

## PRESIDENT JOHN MAHAMA'S GOVERNMENT CANNOT LEAD THE FIGHT AGAINST NARCOTIC DRUGS IN THE ECOWAS: BY MARTIN A. B. K. AMIDU

“In the arts, the critic is the only independent source of information. The rest is advertising.” – Pauline Kael on Criticism

A Ghana News Agency news report on 21<sup>st</sup> August 2014 states that: “President John Dramani Mahama on Wednesday promised to use his chairmanship of the Economic Community of West African States to stem the menace of drug trafficking in the sub-region.” The President is said to have made this promise when members of the West African Commission on Drugs (WACD) called on him at the Flagstaff House, Kanda. The fight against drug trafficking is one to which some of us in the PNDC and NDC 1 & 2 Governments had dedicated our lives to ensure a healthy development of good governance and good human capital in the body politic of Ghana. No leadership can fight against drug trafficking when it closes its eye to abuse of the law enforcement regime of trafficking in psychotropic and narcotic substances, particularly cocaine and heroin which transits or is imported into his country.

Charity, they say, begins at home. President John Mahama as Vice President, and as the President of Ghana has been unable to “stem the menace of drug trafficking” within the small territorial boundaries of Ghana. Aside from propaganda as we have come to understand the use of the term promise by the President, this NDC Government cannot fulfill the basic requirement of social democracy to ensure the egalitarian wellbeing of its citizens by protecting them against the menace of drug trafficking and consumption.

One Joe Owoahene Acheampong was arrested, tried and convicted and sentenced for narcotic drug offences by the Regional Tribunal in Accra. While serving his sentence in Kumasi prison's an appeal was made to a High Court Judge in Kumasi instead of the Court of Appeal in Accra as mandated by Articles 126 and 137 of the Constitution. The High Court Judge purported to assume jurisdiction and ordered the release of the drug trafficking prisoner forthwith. The drug trafficker was spirited out of the country the same day or night as if by prior arrangement. Somehow the Government of Ghana through the office of the Attorney General in Kumasi supported this unconstitutional procedure in the High Court, Kumasi.

The simple and common sense nature of this case and the fact that the Government should not have supported the release of the prisoner on the orders of the Kumasi High Court Judge is demonstrated by the fact that the whole decision of the Supreme Court delivered on 18<sup>th</sup> November 2010 is in one sentence: “Application granted since under article 126 and 137 of the Constitution the High Court clearly does not have appellate jurisdiction over the Regional Tribunal.” The Supreme Court then made the following order: “Let the judgment of the High Court Judge, Kumasi, delivered on 4<sup>th</sup> June, 2010 in a matter entitled Joe Owoahene Acheampong v. the Republic be brought before this Court for the purpose of being quashed and

the same is hereby quashed as having been made without jurisdiction. Consequently the warrant of imprisonment is hereby restored.”

Joe Owoahene Acheampong in spite of the order of the Supreme Court is still at large with all the powers at the disposal of the Government including Interpol powers. The agents of the Government in the Attorney General’s office in Kumasi who deliberately perpetrated the illegality are still at post and the Chief State Attorney who was in charge of the Ashanti Region tried to justify the unconstitutional conduct even after the decision and order of the Supreme Court. The Legal Service Board during my tenure as the Attorney General in May 2011 set up a Disciplinary Committee to investigate the misconduct involved with Mr. Justice Glenn Badoo (Retired Supreme Court Justice) as Chairman, Mr. Justice Anin Yeboah, Supreme Court Justice as member and Ms. Nancy Ampofo, also as a member. The Government never allowed the Committee to execute its mandate after I exited the office of Attorney General in January 2012.

To add insults to injury and concretize the perceptions of the Government’s interest in not arresting and returning the drug trafficker to prison, the Chief State Attorney, William Kpobi, has been rewarded with a transfer to Accra and placed in the Civil Division as the next most senior person to the Solicitor-General. The implication is that he could assume the office of the Solicitor General or act on her behalf in her absence. This is the smoke screen behind which the John Mahama NDC Government promises or makes its propaganda to fight drug trafficking and other serious transnational organized crimes in Ghana and the ECOWAS.

The *Republic v Mahmmod Mohammed & 5 Others* (Suit No. ST52/2009) was a case in which the first five accused persons were charged, inter alia, with conspiracy to rob and robbery while the sixth was charged with dishonestly receiving in relation to a robbery that took place on 25<sup>th</sup> February 2008 at Adenta, Accra. The fourth accused person was additionally charged with possession of narcotic drugs. On 19<sup>th</sup> March 2009 in the middle of the trial George Kwadwo Ofori, the principal state attorney, representing the Attorney General filed a nolle prosequi on behalf of the fourth accused person who was additionally charged with possession of indian hemp during his arrest and the fifth accused person who had already been identified by the houseboy as one of the robbers. In a written address to the court the principal state attorney stated that he filed the nolle prosequi on behalf of the fourth and fifth accused persons as a result of “lack of evidence”. The fourth and fifth accused persons were accordingly discharged by the court. Then on 21<sup>st</sup> June 2011 one Francis Otoo of Aburi made an appeal to the Attorney General, myself, to investigate the alleged robbery case because the principal state attorney had invited one Lawrence Quaye to his office to listen to a recording he had of a confession made to him exonerating Lawrence’s brother who was one of the accused persons. The principal state attorney demanded five thousand Ghana cedis (GHC5,000.00) from Lawrence Quaye so as to use the confession to exculpate his brother, the accused person standing trial.

Preliminary investigations established that George Kwadwo Ofori had not sought approval from the then Attorney General (2009) to enter the nolle prosequi for the fourth and fifth accused

persons who had been discharged. Secondly the allegations of extortion made in the letter dated 21<sup>st</sup> June 2011 had to be referred for police investigation and possible prosecution. I accordingly instructed the Director of Public Prosecutions to refer the criminal matter to the police. Out of these actions came the Daily Guide, Friday, August 26, 2011 report under the title: “Prosecutor Arrested (By Fidelia Achama)” that: “George Kwadwo Ofori, a principal state attorney, was reportedly arrested yesterday after a voice recording exposed him demanding a bribe from the relative of an armed robber.” The police granted the principal state attorney bail. Arising out of the media publication information was received from abroad alleging that whilst resident and practicing law in the United Kingdom, the principal state attorney had been convicted in relation to a series of immigration frauds and served a sentence. Further information was received alleging that the principal state attorney had been a police officer in Ghana who had to leave the service in not too commendable circumstances. The Director of Public Prosecutions was instructed to pass the information on to the police as part of their investigations.

The Legal Service Board under my chairmanship interdicted him and referred his misconduct to the Disciplinary Committee. The Government has been unable to allow the Disciplinary Committee to investigate the allegations since January 2012. Instead the principal state attorney was allowed to retire or vacate his post quietly in spite of the allegations of extortion and the seriousness of the disciplinary charges of misconduct in relation to the discharge of the fourth and fifth accused persons who were being tried for robbery and possession of narcotic drugs offences. These commissions or omissions of the Government calls in question its sincerity in fighting the menace of drug trafficking even in Ghana not to speak of the whole of ECOWAS.

There was another disciplinary case of misconduct against another Chief State Attorney and the same principal state attorney (Mr. Ofori) which the Legal Service Board referred for disciplinary proceedings that never was allowed by the Government to see the light of day. It did not involve drugs but the intended prosecution of a Member of Parliament that turned into a persecution at the behest of the Deputy Minister for Justice (now the first Deputy Speaker of Parliament) in my absence and without my knowledge while I was in Australia in July 2011. Furthermore, Samuel Nerquaye-Tetteh, the Chief State Attorney at the center of the Woyome scandal, whom I was informed by the National Security Coordinator had been paid GHC400,000.00 by Alfred Agbesi Woyome has also quietly been rewarded by the John Mahama Government by being put in charge of the office of the Attorney General in the Upper West Region. He will be at liberty to make decisions affecting the rights of the people of the Upper West Region in all cases including drug trafficking, transnational organized crime and his specialty of settling judgment debts without any challenge or supervision. The Government has silently dropped the investigations into his involvement in the now unconstitutional payments to Waterville and Woyome, and any associated crimes he might have committed. The foregoing is supporting evidence of the commitment and sincerity of a President and Government whose promises to fight the menace of

drug trafficking and other serious crimes in Ghana and the ECOWAS is expected to be taken seriously.

My experience is that the NDC 3 and 4 Governments have a penchant not to take drug trafficking and the prosecution of other serious crimes seriously particularly when the culprits are perceived to be associates of the Government. But when one is perceived to be an opponent of the Government or a sacrificial lamb is needed, exhibitions in the nature of high profile trials are mounted to pull wool over the face of the ordinary Ghanaian. In the case of Deputy Superintendent of Police, Mrs. Gifty Mawuenyega Tehoda she was rearrested the day she was granted bail and in spite of the advice conveyed by the Director of Public Prosecutions that the evidence was insufficient to ground a charge. I personally spoke to the Police Administration and warned against the illegality of re-arresting her but to consider the option of confining her to barracks in accordance with Police Regulations. She was shamefully apparently permitted to be re-arrested by another security organization to side step my advice. Her eventual acquittal vindicated the position the DPP and I took at the time that the evidence on the docket against her could not sustain a conviction. She nonetheless had been made a good scape goat for the Government. But the real culprits in the missing cocaine saga have still not been found and dealt with in spite of investigations conducted by the Police and the Judicial Service. John Mahama's Government has killed this case too again or is it sheer incompetence in governance?

The good citizen must be one who does not allow an elected Government, even if it be of his political party of choice, to take his nation for an avoidable experimentation that would affect good democratic governance and good human capital development through commission or omission or sheer incompetence. Ghana and an NDC Government have fought the menace of drug trafficking and other serious crimes before and can do so again with appropriate commitment from patriotic and visionary leadership. This cannot be achieved by propaganda in the nature of promises which are glaringly against the facts and experience even in Ghana let alone the ECOWAS. The solution to the NDC Government's deficit with the truth is for the National Democratic Congress to assert its social democratic ideals and compel the NDC Government to toe the party ideals and values and not vice versa. Therein lies the salvation of the NDC as a political party of the future.

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