

FIGHTING GRAFT AND CORRUPTION UNDER THE NATIONAL DEMOCRATIC GOVERNMENTS OF GHANA: BY MARTIN A. B. K. AMIDU

I have expressed my apprehensions about the sincerity of the Government to fairly and impartially prosecute the bundle of criminal offences committed by the National Democratic Congress' alleged businessman and bankroller Alfred Agbesi Woyome, his foreign collaborators, Ghanaian public servants, and political ministerial collaborators in creating, looting and sharing gargantuan millions of Ghanaian Cedis, United States Dollars, and Euros. No less a person than a distinguished, honourable, and upright Supreme Court Justice said so forthrightly in his judgment that there was collusion and collaboration between the State and private persons to create loot and share in the constitutional case presented by me at the Supreme Court.

As the Attorney-General of Ghana I had pleaded in my application for leave to amend the Writ and statement of claim in the High Court, fraud and fraudulent misrepresentation involving not only Alfred Agbesi Woyome but also his foreign collaborators and co-conspirators - Waterville Holding Company Limited, and Austro-Invest Management Services Limited (Austro Invest) - with the intention of joining them in the suit. I was also in discussions to prosecute all three suspects for various offences before the High Court when I was relieved of my post, amongst other things, for daring to exercise the independent powers imposed on me under the Constitution to prosecute. For the doubting Thomases, there is a living Member of the former Council of State who was sent to me by the President on 18th January 2012 with express instructions to demand my withdrawal of my press statement of 11th January 2012 alleging the Gargantuan crimes against the people of Ghana in which some Ministers were implicated. I refused. The next day, as expected, I was relieved of my appointment apparently to kill the case with the deceitful propaganda that my successor will prosecute the cases.

I was never surprised when the Government decided to prosecute only its businessman and bankroller, Alfred Agbesi Woyome, who had over exposed himself in interviews to the press and eclipsed the involvement of the foreign co-conspirators. Others, including myself expressed our misgivings at the time whether "We the People" were not being taken for a window dressing and smokescreen exhibition to kill the case. My views on this matter are already in

the public domain.

My fears were heightened again when the acting Chief Director of the Ministry of Justice was called as a prosecution witness, in spite of the availability of Attorneys who handled the docket on the collusive and fraudulent settlements and mediations. I wrote a letter on 10th June 2013 to the Attorney General on this matter which will not be made public because the trial is on-going. During the cross-examination of the acting Chief Director by counsel for suspect, Alfred Agbesi Woyome, the Chief Director was reported to have stated that “the former Deputy Attorney General, Mr Ebo Barton-Odro justified the payment of judgment debt to Alfred Agbesi Woyome in a letter copied to President J. E. A. Mills” when he was confronted with the letter and the attached report.

The Chief Director was not reported to have been re-examined on the alleged covering letter submitting a report written by Chief State Attorney, Samuel Nequaye-Tetteh, who was one of the facilitators of the payment of the monies not only to Alfred Agbesi Woyome, but also to his foreign collaborators the Austro-Invest Management services Limited, and Waterville Holding Company Limited. The letter under reference written and signed by Hon. Ebo Barton-Odro, MP purportedly on my behalf as the Attorney-General but which was written without any constitutional authorization whatsoever is No. D45/SF/173/10 dated 16th December 2011 and addressed to H. E. the President and copied to J. H. Martey-Newman, the Chief of staff.

On the previous day, 15th December 2011 the President had instructed me at a meeting with him in New York to brief him in person on the case on 23rd December 2011 on my return to Accra and submit a report to him thereafter. I dutifully briefed the President in the afternoon of 23rd December 2011 after the President’s interview with Radio Gold. I also submitted the written report to the President in my letter No.D45/SF 173/10 dated 6th January 2012 which is stamped as received in the President’s office on 9th January 2012. I discussed my report to the President with the President in the presence of the Chief of Staff on 9th January 2012. I also discussed the same report with the National Security Co-ordinator who was a copy addressee in his office the same day. My report was one of the documents handed over to the Economic and Organized Crime Office (EOCO) for its uncompleted investigations. The interim report of EOCO agreed with most of the findings and recommendations contained in my report to

the President.

It was within this period that the National Security Co-ordinator asked me in my capacity as the Attorney-General whether I was aware that Samuel Nequaye-Tetteh, the Chief State Attorney handling the Woyome cases had been paid some GH¢400,000.00 in cheque by Alfred Agbesi Woyome, half of which he used to purchase a house at ridge and the other half he used to invest in treasury bills. We are now told that the money was a loan even though the reliable officer who passed the information to me by way of a question and confirmation has not withdrawn his information to me. The EOCO investigation has also been put into abeyance and the officer returned to post and trusted by the Government to act as Solicitor-General during the period the Supreme Court gave judgment on 14th June 2013.

Be that as it may, my fears are further heightened by the fact that my unclassified report dated 6th January 2012 to the President at his express request was not the subject of evidence-in-chief of the acting Chief Director, the only staff from the Attorney-General's office who has been called as a witness in the case. And even when the accused sought to create the impression that Hon. Barton-Odro's letter forwarding the attached report written for him by Samuel Nequaye-Tetteh supported the case of the accused, the acting Chief Director was not even re-examined on the existence of the Attorney-General's own report (my report) stating clearly the collusion and collaboration between the suspect and his foreign co-conspirators in the commission of crime.

Ghana News of Wednesday, 30th October 2013, with its source as the Daily Guide, reported that the Attorney-General had called ASP Edward Odame Okyere, the police investigator to testify in the case in the High Court. It came as no surprise to me when ASP Okyere was reported to have said that the companies involved, including Waterville Holding Limited, and Woyome's Austro-Invest in which Woyome was alternate director, were not registered with the Registrar-General's Department at the time of the commission of the crime. Ghanaians now know through the Supreme Court proceedings which law firm acted for Austro-Invest even when it knew that the company had been liquidated in Switzerland and had never been registered in Ghana. Ghanaians can also infer the associations and consequences of the foregoing on those who are today in charge of the power to prosecute and the fairness and impartiality of the

exercise of that power in furtherance of obtaining substantial justice.

The Courts of law give judgments based only upon the evidence that the parties present to them. Courts of justice deal with legal truth and not factual truth. When the prosecution suppresses material evidence, the Court will give judgment in accordance with the available evidence. The Court of Appeal will also hear an appeal based only on the legal evidence on the record of appeal and nothing else. It does not matter what the factual truth is, the Courts as human institutions cannot divine it! Therein lies the power of unethical Attorneys-General wishing to help what I called in my press statement of 11th January 2012 “hard core criminals in our society today [who] have made it a habit to hold paid membership cards of major political parties in the Republic as an unconstitutional insurance against crime and criminal prosecutions”.

I have heard several promises and commitments to fight graft and corruption by Governments that present themselves as espousing the national democratic creed of politics. In the Governments of the PNDC, NDC1 and 2 these commitments were taken as articles of faith and abided by like Gospel truths. Unfortunately I cannot say the same for the manner the Woyome case was electively commenced and is being prosecuted with the suppression of the Attorney General's report while highlighting the unauthorized letter and attachment of Hon. Barton-Odro, the very person who signed the settlement agreement on behalf of the Government for the monies to be paid to Alfred Agbesi Woyome. He is now my Honourable NDC 1st Deputy Speaker of Parliament! Can it, therefore, be any wonder why a Government claiming to believe in the social democratic creed and taking its roots from the PNDC, NDC 1, and 2 Governments has brought the economy of Ghana to its knees by entrenching impunity? “We the People” must stop this create loot and share syndrome that has reared its ugly head in Ghanaian politics in spite of the record of probity, accountability and transparency left behind by the PNDC and NDC 1 and 2 Governments.

This is the time for all patriotic citizens who believe in accountability, probity and transparency to speak out for the fair and impartial prosecutions of all crimes, particularly those involving graft and corruptions by associates of governing political parties in Ghana by insisting on putting Ghana First. All patriotic citizens have the right and duty under Article 3 of the Constitution at this time, more than

any other, to defend the Constitution. The diversionary propaganda of persecuting non-Government associates while invidiously protecting hard core associates suspected of crime must be stopped.

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