

SYMPOSIUM ON THE STATE OF FREEDOM AND JUSTICE IN GHANA

BRITISH COUNCIL AUDITORIUM ACCRA
4TH MARCH, 2019



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ABOUT THE SYMPOSIUM ON THE STATE OF FREEDOM AND JUSTICE IN GHANA

4th March 2019, British Council Auditorium Accra

The Symposium on the State of Freedom and Justice in Ghana, held on the 4th of March 2019 at the British Council Auditorium in Accra, was organized by the Citizens' Movement Against Corruption (CMaC) in collaboration with Participatory Development Associates (PDA) Ltd. The Commission on Human Rights and Administrative Justice (CHRAJ), and other key stakeholders such as Ghana Anti-Corruption Coalition (GACC), Centre for Democratic Development (CDD) and the Ghana Integrity Initiative (GII). The event, which brought together over seventy (70) participants including students, governance and security experts, anti-corruption campaigners, public officials among others, was the inaugural version of an anticipated series of annual events to assess the state of freedom and justice in Ghana from a human rights perspective. This maiden event centred on three main issues: the security situation in the country; the excessive powers of the executive; and the passage of a credible Right to Information RTI Law. The objective was to identify clear, actionable reform proposals to aid the state in addressing the aforementioned issues.

The symposium began with a welcome address delivered by Edem Senanu, Co-Chair of the Citizens' Movement against Corruption. This was followed by introductory remarks from the chairperson of the event, Commissioner Joseph Whittal, Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ). The symposium had two main sessions in addition to the opening session.

1.0 SESSION ONE: KEYNOTE ADDRESS

The first session of the event featured a keynote address, delivered by Samson Lardy Anyenini, managing partner at A- Partners @ Law. the address focused almost exclusively on the excessive powers of the Executive and the security situation in the country and touched on the three major themes. Through a brief historical review, it laid bare the threats posed by the activities of *party militia groups* to Ghana's 27-year-old Fourth Republic and further recognized that the demands of party politics conspire with legal provisions that embed overwhelming powers in the Executive, to restrict the independent functioning of key state agencies, especially those concerned with law enforcement.

The following action and reform proposals were thus proffered by the keynote speaker to address the issues of political *vigilante/militia groups* and to aid the independent functioning of law enforcement agencies:

Political parties should take the lead in addressing the problem of vigilantism by first disciplining lawless members themselves, and to disqualify any person with a record of any association with any vigilante group from holding public office.

Civil Society Organizations in Ghana must join forces to demand the disbandment of political militias in the body-politics.

To help address the institutional deficiencies in the Ghana Police Service, the Inspector General of Police must not be appointed by the President but by a body to be agreed and established with legal mandate. However, if the President must appoint the IGP, the process must be along the lines of the procedure, terms and conditions of appointment of a Justice of the Supreme Court. The IGP must

have a fixed non-renewable term of office, to be removed only on stated grounds as is applicable to justices of the superior courts and heads of independent constitutional bodies. The Police Council must not have more than two appointees of the President. These two must not be eligible to chair the Council and it must be constituted along the lines of the Board of the Office of the President Prosecutor.

***Section 42 of the Representation of the People Law, 1992 (P.N.D.C.L. 284)** which makes criminal offences committed during elections, election offences and require the express written consent of the Attorney-General for prosecutions must also be repealed completely or amended to take this power away from the party-sponsored President's appointed Attorney General.*

The Regional Security Council (REGSECs) and District Security Council (DISECs) must not be headed by regional ministers and local political heads (MDCEs).

The National Security Council (NSC) as established under article 83 of the Constitution and the Security and Intelligence Agencies Act, 1996 (Act 526) should also be amended to redefine the role of the President as Chairman and his power to appoint the three non-ex-officio members to join the about seventeen other members.

2.0 SESSION TWO: PLENARY DISCUSSIONS

The plenary panel discussions, held during the second session, centred on the three focal issues of the symposium, i.e. the security situation in the country, the excessive powers of the executive, and the passage of a credible RTI Law. The discussions were facilitated by Zayan Imoro, a senior projects officer at PDA and discussants included Dr Franklin Oduro, Deputy Executive Director of the Centre for Democratic Development (CDD); Mr Kofi Bentil, Vice President of IMANI Africa; Beauty Emefa Narteh, Executive Secretary of the Ghana Anti-Corruption Coalition (GACC) and Emmanuel Sowatey, a security expert.

2.1 Excessive Executive Power

Discussants observed that the current legal framework in Ghana, built around the 1992 constitution, made it extremely difficult for law enforcement agencies to function autonomously, as the power to appoint their leadership, to allocate resources and some operational directives, rest within the executive arm of government, specifically with the President. For example, the heads of the Economic and Organized Crime Office (EOCO), Commission on Human Rights and Administrative Justice (CHRAJ) and Ghana Police Service (GPS) among others, are all appointed by the President, with the Police Council chaired by the Vice President. Participants expressed concern about the possible political leanings of the appointed heads and also more importantly the constant interference from the executive that stifled the effective functioning of such agencies.

To address this, discussants, in consonance with Samson Lardy Anyenini, called for a constitutional review process specifically to review the powers wielded by the executive arm of government and to ensure the constitutional autonomy and functional independence of key state agencies.

Participants further noted that the legislation that allowed the president to appoint 50 percent of his ministers from parliament was not well suited for the Ghanaian context as it hampered effective legislative oversight over the executive. The discussants acknowledged that the delay in the passage of the RTI law had a direct linkage to this defective provision as parliamentarians who doubled as ministers were likely to experience the impact of the transparency an RTI Law may provide.

Secondly, the discussants recommended that the constitutional review which should be initiated by the executive must expunge the provision that allowed some members of the legislature to be part of the executive arm of government. This is to allow for a better separation of arms of government and to see to effective checks and balances.

2.2 Security Situation in the Country

Discussants noted that at the heart of the security situation in the country, relative to the actions of violent political vigilante groups, were three key issues: the competitive nature of Ghana's electoral processes; politicians' inordinate desire to assume political office to amass wealth through illegitimate means; and the indifference on the part of citizens to hold leadership of the country accountable.

Discussants observed that the violence that characterized the Ayawaso West Wuogon by-election, for which reason the Emile Short's Commission of Enquiry was setup, was symptomatic of broader security lapses in the country, and that unfortunate incidence presented an opportunity for the entire nation to look into the security situation in circumspect and devise measures to address the lapses.

Participants observed that the inconsistencies and the power play evident in the testimonies given before the Emile Short Commission of Enquiry by senior officials of the Ghana Police Service and the National Security Minister, regarding the command of operations, revealed the extent of power exercised by the executive even in matters that fell exclusively within the jurisdiction of the Ghana Police Service. This reinforced the earlier point that executive influence compromised the independence of the police service.

Discussants proposed that all overt operations under the National Security should be halted, with such operations restricted to the police and the military with clearly spelt command structures to allow for accountability.

2.3 Passing a Credible Right to Information (RTI) Law

Participants lamented over the deliberate failure of successive governments in passing the RTI bill, which had been laid before parliament for more than a decade. In this regard, participants questioned the much-touted probity and accountability principles of politicians, in respect of their deliberate failure to ensure the passage of a credible RTI law. Participants attributed this to an attempt on the part of some members of the legislature who doubled as ministers of state, to frustrate and delay the passage of the bill because the institution of the RTI Law would uncover abuses of power, which would dent the image of the government.

Participants noted that as contained in the United Nations Convention against Corruption, to which Ghana is a signatory, it is incumbent on member countries to put formidable structures in place to fight the canker of corruption, including having a credible right to information law. Participants, on this note, called on the government to honour its commitment to passing a credible RTI law to help fight corruption in the country.

Mr Kofi Bentil of IMANI Africa informed participants of a new organization, Centre for Public Interest and Advocacy (CPIA), setup by he and others to help citizens access information from state agencies in the absence of an RTI Law. He noted that since the 1992 constitution already guaranteed access to information, CPIA would thus apply on behalf of any citizen, for information required from any public institution and if denied, proceed to court to demand for that information. This was to help facilitate access to information until a credible RTI law was passed.

The event concluded with an indoor candlelight vigil to reaffirm the course of freedom and justice that underpinned the independence struggle and security as an integral component for the enjoyment of these. The closing remarks were delivered by Mr Joseph Whittal, the Chairperson for the event.

APPENDICES

LIST OF PARTICIPANTS

Ahmed-Tindogo Abdul Basit	
Anita Osei	Accra Technical University
Asante Rimerc	University of Ghana
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Beauty E Narteh	GACC
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Dr Franklin Oduro	CDD Ghana
Dr Isaac Annan	CHRAJ
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Henry Abraham	HJA Africa
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Jane Abraham	University of Ghana
Joana Anane	PNAfrica
Joseph M.	Speech Forces
Joseph Whittal	CHRAJ
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Kwadwo Adepa	University of Ghana
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LIST OF PARTICIPANTS

Linda Ofori-Kwafo	GII
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Samuel Ashley	GIPC
Samuel Ofori	University of Ghana
Sowah Ala Erastus	University of Ghana
Stefan Anim-Sampong	University of Ghana
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Theophilus Armah	NDPC
Tony Dogbe	PDA
Veronica MacCarthy	

MEDIA	
Benedict Obuobi	Daily Graphic
Bernard Nyarko	Oxzy fm
David Quaye	Radio Universe
David Takyi	Ghanaian Times
Eben Agyekum Boateng	TV3
Elsie Bubuama	Ghanaweb
Jane Esi Dadson	Peace fm
Joshua Bediako	Daily Graphic
Justic Kpoglo	TV3
Linus Danso	Mynewsgh
Nana Osei Marfo	Fave fm

Narh Noah	Green fm / Class fm
Sandra Obiriba	Ghanaweb

COLLABORATING ORGANIZATIONS

- Citizens' Movement against Corruption (CMaC)
- Participatory Development Associates (PDA) Ltd.
- Commission on Human Right and Administrative Justice (CHRAJ)
- Ghana Anti-Corruption Coalition (GACC)
- Centre for Democratic Development (CDD)
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