

SPECIAL PROSECUTOR BLACKMAILS GOVERNMENT BY TOUTING PROSECUTIONS OF FORMER GOVERNMENT APPOINTEES AND ACHIEVEMENTS: BY MARTIN A. B. K. AMIDU

The Special Prosecutor, William Kissi Agyebeng, is so desperate to protect the mismanagement, the culture of corruption, massive staff recruitment malpractices, and public procurement malpractices which have become pervasive and endemic within the Office of the Special Prosecutor (OSP) on the blind side of President Nana Akufo-Addo. The Special Prosecutor has, therefore, resorted first to, blackmailing the government, and secondly courting leading members of the opposition National Democratic Congress (NDC) together with other disgruntled members of civil society and a rented media to create the impression that it is his appointing authority that is impeding his so-called fight against corruption.

The unfortunate facts gathered from information and intelligence are that Kissi Agyebeng, the Special Prosecutor cannot extricate himself from the pervasive suspected corruption and corruption-related offences taking place within the OSP itself in connection with recruitment corruption, and public procurement malpractices the OSP is mandated to prevent, investigate, and prosecute. This is the reason for the inability of the Special Prosecutor to answer my previous challenges to him to summon his rented media and press as he has serially done against suspects under investigation to deny or affirm to the court of public opinion his role in the corruption and massive public procurement malpractices in the OSP. The OSP's suspected corruption pot should never be allowed to call the citizen suspected of corruption's kettle black in the fight against corruption and public procurement malpractices in Ghana.

The foregoing, notwithstanding, on 13 December 2023 the OSP was audaciously reported to have outlined four cases involving a total of six former NPP government appointees being tried for corruption and corruption-related offences. One wonders the reasons Kissi Agyebeng has for selectively causing a social media post on only former NPP Government appointees being tried for corruption and corruption-related offences as though corruption offences have political colourations. The OSP's half-yearly report dated 30 June 2023 published as required by law listed those cases amongst other cases without the emphasis he now places on the appointing government for the six suspects.

This appears to be the case of an incompetent, unprofessional, and entrepreneurial minded drowning Kissi Agyebeng who has been gallivanting around the globe on the public purse, and recently scurrilously abusing the courts and administration of justice on 29 November 2023 dragging down his appointing authority with him, should it fail to rescue him from his infractions of the law. Kissi Agyebeng naively seeks to curry public sympathy and empathy to create the fake impression that it is the Nana Akufo-Addo Government that is against him for fighting corruption affecting former NPP Government appointees.

THE TIMING AND CONTEXT OF KISSI AGYEBENG'S BLACKMAIL

The timing of William Kissi Agyebeng's decision to publicize and issue communiques highlighting the six (6) former NPP government appointees as though only former government officials have the propensity to be suspected of the commission of specified corruption offences is important in understanding the political nature and expediency of blackmailing the government into not exposing existing corruption, massive unlawful staff recruitment malpractices, and public procurement malpractices within the OSP. William Kissi

Agyebeng's 29 November 2023 rented media and press conference to scurrilously abuse and scandalize the courts and the administration of justice ended in a fiasco. The Ghana Bar Association, the Judicial Service Staff Association of Ghana (JUSAG), experienced and distinguished lawyers, reasonable members of civil society, the media, and professional groups roundly deserted him in their condemnation of his affront to the judicial system for unfavourable decisions against the OSP in the High Court ruling in a judicial review application by Col. Kwadwo Damoah (Rtd.) and Joseph Adu-Kyei. The Special Prosecutor's ego had been bruised by the unfavourable ruling which his friends in the media and he tried unsuccessfully to justify his stated misbehaviour and unconstitutional conduct warranting a major penalty of dismissal from office but for Section 15 of Act 959 making impeachment the only process for removing him from office.

As if by coincidence, Kissi Agyebeng's first partner in his original partnership of Cromwell Gray LLP made up of Anas Anas as first partner and himself as the second partner jumped into the affray on or around 10 December 2023. In the disguise of an interview published in video form online by Graphic Online of the Graphic Communications Group Limited to create the ambiguous impression that the government or its appointee(s) might have committed abominable crimes to be shown globally in a documentary in January 2024. Kissi Agyebeng who ought to have been removed from his public office for supervising corruption within the OSP then immediately follows Anas Aremeyaw Anas' interview with his social media publication listing and naming only cases of former NPP government appointees he is prosecuting as so-called achievements since his assumption of office on 9 August 2021.

The perspective of holism in interdisciplinary studies, research, and analysis requires the public to take in account the inextricable and interwoven relationship between Cromwell Gray LLP and Tiger Eye PI as beneficiaries of a massive commercial anti-corruption enterprise for personal profit. The transition of Kissi Agyebeng to the OSP only provided the opportunity to use the resources of the OSP to abuse the OSP staff recruitment processes, commit public procurement malpractices under the Public Procurement Act, and to turn the OSP into a rogue public anti-corruption entrepreneurial agency after the associated Tiger Eye PI modus operandi.

Anas Aremeyaw Anas blames the exposure of his entrepreneurial and journalist terrorist investigative activities determined by the courts on the Government just as Kissi Agyebeng now blames his appointing government for unfavourable court outcomes simply because the successful applicants once held government appointments. Kissi Agyebeng has forgotten as most suspected criminals easily do, that as a lawyer for Anas Aremeyaw Anas he is on record in the OSP during my tenure as the founding Special Prosecutor to have sought assurances under his signature for Anas Aremeyaw Anas to give evidence in the Charles Bissie investigation wearing a mask, unbeknown to him that the OSP was investigating Anas Aremeyaw Anas for suspected bribery and corruption in the registration of ORR Resources Enterprise which was used to entrap the suspects in the case.

The public interest in ensuring that the OSP remains an independent anti-corruption agency as agreed between President Akufo-Addo and me on 9 January 2018 before I accepted to be nominated as the founding Special Prosecutor compels me to ask the President whether he is

privity to the information and intelligence making the rounds that the OSP has recruited about a total of twenty-five former operatives of Cromwell Gray LLP/Tiger Eye PI as employees of the OSP with enhanced positions and ranks at the cost of the public purse? Over twenty of these Cromwell Gray LLP/Tiger Eye PI recruits embedded in the over eighty recruits placed under the Strategy, Research, and Communications Division under Samuel Appiah Darko, until recently of Cromwell Gray LLP and lawyer with Kissi Agyebeng for Anas Aremeyaw Anas of the same law firm. Mr. President, being in our seventies, I know that many things may happen on our blind side and I will urge you to commission an urgent forensic audit of all the about 249 employees recruited by the OSP under Kissi Agyebeng so that you do not leave behind an OSP programmed to be politically partisan after the end of your tenure of office. Mr. President, leave no room for regrets, and “Had I known!”.

Kissi Agyebeng on assumption of office as the Special Prosecutor suppressed that investigation and the evidence gathered of suspected bribery and corruption against his client and law partner, Anas Aremeyaw Anas. The Special Prosecutor upon assuming office also suppressed the almost completed investigations into three distinct corruption and public procurement malpractices investigations involving his client, Tekstart Africa Limited (Tekstart) and the National Lotteries Authority (NLA). The Ashanti Region Lotto Marketing Companies Retailers Association and other complainants are still to come to terms with the suppression of their complaints and information provided to the OSP during my tenure against Tekstart Africa Limited and the NLA. It is within the context of Kissi Agyebeng, the pot calling the kettle black that one should understand the self-serving tantrums being thrown by Kissi Agyebeng against former NPP government appointees and the touting of his deranged achievements since 9 August 2021.

THE CRIME CALLED SIX (6) FORMER GOVERNMENT APPOINTEES UNDER PROSECUTION

Every professional investigator and prosecutor knows as part of elementary training that crime is a crime without gender, politics, religion, regional, ethnic, or cultural affiliation. The politicization of criminal investigation and prosecution is a clear indication of incompetence and abject failure of law enforcement to impartially and independently deal with crime no matter the status or standing of the suspected criminal in society. I have not in my forty-five years as a lawyer found in the definition of corruption and corruption-related offences under the Criminal and Other Offences Act, 1960 (Act 29) or any other law including Act 959 an ingredient referable to the suspected criminal’s political party or affiliation except in Kissi Agyebeng’s novel classification of six suspected cases allegedly under prosecution as crimes of former NPP Government appointees. The political underpinning of the blackmail underlining Kissi Agyebeng’s classification of the so-called former government appointees’ crimes will be examined and analyzed hereunder.

The Republic vs. Cecilia Abena Dapaah

Kissi Agyebeng purposefully and deliberately listed the case of **the Republic vs. Cecilia Abena Dapaah** for allegedly refusing to declare property and income demanded by the OSP which does not fall within any of the corruption and corruption-related offences cognizable under Section 79 of Act 959 to take advantage of the misimpression created by the President’s acceptance letter to Cecilia Dapaah’s resignation letter as a Minister of State. At

the time the crime was allegedly committed, the suspect was a private citizen and not a member of any government. William Kissi Agyebeng, however, dishonestly for any Special Prosecutor, deliberately omitted to state the fact that Cecilia Abena Dapaah could not be arraigned before the High Court on 12 October 2023 because he made it impossible for the court to take her plea and to hear the application to strike out the charge against her for want of mandate in the OSP under Act 959 with a spurious petition from the OSP to the Chief Justice against the Judge trying the case.

Kissi Agyebeng's abuse of power against a citizen presumed innocent was followed with another spurious and needless application for certiorari to the Supreme Court against a ruling of the same judge for abridging the time within which to hear the OSP's own application for confirmation of unlawfully frozen assets and bank accounts of Cecilia Dapaah. The Chief Justice rightly dismissed the spurious petition of Kissi Agyebeng for lack of any merit on 25 October 2023. Then on 29 November 2023 whilst Kissi Agyebeng was busy basking in the ignominy of scurrilously abusing the courts and scandalizing the administration of justice before a rented media and press, the OSP had to shamefully withdraw its spurious application for certiorari to avoid it being struck out by the Supreme Court for lack of merit and abuse of process.

The Cecilia Abena Dapaah's complaint against her house helps and the euphoria and hysteria the OSP deliberately generated to discredit her and the government she served is the most misunderstood corruption and corruption-related investigation that violates both Act 959 and the fundamental human rights of the suspect under the 1992 Constitution. William Kissi Agyebeng knows the power of the public hysteria he had created against Cecilia Dapaah and the government she served in the court of public opinion. He continues to rob salt into the wound of Cecilia Dapaah to maintain a leverage over the government from dealing with the accumulating suspected corruption and corruption-related offences Kissi Agyebeng supervises with impunity at the OSP. Blackmail, pure and simply from an OSP gone rogue under Kissi Agyebeng against the Government, and the people of Ghana.

The NDC is, unfortunately for political expediency, willing for the mean time to play along the Kissi Agyebeng game of politicizing the fight against corruption as it serves as a leverage to power at the next elections and puts the government in bad light, for now. The whole idea of Kissi Agyebeng's encounters with the American FBI and the resultant publications on the Cecilia Dapaah cases were intended to blackmail his own appointing authority. The older and more experienced other law enforcement agencies have met the FBI to cooperate in investigations without the publicity and funfair in the court of public opinion the OSP brought to bear on the Cecilia Dapaah witch-hunting expedition. Kissi Agyebeng knows that should the criminal charge of failure to disclose property and income against Cecilia Dapaah come to trial his mandate to charge her for the offence might not stand the test of lawfulness. But he also knows that for reasons of blackmail against the government, holding on to the charge for as long he can maneuver to prolong the trial enables him to tout it as an achievement, where none in fact exists.

The Republic vs. Adjenim Boateng Adjei

The on-going case involving Adjenim Boateng Adjei, the former Chief Executive of Public Procurement Authority and his brother-in-law, Francis Kwaku Arhin, for allegedly using public office for profit and directly and indirectly influencing the procurement process to obtain an unfair advantage in the award of public contracts is reported by the OSP to have been adjourned to March 4, 2024, for continuation of cross-examination of the first Prosecution witness. What William Kissi Agyebeng does not tell the public, whose emotions

he is whipping up against the suspects presumed innocent and the NPP Government, is the impact of the ruling of the High Court delivered on 13 July 2023 granting an application for certiorari by the suspects to quash the findings of the Commission for Human Rights and Administrative Justice (CHRAJ) for breaches of the rules of natural justice on the evidence the OSP intends to tender from the CHRAJ investigations as part of the OSP's case in the A. B. Adjei criminal trial in court.

The suppression of these facts and case law while highlighting the fact that Adjenim Boateng Adjei was a former government appointee is pernicious and unprofessional in any investigator and prosecutor intent on blackmailing the Government to perpetuate his stay in office. Kissi Agyebeng deliberately put this matter in the public domain knowing that he is putting temptation in the path of impartial observer to commit contempt of court by commenting on his dishonest and corrupt conduct in publishing skewed narratives on the matter. I refuse to take the temptation.

But how can the Special Prosecutor who supervised the importation and took delivery of an assortment of over fifty vehicles including armoured plated ones from the Tema Port between July and September 2022 without any application to the Public Procurement Authority for the approval of the procurement contracts have the moral right and integrity to investigate and prosecute Adjenim Boateng Adjei or any other citizen for corruption and public procurement malpractices crimes? The case of Kissi Agyebeng the pot calling the kettle black in Ghana's fight against corruption negates the fight against corruption.

The Republic vs. Alexander Kwame Sarfo Kantanka

The third on-going trial tagged that of a former Government appointee which Kissi Agyebeng is deliberately highlighting is the case of Alexander Kwabena Sarfo Kantanka, a former MCE nominee for Juaben in the Ashanti Region for corruption in respect of a public election in which a submission of no case has been made pending a decision by the court on 23 January 2024. This is a typical low hanging fruit Kissi Agyebeng is using for political effect and needs no comment as it is also a matter pending in court. Every reasonable citizen, however, knows how pervasive the monetization of the electoral process during elections has become on both sides of the political divide in the past few years to wonder the reason for making a martyr out of the suspect even if he is convicted or acquitted.

Kissi Agyebeng cannot be oblivious of the several videos on online in which persons from the various political parties in Ghana have confessed either to giving or receiving consideration for purposes of voting or securing votes. An investigator or a prosecutor who chooses the people he wishes to investigate and to prosecute, instead of the cases that need to be investigated and prosecuted is unfit for the position of an anti-corruption Special Prosecutor in Ghana.

The Republic vs. Sumaila Abdul Rahman and 3 others

The fourth case is the on-going trial in which the suspects have been classified by the OSP as a former NPP Government appointed Chief Executive Officer of the Northern Development Authority and his two deputies in **the Republic vs. Sumaila Abdul Rahman and 3 others**. Crime is crime, so why does Kissi Agyebeng as a neutral and impartial Special Prosecutor prefer to refer to such simple crimes as those of former NPP Government appointees? One cannot surmise a more naïve plan of blackmailing the Government so that if the OSP is investigated for his supervision of the various suspected corruption, staff recruitment malpractices, and massive public procurement malpractices going on there, the public may be

instigated to form the erroneous believe that the Government is going after him for past prosecution of government appointees.

KISSI AGYEBENG'S COMMUNIQUE OF ACHIEVEMENTS

Just two days after Kissi Agyebeng published on social media his list of six former government appointees he is prosecuting, as though the President ordered them to commit the offences while in office, he decided on 15 December 2023 to publish what he considered to be his achievements in a communique to counter the genuine criticisms by the Ghana Bar Association, the Judicial Service Staff Association of Ghana (JUSAG), and other experts of his unprofessional conduct and incompetence arising from his 29 November 2023 rented media and press conference at which he scurrilously abused the courts and the administration of justice. It is strange that the Special Prosecutor, a public officer paid and maintained out of the public purse, can think that he is entitled to boast of personal achievements in office after undermining the political system of his country despite swearing the Official Oath to “uphold, protect and defend the Constitution of the Republic of Ghana as by law established” as an aftermath of scurrilously abusing the courts and judges appointed to administer justice, and to further scandalize the administration of justice as a whole in Ghana. This is the context within which readers should view the social media posts of the vanity of self-glorification by Kissi Agyebeng as the Special Prosecutor in the discourse below.

Disruption of Counterfeit Foreign Currency Manufacturing Network

The OSP claimed to have disrupted a syndicate involved in the production of a substantial amount of counterfeited foreign currency and made seizures in two warehouses in Accra and Tema where an amount of \$40 million was discovered in concealed steel trunks. The Special Prosecutor, however, omits in his social media post to inform the public of the offences the suspects committed under Section 79 of Act 959 or of the fact that the OSP had handed over the case to an appropriate law enforcement agency with the mandate to investigate and to prosecute counterfeit offences by law. Kissi Agyebeng has consistently engaged in unlawful and unconstitutional conduct that merely disrupting a syndicate as alleged without the ability to investigate and prosecute members of the syndicate for specified corruption or corruption-related offences or handing them over to the appropriate law enforcement agency for investigation and prosecution smacks of trading with the suspects for considerations for private profit while at the same time just crying for sympathy for going on a frolic of his own.

It is important for the public to remember that Kissi Agyebeng's referral of his counterfeit manufacturing case to the appropriate law enforcement agency for action is critical to the credibility of the publication of the OSP on social media. The counterfeit manufacturing network must also be examined and analyzed within the context of the fact that the Special Prosecutor whilst in private practice as a lawyer used the technicalities of the law to prevent the Ghana Police Service from investigating the alleged confiscation of solid gold which was allegedly substituted at the East Legon Police Station with fake gold by a police commander and his subordinate police accomplices of the station.

The first act of Kissi Agyebeng upon assuming office as the Special Prosecutor was to invite this police officer who was a serving Superintendent of the Police Service as a prosecutor in the Western Region to the OSP in Accra to supervise the investigation of the Labianca Case. The Special Prosecutor then caused the serving Superintendent of Police to resign from the Ghana Police Service, recruited him as an employee of the OSP, and immediately gave him the equivalent rank, salary, and retirement benefits of a Commissioner of Police when there was no Governing Board in existence at the OSP.

Kissi Agyebeng in tandem with his new Director of Investigations recruited two of the former suspected accomplices of the police commander at the East Legon Police station who were still serving police sergeants of the Police Service into the OSP with the enhanced ranks of Deputy Staff Officers (DSO), an equivalent of Deputy Superintendents of Police (DSP) in the Ghana Police Service. The willful and intentional financial losses caused to the public purse by the criminal conduct of Kissi Agyebeng are inestimable as he could simply have asked for the secondment or approved transfer of these police officers from the Ghana Police Service under Section 21 (3) of Act 959.

Kissi Agyebeng's conduct constitutes the suspected corruption offence of abuse of public office for profit contrary to Section 179C of the Criminal Offences Act, 1960 (Act 29) which is a ground for his removal from office under Section 15 of Act 959. Ghana cannot claim to be fighting corruption when its Special Prosecutor cooks up schemes to steal from the public purse for profit by corruptly recruiting his friends and cronies on the blind side of the taxpayer.

I am not, therefore, surprised that Kissi Agyebeng is now also involved and specializing in disrupting counterfeit currency manufacturing networks without indicating to the public how those activities fall within the mandate of corruption and corruption-related offences under Section 79 of Act 959.

Suspension of TOR-Torentco Deal

Kissi Agyebeng is touting an uncompleted alleged risk of corruption assessment as an achievement without telling the public how far he has gone with the corruption risk assessment examination and analysis. A corruption risk assessment on a \$22 million lease agreement between TOR and Tema Energy and Processing Limited should not take eternity to complete to determine whether any offence is disclosed by the risk assessment to warrant a corruption investigation and prosecution. I conducted the Agyapa Royalties Transactions Agreement Corruption Risk Analysis within two months and there is no reason for the undue delay in the TOR-Torentco deal unless there is an ulterior corruption motive on the part of the OSP for the delay.

Kissi Agyebeng's penchant for holding on to investigations just to claim them as achievements is unprofessional, dishonourable, an exhibition of criminal tendencies, and lack of integrity for the position of the Special Prosecutor who must be of a high moral character and proven integrity under Act 959. Kissi Agyebeng's conduct encourages corruption within the OSP in the investigation and prosecution of cases for those who do not play ball.

Closed pathways for corrupt practices and tax avoidance.

The ruling of the High Court in the **Republic v the Special Prosecutor and Another, Ex Parte Col. Kwadwo Damoah and Another**, 27 November 2023 (unreported) rendered this claim premised upon the Labianca Report dated 3 August 2022 nugatory. This was the case that gave rise to Kissi Agyebeng's ill-fated media and press conference scandalizing the administration of justice after the High Court granted an application for certiorari to quash the decisions and adverse findings made in the report against the then Commissioner of Customs, Colonel Kwadwo Damoah, and the Deputy Commissioner of Customs (Operations), Joseph Adu-Kyei of the GRA. The Court also prohibited the OSP from further investigating the matter after unlawfully conducting the trial of the applicants in the court of public opinion.

Whatever decisions the OSP made in respect of the misuse of Customs Advance rulings and benchmark values were unlawful under Act 959 and Kissi Agyebeng cannot take credit for his abuse of power under Act 959 and the 1992 Constitution by acting without mandate as found and decided by the High Court. In any case, all law enforcement agencies, including the OSP before the appointment of Kissi Agyebeng, saved this nation several millions of cedis annually without self-seeking glorification from the public for recognition. These are routine byproducts of law enforcement for which no professional person claims as personal achievements.

KISSI AGYEBENG'S DISEASE AS AN INCOMPETENT SPECIAL PROSECUTOR

Kissi Agyebeng is seeking self-glorification in touting his non-existing personal achievements as the Special Prosecutor in the prevention of corruption due to the fact that he has no understanding of the genesis of the Office of the Special Prosecutor Regulations, 2018 (L. I. 2373) and the Office of the Special Prosecutor (Operations) Regulations, 2018 (L.I. 2374). The President of Ghana, Nana Addo Dankwa Akufo-Addo needs acknowledgment, which acknowledgment I hereby give him, for his commitment in ensuring that the OSP had proper and fitting Regulations to actualize its mandate. At moments of disagreement between the Attorney-General (AG) and Civil Society Organizations on the one hand, and the OSP on the other, the President, a former Attorney-General himself, quickly saw where the founding Special Prosecutor intended to move the OSP in efficiently and effectively fighting against corruption. The President also intervened severally in ensuring that the infrastructure for the establishment of a viable OSP in the ten-story building at No. 6 Haile Selassie Avenue, South Ridge as the Special Prosecutor demanded were acceded to by GET Fund. Truth be told, nobody can take that commitment away from the President despite subsequent disagreements between the President and me on the way forward after the Agyapa Royalties Transactions Agreements Anti-corruption Risk Assessment Report.

The Attorney-General had in anticipation of the appointment of a founding Special Prosecutor sought assistance from the so-called anti-corruption Civil Society Organizations, foreign and domestic, to put together a draft OSP (Operations) Regulations which turned out as a complete mess. The Attorney-General's draft that was submitted to the one-man OSP for review in May 2018 was dated 24 April 2018. The OSP was proposed in the first draft to be established to investigate and prosecute corruption as though it was a Commission of Enquiry without the powers of such a commission. Conspicuously absent, for example, was any provision on the prevention of corruption stated in the parent law as an objective of the OSP.

Without any staff except a seconded private secretary from the Civil Service and a seconded records officer from the Public Records and Archives Administration Department, and without a budget, the OSP worked on the draft by virtue of the founding Special Prosecutor's previous experience as the longest serving Deputy Attorney-General in Ghana and later as an Attorney-General. The OSP submitted a redraft to the Attorney-General accompanied by a memorandum explaining critical provisions in the Operations Regulations. This is how come the Attorney-General resubmitted another draft dated 13 July 2018 to the OSP which included the OSP's proposed Regulation 33 on the Prevention of Corruption, researched, and proposed entirely gratis by the OSP. The OSP further fine-tuned the AG's draft of 13 July 2018 leading to the Director of Legislative Drafting fine-tuning the final draft proposed OSP (Operations) Regulations dated 31 August 2018 the Attorney-General submitted to the OSP again, with the provision of prevention of corruption now moved to Regulation 32. The OSP agreed with the 31 August 2018 draft which was eventually submitted to Parliament and

defended before the subsidiary legislation committee. The President's conflict resolution efforts in accomplishing this task was immeasurable.

The submission of the first draft of the Office of the Special Prosecutor Regulations, 2018 was thereafter left to the OSP to propose. The first draft of the Office of the Special Prosecutor Regulations, 2018 which eventually became L.I. 2373 was entirely the creation of the OSP and adopted mostly provisions from the Security and Intelligence Agencies Act 1996 (Act 526) (which was the brainchild of Captain Kojo Tsikata, Mr. Shaw and me as the then Deputy Attorney-General) and the Management Regulations of the Bureau of National Investigation Regulations, 2015 (L. I. 2227), which was a work in progress when the founding Special Prosecutor was the Minister for the Interior, with additional Ministerial responsibility for Security and Intelligence. The last redraft (of the Administration Regulations) from the Attorney-General to the OSP was dated 9 November 2018 before it was submitted to Parliament and defended to become L.I. 2323.

The paper trail of correspondence from the first draft submitted to the OSP from the AG's Office and the subsequent redrafts containing the OSP's substantial inputs which was eventually submitted to parliament were part of the handing over notes of the resigned Special Prosecutor to the Acting Special Prosecutor on 16 November 2020. The paper trail and correspondence on the acquisition of the ten-story building at 6 Haile Selassie Avenue, South Ridge, Accra, were also part of the handing over notes to the Acting Special Prosecutor for the records of the OSP.

I wish Kissi Agyebeng had professional experience as an investigator and a prosecutor when he assumed office to have been capable of studying and understanding that even the jurisdictions from which the provisions on prevention of corruption were borrowed and incorporated into L. I. 2374 do not personalize the prevention of corruption endeavour as personal achievements in a manner demonstrating lack of high moral character and proven integrity for Ghana's Special Prosecutor. Kissi Agyebeng as a result of inexperience and incompetence did not insist on taking handing over notes from the Acting Special Prosecutor. Instead, he reported to the office at Yantrabi Road, Labone, on 9 August 2021, moved straight to inspect the empty ten-story accommodation at No. 6 Haile Selassie Avenue, South Ridge, Accra, returned for a meeting with the staff on 10 August 2021 and disappeared for two months working from an undisclosed location. Kissi Agyebeng does not have any handing over notes from his immediate predecessor as an official record indicating his assumption of office as though he had assumed office upon a coup d'état. He was power drunk from day one.

This is how come Kissi Agyebeng does not even know that GET Fund had wanted to rent part of its ten-story office accommodation to the OSP. Ghana Investment Promotion Centre (GIPC) was already renting a part. The records in the OSP which were handed over to the Acting Special Prosecutor show how the OSP convinced President Nana Akufo-Addo to direct the Chief of Staff to arrange the buying off of the whole property for the offices of the OSP. And when the property was inspected gratis by the OSP and found to be in a serious state of disrepair, the President got the Minister for Finance to assist the Special Prosecutor to get Consar Limited the original contractors to remedy the defects at their own cost including getting the subcontractors to rectify the faults in the electrical system. The video recording of the defects in the ten-story OSP accommodation before and after the renovations were part of the records in the Special Prosecutor's safe handed over to the Acting Special Prosecutor on 16 November 2020.

The President and the Minister of Finance had agreed to give the OSP seed money from the 2018 approved budget for the 2019 budget year for the conversion of the empty ten-story building into workable office accommodation befitting the OSP. A cumulative amount of Sixty-Five Million Ghana Cedis (GHS65,000,000.00) was given to the OSP (the bulk of it at the tail end of the 2019 budget year and at the beginning of 2020) with the understanding that when the OSP gets an approved procurement entity status from the Public Procurement Authority the sum of Sixty Million Ghana Cedis (GHS60,000,000.00) of the amount will be available to sole source for Consar Limited to begin the conversion of the ten-story office accommodation into offices for the various divisions to be commissioned by the President before its use by the OSP. That was the amount of money found on the balance of the OSP books when the Special Prosecutor resigned on 16 November 2020 which he was perniciously accused of refusing to spend.

I have been compelled to make the foregoing clarifications and to acknowledge the role of President Akufo-Addo in getting the OSP to the unblemished stage at which the founding Special Prosecutor resigned from office on account of the Agyapa Royalties Transactions Report to depoliticize the attempts by certain elements within the political elite, particularly by some young persons turned leading members of the NDC over night to create the impression that the President was of no assistance to the actualization of the objectives of the OSP. It is dishonourable and immoral for such young persons to seek to score cheap political points in anticipation of future political appointments and to support the roguish operations of Kissi Agyebeng as the Special Prosecutor who has involved the OSP in public procurement malpractices, supervising pervasive corruption including recruitment corruption into the OSP, and scandalizing the administration of justice to undermine the political system established under the 1992 Constitution.

I always exempted the President from the complaints the OSP made about the operationalization of the OSP anytime the media approached the Special Prosecutor for comments during my tenure, and the statements made are available online for those making unfounded comparisons to revisit to clear any doubts. The challenges the OSP faced during the tenure of the founding Special Prosecutor were not directly from the President except for the fateful events brought about by the Agyapa Royalties Transactions Agreements, the manner the Presidency managed it, and my reaction thereto for which I have no regrets. The obstructions to the operationalization of the OSP came from other public institutions that saw the OSP as a threat. The President intervened as much as he could through directions from his office but the system worked in such a way that there were limits to which even the President could impose his will. Unfortunately, Victor Newman, the wise counselor to President Akufo-Addo is no more alive to throw light on those obstructions.

CONCLUSIONS

The foregoing discourse has demonstrated from the facts, information and intelligence, and the available evidence that the Special Prosecutor, William Kissi Agyebeng, is so desperate to protect the mismanagement, the culture of corruption, massive staff recruitment malpractices, and public procurement malpractices which have become pervasive and endemic within the OSP on the blind side of President Nana Akufo-Addo by resorting to blackmailing the government that appointed him with publications of former government appointees he is prosecuting to court public support should any attempts be made to remove him from office for his suspected misconduct under Act 959.

The connection between Anas Aremeyaw Anas' interview on an impending January 2024 documentary that will shock the Ghanaian public and the OSP's social media publication on six former government appointees the OSP is prosecuting, it has been shown, provides a context within which to evaluate the OSP's blackmail in singling out only government appointees as being prosecuted by the OSP.

The necessity for President Nana Akufo-Addo to commission an urgent forensic audit of all the about 249 employees recruited by the OSP under Kissi Agyebeng so that the President does not leave behind an OSP programmed to be politically partisan after the end of his tenure of office has been demonstrated. This will put to rest the intelligence on the over twenty of Cromwell Gray LLP/Tiger Eye PI employees recruited as staff of the OSP and forming part of the over eighty recruits placed under the Strategy, Research, and Communications Division under Samuel Appiah Darko, who until recently was with Cromwell Gray LLP and lawyer with Kissi Agyebeng for Anas Aremeyaw Anas of the same law firm.

This discourse has also clarified and acknowledged the role of President Akufo-Addo in getting the OSP to the unblemished stage at which the founding Special Prosecutor resigned from office on account of the Agyapa Royalties Transactions Report to depoliticize the attempts by certain elements within the political elite, particularly by some young persons turned leading members of the NDC over night to create the impression that the President was of no assistance to the actualization of the objectives of the OSP. I have contended that it is dishonourable and immoral for such young persons to seek to score cheap political points in anticipation of future political appointments and to support the roguish operations of Kissi Agyebeng as the Special Prosecutor who has involved the OSP in public procurement malpractices, supervising pervasive corruption including staff recruitment corruption into the OSP, and scandalizing the administration of justice to undermine the political system established under the 1992 Constitution.

The discourse has explained how the President and I discussed the future of the OSP and agreed on 9 January 2018 when he invited me to the Jubilee House to persuade me for nomination and appointment as the founding Special Prosecutor that the OSP will at all times remain an independent and impartial anti-corruption agency above partisan politics which was the reason I accepted to be nominated as the Special Prosecutor for the OSP. The fight against corruption will be lost entirely should Kissi Agyebeng's supervision of the OSP into a rogue anti-corruption agency in which any sitting government is capable of being blackmailed to overlook corruption within the OSP itself is allowed to fester. The 1992 Constitution and the public interest demands that all patriots rally against the looming eventuality of the private capture of the OSP for continued unlawful purposes.

Martin A. B. K. Amidu

22 December 2023

POSTSCRIPTUM

I had completed writing this discourse before Ghana Web reported on the evening of Friday, 22 December 2023 with its source as starrfm.com.gh that the High Court (Financial and

Economic Crimes Division), Accra, presided over by Mr. Justice Nana Brew, had granted the Special Prosecutor one last adjournment upon a plea by the OSP for ‘an adjournment to put his house in order “due to certain developments” which when resolved could affect the outcome of the case before the Court’ in the application it is seeking for an order or orders for the confirmation of the administrative seizure and freezing of the assets and bank accounts of Cecilia Abena Dapaah. This is the case in which the OSP’s petition to the Chief Justice to remove Mr. Justice Twum from hearing the application was refused on grounds of lack of merit on 25 October 2023, and the Supreme Court also dismissed as withdrawn by the OSP its the pending application for certiorari which was unmeritorious on 29 November 2023. The undue delay since 10 October 2023 has entirely been orchestrated by the OSP to frustrate the hearing while touting the pendency of this case also as an achievement. Hopefully the OSP will not at the next adjourned date of 11 January 2024 throw in the towel after frustrating the hearing of his own application since 10 October 2023 or come up with a new trick to delay the hearing of its own application. Time will tell!

Martin A. B. K. Amidu
26 December 2023