



UNIVERSITY OF EDUCATION, WINNEBA

PRESS STATEMENT

ON COMMENTS MADE BY EX-PRESIDENT J. J. RAWLINGS ON UNIVERSITY OF EDUCATION, WINNEBA (UEW) ON THE OCCASION OF THE COMMEMORATION OF THE 31ST DECEMBER REVOLUTION IN WINNEBA

The University of Education, Winneba (UEW) has noted with utter dismay and shock comments by ex-President of the Republic of Ghana, Ft. Lt. Jerry John Rawlings during his address on the 38th Anniversary of 31st December Revolution at Winneba on what he deemed as social injustice and violation of human rights at our University. The University deems the comments as unfortunate and a complete distortion of facts arising out of misinformation and/or a loss of touch with the developments at UEW over the last two years. Indeed, the ex-President, in similar remarks a couple of months ago, waded into the issue from same ill-informed position and we, through our Public Relations Office, accordingly responded by educating him on the facts regarding the very issue he sought to bring into the public domain. Since our ex-President has decided to go public again with same distorted facts, it is now becoming too obvious that ex-President Rawlings will rather tread the dangerous path of listening to a single story rather than trail the path that will lead to a revelation of truth and objectivity—two important fundamental principles that he claimed undergirded the revolution he led and commemorated in Winneba last Tuesday, December 31st, 2019.

The Management of the University of Education Winneba, therefore, wishes to educate the ex-President and free him from his ill-informed position on the UEW matter, and, as well, clarify the facts regarding such matters for the general public.

1. It is absolutely critical for members of the public and especially ex-President Rawlings to appreciate the fact that the dismissal of former Vice-Chancellor, Prof. Mawutor Avoke, Dr. Theophilus Ackorlie, Ing. Daniel Tetteh, Mr. Frank Boateng, and Ms. Mary Dzimey had nothing to do with any Economic and Organised Crime Office (EOCO) Report or any other report by a state agency. The dismissal of the aforementioned officers was based on the work of the Governing Council's Fact-Finding Committee whose report made adverse findings and established a prima facie case of wrongful conduct against the officers and which, in accordance with the University of Education, Winneba Act, (2004) Act 672 and the University Statutes (2007) led to the establishment of a Disciplinary Board by the Governing Council of the University— the highest governance and decision-making body of the University— to afford the affected officers the opportunity to exculpate themselves. However, all attempts to get the affected persons to appear before the Disciplinary Board to defend themselves failed resulting in their dismissal on grounds of gross misconduct, among others, by the Governing Council. Indeed, the grounds for dismissal were clearly stated in their dismissal letters and same never made any reference to any external report from any investigative body, including EOCO.
2. If there ever was any form of injustice being done to affected staff as alluded to by former President J. J. Rawlings in his address, that injustice was masterminded and perpetrated by the affected officers onto themselves by refusing to appear before the Disciplinary Board established by the Governing Council to exculpate themselves of the adverse findings made against them by the Governing Council's Fact-Finding Committee's Report.
3. For the avoidance of doubt and the education of the general public, the Governing Council is the highest decision-making body of the University as enshrined under the Act (Act 672) that established the University. The Governing Council is the body seized with the power to employ, dismiss or discipline any staff within the institution. Indeed, the Supreme Court of Ghana, in an earlier ruling on 20th December, 2017 in the case of THE REPUBLIC VRS HIGH COURT, WINNEBA – RESPONDENT; EX PARTE: UNIVERSITY TEACHERS ASSOCIATION OF GHANA (WINNEBA CHAPTER) – APPLICANT, SUPI KOFI KWAYERA – 1ST INTERESTED PARTY, UNIVERSITY OF EDUCATION, WINNEBA – 2ND INTERESTED PARTY, MINISTER OF EDUCATION – 3RD INTERESTED PARTY, affirmed the overriding powers of the Governing Council to make decisions under the Act. Therefore, any employee who willfully fails, in any form, to respond to summons of the Governing Council will surely be committing the gravest offence of gross misconduct as stipulated under the Statutes of the University. By willfully failing to appear before the Disciplinary Board established by the Governing Council, the former Vice-Chancellor Prof. Mawutor Avoke showed gross disrespect to his employers and appointing authority and, consequently, engaged in the offence of gross misconduct. This was among the major acts of misconduct that resulted in his dismissal.
4. Indeed, the affected dismissed persons including Prof. Mawutor Avoke had at various times and instances challenged the decisions of the University from the High Court through to the Supreme Court and the courts had at every stage upheld the decisions of the University as having been made in accordance with due process and in line with the University's Statutes and the laws of Ghana.
5. In the particular case alluded to by ex-President Rawlings, the affected officers chose a court of their own, the Cape Coast High Court 2 (even though there is a High Court in Winneba) and filed an originating motion for judicial review in the nature of certiorari, prohibition, mandamus, injunction and a declaration challenging the University's decisions to subject them to disciplinary action. The same suit sought as many as 12 reliefs and prayed the Cape Coast High Court 2 as follows, among others:
 - a. That all decisions taken by the Governing Council of the 1st Respondent University in which the 3rd Respondent (the current Vice-Chancellor) participated were null and void, and of no legal effect.
 - b. That the Governing Council of the 1st Respondent University has no power to discipline the 2nd, 3rd, 4th, 5th and 6th Applicants (all the five affected officers including the former Vice-Chancellor Prof. Mawutor Avoke) at first instance without initially being subjected to disciplinary process by the Vice-Chancellor or the holder of that office.
 - c. That the decision of the Governing Council of the 1st Respondent University dated 31st October, 2017, to suspend, or to interdict 2nd, 3rd, 4th, 5th and 6th Applicants, or direct them to step aside was unreasonable, illegal and contrary to article 23 of the Constitution of Ghana and, thus null and void.

- d. That the decision of the 1st Respondent University to pay only basic salary of the 2nd, 3rd, 4th, 5th, and 6th Applicants was illegal, null and void and of no legal effect.
- e. That an order of mandamus be directed at the first Respondent University to reinstate the 2nd, 3rd, 4th, 5th and 6th Applicants.
6. The Cape Coast High Court 2 gave its landmark ruling on 11th November, 2019 to bring authoritative finality to the matter that had been pending before it since February, 2018. The High Court upheld the decisions of the University and dismissed all the 12 reliefs sought by the Applicants as unmeritorious.
7. Before dealing with the substantive matter, the Cape Coast High Court 2 had to first deal with an application that had been filed to arrest the ruling of the substantive matter originally scheduled for 31st July, 2019. In the application, the Applicants sought leave from the Court to bring to its judicial notice a document in the form of a report purporting to emanate from EOCO and which report the Applicants deemed material and very relevant to the substantive application. The High Court adjourned its scheduled ruling originally slated for 31st July, 2019 and granted leave for the applicants to file the said EOCO report for its judicial attention. However, in its final ruling on the substantive case, the High Court described the so-called EOCO report as follows: "The report which was attached to the application is fraught with defects which will defy even the curative abilities of Order 81 of the High Court (Civil Procedure) Rules, 2004 (CI 47)...It lacked all the features of a formal document. It is as if an A4 sheet was picked and the contents printed on it and since such an informal document can be generated by any individual it cannot be admitted in this court of law as part of evidence in a ruling...The document will not pass any judicial discretionary test and I hereby dismiss this application to admit it in evidence". It is this same purported EOCO report which was dismissed by the Cape Coast High Court 2 as unmeritorious and failed to pass the least judicial test that is being used by the ex-President and his cohorts to call for the reinstatement of Prof. Mawutor Avoke and the other officers. It is, therefore, surprising and unimaginable that ex- President J.J. Rawlings is requesting that this same EOCO report discredited as untenable by the Cape Coast High Court 2 should form the basis for reinstatement of Prof. Mawutor Avoke and the other officers who have been dismissed and also using this same EOCO report which has been dismissed by the Cape Coast High Court 2 to demand that the substantive Vice-Chancellor, Rev. Fr. Prof. Anthony Afful-Broni, be made to step aside.
8. It also became abundantly clear to the Court and all interested parties that the so-called EOCO report, which was the basis of the former President's claims against the University and the substantive Vice-Chancellor, Rev. Fr. Prof. Anthony Afful-Broni, clearly seems not to exist in form or character. It is one huge hoax being perpetrated by some disgruntled and mischief-seeking individuals of the public who have also succeeded in misleading the former President into a grand design of deception.
9. Nevertheless, we wish to state categorically that the University, and for that matter the Governing Council, has never applied to EOCO or any state investigative body to conduct investigations into the affairs of the affected officers or any staff. EOCO has not submitted any report to the University. It bears reiteration that the dismissal of Prof. Mawutor Avoke and the four others was largely based on the Governing Council's Fact-Finding Committee's Report which led to the establishment of a Disciplinary Board. Logically the Disciplinary Board's report was informed and guided by the Governing Council's Fact Finding Committee's Report and no other report as the ex-President has been erroneously suggesting in his utterances.
10. We also wish to bring to the notice of the general public some interesting revelations that occasioned the submission of the EOCO report in the Cape Coast High Court 2. Applicants had earlier submitted the said purported EOCO report that no legal-minded person would put before any Superior Court of judicature: the said EOCO report had no signature of the officer issuing the report. However, the court granted leave for the Applicants to file the said EOCO report. It was, therefore, expected that the applicants would file a more authentic document that could be termed as EOCO report or at least could characterise as one that bears the signature of the issuing officer or authority. But surprisingly, three different versions of the same purported EOCO report in form, character, and substance were variously filed and submitted before the court by Counsel for the Applicants, Harold Atuguba, Esq., and Counsel for the second Respondent - Alexander Afenyo Markin, Esq. Counsel for the second Respondent averred and described the copy exhibited by the Counsel for the Applicants as not being original. He, however, exhibited what he claimed as original copy which was completely different from that of the Counsel for Applicant's copy. In effect what was filed and submitted by the Applicants to the Court as the authentic document or evidence in support of the required test of authenticity was even more weirdly embarrassing, to say the least. The final version of the purported EOCO report attached and exhibited to the supplementary affidavit failed to meet all the requirements of authenticity including lack of signature. Rather, the Applicants strangely chose to attach a letter written by ex-President J. J. Rawlings to the Minister of National Security and which was copied to the Chief of Staff, Chairman of Council of State, the President of the National House of Chiefs, the Minister of Education and the Member of Parliament for Efutu – Hon. Alexander Afenyo Markin, Esq. who was the Counsel for the second Respondent- as evidence of the authenticity of the contested EOCO report. Obviously, no Court would be amused by such flagrant abuse of its processes. Consequently, the High Court dismissed the said EOCO report as having failed the minimum judicial muster of authenticity.
11. So, why has ex-President Rawlings become the latest advocate of an unworthy cause that is laden with mischief and fraud and has effectively been put at rest by the Cape Coast High Court 2? What does the ex-President seek to gain by advocating and championing the content of a non-existent or hoax EOCO report? Who is the proper party that is championing social injustice in this instance?
12. The University wishes to emphasise for the avoidance of doubt that any staff who has been disciplined in any form was taken through due process of the law as established under its Statutes. The attempt to pad the number of dismissals by ex-President Rawlings to make the Management of the University look bad in the eyes of the unsuspecting members of the public is most disingenuous and unfortunate. It must be put on record that the figure 20 representing the number of persons claimed by ex-President, J. J. Rawlings as having been dismissed by the University totally betrays his ignorance and the mischief of those who fed him with such lies.
13. The University, again, wishes to state clearly to the general public and, in particular, ex- President Jerry John Rawlings that, the Vice-Chancellor, Rev. Fr. Anthony Afful-Broni is NOT under any form of investigation; no prima facie case of wrongdoing or misconduct has been established against him; and, no disciplinary action has been initiated against him by the Governing Council to warrant his stepping aside. Therefore, the claim that he should be made to step aside is completely misplaced and remains the figment of the imagination of those who quickly desire to initiate social injustice into an institution where none exists.
14. At this juncture, it is imperative that we provide, for the general public and ex-President Rawlings in particular, additional information on some very important activities engaged in by the affected staff including Prof. Mawutor Avoke and which activities by themselves indict their cause. We are of the firm belief that if ex-President Rawlings was privy to these additional indicting activities (which, earlier, had widely been circulated by several leading media outlets) engaged in by the affected staff, he would have exercised unbridled restraint in going public with his uninformed position against the Governing Council and the Management of the University.

15. In March 2019, in accordance with our Statutes and following due process, three Lecturers were dismissed by the University for various acts that constituted gross misconduct. Soon after their dismissal, a small section of students, highly influenced by some very important external personalities as well as some of our own staff, engaged in acts of unrest leading to the destruction of public and private properties worth hundreds of thousands of Ghana cedis. The Central Regional Security Council (REGSEC) intervened and closed down the University. However, following pleas from very important respected leaders and personalities from across the country, the Governing Council tempered justice with mercy and granted pardon to the dismissed Lecturers and reinstated them. The Governing Council further extended an olive branch to the other dismissed staff (including Prof. Mawutor Avoke and the other five dismissed Staff) by requesting that anyone who so wished could petition the Governing Council for a review of their case. The Governing Council, nevertheless, indicated that such a request for review would be received and conducted on case-by-case basis. The extension of the olive branch was done at a time when Prof. Avoke and the five others, as well as some other affected staff had instituted various court actions against the University to challenge the disciplinary actions taken against them.
16. Upon the Governing Council's reconciliatory gesture, the University went to Cape Coast High Court 2 on the next hearing date and, by way of judicial notice through a letter, informed the Court of the extended olive branch. The University, therefore, asked the Court to adjourn the case to afford the applicants the opportunity to take advantage of the olive branch and accordingly apply for a review of their case. However, Dr. Samuel Ofori-Bekoe, one of the applicants in another suit vehemently opposed the University's request in open court. The Court took judicial notice of the University's request and adjourned the case for one month to enable the affected staff (the Applicants) to take advantage of the olive branch extended by the University. At the end of the one-month grace period, Dr. Ofori-Bekoe, Prof. Mawutor Avoke and the other applicants had refused to take advantage of the olive branch extended to them by the University. It was, therefore, clear that the affected staff were either not interested in any act of reconciliation or stoically so believed in their own cause that it had clothed them with some high level of intransigence and arrogance. The case, therefore, continued to pend before the Courts as the Applicants engaged in other theatrics of contest, including press conferences and social media attacks, against the Governing Council and Management of the University.
17. While the applicants' cases were pending before the Cape Coast High Court 2, and just before the penultimate hearing, counsel for the second Respondent- Alexander Afenyo Markin, Esq. was on radio, television and other social media trumpeting the exoneration of Prof. Mawutor Avoke upon which action they petitioned ex-President J. J. Rawlings to write to the Minister of National Security when they all knew that the case was pending before a Court of competent jurisdiction.
18. Furthermore, while the Applicants' case was pending before the Cape Coast High Court 2, Professor Mawutor Avoke and the five others supported by Dr. Kaakyire Duku, Prof. Ephraim Avea-Nsoh and Dr. Emmanuel Osei Sarpong- beneficiaries of the Governing Council's extended olive branch and act of pardon- and some other senior members, in a very weird, unthinkable and coup d'état-like manner, invaded the University with a purported Court Order to take over the administration. They assembled and took the main administration block hostage with the ultimate goal of resuming the various positions they occupied prior to their dismissals. It later turned out that the purported Court Order was a hoax. It was an application against the University that had been filed but was yet to be served on the University. Yet, in a very fraudulent manner, they managed to use the hoax document to outwit the University Security checkpoints to perpetrate their diabolic agenda and hooliganism. This ludicrous behaviour of Prof. Avoke and the five others was committed at a time when their case against the University on their dismissal was still pending at the Cape Coast High Court 2. It is obvious that these are individuals who do not believe in due process and the Rule of Law. They are individuals who believe in their own myopic idiosyncrasies no matter how fickle-minded, fraudulent, nauseating and greedy-laden they are. It took the strong efforts of Security personnel to drive them away from the UEW Council chamber where they had set-up for a press conference to announce their illegal and unlawful takeover of the University Administration.
19. Soon after the failed coup-d'état-like attempt to take over the administration of the University, the five affected staff led by Prof. Mawutor Avoke submitted a Petition on their dismissal to the Honourable Minister of Education, asking that their cases be reviewed for all of them to be reinstated. They accordingly apologized to the Minister of Education for their uncivilized act of taking over the administration of the University in a coup -d'état-like manner. Prof. Mawutor Avoke confessed that they were naïve in their act and pleaded with the Minister of Education for forgiveness of their misconduct by forcefully and unlawfully attempting to take over the administration of the University. The Honourable Minister of Education accepted the Petition and promised to forward same to the Governing Council of the University for redress.
20. These are individuals who rush to Court for redress yet do not want to wait for the Court process to end but would rather prefer to use a fraudulent and hoax Court Order to attempt to forcefully and unlawfully hijack and terrorise the administration of the University. Also, these are people who do not want to accept court rulings on cases they initiated- the very people whose cause ex-President Rawlings is deceptively championing with vehemence. We dare ask, are these behaviours and acts of Prof. Mawutor Avoke and the affected staff in line with the constitutive principles of accountability and social justice being trumpeted by the 31st December revolution which ex-President Jerry John Rawlings led?
21. The University further wishes to bring to the notice of Ex-President Jerry John Rawlings and the general public that, the term of office of Professor Mawutor Avoke as Vice-Chancellor of the University officially and effectively ended on 30th September, 2019.
22. The Management of the University of Education, Winneba wishes to reiterate that while it cherishes the exercise of free speech as the solid foundation upon which Ghana's democratic tenets are laid and sustained, and while the Management accepts that individuals can exercise these rights in various constructive forms upon our University, Management, nevertheless, admonishes members of the general public, especially persons who have risen to the dignified status of statesmen and women to exercise these rights with decorum, dedication, honesty and truthfulness and within the ambit of all the laws, rules and regulations necessary for the smooth and effective management and administration of our University.

Signed:

**Surv. Paul Osei-Barima, Esq.
Registrar**