposit for a house at Ridge and the other half used in buying treasury bills. It was later alleged that the cheque was issued in the name of his wife. Under the watch of the Solicitor General, her officers were operating on incomplete files in settling unconstitutional contracts, so why am I being accused unjustifiably by the Government which is still comfortable working with the Mr. Nerquaye-Tetteh's and their likes.

Background checks I quickly made on Mr. Victor Kojoga Adawudu indicates that he was a junior in Awoonor Law Consultancy (ALC) who arbitrated the alleged Waterville claims and awarded Waterville the 25 million Euro which the Supreme Court ordered to be refunded on 14th June 2013. He moved out of Awoonor Law Consultancy just a few months ago to set up chambers with friends at Adabraka. This is the member of the NDC Legal Team who is being used by a former partner in Lithur Brew & Company (Lawyers for Austro Invest) who is now Attorney General to vilify me for allegedly taking office documents away when I left office. The use of a political party's legal team to vilify a senior member of that political party without any sanction from the political party sends a wrong signal when the Constitution of that party mandates a defence of probity, and accountability. The founder of the NDC has shown NDC and the Government what the NDC stands for but alas those now in control cannot hear nor see the way to probity and accountability?

Finally I have to say that the Government and those subgroups in the NDC who are against the results of the two Supreme Court judgments have persistently endangered my life and personal security since I commenced my action in the Supreme Court in June 2012. By continuing to vilify me even after the Supreme Court has spoken the Government and its aggrieved party friends are literally informing the foreign companies and other aggrieved Ghanaians that they are at liberty to endanger my life and personal security. Whatever happens, I, Martin Alamisi Amidu will not regret dying for defending the Constitution and people of Ghana – Ghana a naturally rich country in which the vast majority of the youth, even with university degrees, are unemployed and poverty is avoidably daily extinguishing the lives of my fellow citizens. Fear is the enemy of Change!

Martin A. B. K Amidu

Post Script/

I phoned Mr. Charles Takyi-Boadu of Daily Guide at 3:20 pm today, 27th June 2013, to thank him for reading my current thoughts by re-publishing a previous story under the title: "My Life in Danger Martin

Amidu cried Out” yesterday. I told him my statement of rejoinder to the accusation of my theft of documents from the Attorney General’s office will be posted today to appear on my webpage tomorrow morning. I asked him to send me his email address so I could send him a copy, which he did. At 3.58 pm the National Security Coordinator phoned to say he had just returned from abroad and read the concerns about my security and wanted us to talk. I asked him to read an email I had sent to him on Friday 21st June 2013 first and let us continue talking. I add this post script to this statement for purposes of accountability and transparency to the public as I completed this statement of rejoinder on 24th June 2013 but had to let it abide my statement of rejoinder in answer to the Ministry of Information and Government’s allegation of my failure to name the names of those who committed the gargantuan judgment debt crimes against the people of Ghana. That statement of rejoinder was published on 26th June 2013. Long live the concept of “Ghana First”.