

PARLIAMENTARY INVITATION TO THE MINISTER FOR NATIONAL SECURITY ON GOVERNMENT SPONSORED GARU-TEMPANE-BUGRI MILITARY BRUTALITIES IS A MERE WHITEWASHING OF SERIOUS VIOLATIONS OF THE 1992 CONSTITUTION: BY MARTIN A. B. K. AMIDU.

INTRODUCTION

Precedent, experience, and proven performance from Parliament supports the contention that our Parliament is not the appropriate forum for victims of the Government sponsored Garu-Tempane-Bugri military brutalities to obtain substantial justice for the serious violations of their fundamental rights and freedoms under the 1992 Constitution. The Parliamentary invitation to the National Security Minister to speak to the Government sponsored military brutalities on 29 October 2023 in Garu and its environs will, therefore, only end in the whitewashing of another violation of the 1992 Constitution. Lawfare is the better alternative for substantial justice for the victims.

THE PARLIAMENTARY INVITATION

On the 29 October 2023 Parliament was still on vacation, but summoned for the Michaelmas session beginning Tuesday, 31 October 2023. On that day, Cletus Avoka, the Member of Parliament for Zebilla, indicated in an interview to Citi Newsroom that the Committee on Defence and Interior was going to request Alban Bagbin, the Speaker of Parliament to invite the Minister for National Security to address the matter before Parliament. He was reported to have said that:

"We will endeavour to make a statement on the floor of Parliament. We will request that Speaker Alban Bagbin invite the Minister of National Security, Kan Dapaah, to come and address the House. We will then appeal to the Speaker to establish a committee to investigate this. We had done this in Wa, when soldiers went on a rampage and beat up civilians just because a civilian stole a soldier's motorbike. We went to Wa to investigate it. When soldiers beat up several people in Ashaiman and they made them lay in water and gutters, we went there to investigate, we went to the area and conducted investigations."

On 1 November 2023 the Second Deputy Speaker, Andrew Asiamah Amoako was reported to have invited the Minister for National Security, Albert Kan-Dapaah to appear before the House on 9 November 2023 to brief the plenary on the military brutalities meted out to residents of Garu and Tempane on 29 October 2023. The Deputy Speaker, Mr Amoako, was said to have earlier announced to the plenary that he would defer a decision on setting up a committee to probe the incident on the grounds that: "Probably what we are hearing is different from what the minister has up in his sleeves. So, let us invite the minister to appear before the House as he probably might have heard all that went on." The Deputy Speaker's speech is an exhibition in partisanship already in the light of justifications from the Minister.

The invitation to the Minister for National Security was as a result of an urgent statement presented on the floor of the House by the National Democratic Congress (NDC) MP for Garu, Albert Alalzuuga Akuka, on the military brutalities meted out to innocent residents of Garu, Tempane, and Bugri on 29 October 2023. Members of Parliament on both sides of the House were reported to have condemned the military for taking the law into their own hands,

and unanimously called for the Minister for National Security to be hauled before the House to speak about the issue.

The massaging of what is an important breach of the 1992 Constitution was clearly being compromised by both sides of Parliament in their transactional interest as usual, without concretely addressing the enforcement of the fundamental human rights and freedoms of the Garu-Tempane-Bugri people, and in particular the victims and citizens directly affected by the unlawful military brutalities in courts of law as enjoined under the 1992 Constitution. The serious pain and suffering of the Garu-Tempane-Bugri people were being whitewashed and suppressed under speeches to be captured on the electronic and print media for selfish electoral, personal aggrandizement, and interest of some of the MPs on both sides of the House. The Government's Deputy Majority Leader, whose Government visited the mayhem on the victims, is reported to have stated that:

“No matter the provocation, it cannot be an excuse for any form of brutality; the military may have their own accounts of events but it should not be the life of national security operatives was threatened and as a result they have to take certain action belatedly.”

James Agalga, the Ranking Member on the Defence and Interior Committee, was reported to have, regrettably in my view, urged the Speaker to order for the immediate release of the victims to be flown from Accra to Garu. What power has the Speaker of Parliament or indeed Parliament itself, to order the release of suspects in lawful custody as claimed by the Minister for National Security in a “Press Release on Operations in Garu” issued by his ministry on 29 October 2023 when the media and the public condemned the military brutalities at the Garu-Tempane-Bugri areas earlier the same day?

The fundamental issue at stake is that a Government elected by the people of Ghana to keep them safe and provide them with the basics of life and liberty had ordered the brutalization of innocent citizens without any authority under the 1992 Constitution. The Minister for National Security had issued a press statement justifying the actions of the military which was apparently undertaken on his instructions. This is a Minister paid from the public purse who on 27 October 2023 wrote and signed a letter to Naba Abugrago Azoka II of the Kusaug Traditional Council urging certain action bothering on an interference in chieftaincy under the 1992 Constitution, who is now claiming an alibi of absence from Ghana on 29 October 2023 as though the world wide web had ceased to exist.

The public is being made by information overload to forget about the fifteen (15) citizens of Garu, Tempane and Bugri who were also severely brutalized and maimed on the orders of the Government through the National Security Minister and transferred by the Garu Hospital to the Tamale Teaching Hospital for referral treatment. Seven (7) of those innocent victims were discharged after a number of days whilst eight (8) seriously injured patients are still on admission there. One of the severely injured victims on admission at the Tamale Teaching Hospital is reported to have had his spleen fractured by the soldiers in Garu. At the Garu Hospital itself some of the victims of the military brutalities are still on admission. The horrible pictures of the victims have gone viral on the internet as though they are part of the on-going Middle East Palestine and Israel conflict in which Nana Akufo-Addo has taken a partisan side.

Lawfare is the only remedy for such fundamental infringements of the rights of citizens under the 1992 Constitution and not compromises in Parliament. Parliamentary Committees to deal

with military brutalities against civilians in Ghana under this Parliament have been demonstrated to be a form of whitewashing the rights of the citizen under the 1992 Constitution. What concrete legal remedies did Parliament under Speaker Bagbin provide for the victims of the Wa, and Ashaiman, military brutalities? What remedy did Parliament provide itself when the House was unconstitutionally invaded by the military on the orders of the Government? The Bugri Naabu/Dampare leaked video tapes have been under investigation by a Parliamentary Committee set up by Speaker Alban Bagbin and the concert together with the accusations, partisan posturing, and allegation of conflict of interest have inundated the media and public space as matters of notorious public knowledge.

Commissions of Enquiry, and Parliamentary Committees have proven to be ineffective in vindicating the rights of citizens under the 1992 Constitution. The overpoliticization of issues in Parliament turns every non-political controversy into a partisan adversarial issue for point scoring and protectionism.

Worst of all, the conduct of the affairs of the present Parliament under Speaker Alban Bagbin, a self-confessed corrupt person, does not elicit trust and confidence in me for any impartial outcome from this Parliament under his leadership. From the compromises in the approval of ministers in 2021, the rejection of the 2021 Budget Statement to the eventual approval of the E-Levy and after covert meetings in Dubai and the Jubilee House, I would rather believe Speaker Alban Bagbin's declaration of his being corrupt than trust in him to deliver impartially as a Speaker.

As a human being I can only judge Speaker Alban Bagbin by his own words, actions, and deeds as there is no art to find the mind's construction in the face. Listen to Alban Bagbin's journey to being transactional with the Government to the detriment of the people of Ghana - [What Bagbin said about Akufo-Addo and the 17mw solar plant In Kaleo, Lawra \(VIDEO\) - Graphic Online](#). This is a Speaker who thinks this Government has allowed him the opportunity to develop himself to the extent that he would sell his sponsors for the position of the Speaker to spite an adversary who made him "one of three wise men" that he still resents today.

CONSTITUTIONAL ACTIVISM AND INTELLIGENCE

On the dawn of Sunday, 29 October 2023 I received urgent telephone calls informing me that a heavily armed contingent of the Ghana Armed Forces accompanied by armoured and transport vehicles had invaded Garu, Tempene, and Bugri townships in the Garu and Tempene Districts simultaneously and were unleashing mayhem on every male citizen including male adolescents they came across. The soldiers were also conducting indiscriminate searches of houses and isolating male inhabitants who were then subjected to physical molestations and abuses.



The telephone calls were seeking urgent help or whatever action one could take in Accra to stop the invasion of the liberties, privacy, human dignity, destruction of property, and infringement of the freedom of movement of the citizens of Garu, Tampane and Bugri. By 8:30 am I received further information that a military helicopter had appeared overhead and was hovering low on the townships leading to occupants of the town going into hiding. After a while, it was reported that the helicopter had landed with a further contingent of soldiers. One of the most distinguished natives of the Garu-Tempene area whom I grew up with in the Bawku Traditional area and I had the honour to work with in the Consultative Assembly, 1991, and in various Parliaments under the Fourth Republic made immediate contact with me by 9 am to discuss what we could do to assist the distressed citizens suffering under the yoke and brutalities of their own Government who had unleashed the soldiers on the innocent citizens.

Incidentally, 29 October 2023 was also Garu market day, but the invasion of the town by the soldiers scared those who were preparing to come to the market, especially upon hearing the news of the mayhem meted out to victims of the brutalities and a helicopter hovering over the township.

We needed someone who could immediately and effectively speak to the issues to the public in Accra to recruit citizens' involvement, empathy, and sympathy in condemning the brutalities in Garu, Tempene, and Bugri, in particular, and in other parts of the country perpetrated by the Government. I suggested that the person who would have an impact speaking to the serious military brutalities will be the ranking member for the Committee on Defence and Interior in Parliament who additionally happened to be the caucus leader of the Members of Parliament from the Upper East Region where the mayhem being caused by the soldiers was still on-going. After a few missed calls we contacted James Agalga who had himself grown up in the Bawku township.

James Agalaga eloquently, as usual, spoke to the abomination of the military brutalities in the Garu, Tempene, and Bugri areas on Joy FM at 12 pm news and at 1pm. The media had already picked-up calls from citizens of the areas and were also questioning the unlawfulness of the military brutalities being meted to the civil population whilst the Ghana Police Service in the area stood by helpless.

But in my perspective, the most important action was how to invoke the provisions of the 1992 Constitution to compel the Government to answer for the arbitrary and capricious use of raw animal dehumanizing power of the military in purely domestic and internal security matters in

the courts of law. I made a few contacts with other constitutional activists and human rights lawyers and we agreed on a lawyer who would represent the victims of the military brutalities and all those whose liberties had been infringed by the inhuman physical assaults, physical harm to the victims and unlawful detentions without the right to lawyers of their choice guaranteed under the 1992 Constitution.

As it was a Sunday, my collaborators from the Bawku Traditional area living in Accra, were to meet the agreed upon lawyer the next day, 30 October 2023 to instruct him to apply for a writ of habeas corpus immediately against the Attorney-General for the Government to produce the victims before the High Court and to explain why the suspects under detention should not be release from unlawful arrest and custody.

On Monday 30 October 2023 I also received information that the Regional Minister, Stephen Yakubu, had visited the Garu-Naba to rationalize and explain matters to the chief, but the chief would have none of it. The Garu-Naba wanted his subjects back and the military brutalities in his traditional area never to happen again. The Regional Minister allegedly then flew to Accra on 31 October 2023 to brief and consult with his Government on the situation not only in the affected areas, but also the Kusaug Traditional area which was on tenterhooks together with the whole of the Upper East Region. The Kusaug Peoples Congress (PKC), the Catholic Bishop of Navrongo-Bolgatnaga dioceses, and the regional peace councils joined in the condemnation of the dastardly military brutalities in Garu and its environs. A Deputy Minister and a Chief Executive Officer of one of the State Owned Enterprises from the Kusaug Traditional Council area also, on a subsequent day, visited the Garu-Naba to reason with him at his palace in the presence of some of his subjects. A gift of Fifteen Thousand Ghana Cedis (GH¢15,000.00) which they allegedly offered the chief as a customary gift, according to my informant, was returned by the Garu-Naba to the visitors who insisted on having his subjects returned home.

In the interim, we received confirmation from Garu that the nineteen (19) abducted and kidnapped naked except for their dirty and torn boxer's shorts, were forcefully conveyed by the soldiers to their guardroom at the Bazua barracks in the Binduri District in the morning of 30 October 2023. The nineteen victims were screened, and eleven (11) of them were put in a military vehicle and dropped at the Nayoko village in Binduri on the road to Garu and commanded to walk home to Garu or to their villages and towns. The picture exhibited above in this article shows how the eight victims were treated at the Bazua barracks of the military.

The remaining eight (8) unlawfully detained victims were blindfolded and their hands tied behind them and mercilessly brutalized from 7 am to about 11 am on 30 October 2023 when they were conveyed by helicopter still blindfolded and their hands tied behind them to an unknown destination. It was later that day that the victims learnt they were in custody at the Kamina Barracks in Tamale. The victims were further drilled and molested blindfolded with their hands tied behind them at the Kamina barracks where they passed the night. The next day 31 October 2023 the victims were conveyed still blindfolded with their hands tied behind them to what appeared to be the airport where they were left lying on the floor until they were loaded onto a plane for another unknown destination which later turned out to be Accra. According to the narration of some of the victims to me on telephone upon their release and arrival home in Garu, they were handed to the custody of the NIB on 31 October 2023 where they were provided with cell uniforms and distributed into the cells.

The whereabouts of the victims were, however, unknown to their families, and even those of us in Accra could not trace them in Accra. The whereabouts of the victims were only discovered after discrete monitoring of the Upper East Regional Minister when he descended on Accra for briefing and consultations after his ill-fated trip to assuage the anger of the Garu-Naba. The eight (8) unlawfully kidnapped and abducted victims had been transferred to the custody of the National Intelligence Bureau (NIB) and were in cells at the regional office at the 37 Military Hospital area.

On 1st November 2023, our emissaries and a lawyer went to the NIB regional office at the 37 Military Hospital area to book a visit with the victims and to provide legal services as mandated under the 1992 Constitution. The lawyer was informed at the reception that they needed written permission from the NIB Head Office to be permitted to visit and see the victims. When the permission was eventually obtained and presented at the regional office, they were informed that as it was already past 4 pm they could only see the victims the next day, 2 November 2023. On 2 November 2023, they were informed that the victims had been put before a court and remanded into NIB custody. The lawyer and his companions were not permitted to see any of the seven victims.

Our plans for habeas corpus had been aborted as it will later turn out by an unlawful order the circuit court was misled into making during the alleged remand hearing in the absence of any lawyer of the victims' own choice or at all. Our option was to immediately apply for bail at the High Court, Accra. It, however, transpired from information we received that arrangements were being made by other lawyers to apply for bail for the victims at the same Circuit Court, Achimota. We also reliably discovered that the Regional Minister was part of those arrangements for bail, not at the High Court, but at the remanding circuit court with the intention to fly the victims by air to deliver them to the Garu-Naba when they were released. The application for bail was contrary to the rules of the courts to be heard on 3 November 2023 at the Circuit Court, Achimota instead of the High Court.

I had left this matter in the hands of my colleagues and the lawyer and did not ask for progress reports on a daily basis until the morning of Friday, 3 November 2023 when I was called and given a briefing. My immediate reaction was – how could the very circuit court which remanded the victims into NIB custody on 2 November 2023 and adjourned the case to 16 November 2023 turn round on the very next morning to be hearing an application for bail or to review its own orders? I smelt a rat, but it was not my place to spoil the likelihood of bail for the victims, however, unlawful the process that was being pursued.

As a constitutional activist, I was certain of one thing, the Government could clearly not be permitted to profit from its brutalities against innocent citizens by pretending to be their saviours, arranging unlawfully for bail for them at the circuit court that remanded them the previous day, 2 November 2023. One was, therefore, compelled to speak about the issue in an interview with Class FM at 12 pm and 5 pm without pointing out the illegality and unconstitutionality of the Government's enterprise.

On the 5 pm Class FM news, the voice recording of Deputy Majority Leader in which his contribution on the floor of the House that morning informing Parliament of steps they had taken to secure the release from custody of the eight (8) victims of his Government's military brutalities was played on the news to my hearing. The Deputy Majority Leader informed the

House of the involvement of the Upper East Regional Minister in the process of setting the unlawfully detained victims free in collaboration with the National Security Ministry and claimed that the victims had been allowed visitation without complains of any molestation or ill-treatment made by them whilst in lawful custody. He assured the House that every effort was being made to release the victims to return to Garu. I responded to his claim by saying that he was being economical with the truth. But it later became public knowledge that indeed on 2 November 2023 the Upper East Regional Minister, Stephen Yakubu, and his friend one Alhaji Mohammed Aminu, a mining consultant with an office in Cantonments and also reputed to be friends with Albert Kan-Dapaah were the only persons permitted audience with the victims at the NIB during their detention.

Indeed, an application for bail had apparently been filed and was called at the Circuit Court, Achimota, Accra, on the morning of 3 November 2023. The judge who had remanded the so-called suspects with a return date fixed for 16 November 2023 must have been discomfited by the procedure adopted by the NIB and decided to adjourn the bail application to Monday 9 November 2023. This went contrary to the prosecuting officer's instructions or directives, and the expectations of the lawyers acting at the behest of the Government and the Regional Minister. After what appeared to be back-channel negotiations the Circuit Court reconvened and the case was called again, in spite of the glaring illegalities of the whole process. This time round the Government announced its intentions to withdraw all the charges against all the victims now turned suspects. The circuit judge pretended ignorance of the law and the constitution, accepted the application from the Government, and accordingly struck out the charges. The victims were purportedly discharged with all the trappings and appearance of legality.

The victims were never informed of the reasons for their arrest, restriction or detention and their right to lawyers of their own choice since 29 October 2023 to the date of their discharge by the Circuit Court, Achimota, on the afternoon of 3 November 2023. The lawyers who tried to see the victims were not allowed to see them as the Member of Parliament for Garu narrated in his urgent statement in parliament on 2 November 2023. The lawyer we engaged to apply for habeas corpus was also not allowed to see the victims even in the custody of the NIB.

The victims had been delivered to the custody of the NIB on 31 October 2023 in their dirty and torn boxer's shorts which they wore during their drills and molestations by the soldiers. They wore no other covering cloths to their nakedness. The NIB provided the victims with cell uniforms during their detention with the NIB. Consequently, when the victims were discharged albeit unlawfully since they had never been in any lawful custody, a Women's Organizer of the NPP in Garu, Madam Georgina Lardi Azumah, who is also a relation of top NDC supporters in Garu bought second-hand clothing for each of the eight (8) victims who were given a place at the NIB office bathroom to bath and dress-up before being released to our custody. Seven (7) of the victims were sent to the Bolgatanga Station in Accra and left that evening for Tamale with arrangements for them to be escorted to Bolga and then to Garu.

According to the narrative of some of the victims, speaking to me by telephone from Garu, seven (7) of them excluding, Abdulai Salifu (also called Awudu) were dressed up in provided Muslim prayer gowns and sent to the court on 1 November 2023, and later returned to their cells without entering the court room. On 2 November 2023 the seven victims were again conveyed to the court and this time put in the dock and the court remanded them to reappear

on 16 November 2023. The victims were conveyed back to the NIB cells and given their cell uniforms and locked up. On 2 November 2023, the Regional Minister, Stephen Yakubu and Alhaji Mohammed Aminu were allowed to visit and speak with them for the first time. Later that day one Madam Georgina Lardy Azumah reputed to be an NPP Women's Organizer in Garu, and also a relation of top NDC supporters in Garu was also allowed to visit and converse with them. On 3 November 2023 none of the victims was sent to the court. The victims were later told they had been released from custody.

Abdulai Salifu, (also called Awudu) a Deputy Constituency Secretary of the NPP in Garu was never charged or sent to the court with the seven even though he continued to remain in custody with the seven victims. I concluded from my experience in the field and tradecraft that he was likely a mole and an informant planted within the seven victims or given preferential treatment because of his political party affiliation to the Government.

THE UNLAWFUL DETENTIONS & THE ABUSE OF THE JUDICIAL PROCESS

I have contended that since the 29 October 2023 and during the unlawful and unconstitutional military brutalities meted out to our fellow citizens in the Garu-Tempene-Bugri area of our country upon the express orders of the Government and the National Security Minister, none of the victims of the highhanded abuse of power was permitted any of the fundamental rights and freedoms guaranteed under the 1992 Constitution. The Unquestionable evidence for this blatant, capricious, and arbitrary abuse of power is captured in the Charge Sheet upon which the eight (8) victims were handed over to the NIB and brought the seven (7) of them to the Circuit Court, Achimota, Accra, to be remanded.

On 1 November 2023 at 2:15 pm charges were filed in the Circuit Court, Achimota, Accra, in Court Case No. D2/014/24, the Republic vs. 1. Baba Aponyinga 2. Tahiru Mutala 3. Yamba Anthony 4. Issifu Aziz 5. Ibrahim Aremeyaw 6. Faisal Mumuni 7. Gabriel Aburi. The Charge Sheet contained seven counts. Count Three charged only Baba Aponyinga with possession of firearm and ammunition without lawful authority: contrary to section 192 of the Criminal Offences Act, 1960 (Act 29). The other seven counts charged all the seven suspects with (1) Count One -conspiracy to commit crime: contrary to Section 23(1) of Act 29; (2) Count Two-assault of public officer: contrary to Section 205(a) of Act 29; Count Four – threat of death; contrary to section 75 of Act 29; Count Five – use of offensive weapon: contrary to section 70 of Act 29; Count Six – causing unlawful damage: contrary to Section 172 of Act 29; and Count Seven – attempt to commit murder: contrary to Section 48 of Act 29.

The particulars of offence for the six remaining counts (excepting the third count) state that the offences were committed “on or about 24th October 2023 at Accra in the Greater Accra Region and within the jurisdiction of this court,…” In all these particulars of offence the numbering of the suspects jumps from the number two (2) for the second suspect to the number four (4) for the third suspect and gives the impression that the suspects were eight instead of seven as listed on the Charge Sheet. What this discloses is that even though eight (8) victims were delivered to the NIB, one victim was never charged to be remanded even though he continued to be in unlawful custody. This supposed victim is one Abdulai Salifu (others call him Awudu), allegedly a Deputy Constituency secretary of the NPP in Garu. The jump in the numbering thus appears to have been deliberate forgery to give the impression that all eight (8) suspects/victims had been put before the circuit court.

I give two examples of the offences and particulars of the offence with which the seven (7) victims whose names appeared on the Charge Sheet were charged to illustrate the fraud perpetrated upon the Court and the people of Ghana by the Government. Counts Six and Seven state with their particulars of offence as follows:

“Count Six

Statement of Offence

Causing unlawful damage; contrary to Section 172 of the Criminal Offences Act, 1960 (Act 29)

Particulars of Offence

Baba Aponyinga – Age 42 2. Tahiru Mutala – Age 52 4. Yamba Anthony – Age 32 5. Issifu Aziz – Age 29 6. Ibrahim Aremeyaw – Age 19 7. Faisal Mumuni – Age 19. 8. Gabriel Aburi Age 16. For that on or about 24th October 2023 at Accra in the greater Accra Region and within the jurisdiction of this court, you intentionally and unlawfully caused damage to a Toyota Landcruiser V8 with registration number GS-7520-22 the property of National Signals Bureau.”

Count Seven

Statement of Offence

Attempt to commit murder; contrary to section 48 of the Criminal offences Act, 1960 (Act 29)

Particulars of Offence

Baba Aponyinga – Age 42 2. Tahiru Mutala – Age 52 4. Yamba Anthony – Age 32 5. Issifu Aziz – Age 29 6. Ibrahim Aremeyaw – Age 19 7. Faisal Mumuni – Age 19. 8. Gabriel Aburi Age 16. For that on or about 24th October 2023 at Accra in the Greater Accra Region and within the jurisdiction of this court, you attempted to murder simon Kansik, Dominic Ayensu, Wintson Kwekumey, Cpl. Enoch Odeneho and others.”

None of the seven (7) victims was “in the Greater Accra Region and within the jurisdiction of...” the Achimota Circuit Court on 24 October 2023 to have committed any of the offences. The Circuit Court for no apparent reason remanded all the seven victims on 2 November 2023 to reappear on 16 November 2023. All the Circuit Court Judge needed to do as a trained lawyer was to have read the poorly drafted brief facts accompanying the Charge Sheet to realize that he had no jurisdiction to entertain the charges before him. The conduct of the judge supports the assertion that under the Nana Akufo-Addo Government self-interest surpasses diligence even in the justice delivery system.

The brief statement of facts accompanying the Charge Sheet which contradict the particulars of offence state, inter alia that:

“D/C/Inspr. Kessie Akarasi I/C Case

Brief Facts: The facts are that the complainants Simon Kansik, Dominic Ayensu, Winston Kwekumey and Cpl. Enoch Odeheho are personnel of the National security Secretariat and are stationed at the National Signals bureau. The suspects Baba Aponyinga, Tahiru Mutala, Yamba Anthony, Issifu Aziz, Ibrahim Aremeyaw, Faisal Mumuni and Gabriel Aburi live at Garu in the Upper East Region. On 24/10/2023 the officers were on lawful duty at the Upper East Region. However on the some (sic) day, they were at Garu and at a section of the road they parked their vehicle resting in

it and without any provocation the men in the community including the suspects approached and arrested them to the Garu police Station that they are hired assassins. That no words and even showing their ID cards could convince (sic) the suspects. At the police station, the officers/complainants were detained, after the police ascertained and confirmed to the irate suspects that the complainants were indeed officers from the national Security Secretariat and were at the Region on official assignment could pursue (sic) them. That the suspects and others yet to be arrested started firing gun shot (sic) into the service vehicle with registration number GS-7520122 damaging the said vehicle and the Garu Police Station as well. That some also fired into the private vehicle with registration number GX-1667-14 of the officers. That the police also fired warning shot but due to the demand by the suspects that the complainants should be released for them to be lynched. The military officers were called in and with the assistance of the other sister security agencies and intelligence gathered the suspects were arrested with the exhibits whilst others run (sic) away. Investigation continues”.

A Government that can forge a Charge Sheet would stop at nothing to present brief facts which will not tell the real story. Suffice it to say that on Thursday 26 October 2023 the Bawku-Naba was briefed in the presence of the Regional Minister about the developments in Garu-Tempene-Bugri areas. The Ghana Police Service in Garu and Bawku were not allowed to be in charge of the investigation of the events in Garu and its environs on 24 October 2023 which explains why the military refused or failed to handover the vehicle involved to the custody of the Ghana Police Service in Bawku. It was towed from Garu Police Station by the soldiers on Wednesday, 25 October 2023 to the military camp at my cherished former Bawku Middle Boarding School (now Bawku Secondary Technical SHS) and from there to Tamale. In Garu itself, the brutalized were reportedly refused police medical forms to attend hospital and rather referred to Bawku for them.

Apart from Cpl. Enoch Odeheho whose name appears on the charge as one of the complainants and whom we do not know is a serving police or military enlisted person, there is no evidence that the other three complainants, Simon Kansik, Dominic Ayensu, and Winston Kwekumey are members of the Ghana Armed Forces. The four complainants, we are told from the brief facts “are personnel of the National Security Secretariat and are stationed at the National Signals bureau.”

The Ghana Armed Forces on the foregoing facts had no vested interest in the events at Garu on 24 October 2023. The Government and its Minister for National Security simply abused the power of the President as the Commander-in-Chief of the Ghana Armed Forces to unleash mayhem on the innocent citizens of Garu-Tempene-Bugri area on 29 October 2023. This is what we call brute exercise of bloodthirsty power like a hound unleashed on the very citizens by the President voted into office by the electorate to protect their constitutionally guaranteed rights and freedoms.

CONCLUSIONS

The foregoing demonstrates beyond any reasonable doubt to even the most fanatically partisan reader that the victims of the Garu-Tempene-Bugri Government sponsored military brutalities were unlawfully arrested, restricted, and detained from 29 October 2023 on trumped up charges and unconstitutionally remanded on 2 November 2023 by a circuit court and judge who had no jurisdiction to do so. Every process that the Government and the NIB took culminating in the purported release of the victims on 3 November 2023 were also tainted with the same unlawful and unconstitutional conduct.

The above also explains why the efforts by our legal team to have audience with the victims and to apply to the High Court for habeas corpus were deliberately frustrated by the NIB not granting us access to the victims and the Charge Sheet until we obtained a copy after the

release of the seven victims and the eighth person. The foregoing also demonstrates the reason constitutional activists prefer diligent lawfare in protecting the 1992 Constitution to parliamentary compromises of the rights and freedoms of citizens for purely transactional electoral self-interest and other purposes.

Lawfare is the most appropriate process under the 1992 Constitution to vindicate the injuries suffered by citizens from the Government sponsored military brutalities visited on innocent citizens on the orders of the President as the Commander-in-Chief of the Ghana Armed Forces in a situation like the Garu-Tempane-Bugri case, where the military does not appear to have any reason to have been involved except by orders from the Government. The Parliament of Ghana has not proven itself in similar situations of being capable of providing a non-partisan and non-transactional solution or remedy unaffected by its self-interest. The ball must be left in the hands of constitutional defence activists and human rights lawyers who can speak truth to power through the process of lawfare. The 1992 Constitution must be defended at all costs.

THE EPILOGUE

Upon the release of the seven victims and the eighth government political party activist who was not charged with any offence, on 3 November 2023, the first victim, Baba Aponyinga could not travel and had to stay in Accra to attend a specialist hospital. Aponyinga had blood in his urine throughout the period of his brutalization at the behest of the Government. Arrangements are being made for him to receive the best medical care in Accra.

On 29 October 2023, Bala Tahiru, had been brutalized in Garu, attended the Garu Hospital for treatment and was later discharged. On 5 November 2023, he died at home in Garu. The Garu police assisted in conveying his mortal remains to the Regional Hospital, Bolgatanga. A pathologist from the Tamale Teaching Hospital conducted the postmortem on 6 November 2023 in the presence of his family. The family reports the presence of a fractured skull, ribs, and other lower respiratory organ injuries that need to be formally confirmed in an impartial medical report. The late Bala Tahiru was buried in accordance with Islamic tradition in Bolgatanga on 6 November 2023 at about 8 pm. May his soul rest in the bosom of Allah and may Allah have mercy upon his soul.

The seven victims abducted and kidnapped to Accra, and others who were brutalized by the soldiers at the behest of the Government on 29 October 2023 are now complaining to me that their telephones and amounts of money were forcefully confiscated from them in Garu on that day and without their consent by the arresting and brutalizing soldiers. The phones and amounts of money have since not been returned to them. In plain legal language, they were robbed of their property contrary to the laws and the Constitution of Ghana. The Government has a duty to return those properties to all the victims in the Garu-Tempane-Bugri area soonest.

Martin A. B. K. Amidu
7 November 2023