

## **OFFICE OF SPECIAL PROSECUTOR TURNED INTO AN INCARNATION OF MCCARTHYISM – THE CERTIFIED RULING IN THE CASE OF EX PARTE DAMOAH: MARTIN A. B. K. AMIDU**

The Special Prosecutor of the Office of the Special Prosecutor, William Kissi Agyebeng, has since assuming office on 9 August 2021 incrementally demonstrated both in the internal management of the OSP and the executions of the functions of the OSP that he lacks any honour and integrity to be above suspicion in leading an incorruptible OSP.

The hallmark of the leadership of any anti-corruption institution that deserves respect for integrity, honour, and effectiveness in the fight against the canker of corruption is to emulate Caesar's wife and be above suspicion in whatever one does while leading the anti-corruption institution. Any form of McCarthyism and witch-hunting negates honour and integrity for an endeavour to be a shining example in the fight against corruption. Unfortunately, the Special Prosecutor has demonstrated time and time again that he is an unrepentant personification of McCarthyism and witch-hunting who has no respect for the 1992 Constitution, and the Office of the Special Prosecutor Act, 2017 (Act 959) and the two subsidiary legislations I spent the balance of the first year of the OSP in 2018 facilitating to be enacted to enable the operationalization of the OSP.

The latest display of witch-hunting and McCarthyism was on 29 November 2023 when the Special Prosecutor called his rented press and media to incite the media and the public maliciously and intentionally against the judicial branch of government simply because of an adverse ruling by the High Court in the Republic v 1. The Office of the Special Prosecutor 2. Emmanuel Amadu Basintale, Ex Parte 1. Col. Kwadwo Damoah 2. Joseph Adu Kyei, Suit No. GJ/1232/2022, High Court (General Jurisdiction 5), Accra, 27 November 2023 (Unreported) granting an application for certiorari and prohibition against the OSP.

Kissi Agyebeng who was not in the High Court when the hand written ruling in Ex Parte Damoah was read, and without professionally and ethically waiting for a certified true copy of the ruling of the court as required of any experienced and ethical lawyer of integrity summoned his rented press and media two days after the ruling of the court in a style typical of McCarthyism and witch-hunting as though the court, judge, and the administration of justice were the obstacle to his inability to lead the OSP to professionally fight corruption in accordance with the due process of law. The certified true copy of the ruling in Ex Parte Damoah has been available since 5 December 2023 and the OSP or his rented press and media have not had the courtesy to make the ruling available to the public to judge whether the scurrilous abuse, incitement of the media and the public against the administration of justice were justifiable.

I saw a copy of the certified true copy of the ruling in Ex Parte Damoah on Friday, 8 December 2023 and I have since made efforts after reading it to have it published in the media without success. The ruling in my view is beautifully written, well-reasoned, and considers the relevant issues and case law on certiorari and the order of prohibition granted by the Court. A summary of the decision of the court can be found at pages 32 to 35 of the ruling, even though I encourage everybody to read the whole ruling to be better informed. Any Special Prosecutor of honour and integrity should have been the first to make the ruling available to the public to purge himself of the scurrilous abuse and accusations he heaped on

the court for allegedly obstructing his fight against corruption, and to apologized for his fulminations at his maliciously organized rented press and media conference.

I am accordingly through this article calling attention to the availability of the ruling in Ex Parte Damoah and attaching the certified true copy of the ruling to this article for those members of the public who can read and write to access it and make up their own mind whether the court and the judge committed any obstruction of the fight against corruption by granting judicial review in declaring the law on certiorari and prohibition in favour of the applicants exercising their fundamental rights and freedoms to access justice. Kissi Agyebeeng is entitled to an appeal and that is why he should have waited for the certified true copy of the ruling in Ex Parte Damoah to file his notice of appeal instead of rushing to scurrilously abuse the court and the administration of justice. The ruling of the court incidentally aligns with my earlier 20-page published criticism of the Labianca Report as being hollow and having been made without a mandate by the OSP.

The fight against corruption has been used by governments and political parties in opposition for decades as a mechanism for deceiving the electorate to vote for them at the polls. Ghanaians must be all too familiar with this strategy and tactics which are exhibited, particularly, while political parties are in opposition and dies out the moment the electorate believe their promises and elect them to office. This is why I get worried when I read from leading members of opposition parties promising to fight corruption but condemning a government in power or members thereof for leaking information against some of its appointees engaging in corrupt behaviour.

Ghanaians wish for a decent change in government not through the negation by leading members of opposition political parties of the promises being made by their flag bearers to fight corruption as though there is no strategic and tactical consultation between the leader and the young men turned leading members of those political parties. McCarthyism and witch-hunting whether by a Special Prosecutor renting the media to deceive the public in his pretence to fight corruption as happened when the OSP had an unfavorable ruling in Ex Parte Damoah on 27 November 2023 or a political party trying to court the electorate for votes while at the same time seeing everything wrong with a government exposing its own appointees for corrupt behaviour. This attitude from any political party shows a clear and present danger for the future which patriotic citizens must come together to fight against and defend the 1992 Constitution.

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