

PRESS RELEASE FROM THE OFFICE OF THE SPECIAL PROSECUTOR

THE OFFICE OF THE SPECIAL PROSECUTOR HAS NO TALL LIST OF MEMBERS OF PARLIAMENT FOR POSSIBLE PROSECUTION

Silence, they say, is golden. But there is also the saying that in normal social and administrative interaction “silence means consent except in the law of contract”.

The Minister for Parliamentary Affairs and Majority Leader, the Hon. Osei Kyei Mensah Bonsu, is reported in a publication on Ghana Web of 5th June 2019 to have said in an interview on Okay FM’s Ade Akye Abia as paraphrased by the report that: “... Parliament through the Special Prosecutor has received a tall list of parliamentarians, both NDC and NPP members who will be facing possible prosecution by the SP for various offences.”

The Office of the Special Prosecutor wishes for the purpose of transparency and accountability to state unequivocally that the Office has not submitted any tall list of parliamentarians from both the NDC and the NPP to the Leadership of Parliament as the list of parliamentarians or “members who will face possible prosecution by the SP for various offences.”

The Office of the Special Prosecutor has from time to time made written requests to the Rt. Hon. Speaker to release named Members of Parliament to assist it in conducting investigation into allegations of the suspected commission of corruption and corruption-related offences. Apart from the Hon. Mahama Ayariga, who is a 1st Accused in a pending case filed in the High Court and therefore facing possible prosecution, the Office has not made any decision whether or not to charge any other Member of Parliament for a corruption offence let alone for such member to face possible prosecution by this Office. Should there be any bi-partisan agenda for publishing such untruths the public should be told upfront and boldly of their intentions and not through subterfuge.

About eight (8) other Members of Parliament from the NDC and the NPP, aside from the Hon. Mahama Ayariga, have been invited and released by Mr. Speaker for statements to be taken from them for suspected corruption and corruption-related offences. The investigators have not submitted any investigation dockets or recommended to the Special Prosecutor whether or not they ought to be charged with any corruption offences.

The Office of the Special Prosecutor wishes to state that nine out of 275 Members of Parliament cannot by any acceptable use of the English language be said to be a tall list even for the purposes of an invitation to release Members of Parliament to assist the investigation of corruption offences. The records must therefore be set right by not remaining silent and lend credence to the falsehood that there is a tall list from the Special Prosecutor of “members who will be facing possible prosecution by the SP for various offences.”

The Office of the Special Prosecutor shall, particularly, under the present first Special Prosecutor continue to invite members of both the Executive and Parliament without fear or favour, affection or ill will, to assist the Office in investigating the suspected commission of corruption and corruption-offices or as witnesses in such cases as required by the mandate of the Office. When the list gets tall it will mean that the stables of corruption are getting very dirty and smelly and need to be cleared vigorously to excise the canker as demanded by the electorate at the 2016 Elections and actualized by His Excellency the President and Parliament. The Office has no evidence of such a tall list yet.

It is true as disclosed in the interview by the Minister and Majority Leader who is a dual member of the Executive and the Legislature, that the Leadership of Parliament engaged the Office of the Special Prosecutor, represented by the Special Prosecutor and the Deputy Special Prosecutor, in the morning of 3rd June 2019 in discussions over Hon. Mahama Ayariga, a 1st Accused person whose case was pending for hearing (arraignment) on 4th June 2019 pursuant to a Cause List issued by the High Court, Accra. The invitation by the Rt. Hon Speaker to the Special Prosecutor for the discussion was dated 31st May 2019 and received in the evening of the same day and has reference number OP/SPKR/19/030 and is not a classified document.

The Special Prosecutor made it clear at the discussions with the Leadership of Parliament that no provisions of the Constitution referred to by the Rt. Hon. Speaker in his invitation letter and submission at the meeting were applicable to Members of Parliament charged as accused persons for the crimes of corruption and put before a Court of competent jurisdiction for trial. The determination of the days on which the trial criminal court will conduct the trial was entirely for the Court to decide and not for the Special Prosecutor to compromise in a private meeting with the Leadership of Parliament.

The Special Prosecutor stated clearly that the Office will abide by any decision rendered by the Courts on the matter but will not in a side-meeting with the Leadership of Parliament agree, in advance, not to oppose such an application when raised by lawyers for the accused persons in Court simply because of their membership of Parliament. The Rt. Hon. Speaker's certificate on immunities and privileges to the Court on 4th June 2019 was issued after the engagement of this Office with Parliament on 3rd June 2019 and the results are well known.

The Executive and Parliament have a Constitutional and legal duty to respect the independence and impartiality of the Office of the Special Prosecutor as promised to the electorate in the 2016 elections. Any appearance of a bi-partisan mounting of pressure on the decision making process of the Office of the Special Prosecutor sends a wrong signal not only to the citizens of Ghana but also to the international community to whom the appearance was given that all citizens are willing to equally submit to investigation and prosecution for suspected corruption and corruption-related offences.

The fight against suspected corruption has to be engaged in whole heartedly by every citizen and with total commitment as enjoined by the Constitution. This is the time to move from lip service to real action in the fight against corruption subject only to the due process of the law.

The Special Prosecutor wishes to assure the Ghanaian public whose votes actualized the Office that he is not going to betray them and walk away from this job to satisfy any bi-partisan pressure. The solution to gaining exception for Members of Parliament from investigation and possible prosecution for suspected corruption offences is to get the first Special Prosecutor out of office in a bi-partisan manner by impeachment or to allow the appropriate independent constitutional institution to do so. It will not work to allege a bi-partisan tall list for possible prosecution of parliamentarians when no such a tall list exists or has been submitted by the Special Prosecutor's Office to any office: it only enables the creation of an artificial bi-partisan smoke screen for purposes of unduly delaying or running away from justice for a category of suspects accused of the commission of corruption offences.