



Half Yearly Report

30 June 2023



A Publication of the Office of the Special Prosecutor, The Republic of Ghana
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Preface

In pursuance of section 3(3) of the Office of the Special Prosecutor Act, 2017 (Act 959), I present to you the third half yearly report under my tenure as Special Prosecutor. This report offers an insight into the corruption cases investigated and prosecuted by the Office of the Special Prosecutor (OSP) and the highlights of activities undertaken by the Office between 1 January 2023 and 30 June 2023.

The Office completed a substantial recruitment exercise for its initial establishment complement of staff during the period under review. The successful applicants are expected at post variously on or before 31 October 2023.

These are exciting and promising times for the Office as we reckon that it is presently in its best shape since its advent in 2018 in the fulfilment of its mandate of investigating and prosecuting cases of corruption and corruption-related offences, recovering the proceeds of such offences and taking steps to prevent corruption. The Office continues its drive toward full establishment in all aspects notwithstanding immense budgetary challenges.

The period under review was especially marked by enhanced public discourse about the cases under review and the mandate and powers of the Office. We welcome the amplified public interest in the operations of the Office, and we take especial note of reasoned constructive and formative critique of our work.

We unpretentiously invite the public to join us and assist the Office in whichever way to fight corruption. For it is upon the fight against corruption that we may forge ourselves decent existence.

A handwritten signature in green ink that reads 'Kissi Agyebeng'.

Kissi Agyebeng
Special Prosecutor
The Republic of Ghana
30 June 2023



I Introduction

- 1.1 The Office of the Special Prosecutor (OSP) is the gold standard and flagship specialised independent anti-corruption state agency in Ghana. It was created in 2017 under an Act of Parliament – Office of the Special Prosecutor Act, 2017 (Act 959) in pursuance of the objects of the United Nations Convention against Corruption. Two legislative instruments have also been enacted to augment the operation of Act 959. The first is the Office of the Special Prosecutor Regulations, 2018 (L.I. 2373), which regulates the management of human capital and discipline. The second is the Office of the Special Prosecutor (Operations) Regulations, 2018 (L.I. 2374).
- 1.2 The Office has the object of investigating and prosecuting specific cases of alleged or suspected corruption and corruption-related offences, recovering the proceeds of corruption and corruption-related offences, and taking steps to prevent corruption.
- 1.3 The Office exercises full police and law enforcement powers in the performance of its functions.
- 1.4 The Office is independent and unique in its mandate. Its independence, by law, is assured in the proper sense, as the Special Prosecutor retains full authority and control over the investigation, initiation, prosecution and conduct of cases.
- 1.4 The OSP's mandate is not only in respect of public officials. It has the authority to investigate and prosecute private persons and politically exposed persons. In this context, politically exposed persons are those who have been entrusted with prominent public functions in Ghana or in a foreign country or an international organisation such as senior political party officials, government officials, judicial officials, military officials, or a person who is or has been an executive in a foreign country of a state-owned company, or a senior political party official in a foreign country, or an immediate family member or close associate of such persons.

II Developments

- 2.1 The Office concluded a substantial recruitment process for its initial establishment complement of staff. The Office received more than 6,000 applications contending for 249 positions cleared by Parliament and the Ministry of Finance. The exercise was conducted with the participation and assistance of



the Public Services Commission; Attorney General and Ministry of Justice; Research Department of the Ministry of Foreign Affairs; Economic & Organised Crime Office; Commission on Human Rights & Administrative Justice; and Financial Intelligence Centre. There was also participation by the Governing Board of the Office comprising representatives from Anti-Corruption Civil Society Organisations, Audit Service, Ghana Police Service, Economic & Organised Crime Office; Commission on Human Rights & Administrative Justice; Ministry of National Security, and Financial Intelligence Centre. The successful applicants are expected at post variously on or before 31 October 2023. The incoming officers would be a refreshing addition to ease the pressure on the overstretched skeletal staff and to assure enhanced and efficient operations of the Office.

2.2 In exercise of the corruption prevention powers of the Office, the Special Prosecutor, in August 2022 directed the Ghana Revenue Authority (GRA) to submit an Integrity Plan, to the Office, designed with the aim of preventing the corruption of the exercise of discretion by officials of the Customs Division of the Authority, especially in respect of the rendering of rulings, to assure the effective operation of the Customs Act, 2015 (Act 891) and the Revenue Administration Act, 2016 (Act 915). GRA complied with the directive in March 2023 and submitted the following designed and reworked documents:

- i. GRA Integrity Policy
- ii. GRA Policy and Procedures on Advance Rulings
- iii. GRA Standard Operating Procedures on Advance Rulings
- iv. GRA Integrity Plan Framework
- v. GRA Code of Ethics

The OSP and GRA will work toward ensuring the implementation of these policies to reduce the incidence of corruption and improve the exercise of discretion at GRA.

III Cases

3.1 In respect of the investigation and prosecution of specific cases of suspected or alleged cases of corruption and corruption-related offences, the Office first engages in intelligence gathering or “pre-investigation” to determine whether it should open investigation into a matter. The Special Prosecutor directs the opening of a preliminary enquiry or investigation where he determines that the matter is within the mandate of the Office. Where sufficient information is



gathered, the Special Prosecutor directs the initiation of a full investigation. The Special Prosecutor directs the institution of criminal proceedings where it is determined that the Office has probative evidence to meet the standard of proof beyond reasonable doubt.

- 3.2 The Office takes especial care to safe-guard and protect the privacy and reputations of persons it investigates. To this end, the Office seeks to avoid unnecessary stigmatisation by conducting its operations with as little intrusion into the privacy of individuals and the business operations of companies as the circumstances permit.
- 3.3 Thus, the Office only publishes the initiation or commencement of investigation where the Special Prosecutor deems the investigation in question to be at a threshold which dictates communication to the public.
- 3.4 The following are the various cases handled by the Office during the period under reference:

A Prosecutions

There has not been any convictions or acquittals in respect of the cases pending before the criminal courts during the period under review. Four (4) criminal cases are being tried before the courts.

NR/TL/HC/CC1/13/23 The Republic v. Sumaila Abdul-Rahman; Stephen Yir-Eru Engmen; Patrick Seidu; and Andrew Kuundaari

The trial of the former Chief Executive, former Deputy Chief Executive in charge of Operations, former Deputy Chief Executive in charge of Finance and Administration of Northern Development Authority and the Chief Executive A&QS Consortium Limited is pending before the Criminal Division of the High Court, Tamale. The four (4) are facing a total of eleven (11) counts of corruption and corruption-related offences comprising conspiracy to directly or indirectly influence the procurement process to obtain an unfair advantage in the award of a procurement contract, directly or indirectly influencing the procurement process to obtain an unfair advantage in the award of a procurement contract, corruption by a public officer, and corruption of a public officer.



CR/0174/2023 The Republic v. Issah Seidu

The trial of Issah Seidu, an official of the National Insurance Commission is pending before the Criminal Division of the High Court, Accra. Mr. Seidu has been charged with failing to comply with a directive to declare his income and property.

The substantive case involves Mr. Seidu and three (3) others – James Keck Osei (a civil servant), John Abban and Peter Archibald Hyde (both officers of the Customs Division of Ghana Revenue Authority). They are being investigated for their roles in suspected corruption in the importation of ten thousand (10,000) bags of rice.

CR/0492/2022 The Republic v. Adjenim Boateng Adjei & Another

The trial of the former Chief Executive of Public Procurement Authority and his brother-in-law is pending before the Criminal Division of the High Court, Accra. Mr. Adjei has been charged with eight (8) counts of using public office for profit and nine (9) counts of directly and indirectly influencing the procurement process to obtain an unfair advantage in the award of public contracts. While his brother-in-law has been charged with one (1) count of using public office for profit.

D13/01/22 Alexander Kwabena Sarfo-Kantanka

The trial of the President's nominee for the position of Chief Executive of Juaben Municipal Assembly in the Ashanti Region is pending before the Criminal Division of the High Court, Kumasi. Mr. Sarfo-Kantanka has been charged with twenty-six (26) counts of corruption in respect of a public election.

B Concluded Investigations

Charles Adu Boahen

The Office has concluded investigation into a referral by the President of the Republic in respect of suspected corruption and corruption-related offences regarding Charles Adu Boahen, a former Minister of State at the



Ministry of Finance. The corruption allegations are contained in an investigative documentary titled, *Galamsey Economy* – published by Tiger Eye P.I. and the investigative journalist, Anas Aremeyaw Anas.

The Special Prosecutor will issue directives and further action on the matter in due course.

Allegations of Attempt to Bribe Members of Parliament by Wealthy Businessman

The Office has concluded investigation into allegations of an attempt by an unnamed and wealthy businessman to bribe some members of the majority caucus of Parliament.

The Special Prosecutor will issue directives and further action on the matter in due course.

The Office expresses its gratitude to the Rt. Hon. Speaker of Parliament and his staff for their cooperation and assistance during the investigation.

Gaming Commission of Ghana

The Office has concluded investigation into suspected corruption and corruption-related offences in respect of the procurement and the award of a contract to Turfsport Ghana Limited by the Gaming Commission of Ghana.

The Special Prosecutor will issue directives and further action on the matter in due course.

Charles Bissue

The Office has concluded investigation into allegations of the use of public office for profit against Charles Bissue, during his tenure as Secretary to the erstwhile Inter-Ministerial Committee on Illegal Mining (IMCIM), arising from an investigative documentary titled *Galamsey Fraud*



Part I published by Tiger Eye P.I. and the investigative journalist, Anas Aremeyaw Anas.

This investigation is a subset of a wider investigation on illegal mining and the activities and operations of the IMCIM.

The Special Prosecutor will issue directives and further action on the matter in due course.

C Ongoing Investigations

Electricity Company of Ghana Limited

Investigation is ongoing in respect of suspected corruption and corruption-related offences regarding the termination of a Distribution, Loss Reduction and Associated Network Improvement Project contract between the Electricity Company of Ghana Limited and Beijing Xiao Cheng Technology (BXC).

Illegal Mining

Investigation is ongoing in respect of suspected corruption and corruption-related offences regarding illegal mining – referred to as *Galamsey*. The investigation targets some officials of the Ministry of Lands and Natural Resources and the Forestry Commission. It also targets the activities and expenditure of the dissolved Inter-Ministerial Committee on Illegal Mining (IMCIM), especially in respect of the seizure and management of excavators, machinery, road vehicles, and gold nuggets.

The investigation further targets the activities of Akonta Mining Limited and other companies; nationals of foreign countries allegedly involved in illegal mining; and allegations of corruption and corruption-related offences against some Municipal and District Chief Executives.



National Sports Authority

Investigation is ongoing in respect of suspected corruption and corruption-related offences regarding contracts awarded by the National Sports Authority for the provision of goods and services to the following entities:

- Acoma Green Consult
- Tabee Gh. Limited
- Wanschie Car Rentals
- Obiri Car Rentals
- No Farmer No Fortune
- STC Clinic
- Bobina Solutions
- Mum & Sons Signature

Ghana Water Company Limited

Investigation is ongoing in respect of suspected corruption and corruption-related offences regarding contracts awarded by Ghana Water Company Limited for the provision of goods and services to the following entities:

- Nayak 96 Enterprise
- Dencom Construction Works
- Edmus Limited
- Jomaks
- Espab Construction Limited
- Roger More Construction Limited
- Velech Enterprise
- Intermec Gh. Limited
- A.J.I. Trading & Construction Limited

Customs Division of Ghana Revenue Authority

Following the publication by the Office of an investigation report on 3 August 2022 in respect of a complaint against Labianca Company Limited



and the Customs Division of Ghana Revenue Authority, the Special Prosecutor directed the commencement of a wider investigation into the issuance of customs advance rulings and markdowns of benchmark values.

Investigation is also ongoing in respect of suspected corruption and corruption-related offences regarding the auction sales of vehicles and other goods by the Customs Division between 1 July 2016 and 15 August 2022.

Airbus SE

Investigation is ongoing in respect of alleged bribery by Airbus SE, a European multinational aerospace corporation, regarding the sale and purchase of military aircrafts for the Republic. The Office is engaged with INTERPOL and the central authorities of the United Kingdom and the United States under the mutual legal assistance regime.

Bank of Ghana

Investigation is ongoing in respect of the banking and financial sector crisis that precipitated the collapse of some banks and financial institutions and the financial sector clean up and recapitalisation reforms.

The investigation targets alleged corruption and corruption-related offences perpetrated by some officials of the Bank of Ghana, banks, specialised deposit-taking institutions, and financial holding companies.

Ghana Police Service

Investigation is ongoing in respect of suspected corruption and corruption-related offences in regarding the recruitment exercise of Course 51 of Cadet Officers Training at the Ghana Police Academy.

The investigation targets specific cases of alleged corruption and corruption-related offences and acts of the use of office for profit, abuse



of office, abuse of power, favouritism, nepotism, victimisation and the selection of unqualified persons.

Estate of Kwadwo Owusu-Afriyie alias Sir John

Investigation is ongoing in respect of alleged improper acquisition of state protected land at the Achimota Forest enclave and the Sakumono Ramsar site by the deceased former Chief Executive of the Forestry Commission.

Following the refusal by the High Court, Accra to affirm the freezing order issued by the Special Prosecutor, the Office appealed to the Court of Appeal, Civil Division, Accra for a reversal of the decision of the High Court to facilitate the investigation and the final resolution of the matter.

Other Cases

The Office is also investigating one hundred and fifty (150) other cases at various levels of consideration. These would be publicised if the Special Prosecutor determines that they are within the mandate of the Office and that they should be moved past the preliminary investigation stage.

This is a policy intended to protect the privacy of individuals and the business operations of institutions and companies, and to avoid unnecessary stigmatisation.

IV Miscellaneous Activities

- 4.1 The Office participated in the Thirteenth Regional Conference and AGM of the Heads of Anti-Corruption Agencies in Commonwealth Africa in Seychelles in the third week of May 2023. The event was an initiative of the Independent Commission against Corruption (ICAC) of Mauritius in collaboration with the Commonwealth Secretariat.
- 4.2 At the invitation of the World Bank, the Office participated in the Fifth Meeting of the World Bank Group's International Corruption Hunters Alliance programme (ICHA) in Abidjan, Côte d'Ivoire, from 14 June to 16 June 2023. The Forum gathers front-line anticorruption practitioners from around the world to engage in dialogue



on the challenges of corruption and the solutions for advancing the global anticorruption agenda.

- 4.3 On 28 April 2023, the Special Prosecutor delivered a paper on the topic – *State Capture, Corruption, Fraud & Asset Recovery: An African Perspective* at the invitation of the ICC FraudNet’s Thirty-seventh International Conference & Meeting in Accra at the Movenpick Ambassador Hotel.

V Collaboration

- 5.1 The Office is in a continuous active collaboration with anti-corruption civil society, non- governmental and community-based organisations in the fight against corruption.
- 5.5 The Office continuous to have insightful interactions and meetings with foreign and diplomatic missions and international organisations. These include the missions of the United States, United Kingdom, European Union and the United Nations Office on Drugs and Crime (UNODC), the International Anti-Corruption Coordination Centre (IACCC) and the International Narcotics and Law Enforcement Affairs of the United States (INL). The INL has donated computers intended for the Call & Complaints Centre of the Office.

VI Conclusion

- 6.1 The Office continues to operate without an establishment budget. Nonetheless, the Office has proven that with sufficient funding, it is best placed to prevent and reduce the menace of corruption and corruption-related activities. We continue to emphasise the need for the State to pay particular attention to the funding needs of the Office. It is in our collective interest to build a resilient, independent, and technologically advanced Office of the Special Prosecutor to stay ahead of and effectively repress corruption and corruption-related actors.
- 6.2 The office welcomes collaboration and referrals on suspected corruption and corruptionrelated offences from all stakeholders particularly law enforcement agencies.