

THE OFFICE OF THE SPECIAL PROSECUTOR (OSP) IS DISCRIMINATORILY CORRUPT TO THE CORE – BY MARTIN A. B. K. AMIDU

The Special Prosecutor has been behaving of late as though the buying and selling of votes started recently and after his assumption of office as the Special Prosecutor. The Special Prosecutor has created the erroneous perception in the eyes of the public that the focus on fighting corruption and corruption-related offences encompassed by vote buying and selling must be exclusively on members and operatives of the governing New Patriotic Party (NPP) for reasons open to unhealthy and dangerous conjectures.

Ghanaians know that the two major political parties have since last year been conducting internal political party elections to elect their National Executive Councils, Presidential, and Parliamentary candidates for the 2024 election season. Unfortunately, due to inexperience as a professional investigator and prosecutor, a failure or refusal to learn quickly on the job, and general symptomatic incompetence in the tradecraft of investigations and prosecutions of corruption and corruption-related offences, William Kissi Agyebeng has given the fight against vote buying and selling a political partisan slant in this crucial election year which could taint the work of the Electoral Commission.

The manner of the arrest of one Kofi Ofosu Nkansah, a contestant in the NPP primaries in the Asante Akim Central constituency in the Ashanti Region who incidentally is the Chief Executive Officer (CEO) of the National Entrepreneurship and Innovation Programme (NEIP), and allegedly the main challenger of the incumbent Member of Parliament (MP) for the area, (Kwame Anyimadu-Antwi, who chairs the Constitutional, Legal and Parliamentary Affairs Committee of Parliament that recently handled the budget approval process of the OSP), gives the perception of the OSP abusing its mandate to interfere in electoral politics.

Kofi Ofosu Nkansah, "...also gave out monies to delegates as Christmas gift [and] is said to have given each of the 623 delegates of the area an amount of 500 cedis ahead of the party's parliamentary primaries slated for January 27, 2024", it was alleged on Eyewitness News.

The interview on Eyewitness News of Citi FM which I listened to, had one Felix Amakye the Constituency Secretary of the NPP claiming that it was the MP who instigated the arrest of Kofi Ofosu Nkansah by reporting the alleged act of a normal gift giving at Christmas seasons by all candidates of political parties to the OSP. Felix Amakye stated emphatically to Umaru Sanda Amadu, the interviewer that: "The MP reported Kofi Ofosu because he told my assistant, Debrah Philip, that he was going to report Kofi Ofosu to the Special Prosecutor and that is what he has done." Felix Amakye then "also accused the MP of personally distributing GH¢300 to delegates in the constituency during the Christmas period" and stated that: "My wife is a delegate and collected GH¢300 from the MP. Kofi shared it with all delegates and that is what the MP also did and it is a Christmas package."

The NPP Constituency Secretary's allegations received credibility from revelations made by the Municipal Chief Executive (MCE) for Asante-Akim Central, Robert Kwakye, who said that the OSP invited him over a GH¢500,000 bribery allegation on Monday, 8 January 2024. The reported words of Robrt Kwakye confirmed an internal political struggle within the Asante-Akim Central constituency as to who should emerge the winner of the 27 January 2024 NPP parliamentary primaries. It also suggests that he is a supporter of the incumbent MP and Chairman of the Constitutional, Legal and Parliamentary Affairs Committee of

Parliament who was invited by the OSP on 8 January 2024 as a witness against Kofi Oforu Nkansah. Robert Kwakye's own words as reported by Citi FM are as follows:

“Kofi Oforu Nkansah called to offer me GHC500,000 to support his candidature ahead of the primaries, but I rejected it because I am already in the camp of the MP, Anyimadu-Antwi, only to later hear in public that I have been bribed with that amount. Kofi is my younger brother, but I couldn't betray the MP as he also supported me when I was vying for the MCE position.”

Kofi Oforu Nkansah was arrested on 10 January 2024, taken to his office in Rambo style like the Cecilia Abena Dapaah case for a search and then to the OSP where he was interrogated and later freed probably because of his massive supporters who had besieged the offices of the NEIP and the OSP during the arrest, detention, and interrogation. Nobody heard about the Municipal Chief Executive, Robert Kwakye's invitation to the OSP on 8 January 2024 until he self-confessed it.

Kwame Anyimadu-Antwi, who chairs the Constitutional, Legal and Parliamentary Affairs Committee of Parliament has emphatically denied his involvement in the arrest, detention, and interrogation of his primary challenger Kofi Oforu Nkansah by the OSP. The involvement of the Municipal Chief Executive who has confessed that Kwame Anyimadu-Antwi supported him when he was contesting to be the MCE and was invited on 8 January 2024 to assist the OSP investigations leaves more questions than answers on whether the OSP was doing the incumbent MP a good turn as Chairman of the Constitutional, Legal and Parliamentary Affairs Committee for supporting the OSP's 2024 budget hearing in Parliament.

The consideration for the offence of corruption by and of a public officer need not be given contemporaneously with the services for which it is made, that is why the arrest, Rambo Cecilia Dapaah style search and detention of Kofi Oforu Nkansah, (the foremost challenger who threatens to upend the tenure of the incumbent MP for Asante-Akim Central constituency), on 10 January 2024 casts the conduct of the Special Prosecutor as being influenced by previous and hope for continued services to be rendered to the OSP by the incumbent MP should he retain his seat.

The on-going NPP parliamentary primaries were fixed before Parliament considered the Ministry of Finance 2024 budget statement and various appropriations under it. Kofi Oforu Nkansah contested the incumbent in the last NPP parliamentary primaries in the Asante-Akim Central constituency and lost by a narrow margin. The danger Kofi Oforu Nkansah posed this time round to the incumbent who presides over the budget proposals of the OSP at the Constitution, Legal and Parliamentary Affairs Committee of Parliament and its effect on the OSP was well known during the consideration by the Committee of the OSP 2024 budget.

The arrest of Kofi Oforu Nkansah twenty-nine (29) days after Kwame Anyimadu-Antwi seconded the motion by the Deputy Minister for Justice to approve the budget of the OSP upon the Committee's report under the signature of its Chairman, Kwame Anyimadu-Antwi on 12 December 2023 leads to a strong suspicion that the arrest, office search, and detention of Oforu Nkansah was intended by the Special Prosecutor to interfere with the voter's right of free choice at the 27 January 2024 NPP internal primaries by casting the incumbent MP's opponent as a criminal in the court of public opinion.

Ghana Business News of 12 December 2023 reported the approval of the OSP budget approval proceedings in Parliament as follows:

“Parliament on Tuesday approved the sum of GH¢149 million for the Office of Special Prosecutor (OSP) for the fiscal year ending December 31, 2024.

Madam Diana Asonaba Dapaah, the Deputy Attorney-General and Minister of Justice, moved the Motion for the House to approve the Budgetary allocation for the OSP.

Mr Kwame Anyimadu-Antwi, the Chairman for the Constitutional, Legal and Parliamentary Affairs Committee and New Patriotic Party (NPP) Member of Parliament (MP) for Asante Akim Central, in seconding the Motion, said after carefully studying the budgetary estimates of the sector, the Committee was satisfied that the programmes outlined for the year would go a long way to strengthen the provisions of the Office.”

The invitation of the MCE of the Asante-Akim Central Assembly, a staunch supporter of the incumbent MP and Chairman of Constitutional, Legal and Parliamentary Affairs Committee of Parliament on 8 January 2024 without funfair to assist the investigations on one hand, and on the other hand, the arrest, office search and detention of Kofi Oforu Nkansah just two days later for whatever suspected corruption offence clearly tainted the conduct of the Special Prosecutor with wilful interference with a public election in favour of a person who had 29 days previously rendered public services (a consideration) favourable to the OSP.

The incumbent MP and Chairman of the Constitutional and Legal Committee of Parliament is on record on video on Facebook in an interview with Umaru Sanda Amadu admitting to giving gifts to his constituents during the Christmas season even though he vacillated, as expected from a lawyer put on the spot, on the amounts he doled out to the delegates as gifts. The accusation by the Constituency Secretary also in an interview with Umaru Sanda Amadu of Citi FM is that Kwame Anyimadu-Antwi doled out GH¢300 to prospective delegates as Christmas gifts which he has not specifically denied. The OSP, however, preferred to invite the MCE who Anyimadu-Antwi supported to become the MCE than first arresting Anyimadu-Antwi himself and also searching his office, before arresting Kofi Oforu Nkansah, searching his office, and detaining him for interrogating at the OSP.

The conduct and manner of arrest of Kofi Oforu Nkansah, the search of his office and later interrogation at the OSP instead of helping the fight against buying and selling of votes at internal political party elections has rather put the OSP into the center of the offence of interfering with the freedom of choice of voters by means of abusing its mandate in favour of a public officer who has had an influence on the budgetary allocation for the 2024 year of the OSP.

As the first Special Prosecutor, the buying and selling of votes at both internal political party and national elections, including District Assembly elections was a major concern to the OSP. The OSP was quietly pursuing investigations into such activities when I resigned my office over disagreement on whether I had the independent mandate to commence a full and formal investigation into the Agyapa Royalties Transactions or the President could usurp that mandate by referring the matters arising from my 64-page Anti-corruption Risk Assessment Report to Parliament for reconsideration.

The biggest case of suspected vote buying in the nature of abuse of public office for private profit or corruption of and by a public officer was the alleged importation of 275 mini-bus vehicles by the then Chairman of the New Patriotic Party for distribution to constituencies during the internal party contest to determine who was to be the Chairperson of the NPP in 2019. An errant officer of the OSP at the time leaked the cases pending for investigations under my watch, otherwise, nobody knew that the OSP had that suspected corruption and corruption-related investigation on-going.

Myjoyonline.com in its reportage of the leakage to its reporter on 10 May 2019 conjectured as follows:

“The governing party’s chairman,, praised for his role in getting the NPP back to power, is also a subject of interest for the Special Prosecutor after partially fulfilling an expensive promise to get each of the 275 constituencies a mini-bus. The \$11m promise appealed to delegates and got him re-elected. But it set tongues wagging with accusations of vote-buying and questions about how the GNPC Board chairman could pull off such a deal that included funding from some banks.”

The last time, a serious revelation of strong material facts, information, and evidence about the 275 mini-bus investigation were made in public and in my presence was on 28 October 2020 when President Rawlings insisted on 27 October 2020 after a mediation session at the instance of the Government over the OSP Agyapa Royalties Agreements Transactions Report on having lunch with me the next afternoon at his office premises.

Before the lunch, a gentleman from the Volta Region had who is a veterinary doctor had audience with former President Rawlings in his office. When lunch was about commencing both of them came to join the group invited for lunch. Characteristic of former President Rawlings when a suspected serious crime and injustice agitated him, he suddenly asked the gentleman to brief the group about their earlier discussions in his office. The subject matter turned out to be the procurement and importation of the alleged 275 vehicles by the Chairman of the NPP and his close collaborator and financier from the Volta Region. The material revelations included the circumstances, disagreements, and betrayals of trust between the Chairman of the NPP and his close collaborator and financier who was at the time of the briefing allegedly seriously sick and down with mental health challenges arising out of his perception of being cheated over the corruption transaction by his powerful partner. A close relative of former President Rawlings who happened to be present for the lunch and was a known NPP supporter by marriage chipped in with further material details of the suspected corruption transaction.

Former President Rawlings told the assembled invitees that he had decided to postpone any action he intended to take over the briefing until after the 2020 elections. My presence at the lunch briefing was accidental and it does not appear that it occurred to any of the people present that the matter was pending before the OSP for investigations. But no professional investigator or prosecutor refuses volunteered material information and evidence that may assist investigations and prosecution of crime.

I had also decided independently of former President Rawlings to postpone further action on the volunteered material information and the pending 275 mini-bus vehicles suspected corruption investigation in order that the OSP was not seen as being used for party political electoral politics. I had earlier suspended the OSP Airbus SE-Ghana investigation on similar grounds of electoral interference and conveyed my decision to the President.

There were several witnesses when the briefing was given us at the instance of and in the presence of former President Rawlings whose names I will not divulge. I had no intention on the 27 or 28 October 2020 to resign my office as the Special Prosecutor. The tables changed on 1 November 2020 after my meeting with President Akufo-Addo in his office that Sunday afternoon, and unfortunately former President Rawlings was admitted to the Korle Bu Hospital on 4 November 2020 and passed on 12 November 2020.

The case of the 275 mini-bus vehicles suspected corruption procurement of vote buying is still pending in the OSP unless after assuming office William Kissi Agyebeng selectively closed the docket. I recall this case only to underscore the fact that until a suspect is charged with a corruption offence, it is not prudent to disclose the processes of investigations to the public and have the suspect tried in the court of public opinion.

A Special Prosecutor abuses his mandate and commits the very suspected corruption and corruption-related offences he is appointed to fight against when he wilfully and intentionally abuses his office for whatever consideration in aid of the cause of close associates by arresting, searching, detaining, and interrogating their opponents in the pretended name of fighting corruption. The Kofi Ofori Nkansah arrest, office search, detention and interrogation is not the first time the Special Prosecutor has committed suspected corruption and corruption-related offences to aid his personal friends and associates or persons who have rendered favours to the OSP.

The arrest, and detention of Issah Seidu at the Osu Police Station cells for well over the statutory and constitutionally permissible period by the Special Prosecutor to aid an unlawful claim by a close friend and associate of the Special Prosecutor of ownership of rice imported into the country by Issah Seidu is a live example, if evidence be needed. Issah Seidu refused to pay the consideration demanded by the OSP staff to secure his release. Issah Seidu's friend abroad who was contacted to assist Issah Seidu to gain his freedom by giving up his claim to his imported rice and who visited me when he was in Accra is available, albeit now in the UK. When all was failing to intimidate Issah Seidu, the Special Prosecutor went to the extent of charging Issah Seidu with the non-existing corruption offence of failing or refusing to disclose information on demand by the OSP only to refuse to pursue the charge leading to the discharge of the suspect after several adjournments by the High Court. Issah Seidu refused to withdraw the civil action in the High Court he had commenced against the claimants to his imported rice to gain his liberty from the OSP.

The public ought to know that William Kissi Agyebeng has sent a reminder to me of an event that took place whilst he was a student at the Accra Academy Secondary School when I made a complaint to the police who arrested and interrogated my cousin -in-law who had absconded from the boarding house to commit an offence in my residence at the Kwame

Nkrumah flats at Larterbiokorshie in the dead of night. Kissi Agyebeng, therefore, knows that my insistence as the founding Special Prosecutor that he exhibits the honour, ethical standards, and integrity required of a professional investigator and/or prosecutor is not personal but a matter of hallowed principle with me. I told Parliament on oath about my distaste for crime and criminals during my vetting to be the founding Special Prosecutor which is still available on YouTube. I never knew that Kissi Agyebeng was part of the students I met when I visited the Accra Academy that night to confirm that my cousin - in-law was not in the boarding house at the time of the incident in my residence until an emissary came to remind me on Saturday, 6 January 2024.

I can assure every Ghanaian that the moment William Kissi Agyebeng stops abusing the 1992 Constitution and the Office of the Special Prosecutor Act, 2017 (Act 959) and the pursuant regulations, which I was instrumental in contributing to successful enacting, I will take a fitting and quiet retirement which I deserve and not speak or write a word about the operations of the OSP. Kofi Ofori Nkansah's arrest, office search, detention and interrogation is tainted to the high heavens with the commission of suspected corruption and corruption-related electoral offences by the Special Prosecutor himself and he cannot be allowed to get away with it. As the founding Special Prosecutor I cannot in conscience sit down to witness William Kiss Agyebeng abusing the 1992 Constitution and Act 959 and being discriminatorily corrupt to the core. The 1992 Constitution shall be defended by me, come high, come low!

Martin A. B. K. Amidu
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