

REPORTING A SITTING PRESIDENT OR GOVERNMENT TO ANY PUBLIC INSTITUTION TO BE INVESTIGATED FOR CORRUPTION: BY MARTIN A. B. K. AMIDU

I heard the transitional President, John Dramani Mahama, throwing a challenge at Ho to anybody who has evidence that he is corrupt to report him to any of the institutions set up for the purpose to investigate him. Myjoyonline.com of the same day 4 October 2012 also quoted him as saying that: "I am prepared as the President of this country to appear before anybody, any institution to be investigated for corruption." Which Ghanaian in his right senses will report a sitting President for such an investigation in the hope of getting impartial results?

The middle class in Ghana are educated women and men who are supposed to be discerning, rational, and objective due to their socialization and training. Is the Ghanaian middleclass being told that in spite of our education and experience we should believe that any impartial investigation by any of the public anti-corruption agencies as presently constituted can take place about his personal incorruptibility or that of the Government he leads? Or does he think a middle class worth the name of an educated middle class will accept the hollow challenge thrown at Ho without reasoning? Speaking for myself, I am a citizen who cherishes my right as a citizen and cannot allow this hollow challenge thrown by the transitional President to pass without exercising my birth right as a citizen to tell him not to talk down on Ghanaians as though we were all fools.

My respectful view is that President Mahama should set up a bi-partisan committee of Parliament to take evidence from Ghanaians on the matter of corruption in his Government. As Minister for the Interior and later as Attorney-General I continually took up the matter of corruption in Government with the late President Mills and the Chief of Staff, John H. M. Newman. Indeed it was in 2010 that I told the late President and the Chief of Staff that if the late President could advise his appointees to reduce corruption, abuse of office and arrogance for the remaining two years the NDC would win the 2012 elections hands down. I kept going back to this topic with the late President and the Chief of Staff until 13th January 2012 when I fell out with the late President on the Woyome and other gargantuan issues of corruption, abuse of office and the flagrant rape of the public purse by Ministers and their NDC collaborators in this Government.

I had the privilege of speaking very plainly to the late President because of our personal friendship of several years with him which he knew was the only reason I agreed to his pressures to come into his Government as his Presidential Advisor on Legal Affairs in the first place. I remained bold in pushing him to clean the rot in the NDC because the understanding between him and myself on 21st July 2009 after I had refused to be Ambassador to Italy was to join him as Presidential Advisor on Legal Affairs to help him clean the dirt and not to hide it. I discharged that duty and exposed corrupt practices and abuse of office including the gargantuan collusive and collaborative judgment debts. For evidence just read only my letter D45/SF. 173/10 dated 6th January 2012 entitled: "Why the Government of Ghana must be unequivocally resolute to set aside the collaborative or collusive default judgment entered in favour of Alfred Agbesi Woyome..." addressed to

the Secretary to the President, and the Chief of Staff and copied to the National Security Coordinator. I kept my side of the bargain with the late President Mills even when I knew it was leading to the termination of my appointment.

Someone publicized my comments in the book of condolences to the late President Mills in which I stated that: "You know I fought the system and not your person" and others took it for a joke. I meant what I wrote. Each time I reported Ministers or top NDC party Executives to the President for coming to ask me to authorize unconstitutional payments or inflate judgment debts he always said: "that is why I put you there". Unfortunately as was his problem, he found it difficult to call the persons involved to admonish them. But it would be wrong to pretend that the corruption, abuse of office for personal gains or the arrogance of some political appointees died with the demise of Professor Mills. I wish to repeat that Professor Mills as person was not the problem. It was the system of corruption and graft over which he presided which was the problem. And indeed he tried in various ways when he was left alone to fight the endemic corruption in his Government.

It would be recalled that in July 2011 there was a hue and cry about the prices for the acquisition of five (5) aircrafts for the Ghana Armed Forces. Even though on 26th July 2011 the late Prof. Mills attempted to defend the purchase of the five aircrafts, he became convinced of the necessity to set up a committee to investigate those purchases. A Committee to Investigate the Processes of the Acquisition of Five Aircrafts (5) including Embraer 190 Aircraft and hanger for the Ghana Armed Forces consisting of Mr. William Aboah, Mr. George Amoah, and Brig. Gen. Allotey (Rtd) former Judge Advocate-General was put together. The terms of reference of the Committee as I was instructed and drafted them for the late President were: "(i) to investigate the processes adopted in selecting, negotiating, and agreeing on the acquisition of the aircrafts; (ii) to investigate the competitive advantage, prices of the aircrafts and the level of economic and financial due diligence conducted by relevant agencies in the process of acquisition of the aircrafts; and (iii) to investigate any other matter that in the opinion of the Committee is reasonably related to the foregoing terms of reference." Pressure groups never allowed the Committee to take off. But the very fact that the late President Mills even contemplated this committee meant that he was uncomfortable with and suspicious of the alleged inflated prices of the aircrafts.

On the same 26th July 2011 the Vice President, Chief of Staff, the Secretary to the Cabinet, the Communications Director to the President, the Deputy Minister for Information and myself met the late President in his office after I had raised objection to the issuance of an executive consent to off load the E. O. Group shares of over US\$300 million to Tullow while a criminal prosecution was pending against the accused persons.

Behind my back a memorandum was sent to the late President that created the impression that I had agreed to the issuance of an Executive Consent to enable the Minister of Energy to transfer the shares and for me to issue an indemnity in favour of Tullow stating amongst others that no prosecution was pending and none would be undertaken in the future. I wrote refusing to issue the indemnity and indicated my disagreement with the deception of the late President. The meeting was, therefore, called to strategize how the

Government side was to handle the fall out from the share transfer while criminal charges were pending against E. O. Group. I stuck to my ground and refused to issue the indemnity. I still am at a loss to know what the consideration for helping the E. O. Group out of the criminal prosecution is. Only an impartial investigation will show!

As a result of the meeting with the late President I wrote him letter No. XE337/09/8 dated 27th July 11 in which I indicated that I was not going to cover up the unconstitutional conduct of deceiving the President to grant an executive consent with a sham prosecution. In that letter, which is not classified, I stated that: "...There are many matters of probity and propriety which I have dutifully brought to your notice and knowledge as your Attorney-General which I cannot repeat in a written letter. Suffice it to say that it is objectionable to me for fellow lawyers to hide and maneuver behind the shadows while I am in line and public position to take the bullets and responsibilities of public office." I made it clear in this letter that the only way an indemnity could be issued in the E. O. Group consent saga was to appoint another Attorney-General who would do so.

I give only the foregoing two examples to show that corruption or the perception of corruption in this Government is endemic and systemic and was not personal to my late friend Professor Atta Mills. The people infecting this Government with the endemic corruption and abuse of office for private gains are alive and in President Mahama's Government.

In spite of the fact that I left office fighting Gargantuan corruption and abuse of the judgment debt process in this very Government, I will be answering to the "a fool will be a fool whether he goes to school or not" adage to report President Mahama or his Government to any of the public anti-corruption agencies appointed by the same Government. President Mahama should demonstrate to the electorate the seriousness of his challenge and adherence to his oath of office as President by setting up a bi-partisan committee of Parliament to investigate corruption in his Government. He would be amazed at the Gargantuan volume of evidence that will be volunteered to the bi-partisan Committee. As sitting a President, it will be folly on the part of any reasonable person to report him to any public investigation body on charges of corruption so he may defend himself.

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