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PRESS RELEASE

January 17, 2020

OFFICE OF H.E JERRY JOHN RAWLINGS' RESPONSE TO A PRESS STATEMENT BY THE UNIVERSITY OF EDUCATION, WINNEBA ON THE FORMER PRESIDENT'S COMMENTS AT THE 31ST DECEMBER ANNIVERSARY DURBAR IN WINNEBA

The office of H.E. Jerry John Rawlings has taken note of the above Press Statement issued by the Management of the University of Education, Winneba (UEW), purporting to respond to comments made by His Excellency Flt. Lt. J. J. Rawlings, Former President of Ghana, on the happenings in UEW. The office was of the belief that the Press Statement would provide the office of the Former President, relevant stakeholders, and the reading public with new information on the happenings at UEW. Rather, we have been inundated with a lengthy monologue on the same old misrepresentations of facts and outright lies that have consistently been churned out by the University, since the inception of the impasse.

We would have naturally resisted the temptation to respond to this statement, since many discerning members of the public, who have followed the UEW issue, are aware of the manipulation of facts and the resultant injustices meted out to some staff of the University for no justifiable reasons. However, we feel obliged to do so, particularly because of some members of the public who may be new to the UEW issues. We therefore proceed to respond to the aforementioned misrepresentations, inaccuracies and outright lies in the press statement as follows:

It is absolutely not true that the Supreme Court, in a purported ruling, affirmed the overriding powers of the Governing Council to make decisions under their enabling Act. No such ruling exists, and we challenge the University to publish the said ruling in its entirety for the public to read for itself. The Supreme Court ruling rather quashed an earlier decision by the High Court in favour of the dismissed staff and against the University. If the University had the good intention of educating the public and the former President as alluded to in their statement, why the pseudo style of covering up the earlier rulings of both the Appeals and Supreme Courts which sided with the dismissed staff?

1. **It is absolutely untrue 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 work or report of the Economic and Organised Crime Office (EOCO) or any other state agency.** In actual fact, in an earlier Press Release issued by the University on 7th November, 2017 and signed by the then Chairman of the Governing Council, Prof Emmanuel Nicholas Abakah, the University made it succinctly clear that the reason for asking the said officers to step aside, which eventually led to their dismissal, related to the work of EOCO. Specifically, the second sentence in the first paragraph of that statement states: “We wish to put on record that the recent decision of the Governing Council to request six (6) of our officers to step aside was purely in respect of the on-going investigations by EOCO, BNI and the Governing Council”.

Secondly, the allegations that were investigated by the Council were the very same allegations investigated by EOCO and BNI. We point out that EOCO and BNI are state institutions mandated to investigate crime or allegations of crime, which was the basis of the allegations against the affected officers. It is instructive to note that the allegations against the affected officers were criminal in nature and not administrative. At the time of their said dismissals, EOCO and BNI had not released their reports and the affected persons were in court, challenging the decision of the Council to have them step aside and also to investigate them. Why was the University in a hurry to dismiss them for the so-called gross misconduct? Why the shift from the allegation of procurement breaches to gross misconduct for allegedly not appearing before a committee, whose power was being challenged in a court of law? Why would an internal investigative committee’s decision have pre-eminence over that of constitutionally mandated investigative and anti-graft institutions?

2. **It is very disingenuous for the University to say that the affected officers masterminded and perpetrated injustice unto themselves, by refusing to appear before the Disciplinary Committee.** As stated in (1) above, the setting up of this committee was being challenged in a superior forum of adjudication, and it is trite knowledge that any law abiding and fair minded person or institution should have waited for the adjudicatory outcome of that case, before going on with its own processes. To the extent that the University did not pursue this course of action, it denied them an opportunity to be heard, sinning against the rules of natural justice, resulting in the injustice perpetrated by the University on the affected officers.
3. **There is no gainsaying the fact that the Governing Council of the University is the highest decision-making body in the institution, however, its powers and functions are to be exercised within the bounds of the Constitution of Ghana.** Article 23 of our constitution states: “Administrative

bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions have the right to seek redress before a court or other tribunal". Thus, the powers and decisions of the Governing Council are not absolute, in so far as they are subject to judicial review.

4. **It is NOT true that Prof Avoke, or any of the dismissed staff, has ever challenged their dismissal in the Supreme Court.** We challenge the University to make such applications and their corresponding rulings available to the public. The only forum that the affected staff have ever challenged the dismissal is the High Court. The affected officers, being dissatisfied with the ruling given by the High Court, have mounted an appeal at the Appeals Court in Civil Appeal No. E10/04/18. This means that whatever affirmation the university is talking of is not conclusive yet. In any case, the matters sent to the Supreme Court by the affected officers have nothing to do with their dismissal.
5. **In his Speech on 31st December 2019, the Former President alluded to the injustices meted out to the affected officers and not the fact of their having been asked to step aside, which was the subject of the case before the Cape Coast High Court.** As for the choice of the forum for judicial adjudication, the rules are very clear on that, and in so far as the rules permitted the applicants to choose the Cape Coast High Court, it is disingenuous for the University to allude to that in the press statement. All that the Former President wanted to convey is that just as Prof. Avoke and others were told to step aside for allegedly committing various offences, the current leadership of the university, who are now similarly situated, with various allegations of criminality hanging over their heads, must also be asked to step aside. A member of the Governing Council Mr. Bruno Bajuaose Chirani, who doubles as Acting Finance officer of the University under the current leadership, has petitioned the Governing Council and Security and Anti-graft Agencies to investigate the current Vice-Chancellor Rev. Prof. Afful Broni in a letter dated 2nd September, 2019. Details are in the public domain for your reference. So, what then is the benchmark for administrative justice in your University in these circumstances? Why should a petition from an acting finance officer responsible for the day to day financial operation of the university, bothering on malfeasance and gross financial misconduct be thrown to the trash can?
6. **It is interesting how the University is seeking to misrepresent the ruling given by the Cape Coast High Court on the 11th of November, 2019 as a landmark ruling.** It is absolutely disingenuous in the legal realm to say that a ruling of a High Court brings authoritative finality to a matter. Especially so, when the said ruling is now the subject matter of an appeal mentioned in (4) above. Litigation can only finally end at the Supreme Court. It was for this reason that the earlier High Court rulings on the UEW impasse were overturned and quashed by the Appeals Court and Supreme Court.

The office wishes to state that the former President is absolutely certain about the authenticity of the EOCO Report he has access to, and if the university feels the said Report is inaccurate, they should furnish the accurate version for scrutiny. There was an official cover letter attached to the report and signed by the Executive Secretary of EOCO. If there was any doubt as to the authenticity of the report, why was the Executive Secretary not invited or subpoenaed to authenticate the report? In any case, if fraud or suspicion of fraud was perpetrated by the affected officers, concerning the EOCO Report, why were they not referred to the appropriate authorities for further investigations?

Let us emphasise that former President Rawlings has never been deceived about the existence of an EOCO Report. He is very much aware of his responsibilities and would not be carried away by the antics of so-called disgruntled individuals. The EOCO Report exists and is very authentic. The question to be answered here is, if the University did not apply to EOCO for an investigation to be conducted and were also not interested in such an investigation, how come they used it as the basis of asking the affected officers to step aside, as captured in their 7th November, 2017 Press Release? The University is contradicting itself, and seeking to tag the Former President as though he was not well informed? If there is any doubt about this assertion, they should refer themselves to their own press files.

Secondly, how can EOCO and the so-called Fact-Finding Committee of the University investigate the same allegations and come to completely different conclusions. Nowhere in the Report of the Fact-Finding Committee were the officers indicted on any of the allegations investigated. For instance, the said report recommended further training for the Internal Auditor (Ms Sena Dake) and the Acting Procurement Officer (Ms Mary Dzimey), but the University rather went ahead to terminate the appointment of Ms Dake and dismissed Ms Dzimey.

It is absolutely not true that the affected officers, through their lawyer, filed an EOCO Report, which was completely different from what the Counsel for the second respondent filed.

- 7. Has Former President Rawlings become the latest advocate of an unworthy cause? We state that the Former President is neither sleeping nor slumbering, for him to be hoodwinked into championing an unworthy course.** It important to note that the Former President is not only a statesman but a pioneer of the development of that University, and has the right to independently verify developments that have the potential to undermine the integrity and sustainability of the solid footing upon which the University was established.

It is rather unfortunate for the University to say that Former President Rawlings was being disingenuous when he called for justice for some twenty (20) members of staff of the University, when it is very clear that they are the ones being disingenuous here. We challenge the University to refer to the Petition

sent to the Governing Council, on behalf of the said officers, by the UEW branch of UTAG at the time. While on it, may we also ask them to tell the public which law permits them to dismiss a staff for taking the University to Court or which law permits them to dismiss a staff, who is a member of the Governing Council, for going out during a Council meeting, as they did to Dr Frimpong Duku and Dr Emmanuel Sarpong?

8. **It is absolutely untrue and disingenuous to state that the current Vice Chancellor, Prof Anthony Afful-Broni is not under any form of investigation.** We are privy to the allegations and subsequent petitions sent to EOCO, the Special Prosecutor, the Auditor General and the Governing Council by the former acting Finance Officer of UEW, Mr Bruno Chirani (who is also a member of the Governing Council representing Convocation) and same applies to the Former President. These allegations border on financial malfeasance and procurement breaches on the part of Prof Afful-Broni and Surv. Paul Osei Barimah (the Registrar). We are also aware that at least the Auditor General and EOCO are at work on these allegations and have either visited the University or invited some of the officers to their offices, in pursuance of their investigations. At the time Prof Avoke and the five other senior officers were asked to step aside, as indicated in the Press Release alluded to in (1) above, no disciplinary action had been initiated against them by the Governing Council to warrant their stepping aside, yet they were asked to do so. It is in this same vein that the Former President asked the Governing Council to request Prof Afful-Broni to also aside, as a mark of fairness.
9. The University says it was going to provide us with “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”, yet either refused or forgot to provide us with such information. There is no additional information out there that indict the cause of the affected officers just as the allegations against them did not.
10. **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.** What exactly did they do that constituted gross misconduct? Was it for electing to depose to an application challenging the order of the Governing Council for the affected officers to step aside, or for stepping out of the Council chamber during a Council meeting? Are these the acts that constituted gross misconduct?

OTHER MATTERS

There is also no evidence whatsoever that the University extended an olive branch to Prof Avoke and the other dismissed staff. Assuming, without admitting, this was true, how can a party to a dispute in court, while the matter

is still in court, turn itself into an adjudicating body to sit on the same case? What kind of logic is that?

If the University was minded to settle the case out of court and was serious about it, they would have sent an offer of settlement to the affected officers and ask for their response, upon which the parties would have negotiated and come to an amicable settlement. The University, however, did not do any such thing, but is now claiming they offered an olive branch. They should let us know the kind of olive branch they offered and to whom?

As indicated above, there was no reconciliatory gesture, whatsoever, from the University to the affected officers. Sending a letter to a Judge, asking for adjournment to explore the possibility of an out of court settlement and going home to sit down, doing practically nothing, till the next adjourned date, does not in any way constitute an olive branch or reconciliatory gesture. It was rather a move to frustrate the processes and manipulate the administration of justice. The Counsel for Dr Samuel Ofori Bekoe foresaw this deliberate attempt at frustrating the court processes, that was why he argued forcefully against the request for adjournment. It was NOT Dr Bekoe himself who “vehemently opposed the University’s request in open court”, as the press statement seeks to portray. Dr Bekoe Counsel’s argument was premised on the fact that the University had not made any proposal of settlement to his client and it was therefore unusual and inappropriate for them to come to court and seek adjournment in that direction. He was absolutely right after all, as the University, after having their request granted went and sat down and did nothing till the next adjourned date.

We find it difficult to make any meaning of the attempt to link Hon. Alexander Afenyo Markin to purported radio, television and other social media discussions of the matter of the EOCO Report and the importance of the Former President’s call. From what we read and listened to, the EOCO report completely exonerates Prof Avoke on all the allegations levelled against him. These are the very same allegations that led to his being asked to step aside by the Governing Council of UEW. The affected officers therefore rightly petitioned the appropriate bodies to consider their case and reinstate them. They also naturally served copies of the petition to other stakeholders, including Former President Rawlings, for their intervention in the matter. The case at the Cape Coast High Court then was purely about the decision of the Council to interdict them, and not for the court to pronounce on their guilt or otherwise regarding the allegations. There is therefore nothing wrong for the various acts complained about to have taken place side by side.

The University in its statement complained about Prof Avoke and some other persons invading the University in a coup d’état-like manner. We are aware that Prof Avoke went to the campus, which is a public space, to meet the press. None of the reports that subsequently came out of this meeting, indicated that he

and others invaded the University in a coup d'état-like manner. In any case, we will rather leave this for those mentioned to respond appropriately.

The office of former President Rawlings wants to state unequivocally that the affected officers had every right within the laws of this country to have petitioned the Minister for Education for redress of their issue. What was said or not said in that meeting, as part of the conversations they had with the Minister, do not in any way limit the weight and import of their petition.

There is no force binding on people to accept, hook, line and sinker any court decision that they have grounds to mount an appeal on. It is for this reason that the laws of the Republic permit such individuals to petition higher courts of the land for redress. We are fully aware that the affected officers have always resorted to legal means and processes to get their issues addressed. There is nothing illegal or unlawful in sending petitions to other bodies and stakeholders to get an issue addressed. Especially so, when the subject matter of the petition is different from the matter in court.

“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.” We find this statement, coming from the University, as very interesting, unfortunate and misleading. Prof Avoke was appointed to serve a full four year term of office, with the first right to seek for a further term, before anybody else would be considered. Was he permitted to serve his full term? His term of office was forcefully and abruptly truncated just when he was about one and half years into it. How did he therefore end his term of office on the date given above?

Again, Prof Avoke was first a professor in the University as Dean of the Graduate School before his appointment as the Vice Chancellor, and would have returned to his department after he had served his term. This is the practice in all universities in the country. Prof Avoke has not retired yet and thus has the right to see through his employment till he reaches the 60 years retirement age stipulated in the Constitution.

We find the statement in the last paragraph of the Press Statement to be very insulting to the person of the Former President, and it is unfortunate coming from intellectuals leading an institution of higher learning. We doubt if the statement represents the collective view of the University's Governing Council.

We dare the University to do the following:

- a. Publish the earlier Court of Appeal and Supreme Court rulings that quashed the earlier decisions of the High Court.

- b. Publish the appointment letter of Prof. Mawutor Avoke and the terms therein for your intended education of the public.
- c. Re-Publish your Press Release of 7th November, 2017 which announced the decision of the Governing Council to interdict Prof Avoke and others - a position which contradicts your latest pronouncement.
- d. Publish the EOCO Report.

Former President Rawlings does not support any party in this issue. He is however very concerned with the entrenched positions taken by those at the helm of affairs at the University and their failure to appreciate the harm to not only the university, but also the global recognition of our educational institutions as well as the quality education of our wards at the university. No amount of wordy prose, innuendoes and disrespectful statements will compel him to remain silent over injustices in our society. Instead of wasting valuable resources to wage a media campaign against his noble intentions, we will rather counsel the University to exert its energies to resolve this impasse which has affected the livelihood of several quality academics whose expertise this country requires.

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