

PRESS RELEASE!!!!

**RE: ATTORNEY-GENERAL'S ADVICE TO THE CRIMINAL INVESTIGATIONS
DEPARTMENT (CID) ON REPORT ON ALLEGED INVOLVEMENT OF
GOVERNMENT OFFICIALS IN ILLEGAL MINING
ATTACKS BY THE NATIONAL DEMOCRATIC CONGRESS**

My attention has been drawn to a press conference organised by the National Democratic Congress (NDC) purporting to respond to legal advice rendered by the Office of the Attorney-General to the Criminal Investigations Department (CID) of the Ghana Police Service. I am compelled to issue this statement in view of the grave implications of the untrue, hollow and offensive statements made by the NDC at their press conference.

1. At the outset, it is imperative to remind the public that the Attorney-General's hallowed constitutional responsibility under article 88 of the Constitution for the "*initiation and conduct of all prosecutions of criminal offences*", implies a duty to prosecute a crime **only** after proper investigations have been conducted, irrespective of the political, race, colour, ethnic, religion, economic or social status of the suspect.
2. State Attorneys of all ranks, throughout the country on a daily basis, offer advice on hundreds of dockets presented by the CID. The advice on the docket prepared by the CID on the "Prof Frimpong-Boateng Report", rendered by a Chief State Attorney, is no different from advice proffered by the Office on dockets with similar shortcomings. The political consequence of such advice is not a factor considered by State Attorneys.
3. It is most antithetical to national development and progress, and extremely dangerous to subject opinions given by State Attorneys who operate under extreme pressure, to political commentary by parties seeking to score political goals, simply on account of a failure of the content of the relevant advice to feed a particular narrative desired by a political party. The severe risks to which State Attorneys who author such opinions on behalf of the Attorney-General are exposed are apparent. State Attorneys are under a constitutional duty to render advice on dockets faithfully and impartially, and make a decision to prosecute or not, devoid of attacks by political actors.

*Attorney-General and Minister for Justice
East Legon, Accra*

**OBSERVATIONS ON ALLEGATIONS CONTAINED IN THE NDC PRESS
STATEMENT**

4. The docket built by the CID on the Frimpong-Boateng report presented to the Office of the Attorney-General for review, was an inquiry into specific allegations by Prof. Frimpong-Boateng against specifically named individuals. Same was not a probe into general Galamsey issues in the country as the NDC mischievously sought to portray to the nation. The conclusions by the learned Chief State Attorney are thus only in relation to those specific allegations. Prosecution for Galamsey offences, including those committed in all forest reserves and water bodies, continues throughout the country.
5. In spite of a multitude of allegations and invectives spewed on me by the Communications Officer of the NDC, not a single piece of evidence was furnished by the NDC in proof of any allegation made by Prof. Frimpong-Boateng against any person named in his report. The entire NDC's press conference was, in point of fact, vitiated by a fraudulent attempt at explaining their orchestrated lies and abuses against me, as they are wont to do.
6. The following individuals were cited by Frimpong-Boateng as being involved in illegal mining - Laud Commey, Charles Nii Teiko Tagoe, Frank Asiedu Bekoe @ Protozoa, Hon. Joseph Albert Quarm, Charles Owusu, Kwadwo Owusu Afriyie, Captain (Rtd.) Edmund Kojo Koda, Donald Entsuah and an unnamed former Member of Parliament for Wassa East Constituency. Seth Mantey, John Ofori Atta and Ekow Ewusi were alleged to be involved in the sale of excavators, whilst Gabby Asare Otchere-Darko, Hon. Kojo Oppong Nkrumah and Kwaku Baako Jnr. were alleged to have committed acts which indirectly inhibited the Professor in the work assigned to him.
7. At the end of the press conference by the NDC, not a shred of evidence had been produced by the NDC against any of the persons named above. The wild allegation that I am engaged in an exercise to cover up crimes allegedly committed by them is therefore perplexing, dubious and mischievous to say the least. I deem that press conference by the NDC as only the latest in the series of attacks on me for decisions taken in the regular course of my functions as Attorney-General which that political party finds to be inimical to its interests.
8. The NDC in its press conference showed a video by Multimedia Broadcasting Company's Erastus Asare Donkor, portraying the extent of damage caused to the environment and the health of humans by illegal mining by a company called Heritage Imperial Limited. The havoc occasioned by Galamsey activities is not in doubt and

indeed, prosecution is being undertaken in respect of offences committed in various “Galamsey regions”. It is noted that most of the directors of Heritage Imperial were also directors in another company, C & J Aleska Limited. It is however pertinent to note that no part of Erastus Asare Donkor’s video showed evidence of any acts committed specifically by any of the individuals mentioned above.

9. Further, the record will show that I, as Attorney-General, in July, 2021, specifically embarked on processes at the High Court, Kumasi, to deprive Heritage Imperial Limited of a judgment debt of US\$15.3 Million which it had obtained in 2020 at a time that Prof Frimpong-Boateng was Chairman of the Inter-Ministerial Committee on Illegal Mining.
10. The NDC alleged that there was evidence showing the complicity of three persons- Seth Mantey, Ekow Ewusi and Joe Ofori Atta in the sale of excavators. The opinion of the Office of the Attorney General to the CID advised the Police to conclude investigations on that matter and submit the docket on same for further action. This directive by the Office of the Attorney General seemed to be lost in the propaganda of the NDC as they sought to pursue a mischievous expedition guided by lies and falsehoods.
11. I respectfully urge the public to utterly disregard the discredited assertions of the NDC as unmeritorious and lacking any form of credibility. It is the height of injustice to prosecute people for crimes when there is no evidence. It is for this reason that the Office of Attorney-General did not prosecute either Prof Frimpong-Boateng or his son, Jojo Frimpong-Boateng in the face of allegations by the Adansiman Progressive Association that they were seriously engaged in Galamsey.

THE RECORD OF THE NDC IN THE FIGHT AGAINST GALAMSEY.

12. I consider it ironic for the NDC, whose record in the fight against Galamsey can be described at best, as wretched and miserable, to mount personal attacks on me for the brave efforts in the fight against Galamsey. The record shows that the NDC woefully failed and/or neglected to arrest and prosecute a single kingpin of Galamsey, including the touted Galamsey queen, Aisha Huang. It is noted that all acts committed by Aisha Huang for which she gained notoriety, took place between 2014 and 2016. However, remarkably, it was the current NPP administration which commenced the prosecution of Aisha Huan in 2018.
13. Following Aisha Huang’s return to Ghana after having been deported, I, the current Attorney-General, took a decision to mount a full-scale prosecution of the “Galamsey

queen” for her past crimes committed between 2014 and 2016 and proceeded to vigorously undertake same. The trial has ended and judgment is pending. Meanwhile, Aisha Huang has been in custody since being arrested on 2nd September, 2022. In addition to her, many Chinese alleged kingpins of Galamsey and persons of all nationalities are currently standing trial around the country.

14. The punishment regime for the offence of illegal mining when the NDC was in power consisted of the option of a paltry fine or a term of up to three years in prison. This notwithstanding, no significant convictions for Galamsey offences were recorded in the regime of the NDC, when that political party had the opportunity to govern. Their Flagbearer before the 2020 General Elections, openly declared amnesty for all those arrested for engaging in Galamsey activities in communities affected by the heinous environmental hazard.
15. Following the enactment of the **Minerals and Mining (Amendment) Act, 2019 (Act 995)** in the administration of President Nana Addo Dankwa Akufo-Addo, the punishment regime for illegal mining was drastically enhanced to a minimum of 15 years for a Ghanaian and 20 years for a non-Ghanaian. This rendered prosecution more difficult as culprits, faced with the reality of the lack of an option of a fine, became more reluctant to plead guilty. In spite of this, I have recorded greater success in securing conviction for Galamsey offences than witnessed in erstwhile NDC administrations.
16. Between August 2021 and September 2022, thirty-three (33) persons including eleven (11) foreign nationals were convicted and sentenced under **Act 995** in the Eastern Region. They are currently serving various prison terms of fifteen (15) years, twenty (20) years and eighteen (18) years together with fines imposed. Other convictions were recorded in the Western Region as well with some reported in the media.
17. On 31st August, 2023, the Circuit Court, Tarkwa, sentenced 25 people to various terms in prison ranging between 15 and 20 years each together with various hefty fines, following a successful prosecution by the Office of the Attorney-General and Ministry of Justice. Currently, over 130 cases of illegal mining involving over 800 accused persons are being prosecuted in courts in the Western, Eastern, Ashanti, Greater-Accra and Upper East Regions of Ghana. The cases are at various stages of their conduct with some near conclusion.
18. The lies and propaganda of the NDC are obvious to discerning Ghanaians.

END

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GODFRED YEBOAH DAME