

**MARTIN A. B. K. AMIDU, ESQ**

P. O. BOX AN 17010  
ACCRA, GHANA

Phone:  
Fax:  
E-mail:

26<sup>th</sup> November 2020

**THE SECRETARY TO THE PRESIDENT  
OFFICE OF THE PRESIDENT  
JUBILEE HOUSE  
ACCRA**

**MARTIN AMIDU'S CONSTITUTIONAL DEFENCE REJOINDER TO THE  
PERSONAL LETTER ADDRESSED TO HIM AS CITIZEN OF GHANA BY H. E. THE  
PRESIDENT AFTER ACCEPTING HIS RESIGNATION OF APPOINTMENT AS  
SPECIAL PROSECUTOR**

**Introductory Preliminary Important Matters on the Agyapa Royalties Limited  
Transactions Report; Political Fabrications and Falsehoods**

I read with utmost surprise in the media on the night of 17<sup>th</sup> November 2020 your letter with reference number OPS126/20/2362 dated 17<sup>th</sup> November 2020 on the above subject matter which was addressed to me personally in my capacity as a citizen of Ghana after I had written to H. E. the President in my official capacity then as the Special Prosecutor to resign my position in accordance with law. The letter the President directed and instructed you to write to me personally was hand delivered to me in my residence at 7 am in the forenoon of 18<sup>th</sup> November 2020. A number of introductory falsehoods, public deceptions and spinning propaganda are manifest from the President's letter to me personally which need to be debunked as preliminary matters in this response of mine to the President before I address the other issues intended by the President to assassinate my character for simply exposing the true nature of the off-shore Jersey incorporated Agyapa Royalties Limited Transactions in my professional anti-corruption assessment report.

2. The President on 7<sup>th</sup> January 2017 took the Presidential oath in which he pledged, inter alia, : "...that I will at all times preserve, protect and defend the Constitution of the Republic of Ghana; and that I dedicate myself to the service and well-being of the people of the Republic of Ghana and to do right to all manner of persons...." This is why the President's directives and instructions to you which he knows have the tendency to push me under the bus, by his doing wrong to my person as a citizen of Ghana for performing my professional duties in the United Kingdom, Jersey, incorporated Agyapa Royalties Transactions anti-corruption assessment report reinforces the divine revelation that he took the Presidential oath while looking like the innocent flower of anticorruption but being the mother serpent of corruption under it.

3. The President's letter with reference number OPS126/20/2362 dated 17<sup>th</sup> November 2020 written by you upon his directions and instructions was written in response to the conclusions and observations contained in my "letter to the President dated 16 October, 2020, (OSP/SCR/20/12/20)..." as stated in the paragraphs numbered (1), (8), and 12 of the President's letter under your signature under reference. This is in spite of the fact that I had forwarded the full sixty-four (64) page report to the President under a covering letter with reference number OSP/SCR/13/20 dated 2<sup>nd</sup> November 2020 to the Office of the President and was received at 12:04 Hours, the President's response creates the embarrassing impression that neither the President who directed and instructed you to write the letter under reference nor you as his Secretary have read the full sixty-four (64) page Agyapa report to be able to understand that it contains very serious suspected corruption and corruption-related offences for which I intended to open full investigations. If the President and you had found the time to read the full Agyapa Royalties Transaction anti-corruption assessment report you would not have relied on the conclusions and observations like lazy lawyers relying on facts and holding in a published law report in making false and frivolous character assassination attacks on my integrity for cheap political point scoring. I shudder to think of the impression being created to the domestic and international community that this dear country of ours, Ghana, is now being run on autopilot.

4. The Hon. Chief of Staff in letter with reference number SCR/DA96/135/01/A dated 17<sup>th</sup> November 2020 wrote to me stating, inter alia, as follows:

"This is to acknowledged receipt of your letter, dated 16<sup>th</sup> November 2020 (Ref: OSP/2/AM/14), addressed to the President of the Republic conveying to him your decision to resign from office as Special Prosecutor, which he has accepted. The President has taken due note of the other matters raised in your letter, and the Government will issue a statement responding to them in due course." (Emphasis supplied).

5. I am, therefore, surprised that instead of a statement responding to the matters raised in my officially written resignation letter to the Ghanaian people, H. E. the President of the Republic directed you to write to me personally in my capacity as an ordinary citizen of Ghana to respond to the official aberrations and interferences by the President that led to my resignation which he had already accepted.

6. In view of the fact that H. E. the President directed you to write to me personally after my resignation from office and his acceptance of same instead of responding in a statement to the people of Ghana, I am exercising my rights as a citizen of Ghana under the 1992 Constitution to respond to your letter written on the directions and instructions of the President to me personally and to defend the Constitution and the people of Ghana's commitment to "Freedom, Justice, Probity, and Accountability".

7. The first paragraph of the Chief of Staff's letter dated 17<sup>th</sup> November 2020 to me written prior to the President's directives and instructions to you to write your official letter to me as a citizen of Ghana contradicts the second paragraph of the President's letter to me under your signature. The Chief of Staff stated that the President "has accepted" my decision to resign as Special Prosecutor. On the President's directives and instructions you state that: "The President has taken note of your resignation per the President's Chief of Staff's letter to you of even date herewith (SCR/DA/96/135/01/A)." (Emphasis supplied). In the first place, your second



paragraph written on the directives and instructions of the President which I have quoted and emphasized in the immediate preceding sentence also misrepresented the reference number of the Chief of Staff's letter of 17<sup>th</sup> November 2020. Secondly while the Chief of Staff clearly states that the President had accepted my resignation your letter written on the directive of the President thereafter states that "he has taken note of your resignation." Accepting a resignation and noting a resignation are synonyms only in the unscrupulous art of spinning and public deception inconsistent with the Presidential constitutional oath of our dear Republic.

8. I have underscored the deliberate distortions and manipulation of facts contained in the opening paragraphs of your letter written to me on the directives and instructions of the President to demonstrate that your letter to me from its inception was intended to be the personification of falsehoods to the good people of Ghana and to divert public attention from a very important and serious anti-corruption assessment in respect of the Agyapa Royalties Limited Transaction Documents report which I conducted professionally as the first Special Prosecutor of Ghana. The Agyapa Royalties Limited Transaction contains the mother of all suspected corruption and corruption-related offences to be discovered in the first analysis of the risk of the prevention of corruption and anti-corruption assessment since Ghana attained its independence in 1957.

9. The other preliminary issue. The President directed and instructed you to state in paragraph 15 of his letter of response to me personally that: "You also bemoan the non-payment of the salaries of yourself and the Deputy Special Prosecutor in a manner that suggests Government's failure to do so. Yet your Office has been adequately funded to pay for salaries. The impression given by you that there was a deliberate intention to ensure your office did not function is more startling." The President's directives that creates the impression that I resigned because of non-payment of salaries is plainly false upon any reading of my resignation letter. The President's further directive that I could have paid the salary of my deputy and myself from any funds provided to my Office for compensation of employees is patently false because the appointment letters issued by the President to the two of us under your signature were addressed to each of us personally at our private addresses and copied to (i) the Vice President, (ii) the Chief of Staff, (ii) the Assist. Cont. & Acct-Gen Accounts, Castle, Osu, and (iv) the Chief Internal Auditor, Castle, Osu. The Office of the Special Prosecutor was never copied or instructed to pay the compensation of the Special Prosecutor and the Deputy Special Prosecutor and had no authority to do so in terms of the appointment letters under your signature. The combination of the falsehood about funds to pay salaries and the allegation that I gave the impression that there was a deliberate intention to ensure my office did not function are not congruent with the other in common reasoning to be attributed to any President except if they were unfortunately intended for propaganda and deception by the President. Payment of salaries was not a reason given for my resignation which was premised solely on the traumatic experience I received from the President arising from the professionally conducted Agyapa Royalties Transactions anti-corruption assessment report.

10. Another preliminary issue. The Government may wish to invite a trusted and friendly anti-corruption country such as Singapore or the United Kingdom or the United States or Denmark to send independent anti-corruption officers to replicate my analysis and anti-corruption assessment work giving rise to the report using the same source letters and documents. I am confident professionally and ethically that they will arrive at the same anti-

corruption assessments contained in the Agyapa Royalties Limited Transactions report. I explained this to my dear friend the Minister of Finance when he visited me as early as 5:36 am on the morning of 22<sup>nd</sup> October 2020 in the company of a mutual friend. I pray that the President takes up this challenge so that the concerted effort he is leading to throw me under the bus and bringing my reputation into disrepute for acting professionally in the Agyapa anti-corruption assessment report in which the President has a personal interest comes to an end.

11. My further preliminary point. My former “ANTI-CORRUPTION MOSES”, Mr. President, kindly tell Ghanaians your reason for refusing to interdict or order the Municipal Chief Executive for the Bawku Municipal Assembly to vacate her office, even on voluntary or compulsory leave like you unconstitutionally did to Mr. Daniel Domelevo, the constitutionally appointed Auditor-General of Ghana, after my several pleas with you, and in spite of the fact that the first prosecution witness in the case gave his evidence-in-chief, was cross-examined and discharged on 12<sup>th</sup> November 2020 in the case of the Republic v Hajia Hawa Ninchema & 7 Others. After informal communications with you to do so failed, I wrote formally to you on 8<sup>th</sup> September 2020 attaching the interdiction letters of her co-accused public officers who had been interdicted in the same case and stating, inter alia, that: “Your decision is important to vindicate your known commitment to fighting corruption and the promise we exchanged in January 2018 before I accepted to be the Special Prosecutor.” She is still working at her post when her co-accused who are also citizens of Ghana are on interdiction. My dear former “ANTI-CORRUPTION MOSES” this is just one example to remind you, Mr. President, that you should not have unleashed your attack dogs on my integrity as being responsible for the failure of the Special Prosecutor in the fight against corruption under your Presidency. How could I succeed when this single example shows that my former “ANTI-CORRUPTION MOSES” failed me anytime his ox was gored like in the Agyapa Royalties Transactions anti-corruption assessment report. It would come as no surprise to me when all the accused persons in the two pending corruption cases in the High Court since March 2019 I left behind are acquitted and discharged after my resignation. Bawku is where I grew up and the people of Bawku know the President’s corrupt partisan injustice that she is at post even today while the other public officers are on interdiction.

12. Mr. President, the politically induced witch hunting audit you ordered into the Office of the Special Prosecutor on Monday 23<sup>rd</sup> November 2020 after you had accepted my resignation from the date I assumed Office in 2018 to the date of your acceptance of my resignation simply because of my professional work on the suspected corruption infested Agyapa Royalties Limited Transaction anti-corruption assessment report will never intimidate me. You may end up rendering at naught the effectiveness of the Office in the performance of its statutory functions and undermine your own acclaimed vision of fighting corruption during your second term in Office. Mark my words, Mr. President!

**Re: Alleged Interference with the Independence and Freedom of Action of the Special Prosecutor.**

13. In accordance with the President’s directives and instructions to you, you quote a statement contained in my letter with reference number OSP/SCR/20/12/20 dated 16<sup>th</sup> October 2020 made about the “courage and commitment of H. E. the President of Ghana in redeeming the

promise made to establish an independent anti-corruption entity to prevent and fight corruption....” as proof that neither the President nor any member of his government has interfered or sought to interfere with my work when I was the Special Prosecutor. You also quote out of context a statement contained in my letter with reference number OSP/SCR/24/33/20 dated 3<sup>rd</sup> August 2020 to the Chief of Staff stating that: “I have remained in this Office this long out of personal respect for the President’s shared interest....” You conclude from the two selected quotations that: “...it is surprising that you would now make the untenable claim that your resignation is as a result of the President’s alleged interference in your work.” I am dumbfounded to the fact that the President directed your conclusions based on your selected quotations as part of your directives and instructions from the President of Ghana because they are shallow conclusions mistakenly premised on the perception that all human beings are poodles who do not change their minds. I am not a poodle and, therefore, changed my mind subsequently as stated in my official resignation letter dated 16<sup>th</sup> November 2020, period!

14 I honestly and sincerely believed in the anti-corruption rhetoric of H. E. Nana Addo Dankwa Akufo-Addo “AS GHANA’S ANTI-CORRUPTION MOSES” when he was a Presidential candidate during the 2016 Elections as the best committed person and last hope of Ghana to assist the fight against corruption. The President’s continued anti-corruption rhetoric and actions after winning the elections further convinced me that he needed every support to achieve his rhetorical vision as I stated in my memorandum to Parliament dated 6<sup>th</sup> September 2017 on the necessity for him to redeem his electoral promise to set up an independent anti-corruption entity. I had no reason at the time to doubt his word of honour to me that as an ethical lawyer the President will fight corruption without fear or favour, affection or ill will.

15. It was only when the President directed me through his Chief of Staff in the morning of 21<sup>st</sup> October 2020 in her office at 8:40 in the forenoon not to take any further steps on the Agyapa Royalties Limited Transactions anti-corruption assessment report until I met the President on Friday, 23<sup>rd</sup> October 2020 that I was awoken to the suspected realization that the President’s holier than thou pontifications about fighting corruption did not extend to doing so without fear or favour, affection or ill will to cases in which the President’s ox is gored. I reported my concerns immediately thereafter to the late former President Emeritus Jerry John Rawlings who had always acted as a go between, between the President and me in his Office in the presence of a surviving third party. Indeed, it was upon the former President Emeritus’ insistence that my mere presence as the Special Prosecutor contributed to reducing the rape of the public purse through corruption activities that I stayed in my position that long. He was the insurance for my independence of action.

16. The demands made on me by the President when I met him in his Office on Friday, 23<sup>rd</sup> October 2020 to withhold any further action on the tax haven based Agyapa Royalties Limited anti-corruption assessment report convinced me instantly that he had laboured under the mistaken impression that I could be his poodle. The interfering demands made by the President on the performance of my functions as the Special Prosecutor is the only explanation for me telling the President immediately in his office that I did not intend to continue as the Special Prosecutor. Further details of the conversation between us in the President’s Office are narrated in other paragraphs below.



17. I could not convey the events of 23<sup>rd</sup> October 2020 in person to the late former President Emeritus Jerry John Rawlings because the next day, 24<sup>th</sup> October 2020 was the day set for the burial of his dear mother which event was so sacred to be spoilt by any action on my part pursuant to my notice to the President. After the burial, the late President Emeritus repaired to his country home to rest until Wednesday, 28<sup>th</sup> October 2020 which gave me room to make an immediate independent decision whether to jump immediately. Then suddenly and out of the blue I was informed that the late President Emeritus had aborted his stay and returned to Accra on Monday 26<sup>th</sup> October 2020 and wanted me to see him the next day. The late President Emeritus had apparently been recalled, to mediate my verbal notice of intention not to continue as the Special Prosecutor under the Government. I met the late former President Emeritus with a co-mediator in his office on 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> October 2020. The late President Emeritus persuaded me to wait out what actions the President intended to take at my next meeting with the President on Friday, 30<sup>th</sup> October 2020 and he expressed the hope that it will be in support of the conclusions in the Agyapa Royalties Limited anti-corruption assessment report.

18. I became more convinced beyond any further reasonable doubt after my second meeting with the President in his Office in the evening of Sunday 1<sup>st</sup> November 2020 when the President attempted to persuade me to shelve the Agyapa Royalties Limited Transaction anti-corruption assessment report to allow him deal with the matter through a statement to the public, that God (represented by the Holy Trinity in my Catholic faith) was in his own divine way revealing to me for the first time that the President of Ghana only looked like the innocent flower of the fight against corruption but was indeed the mother serpent of corruption under the innocent looking flower of anti-corruption. And may God, encompassed in the Blessed Holy Trinity, be eternally praised for that divine revelation!

19. This divine revelation and manifestation immediately put a knife on the things that held the President and I together as comrades crusading against corruption leading to my defiant press release on the early morning of 2<sup>nd</sup> November 2020 and my distribution under covering letters to the President, the Speaker of Parliament and his majority and minority leaders, and the Minister of Finance of the full sixty-four (64) page anti-corruption assessment report. Many Ghanaians including members of the Ghana Bar Association and the New Patriotic Party had variously warned me that Mr. President did not intend me to take his anti-corruption rhetoric literally but I had no reason to disbelieve the honour of a colleague lawyer with whom I had contributed to the development of the 1992 constitutional law of this country by the Supreme Court from its infancy. It was only the divine revelation to me on 23<sup>rd</sup> October 2020 which was confirmed again in the evening of 1<sup>st</sup> November 2020, that the similarity between Michela Wrongs' "IT IS OUR TURN TO EAT" written about the former President Mwai Kibaki's Government in Kenya and the President of Ghana was driven home strongly to me: that the President of Ghana like Kibaki of Kenya was exhibiting to me through divine revelation of the Holy Trinity the traits of the boss of a corruption mafia acting as the innocent flower of anti-corruption crusaders. "KIBAKI IS OUR MOSES" was a sign one of the people in the crowd at his swearing-in as the President of Kenya held out – see "IT IS OUR TURN TO EAT" at page 4.

20. Truth does not forget facts and dates but lies do because lies have no integrity. Lies are known to be both the harbingers and symptoms of corruption, corruption behaviour, and activities. You have consistently referred in paragraphs 2, 5, 6, and 7 of your letter under

reference in accordance with your directives and instructions from the President to an alleged meeting of the President with me on 21<sup>st</sup> October 2020. I am sorry to say without any equivocation that I never met the President on 21<sup>st</sup> October 2020 in his Office because the President was away in the Volta Region between 20<sup>th</sup> October 2020 and 22<sup>nd</sup> October 2020. As the Secretary to the President even if he suffered from a lapse of memory, you as his Secretary ought to have realized that he could not have held any such a meeting with me when I never travelled to the Volta Region during that period. The sloppy propaganda consisting of deliberate and knowing falsification of facts contained in your letter written on the directions and instructions of H. E. the President is so patently banal as to be incapable of convincing reasonable men who can discern factual truth from concocted falsehood except sycophants. Like corruption such lies contain within themselves the seed of their own destruction no matter how long it takes as I have demonstrated above simply with the facts and truth on my side.

21. The foregoing fundamental lies and falsified propaganda demonstrate two things. You are either writing on the directives and instructions of the President's lapsed memory or everything you are writing about is hearsay pure, simple, and not supportable by facts and accurate dates. One cannot get the facts straight with the wrong dates.

22. I wonder whether you wrote paragraphs 4, 5, 6 and 7 of your letter under reference also under the directives and instructions of the President because they exhibit a serious lack of knowledge on governance and national security. I shudder to think that you, as the Secretary to the President of the Republic of Ghana, will be conveying the directives of the President to the public and the international community that the President of Ghana does not know that in exercising the President's functions as the Chairman of the National Security Council and Commander-in-Chief every head of a security and intelligence agency has an obligation to brief him on matters that may have national security consequences on the nation. Indeed, even the Chief Justice of an independent judiciary is bound to inform the President to take prior adequate security measures when it intends to give judgment in a matter that may have serious national security consequences without surrendering the independence of the judiciary to the Executive. Kindly find out from experts in security and intelligence what went into the arrangements before the Supreme Court delivered its judgment in the Yendi Skin Affair, without the Chairman of the PNDC usurping the independence of the Supreme Court to dictate what the outcome of the judgment to be delivered by the Supreme Court was to be and you would understand the role of a non-partisan Head of State in good governance, if you do not know this after almost four years as a Government.

23. It was in accordance with the necessity for such prior security information to which every President is entitled acting as a non-partisan President under his oath of office, that as the Special Prosecutor I wrote the letter with reference number OSP/SCR/20/12/20 dated 16<sup>th</sup> October 2020 to the President. I reminded the President on 23<sup>rd</sup> October 2020 and 1<sup>st</sup> November 2020 that the letter of 16<sup>th</sup> October 2020 was intended for his briefing and not for him to interfere with the functions of the Special Prosecutor or usurp the independence of the Special Prosecutor. The President consequently did not have the right to decide how the Agyapa Royalties Transactions anti-corruption assessment report was to be implemented by directives to the suspects in a matter in which he had himself been indicted for contributing to in granting a sham executive approval and seeking to promote retroactively with the Minerals Incomes Investment (Amendment) Act,

2020 (Act 1024) which he assented to on 27<sup>th</sup> August 2020 knowing that his majority in Parliament had conditionally approved it on 14<sup>th</sup> August 2020 contrary to Article 181 (5) of the 1992 Constitution. The only action required of him as Chairman of the National Security Council and as Commander-in-Chief was to take security decisions that may have been required to maintain law and order as a result of the anti-corruption assessment report when it was published to the public by the Office of the Special Prosecutor.

24. The residual intelligence within the report would have been useful to a discerning and true anti-corruption National Security Chairman, the President. It is difficult for me to tell whether the President directed and instructed the interpretation of article 58(1) of the Constitution conveyed in paragraph 5 of your letter as justifying the President in making further enquiries into an anti-corruption assessment work of an independent anti-corruption agency under law. It will follow that the President's interpretation of article 58(1) of the 1992 Constitution extends to all independent agencies including the Commission for Human Rights and Administrative Justice, the Electoral Commission, and the Judiciary. When I told the President on the 23<sup>rd</sup> October 2020 and on 1<sup>st</sup> November 2020 that he had no authority to usurp the functions of the Special Prosecutor it should have been clear to him that his interpretation had exceeded his authority under article 58(1) of the Constitution. The unconstitutional assumptions made by the President constitute the very conduct exhibited for the first time to me by the President which convinced me beyond every reasonable doubt that he only looked like the innocent flower but is the mother corruption serpent under the Agyapa Royalties Transactions. This divine revelation made my position as the Special Prosecutor untenable by my Catholic faith.

25. The President made the same erroneously naive arguments of giving the affected appointees a hearing on the Agyapa Royalties Limited Transaction anti-corruption assessment report he directed and instructed you to convey to me by your letter under reference at our meetings on the 23<sup>rd</sup> October 2020 and 1<sup>st</sup> November 2020. I explained to him that the analysis of the risk of corruption and anti-corruption assessment was done under Regulation 3 of L. I. 2374 based solely on letters and documents submitted by the affected parties and did not require giving them a right to an oral hearing. The President refused to read the law or read it but could not as a judge in his own cause as the mother corruption serpent under the innocent looking flower appreciate the clear distinction between an impartial President and a President with an interest in his own cause. If the President had allowed his heated blood of anger against me for discovering the mother serpent to cool down and for reason to assume its seat, he would have acted as he had promised the late former President Emeritus Rawlings to trust my professionalism and disown the Agyapa Royalties Limited Transaction by allowing me the independence and freedom to investigate the matters arising therefrom.

26. Transparency International and other anti-corruption organizations do not hold public hearings of affected Governments in making analysis of the risk of corruption and anti-corruption assessments for their corruption perception index reports, neither do intelligence and other security agencies make their intelligence and security analysis and assessment reports available to the affected parties for their comments or review. It does our country Ghana no credit when the Government continues repeating this matter of giving the affected appointees a hearing after an analysis and assessment based on an exhaustive and painstaking consideration of



the affected appointees own letters and documentary submissions because it portrays ignorance of the uses to which these analyses and assessment reports are put. Nobody needs any training to know, let alone the President of Nkrumah's Ghana, that Manuel Antonio Noriega did not have a right to a hearing or a right of comment on the intelligence analysis and assessments on Panama by the United States of America and other allied countries. Manuel Antonio Noriega only had a right to be heard at his investigation and subsequent trial. This is commonsense and not even law.

27. I do not know whether your claim that I agreed to offer the public officers affected by the Agyapa Royalties Transaction Report the opportunity to comment on the report was part of the directives and instructions from the President or just hearsay. When I told the President on 23<sup>rd</sup> October 2020 that by interfering in the performance of my functions as the Special Prosecutor, I was not going to be the Special Prosecutor again, the President replied that: "I haven't heard that we have to discuss that" and I replied that: "I am giving you notice, I cannot be your Special Prosecutor". He retorted: "That will have to be discussed between us". As soon as I left the President's office, I sent a contemporaneous written summary of what took place at the meeting with the President, for onward reportage to the late former President Emeritus Rawlings. It was after this disagreement on 23<sup>rd</sup> October 2020 with the President that I was invited by the late former President Emeritus Rawlings, may the Holy Mary intercede with God to have mercy upon the purity of this anti-corruption soul and his existence, for the mediation on 27<sup>th</sup> 28<sup>th</sup> and 29<sup>th</sup> October, 2020 in his Office in the presence of a third party. I repeated everything that transpired at the meeting with the President on 23<sup>rd</sup> October 2020 graphically using my contemporaneous notes to aid my narration.

28. The letter written upon the directives and instructions of the President containing the allegations in your paragraph 8 relies on my letter informing the President of the conclusions and observations of the Agyapa Royalties Limited Transaction anti-corruption assessment to misrepresent to the public and the international community the fact that my use of the words in my observations that the report part takes of the nature of a compliance audit to mean that I had stated that the Agyapa report was a "compliance audit". It is a shame that the President, with whom I have had the honour of advocating landmark cases in Supreme Court, and you will spin the words "part take of the nature of a compliance audit" to mean the report is a "compliance audit". If the President and you had been professional by finding the time to read the full sixty-four (64) page Agyapa anti-corruption assessment report and Regulation 31 of L. I. 2374 under which it was conducted this lazy exhibition of ignorance to the public and the international community would have been avoided. My press release on the morning of 2<sup>nd</sup> November 2020 and the immediate release of the Special Prosecutor's report on the tax haven incorporated Agyapa Royalties Transactions which followed immediately upon my meeting with the President on the evening of 1<sup>st</sup> November 2020 was a response to the President's request to me to shelve the Special Prosecutor's report to enable him issue a press statement to the public to handle the situation. I asserted as a matter of principle the independence of the Office of the Special Prosecutor's actions on 2<sup>nd</sup> November 2020 without fear or favour, affection or ill will when I defied this shameful and unconstitutional request by the President and published the full report to preempt the President's illegal interference and usurpation of the functions of the Special Prosecutor. The President's actions and conduct in the afternoon of 23<sup>rd</sup> October 2020 and in the

evening of 1<sup>st</sup> November 2020 were abuses of the Presidential oath he took before the sovereign Chiefs and people of Ghana on 7<sup>th</sup> January 2017.

29. Commonsense will convince any rational person that the press statement issued belatedly by the Presidency around 21:00HRS on 2<sup>nd</sup> November 2020 relying on the conclusions and observations of the report submitted to the President in my letter of 16<sup>th</sup> October 2020 is more than ample support to my contention that the President wanted me to shelve the report at our meeting on 1<sup>st</sup> November 2020 to allow him deal with it by a statement to the public. In any case immediately I left the President's office on 1<sup>st</sup> November 2020 I sent out a written summary of what transpired at the meeting with the President to the mediators or go betweens as a contemporaneous record of my meeting with the President. The assertion that I am aware that the President accepted the observations made in the Agyapa Royalties Transactions Report and acted on it in issuing directives to the officials of the Ministry of Finance and the Attorney-General is inaccurate and a deception of the public. The directives issued by the President were intended to subvert the serious anti-corruption assessment contained in the tax haven incorporated Agyapa Royalties Limited Transactions anti-corruption assessment report and constituted the blatant abuse of the Constitutional Presidential oath he took on 7<sup>th</sup> January 2017.

30. The truth is that immediately after receiving my thirteen-page (13) letter of 16<sup>th</sup> October 2020 the President engaged the services of a mediator he felt I would listen to. When I gave the President notice that I was not going to continue as the Special Prosecutor because of his interference in my then functions, the President reported my intentions to the late President Emeritus Rawlings as the mediator whom I met on the 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> October 2020 with a co-mediator in attendance. I underscored to the mediators the fact that rescinding my decision to resign will all depend on how the President handled the conclusions and observations of the Agyapa Royalties Transactions report. The late former President Emeritus and his co-mediator knew that the President was acting on the conclusions and observations and not the full report. I told them that from the President's reaction to the letter of 16<sup>th</sup> October 2020 containing only the conclusions and observations in the report I thanked God, encompassed by the Holy Trinity, and the Holy Mary, that I had not conveyed the full report to the President even though I had told the Minister of Finance in my residence on 22<sup>nd</sup> October, 2020 that the only condition upon which I would release the full report was that it was under a covering letter to the affected parties including the minority in Parliament.

31. The late former President Emeritus and the co-mediator might not have known or did not tell me how the President was going to handle the anti-corruption report he had tried to prevent me from making public but they both had no doubt that I would resign my position if the President interfered in my ability to investigate those suspected of the corruption and corruption-related offences contained in my report as the then Special Prosecutor. I only learnt that the President (whom the main report also indicts for seriously lowering the incentive to the risk of corruption) intended to white wash the report by referring it to the very persons assessed as principal suspects in the tax haven incorporated Agyapa Royalties Transaction report to be investigated by my then Office at my second meeting with the President on 1<sup>st</sup> November 2020. How could the Attorney-General who had raised several objections to the Transaction Documents but was compelled by her lack of independence and fear of the stature of the principal suspects in the questionable scheme of the Government to give a "No Objection" on

12<sup>th</sup> August 2020 to such a serious suspected corruption infested transaction activity have the ethical courage and independence demanded of an Attorney-General to take any remedial action on the anti-corruption assessment report of the Office of the Special Prosecutor? This is the President who campaigned and won office as the President under the holy banner of not having faith in the Office of the Attorney-General as an independent non-partisan institution capable of fighting corruption. When this same President shamefully, with tongue in cheek, realized that the anti-corruption assessment report on his foreign tax haven incorporated Agyapa Royalties Limited Transactions was infested with suspected corruption activity he turned round to take Ghanaians for fools of short memory by referring the Agyapa Royalties anti-corruption infested transaction to his partisan Attorney-General to review the work of the independent Office of the Special Prosecutor so that his appointees are given political protection by the Attorney-General for the suspected commission of corruption and corruption-related offences. This is a clear demonstration of the trait of an innocent looking flower but being the serpent under it.

32. Reflecting with hindsight after being relieved of the pressure of office, I now realize and agree with those compatriots who had fought alongside and have better knowledge of the President over the years that the President's directives to the Ministry of Finance was just a repetition of his modus operandi of the innocent looking flower fighting corruption but the serpent under the innocent flower facilitating corruption – "IT IS OUR TURN TO EAT" Ghanaian Kibaki and his gang.

33. The directive and instruction of the President to you on paragraph 10 seeks to accuse me of having no moral or legal basis when I "erroneously" decided to confer immunity from investigation and prosecution on the presidential candidate of the National Democratic Congress in connection with what you term the infamous Five million Euro Airbus bribery affair "by refusing to investigate him on clearly untenable grounds of being a candidate for President." I took the decision to hold in abeyance the investigation of former President John Dramani Mahama with the knowledge and consent of the President as the Chairman of the National Security Council on purely national security grounds and not politics.

34. I heard and read Dr. Henry K. Prempeh, the Executive Director of CDD Ghana, peddle the same falsehoods you have repeated in your paragraph 10 on Joy FM which was reported on 14<sup>th</sup> November 2020 online under the title: "Airbus Scandal: Martin Amidu had no excuse not to prosecute Mahama." This was after I had seen him in the Presidency in the company of two other lawyers on a working day before his Saturday the 14<sup>th</sup> November 2020 engagement on Joy FM damning my legitimate exercise of discretion as the Special Prosecutor after taking all relevant matters in consideration. Dr. Henry K. Prempeh knows that I know he is a friend to the President, and I have told him so in two meetings that the CDD held with me in my former office to use that influence to assist the Office. The President also knows that he instructed a Minister of State while he the President was on a campaign tour in the Northern Region to liaise with me to explore whether or not it was prudent to investigate former President Mahama after he won his party's primaries to be its flagbearer. The President was briefed as Chairman of the National Security Council as to why the investigation had to be held in abeyance till after the election and he consented to it. I can prove this with mathematical precision if the President so wishes.



35. In any case, after the divine revelations between 23<sup>rd</sup> October 2020 and 1<sup>st</sup> November 2020 of the innocent looking flower but the mother serpent under it in the Agyapa Royalties Transactions analysis of the risk of corruption and anti-corruption assessment report to me, where is the integrity of the President in comparing a Five million Euro Airbus bribery affair suspected corruption to the Agyapa Royalties Limited Transaction incorporated in a tax haven intended to benefit only a suspected few members of a gang associated with the Government minus the “Dombos”, “Busias”, “the backbone land of Gold, the Ashanti Kingdom”, and others from even the New Patriotic Party not to talk of the rest of the other Ghanaian beneficiaries under the Constitution? Every crime is either crime or non is crime. The exercise of my discretion to hold the interrogation of the former President Mahama in abeyance with the full knowledge of the President in hindsight was also a divine intervention awaiting the revelation by God the Holy Trinity of the innocent looking flower who is also the serpent under it. Lies can never triumph over truth.

### **Effect of the Agyapa Report**

36. In spite of the fact that I had submitted the full sixty-four (64) page report to the President under a covering letter in the afternoon of 2<sup>nd</sup> November 2020 your letter creates the embarrassing impression that neither the President who directed and instructed you to write the letter under reference to me nor you as his Secretary have read the full sixty-four (64) page Agyapa Royalties Transactions report to be able to understand that it contains very serious suspected corruption and corruption-related offences for which I intended to open full investigations. If the President and you had found the time to read the full Agyapa Royalties Transaction anti-corruption assessment report delivered to him under a covering letter on 2<sup>nd</sup> November 2020 you would not on 17<sup>th</sup> November 2020 have relied on mere conclusions and observations like lazy and inexperienced lawyers relying on facts and holding in a published law report to respond to my letter of resignation dated 16<sup>th</sup> November 2020. This embarrassingly exhibits our dear nation, Ghana, as being run on autopilot to the domestic and international community.

37. The Agyapa Royalties Limited Transaction analysis of the prevention of the risk of corruption and anti-corruption assessment report shows a transaction in which the Ministry of Finance seriously lowered the incentive to corruption as a very low risk enterprise. The Ministry of Finance is demonstrated by the letters and documentary evidence submitted for the analysis of the risk of corruption and anti-corruption assessment to have adopted an opaque procedure that made it the Transaction Advisor using a surrogate foreign company, Imara Corporate Finance of South Africa/Databank as a smokescreen for suspected corruption contrary to law. This was facilitated by the President who came to power on the wings of fighting corruption only to knowingly turned round to grant an Executive Approval on 24<sup>th</sup> March 2020 to a request from the Ministry of Finance made on 23<sup>rd</sup> March 2020 for the commencement of the unaccountable and non-transparent Gold monetization transactions surrendering the Gold patrimony of the Chiefs and people of Ghana to an offshore incorporated Agyapa Royalties Limited of Jersey in the United Kingdom in perpetuity. Without any further Cabinet or Executive Approval the Agyapa Royalties Limited Transaction that was tainted from the beginning by the Ministry of Finance acting under the smokescreen of its surrogates as Transaction Advisor was submitted to Parliament on 13<sup>th</sup> August 2020 for approval and approved without proper examination contrary

to Article 181(5) of the Constitution on 14<sup>th</sup> August 2020 subject to the President's assent to the Minerals Income Investment (Amendment) Bill 2020. The rhetorical anti-corruption fighting President who came to power on the wings of the fight against the pandemic of corruption in Ghana intentionally and knowingly assented to the Bill on 27<sup>th</sup> August 2020 intending it to take retroactive effect from 14<sup>th</sup> August 2020. This is clearly an act presented as that of an innocent looking flower which is also the serpent under it. A "KIBAKI IS OUR MOSES"?

38. I can now say as a citizen of Ghana on the basis of the Agyapa Royalties Limited Transactions report that the transaction was suspiciously conceived by the Ministry of Finance and the Presidency and implemented to serve only a few persons within even the New Patriotic Party. Throughout the painstaking examination, analysis and anti-corruption assessment of the Agyapa Royalties Transaction Documents in my capacity as the Special Prosecutor, I could not find "a Dombo", "a Busia" or "the Golden Stool of the Ashanti Kingdom", or anybody from the Volta Region from the New Patriotic Party on the Minerals Income Investment Board, the off shore incorporated Agyapa Royalties Limited and its wholly owned subsidiary ARG Royalties Ghana Limited not to talk of other non-partisan and partisan Ghanaians or the National House of Chiefs as custodians of our lands and beneficiaries of the gold royalties of Ghana. The 1992 Constitution mandates every citizen of Ghana to defend the national patrimony of its extractive resources particularly when the Constitutional trustee personified by the President of Ghana, for the time being, seeks to deprive the Chiefs and people who are the beneficiaries from having any say in the management of such an important national extractive resource patrimony.

39. The shock and trauma I received from the interferences and usurpation of the functions of the Special Prosecutor from the President from 21<sup>st</sup> October 2020 to 1<sup>st</sup> November 2020 who I had all along respected as the last knight President to fight corruption in Ghana this time around convinced me beyond every reasonable doubt that my position as the Special Prosecutor was untenable under the leadership of the President leading to me resigning my position as the Special Prosecutor. The divine revelation by the Holy Trinity of the innocent looking flower who was also the serpent of corruption under it required the redemption of the oath I took by the cross of Jesus before Parliament not to cohabit with corruption and crime. The President ceased to be my "ANTI-CORRUPTION MOSES"!

#### **Alleged Operational Difficulties Encountered by the Office of Special Prosecutor**

40. The official resignation letter of the first Special Prosecutor with reference number OSP/2/AM/14 dated 16<sup>th</sup> November 2020 and addressed to H. E. the President consisted of thirteen (13) paragraphs. I have read and re-read the resignation letter and there is no paragraph in it in which I complained about lack of budgetary allocation as the reason for my resignation from my then position as the Special Prosecutor. The reason assigned for my resignation from the position of the Special Prosecutor are clearly stated in the first nine (9) paragraphs of the resignation letter dated 16<sup>th</sup> November 2020. The crux of the reason for my resignation is stated in the second sentence of the third (3) paragraph of my aforesaid resignation letter with reference number OSP/2/AM/14 dated 16<sup>th</sup> November 2020 as follows:

"...But your reaction to my letter with reference number OSP/SCR/20/12/20 dated 16<sup>th</sup> October 2020 which was delivered to you on 19<sup>th</sup> October 2020 conveying to you the

conclusions and observations of the analysis of the risk of corruption and anti-corruption assessment of the Agyapa Royalties Limited Transactions convinces me beyond every reasonable doubt that you had laboured under the mistaken belief that I could hold the Office of the Special Prosecutor as your poodle.”

41. The crux of the reason further expatiated in paragraphs 7, 8, 9 and 10 of my resignation letter assigns the reaction of the President to the analysis of the risk of corruption and anti-corruption assessment report on the Agyapa Royalties Limited Transaction Documents as what convinced me to resign as follows:

“It thus became abundantly clear to me that I cannot continue under your Government as the Special Prosecutor because we disagree on the independence of the Special Prosecutor in the performance of the functions of my Office in preventing and fighting corruption and corruption-related offences. The sixty-four (64) page analysis of corruption and anti-corruption assessment report discloses several corruption and corruption-related offences in respect of which I intended to open full investigations as the Special Prosecutor. I cannot do that now after your interference in the functions of the Office in directing how the anti-corruption assessment report of the Agyapa Royalties Limited Transaction should be handled by no less a person than the principal suspects disclosed by the anti-corruption assessment report.

I had also stated at my vetting for approval by Parliament on 13<sup>th</sup> February 2018 which was broadcast to the whole world that the Office of the Special Prosecutor with me as the Special Prosecutor will be innovatively operationalized and run effectively and efficiently in accordance with international best practice to be able to achieve its objectives of preventing, investigating, prosecuting corruption and corruption-related offences, and recovering assets of corruption. Unfortunately, by July 2020 I had not as the Special Prosecutor been able to have an Office staffed by independently recruited and impartial staff operating within a credible institutional culture of anti-corruption to achieve the mandate of the Office. This was the undertaking I made to Parliament and the people of Ghana on oath during my vetting for approval for appointment. The whole proceedings of my vetting for approval for appointment is still available online and I am most disappointed to listen to it years down the line.

The compulsion to use a limited number of seconded staff in a three bedroom and boys-quarters accommodation undermined the achievement of the objects of the Office and my undertaking on oath before Parliament. One cannot seriously prevent and fight corruption by depending on seconded staff of a two (2)-year duration (renewable for another year) who are looking forward to and/or over their shoulders to returning to their main employers who consequently may have more influence over them than the Special Prosecutor under whom they are supposed to work.

I am most grateful for every assistance and support Your Excellency, Mr. President, offered me since my appointment on 23<sup>rd</sup> February 2018. Regrettably, our wishes have not materialized during Your Excellency’s first term in Office for obvious operational reasons, and we now fundamentally disagree on the prevention of corruption and fighting



corruption to make it a high-risk enterprise for public officers. I also do not see any serious prospect of any improvement in preventing and fighting corruption in Your Excellency's next term of Office in 2021. My view has always been that if I cannot assist Your Excellency, Mr. President to prevent corruption and to fight corruption, I should not hurt Your Excellency by continuing to occupy the position of the Special Prosecutor."

42. There is no paragraph in my letter of resignation as Special Prosecutor in which I made any allegation of lack of budgetary allocation or failure to pay the salaries of the Deputy Special Prosecutor and myself as the reason for my resignation. The public had accused me of taking fat salaries, living in an airconditioned bungalow and causing financial loss to the state and it was to assuage such wrong perception on my resignation that I stated that:

"It is essential for me to state for the purpose of the records, and contrary to public perceptions, that my appointment letter was received on 5<sup>th</sup> February 2020 (almost two (2)-years after my appointment). The copy addressees made no efforts to honour any of the conditions of appointment in terms of emoluments and benefits of the appointment ever since my warrant of appointment was issued on 23<sup>rd</sup> February 2020 to the date of this letter of resignation. I accepted your offer on 20<sup>th</sup> January 2018 to be nominated to be Special Prosecutor because Your Excellency, Mr. President, and Ghanaians knew I have been an anti-corruption crusader all my life and not an anti-corruption entrepreneur. This explains why I have never put the emoluments and benefits of the Office as central to my commitment and my passion for the establishment of an independent, effective, efficient and impartial anti-corruption Office of the Special Prosecutor before the end of the first term of Your Excellency, Mr. President."

43. I cannot find the paragraph based on which the President directed and instructed you to write that I had complained about lack of budgetary allocation as a reason for my resignation except to believe that the President is intent on bringing my integrity into disrepute because of my refusal of his demand to me on 1<sup>st</sup> November 2020 in his Office to shelve the Agyapa Royalties Limited Transactions report and allow him to deal with the matter by issuing a public statement on the way forward. The issuance of the President's statement on the United Kingdom Jersey incorporated Agyapa Royalties Limited Transactions anti-corruption assessment report on the night of 2<sup>nd</sup> November 2020 at around 21:00 Hours, after I had defied the manifestly unlawful orders of the President and published the full sixty-four (64) page report in the afternoon, supports my reason for resigning on account of the President's interference in the performance of my duties as the Special Prosecutor in the Agyapa Royalties Limited Transactions in which the President himself was implicated.

44. I have never blamed the President for the failure to operationalize the Office of the Special Prosecutor. Presidents give instructions and they expect those responsible for carrying out those instructions to carry them out faithfully. I have always written in numerous letters that the Chief of Staff failed the President when she rented a three-bedroom residential accommodation with boys' quarters as a transitional office for the Office of the Special Prosecutor. You have referred to the directives and instructions of the President to you to respond to me personally on my resignation from office which he had already accepted and to quote out of context from my letter as Special Prosecutor with reference number

OSP/SCR/24/33/20 dated 3<sup>rd</sup> August 2020 to the Chief of Staff, in paragraphs 2 and 36 of your said letter to me. I wrote the letter of 3<sup>rd</sup> August 2020 to the Chief of Staff for the reason that I thought she was trying to pass the buck to me by handing over the keys to an empty ten (10) storey building to me four (4) months to the 2020 election to enable her claim that the Government had provided the Office with a workable office accommodation. The President could not have directed and instructed you to quote from my letter of 3<sup>rd</sup> August 2020 if he had not read it, and I am ashamed that in spite of the fact that I never placed any blame on the President for any office accommodation problems that militated against the operationalization of the Office, the President will stoop so low as to let it appear to the public that I had done so just because of performing my professional duties in reporting on the suspected corruption infested United Kingdom, Jersey incorporated Agyapa Royalties Limited Transactions.

45. In my letter with reference number OSP/SCR/24/33/20 dated 3<sup>rd</sup> August 2020, I stated clearly who was responsible for the woes of the lack of operationalization of the Office of the Special Prosecutor when I stated amongst other things that: "It was I who discovered the ten (10) storey GETFund building as suitable to house the initial 249 employees the Office needed to form the statutory divisions required by law and I approached the President to take it over for the Office instead of the Office having to lease it from GETFund." The President graciously instructed the Chief of Staff to initiate action to acquire it for the Office. That was where the delay in operationalizing the office came from and I underscored it in my letter of 3<sup>rd</sup> August 2020 in the following words and paragraphs:

'Your Office hurt the President's cause to set up a working OSP when you hired a three bed room house with boys' quarters for operationalizing the administration and divisions set forth in Act 959 which has crippled this Office from the date of my appointment on 23<sup>rd</sup> February 2018. My personal efforts to prompt you to assist the Office operationalize with accommodation capable of being used by the statutory divisions are well documented in correspondence with your Office.

Your Office in its usual buck passing strategies sent your acting Chief Director to hand over the keys of the building to me in my office when you had not even inspected it to ascertain its suitability for human occupation. I had to point out to your Chief Director, and your Deputy at a meeting on 1<sup>st</sup> April 2019 in my office that the building was so defective as not to be fit for human occupation resulting in the joint inventory and inspection of the building on the 3<sup>rd</sup> and 4<sup>th</sup> April 2019 after which the keys were returned to "GETFund to continue to hold the building in trust for the Office of the President...". Your letter with reference number SCR/DA96/135/01/A dated 9<sup>th</sup> April 2019 addressed to the Administrator of GETFund may refresh your memory of the facts and antecedents. Your letter with reference number SCR/DA96/135/01/A dated 5<sup>th</sup> April 2019 and my reply thereto with reference number OSP/SCR/24/16/19 of 9<sup>th</sup> April 2019 may further assist in refreshing your memory of the facts and antecedents of this matter.

The understatement of the defects contained in your said letter of 9<sup>th</sup> April 2019 evoked my letter with reference number OSP/SCR/24/17/19 dated 24<sup>th</sup> April 2019 to you

conveying the results of my floor to floor inspection of the premises which “disclosed several defects literally on each floor”: I attached to my letter “an eight page write up of the detailed observations of this Office...for your perusal and further action”. It cannot, therefore, be denied that it was upon my personal vigilance and insistence that serious remedial works were done on the building which you can, after more than one year of foot dragging, now claim to have an empty and unfurnished defect free building from GETFund which may be turned into a suitable office accommodation by awarding a procurement contract to convert it into the administration and other divisions envisaged under Act 959.

Your decision to accommodate this Office in your three bed room residential accommodation knowing too well that it will not suffice for any reasonable use as offices for the OSP harmed H. E. the President’s vision to set up a viable OSP in his first term in Office. You made the OSP a licensee of your three (3) bedroom residential office accommodation as you never handed over that building or any property therein to the Office. The fire-resistant filing cabinets you bought and installed in the rooms are still locked up without anybody in this Office knowing the numbers to the combination locks. You knew that the building could not accommodate the most basic staff for successful operations of the OSP. Everything in that building was badly done and has been falling apart and breaking down ever since.’

46. I did not mince my words when I stated further that:

‘In my letter with reference number OSP/SCR/24/26/19 dated 16<sup>th</sup> September 2019 to you I stated that:

“This Office is still occupying the three bed room house with boys’ quarters housing three senior staff and nine junior staff presently making up this Office. I have made no secret of the fact that the recent accommodation makes it impossible for this Office to function even with basic efficiency for sheer lack of space to house even rudimentary a number of staff to enable it be called a public office properly so called.”

My letter with reference number OSP/SCR/24/27/19 of 25<sup>th</sup> September 2019 to you also refers.

As a result of the woefully inadequate transitional office you accommodated me in when I was appointed the first Special Prosecutor to the OSP to date, there is no Office answering to the intentions of the President and Parliament as required under Act 959. I have been putting up appearances in the hope that the President is not embarrassed by the situation while we together quickly operationalize the Office. Unfortunately, you have been unable to assist me to do this, five months to the end of the first term of the President.

I sincerely think the tendency of trying to pass the buck of your inability to provide a fitting transitional office capable of minimally achieving the mandate of the OSP right from its inception to me was unfair. I cannot, therefore, accept the passing of the buck to me again for your inability since April 2019 to have expedited the remedial works for the completion of the GETFund building into suitable office accommodation. I take your attempt to pass the buck to me again (five months to the end of the first term of the President) as intended to dehumanizing me in the knowledge that there is no other person in this Office directly appointed by the Government under warrant to assist me who knows anything about the structure and functions of an anti-corruption agency including current expertise in Court room practice and prosecutions.’

47. It was after I had pointed where the blame for the non-operationalization of the Office lay that I made the statement of commendation about the President which the President directed and instructed you to quote out of context in a naive belief that I am a poodle or fool who cannot change his mind two months thereafter. You have quoted it but I wish to quote it again so that the public will appreciate the total context and the time difference of when it was made and my resignation based solely on the President’s demand for me to shelve the Agyepa Royalties Limited Transactions anti-corruption assessment report:

‘I have remained in this Office this long out of personal respect for the President’s shared commitment with me to fight corruption. I never hunted for this job, I have been frustrated and painfully hurt in this job, I have not asked for or been paid any salary since my appointment: the appointment letter allegedly issued only on 30<sup>th</sup> January 2020, was delivered on 5<sup>th</sup> February 2020, and accepted on 17<sup>th</sup> February 2020 contrary to perceptions by the public. I hold on to this thankless job of a shell of an office in the national interest of fighting corruption in the hope that I do not muddy any waters that may see the President through a successful first term. You will not, therefore, be serving the interest of the President by passing any buck to me again to take over an empty building in order to burden me and further frustrate me while enabling you to triumphantly claim to have fulfilled your delegated obligation in finding the OSP suitable office accommodation with the various divisions to work from.

You may wish to consider the foregoing and to set a date for the public commissioning of the GETFund building by H. E. the President as the OSP should you sincerely believe that the building is now fit for occupation in its current empty form as the offices of the OSP. I will make myself available at the commissioning should I still be the Special Prosecutor as at that date.’

48. I repeated these reasons in my letter with reference number OSP/SCR/24/29/19 dated 14<sup>th</sup> September 2020 which the Presidency inadvertently published in the media alongside other selected letters to paint me in a bad light to the public without adding this letter of 3<sup>rd</sup> August 2020. In my letter of 14<sup>th</sup> September 2020, I repeated that:

“The Office of the Special Prosecutor as presently constituted is made up of the Deputy Special Prosecutor; a Special Assistant to the Special Prosecutor; a Secretary to the Office on a one year contract; an acting Director of Operations on a one year contract; a Head of Accounts on secondment from the Controller and Accountant-General’s Department; a retired Chief State Attorney on secondment for one year; three non-commissioned police detectives made up of an Inspector who doubles as acting Head of Investigation and two Sergeants; and the Special Prosecutor. The sheer physical constraints to the operationalization of this Office has been the three-bedroom house from which this Office has operated. I will not repeat the same mistake with the proposed building. It should be ready for its purpose with the requisite divisions.

It is for these reasons that I have underscored severally in communications to the Chief of Staff and to you that the proposed building has to be sole sourced for conversion into the various divisions mandated under Act 959, equipped and properly furnished for occupation by the proposed staff of the Office. Once there is a properly sole sourced contract the contractor can then take possession of the premises after a proper inventory has been taken and proceed with executing the contract.”

49. I then stated that:

“I have served for several decades in Government to be so naive as to collect a bunch of keys to a ten story building when I do not have the capability to keep the building in a continuous proper state of repair pending the award of a contract for the execution of the works. It would be the height of folly for me to do so.”

50. The foregoing demonstrates that I never blamed the President for any operational difficulty so far as office accommodation was concerned because he had instructed that a building be acquired for the Office and was let down by his Chief of Staff. My letter of 3<sup>rd</sup> August 2020 to the Chief of Staff is self-explanatory to make me more truthful and that might be why the President directed and instructed you not to credit me with its full content in the President’s personal letter to me dated 17<sup>th</sup> November 2020 under reference so the public may as usual be deceived to believe that I am responsible for the non-operationalization of the Office.

51. The President also directed and instructed you to make the allegations contained in your paragraphs 16, 17, 18, 19, 20, 21, 22, and 23 on my incompetence in not utilizing certain budgetary allocations made to the Office by the Minister of Finance or appropriated for the Office by Parliament. The President’s directives and instructions to you are premised on information provided to him by the Ministry of Finance which bears prime responsibility for the damning anti-corruption assessments contained in the Agyapa Royalties Limited Transactions.

52. I have known the Minister of Finance for years and regard him as a friend. He is one Minister I have always praised on the least opportunity for supporting the Office of the Special Prosecutor. My interview with David Ampofo which is still on YouTube shows that in spite of



the attitude of other government appointees to obstruct this Office in the performance of its function the Minister of Finance is one of the few who assisted the Office to survive. He might even have been instrumental in the President inviting me to agree to be nominated the Special Prosecutor.

53. I went to the Minister of Finance on 6<sup>th</sup> June 2018 to ask for funds after Mr. Eugene Ofosuhene the Accountant-General had appointed a Head of Accounts for the Office. The Minister made an allocation of funds to the Office to be expended through the Office of the Attorney-General. The Capital Expenditure of GH¢2,790,000.00 never came under the control of the Office of the Special Prosecutor to spend as an entity. It consequently lapsed through no fault of mine as the Special Prosecutor.

54. The Office of the Special Prosecutor has been unable to draw upon its own budget with its own staff because there was no physical space to employ even a budget officer, an internal auditor, a stores officer, an estates officer, a procurement officer or any other officer required for the operationalization of the Office. The three bedroom and boys' quarters residential safe house the Office occupied was already filled with seconded staff who took their compensation from their main employers. There was no space to employ independent staff for the office. The Minister of Finance who had taken the trouble to visit the Office and knew the difficulties facing the Office encouraged me to find resource persons who could assist me to present a budget for the 2019 year. The budget was presented late but the next day the Minister graciously made an allocation for the Office which was eventually appropriated by Parliament for the Office. The Office could not draw on its compensation of Employees, Goods and Services, and Capital Expenditure budgets because it had no office space in the three bedroom office with boys' quarters to independently employ staff who could be paid any compensation.

55. The Auditor-General, Mr. Daniel Domelevo, and the then Accountant-General, Mr. Eugene Ofosuhene whose assistance I had sought educated me that I was the Spending Officer and ought not to have allowed the interim Secretary to the Office and the Head of Accounts to be the sole signatories to the Office's accounts with the Secretary as the Spending Officer. They educated me that the Office was not akin to a Ministry where the Chief Director (Head of the Administration) was the spending officer. I was also educated that all purchases had to be taken on charge by the stores officer and issued on requisition. A procurement officer and an internal auditor were necessary to ensure that the Office complied with the Public Procurement Act, 2003 (Act 663) and the Public Financial Management Act, 2016 (Act 921). The Office was not declared a procurement entity until December 2019. The lack of sheer physical space to employ these basic employees were all disabling the operationalization of the Office and the expenditure of any funds except for special operational activities. These difficulties were explained to Parliament at the 2019 budget hearing and are captured in the report of the Committee to Parliament for those who care to read for themselves.

56. The Office did not get any serious allocation of funds from its 2019 budgetary appropriation until by May 2019 when releases begun. The Minister of Finance and the Chief Director of the Ministry of Finance who knew the handicap of the Office resulting from lack of physical office space to employ even the basic staff, graciously decided to roll over an amount of GH¢60.47 million into the special operations account to be utilized in the year 2020 for the conversion of the ten (10) storey GETFund building into the statutory divisions of the Office by a sole source contract for occupation by the Office. Indeed on 20<sup>th</sup> December 2018 the Minister of Finance and myself had visited both the three storey building near the British High Commission (which you have referred to as the GNTC building), and the ten (10) storey GETFund building and we had agreed that the ten (10) storey building could house the 249 officers for who the Minister of Finance was going to grant Financial Clearance to employ. That is how come I went to the President to intervene and to acquire the building for the Office instead of leasing it from GETFund. I have no doubt that the Minister of Finance did put in a word on behalf of the Office which influenced the President's decision to direct the acquisition of that building for the Office.

57. Without human resources, millions of Cedis of budgetary appropriations are worth nothing unless one has the tendency to dishonestly appropriate public funds. The Office with the approval of the Board placed a blind advertisement and shortlisted more than 1500 applicants through various stages of security vetting who are waiting to be interviewed for recruitment. The interviews and recruitments have not been possible because the award of the contract for the conversion of the building into the operational divisions and administration was yet to be consummated by the completion of the defects remedial works on the building. The handing over notes I gave to the Deputy Special Prosecutor who under section 17(3) of Act 959 acts as the Special Prosecutor in the case of a vacancy or resignation of the Special Prosecutor explains all the foregoing and the Deputy Special Prosecutor knows the difficulties the Office has gone through operationalizing. I never acted alone.

58. The Office under my care engaged only two persons on contract for one year each. An interim Secretary and an acting Director of Operations. The whole of the Office of the Special Prosecutor has been using one senior private secretary to do the work for all its staff. I type my work myself to allow her to service the other staff. The absence of sheer physical space to employ the Office's own independent supporting staff made the immediate past interim Secretary to decline a renewal of his one-year contract when it expired on 31<sup>st</sup> October 2020.

59. In spite of the support and assistance this Office has received from the Ministry of Finance, I had the misfortune to conduct an analysis of the risk of the prevention of corruption and anti-corruption assessment on the Ministry's tax haven incorporated Agyapa Royalties Transactions. I had to act professionally in accordance with my oath as the Special Prosecutor without fear or favour, affection or ill will. The letters and documentary evidence used in the analysis of the risk of the prevention of corruption and anti-corruption assessment were provided by the Parliament, the Ministry of Finance, the Public Procurement Authority, the Registrar-

General's Department and other agencies. The Ministry of Finance, Parliament, and the Presidency did not come out of the anti-corruption assessment as having acted with probity, accountability, and transparency in the Agyapa Royalties Transactions report. I explained this to my dear friend the Minister of Finance when he visited me as early as 5:36 am on the morning of 22<sup>nd</sup> October 2020 in the company of a mutual friend.

60. My letter with reference number OSP/SCR/24/33/20 dated 3<sup>rd</sup> August 2020 to the Chief of Staff adequately explains the allegations contained in paragraphs 25, 26, 27 and 28 of your letter of frivolous falsehoods. The three (3) bedroom building with boys' quarters the Office is presently occupying was rented by the Chief of Staff and the Office is a mere licensee of the building. The building was never handed over to the Office nor an inventory taken. When the Office asked for the lease documents through the Acting Chief Director he stated that they could only be released on the express authorization of the Chief of Staff which was never obtained, even though the expenditure might have been made in the name of setting up the Office. The renovation and furnishing of the rented residential office accommodation were badly done and leaks when it rains. I have never been told or provided with how much was spent from the public purse in renting, shoddily renovating, furnishing, and equipping the transitional premises used as the Office by the Chief of Staff. The Chief of Staff after being responsible for the mess of housing the Office in its present small residential accommodation then wanted to spend further public funds to house the Office in another rented cluster of residential buildings opposite the Bank of Ghana Hospital which like the three bedroom with boys' quarters could not accommodate the 249 staff anticipated initially for the Office and the statutory divisions.

61 Mr. George Abugre was the head of the AESL at the time and will corroborate the fact that it was I who invited the AESL to inspect and give me a report on the fitness of the cluster of buildings to be again rented for occupation for an Office to house 249 employees. I had by then gathered sufficient intelligence of the modus operandi of the Chief of Staff's office of renting accommodation from known friends whose identity are undisclosed, awarding the contract for their shoddy renovation to Kelvin Ofori-Atta and spending from the public purse without disclosing the expenditure involved even to the occupants of the rented premises.

62. It is true that I identified the three story building close to the British High commission (referred to as the GNTC building in your letter under reference) and informed the Deputy Chief of Staff (Operations) with the condition that it be acquired together with the next building adjoining the International Press Center which intelligence informed me belong to Parliament to enable the Office accommodate its statutory divisions. The space in between the two buildings were to be used for the construction of prefabricated office structures to enable it to accommodate the full complement of 249 independently recruited officers. Without any further discussion and while the AESL was to present a report to me, the Minister of Finance and I on 20<sup>th</sup> December 2018 visited the site for me to show the two buildings to him only to meet workers digging trenches around the three storey GNTC building which would have been inadequate to accommodate the full complement of staff of the Office. A few days thereafter, on

a weekend, I found workmen putting up walls around the GNTC building which were at advance stages of construction making it impossible to expand to the Parliamentary building which was the condition for proposing the acquisition of the two buildings. The workers were arrested for procurement malpractices because the project had not been awarded on contract by the Office through the procurement process. The workers in their cautioned statements then mentioned that the unapproved walls were being built by one Kelvin Ofori-Atta upon the instructions of the Chief of Staff. Kelvin Ofori-Atta also made a cautioned statement to the investigators of the Office. Then, before anybody was aware the Accra Metropolitan Assembly went and marked the illegally constructed walls in red paint with the words “STOP WORK PRODUCE PERMIT” and this was carried widely by the media. The media accused me as the Special Prosecutor, for unlawfully erecting the walls without permit but I kept quiet to avoid embarrassing the Chief of Staff. (See Ghana Web News of Tuesday, 22<sup>nd</sup> January 2019 with source as rainbownradioonline.com with the headline: “We’ll not allow renovation to continue at Special Prosecutor’s Office without permit – AMA”). As it turned out the same Kelvin Ofori-Atta was the same person awarded the contract to renovate the leaking and badly renovated three bedroom residential accommodation with boys’ quarters of which the Office became a licensee since my assumption of duty as the Special Prosecutor. Eventually the same Kelvin Ofori-Atta ended up renovating the three storey GNTC building close to the British High Commission at an undisclosed cost to house the passport office.

63. It is important to state that I never dealt directly with the Chief of Staff over what she calls the acquisition of GNTC building and its adjoining Parliamentary building or any other building. I dealt with the Deputy Chief of Staff (Operations) and the Acting Chief Director. The Chief of Staff’s supervisor for all her projects to the best of my knowledge at the time was her Military Assistant, one Lt. Col. whom I scarcely dealt with directly. (My former students had risen to be Commissioners of Police and Generals in the Ghana Armed Forces on whose Councils I had served variously as a member since 1988 and between 2010 and January 2012). And for the avoidance of doubt apart from the illegally awarded contract for the construction of the walls at the GNTC building, no renovation had begun on that building as fabricated in paragraph 30 of the letter you wrote on the directives and instructions of the President. The media visited the GNTC building after the “STOP WORK” notice and published videos which showed that no new renovations had begun on the building. I had been warned by the Auditor General, Mr. Daniel Domelevo that if I permitted the Chief of Staff to spend the budgetary allocation to my Office on my behalf I would be surcharged with the expenditure. I was, therefore, put on the alert.

64. The Chief of Staff came with a friend of mine to my Office after I had arrested Kelvin Ofori-Atta and granted him bail to apologize for putting up the wall without compliance with the Public Procurement Act and without informing the Office. I never closed the docket on this case of procurement malpractices before resigning from my position on 16<sup>th</sup> November 2020. It, therefore, still remained an active investigation as at the time I resigned from my position.

65. The President's directives and instruction to you in your paragraph 31 are false. I never personally attended any meeting convened at the Office of the President with officers of GETFund to discuss the renovation of the GETFund building for use by my office. The meetings referred to in your paragraphs 31 and 32 were attended by officers from my office and not by me in person.

66. The only time I was formally informed that the contractors had finished the remedial works on the GETFund building was when I received letter with reference number SCR/DA287/372/02 dated 29<sup>th</sup> July 2020 (which the President has published to the media and is awash on WhatsApp) from the Chief of Staff requesting me to name a date convenient to me for the keys to the ten (10) GETFund building to be handed over to me and my reply to her is contained in my letter dated 3<sup>rd</sup> August 2020 already referred to and quoted in extenso hereinbefore because she failed to put it in the public domain when the Presidency leaked other correspondence with her Office.

67. I did not receive the Chief of Staff's alleged letter with reference number OSP/SCR/20/11/20 dated 11<sup>th</sup> September 2020 said to have been written to me and there is no record that such a letter was received in my office while I was the Special Prosecutor. In any case because every liar inadvertently leaves a signature of the lying "crime" the Chief of Staff included my letter with reference number OSP/SCR/20/11/20 dated 14<sup>th</sup> September 2020 in the officially leaked letters on the directives and instruction of the President making the rounds in the media to assassinate my character. My letter of 14<sup>th</sup> September 2020 fortunately rather told my story and negated the criminal lies and political deception intended to be perpetrated on the unsuspecting public to politically assassinate my integrity and character.


68. The President's directive and instruction to you that he was not acting as a judge in his own cause should be told to the marines and an imbecilic foreign public, not Ghanaians. With hindsight, I have no doubt that he is the suspected master architect behind the Agyapa Royalties Transaction after being convinced by the Ministry of Finance, which is the only rational explanation for his granting executive approval under twenty-four (24) hours on 24<sup>th</sup> March 2020 to a request made to him with volumes of documents on 23<sup>rd</sup> March 2020 without the knowledge of the Secretary to the Cabinet. Thereafter, Parliament on 14<sup>th</sup> August 2020 unconstitutionally approved the done deal foreign tax haven Agyapa Royalties Transaction Documents submitted on 13<sup>th</sup> August 2020. The President in spite of the Presidential oath of office assented to the Minerals Income Investment Fund (Amendment) Bill 2020 thirteen (13) clear days thereafter intending it to take retroactive effect to ratify a clearly opaque and unaccountable transaction in which the Transaction Advisor was also the Ministry of Finance. The President of Ghana and I practiced law at the Bar and he knows how meticulously and labouriously I study the case for both sides in depth before advocating my cause. It is regrettable that these few years as the President made him to mix up the ingredients that make one a judge in his own cause in the performance of his constitutional duties as President.



70. I resigned my position as the Special Prosecutor because of the traumatic experience I suffered from the reaction of the President who breached his Presidential oath by unlawfully obstructing me from taking any further steps on the Agyapa Royalties Transactions from 20<sup>th</sup> October 2020 to 1<sup>st</sup> November 2020. When I met the President on 23<sup>rd</sup> October 2020, I received the shock of my life when he demanded that I took no further action on the Agyapa Royalties Transaction anti-corruption assessment report for another week. That was when it was divinely revealed to me that the President whom I trusted so much for integrity only looked like the innocent flower of anti-corruption but he was really the mother corruption serpent under the innocent looking flower. The Holy Spirit emboldened me to tell the President immediately in the face that I will not be the Special Prosecutor and that I was giving him notice of that fact.

71. The Agyapa Royalties Transaction is suspected to have been intended to rob the Chiefs and people of Ghana of their patrimony as the beneficiaries of the gold extractive resources of our dear country in perpetuity for the benefit of a very few members of the President's Government as distinct from the New Patriotic Party. The 1992 Constitution enjoins every Ghanaian to defend and protect against such suspected rape on the Constitution being perpetrated through Agyapa Royalties Limited incorporated in tax haven Jersey in the United Kingdom. This is not a political dispute. It is an existential defence of the national extractive resource patrimony and the 1992 Constitution of Ghana. Mr. President and Secretary to the President kindly read the full sixty-four page instead of continuing to rely on the 13 page letter dated 16<sup>th</sup> October 2020 to the President containing only conclusions and observations which you have referred to as the source material for writing the President's response dated 17<sup>th</sup> November 2020 to me as a private citizen of Ghana. The President and you may thereafter agree with the content of the anti-corruption assessment in the full report after painstakingly reading it. The sixty-four (64) page Agyapa Royalties Limited, Jersey, incorporated Transactions Documents assessment report discloses the plain truths based on professionally analyzed facts and assessments derived from letters and other documents supplied by the affected parties.

72. The heavens can come down. I will defend the Constitution against suspected corruption and ensure that corruption is made a high-risk enterprise with the last drop of my blood. Ghana First!

  
**MARTIN A. B. K. AMIDU**  
**(CITIZEN VIGILANTE)**

*In case of reply the number and date of this letter should be quoted*

My Ref. No.: OSP/SCR/20/10/20

Your Ref. No.: .....



REPUBLIC OF GHANA

OFFICE OF THE SPECIAL PROSECUTOR  
YANTRABI ROAD, LABONE  
P. O. Box M 60  
ACCRA

Tel:

8<sup>th</sup> September 2020

**H. E. PRESIDENT NANA ADDO DANQUAH AKUFFO-ADDO  
PRESIDENT OF THE REPUBLIC OF GHANA  
OFFICE OF THE PRESIDENT  
JUBILEE HOUSE  
ACCRA**

**REPUBLIC VRS HAJIA NINCHEMA & 6 OTHERS : OBSTRUCTION OF TRIAL BY INTERFERENCE WITH WITNESS BY THE 1<sup>ST</sup> ACCUSED HAJIA NINCHEMA THE BAWKU MUNICIPAL CHIEF EXECUTIVE SINCE BEING CHARGED BEFORE THE HIGH COURT, ACCRA, FINANCIAL DIVISION 2**

I have been pushed to the wall to write a formal letter to you on the continued stay at the same post and office by the 1<sup>st</sup> accused in the above case, Hajia Hawa Ninchema, the Bawku Municipal Chief Executive, pending for trial in the High Court, Accra,.

It is absolutely necessary for the success of the fight against corruption and corruption-related offences that the fundamental principle of public administration that requires that a public officer who is charged and arraigned before a Court for the suspected commission of a criminal offence is not allowed to remain at the post where the suspected offence was committed to enable the public officer to interfere with the evidence and witnesses.

The Bawku Municipal Chief Executive, Hajia Hawa Ninchema, was arraigned before the High Court for procurement malpractices since June 2019 and is still at the same post and station. The diary of action of the docket of the case records that she was in Court on 14th May 2020 with the other accused persons when the Court adjourned the trial to 22nd June 2020 for hearing from day to day. Because she was all a long in the same post and station as the Bawku Municipal Chief Executive while standing trial, she went back to her Assembly and on 3rd June 2020 she granted a prosecution witness who works in her Assembly leave to start on 15th June 2020 to end on 8th July 2020. She knew the witness was needed in Court on 22nd June 2020 but she deliberately gave him the leave to start 7 days to the hearing to enable the witness to be outside the office and difficult to reach to come for the hearing.

The 1<sup>st</sup> accused, Hajia Hawa Ninchema, got what she wanted for herself and her co-accused because the media carried the story that the Special Prosecutor's witness was out of coverage area! She was able to achieve this because since March 2019 when she was charged and I briefed you about it, nothing has been done to prevent her from interfering with the evidence and witnesses. She is still at post.

*[Faint signature or stamp]*

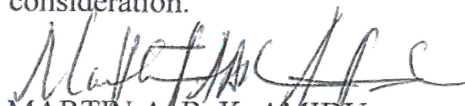


Your Excellency is ultimately responsible for her stay in office and it is important that you take a decision on the aberration of her continuing to stay in the same office and station to enable her interfere with the evidence and witnesses. Your decision is important to vindicate your known commitment to fighting corruption and the promises we exchanged in January 2018 before I accepted to be the Special Prosecutor.

I have tried to convey the content of this letter to you informally without having to formally write to you. I do not appear to have been heard. Four public officers standing trial with her have with great difficulty from this Office and opposition from Head of Local Government Service been finally interdicted. There was no difficulty with the Head of Civil Service and the Director General of the Ghana Health Service when this Office was directed by the Head of Local Government Service to write to them. You will find attached the letters of interdiction issued belatedly for all the four public officers. It will be unconscionable, therefore, for me to close my eyes to the Bawku Municipal Chief Executive's continued stay at the same station and office in spite of my personal relationship with her and her family.

The trial of the case was adjourned to 3<sup>rd</sup> October 2020 and I suggested that an urgent decision be made on this matter to assure the Office of the Special Prosecutor that it has Your Excellency in its corner when it comes to actualizing your vision to fight corruption without fear or favour, affection or ill will as we agreed in January 2018.

Kindly accept, Your Excellency the assurances of the Special Prosecutor of the highest consideration.

  
MARTIN A. B. K. AMIDU  
(SPECIAL PROSECUTOR)