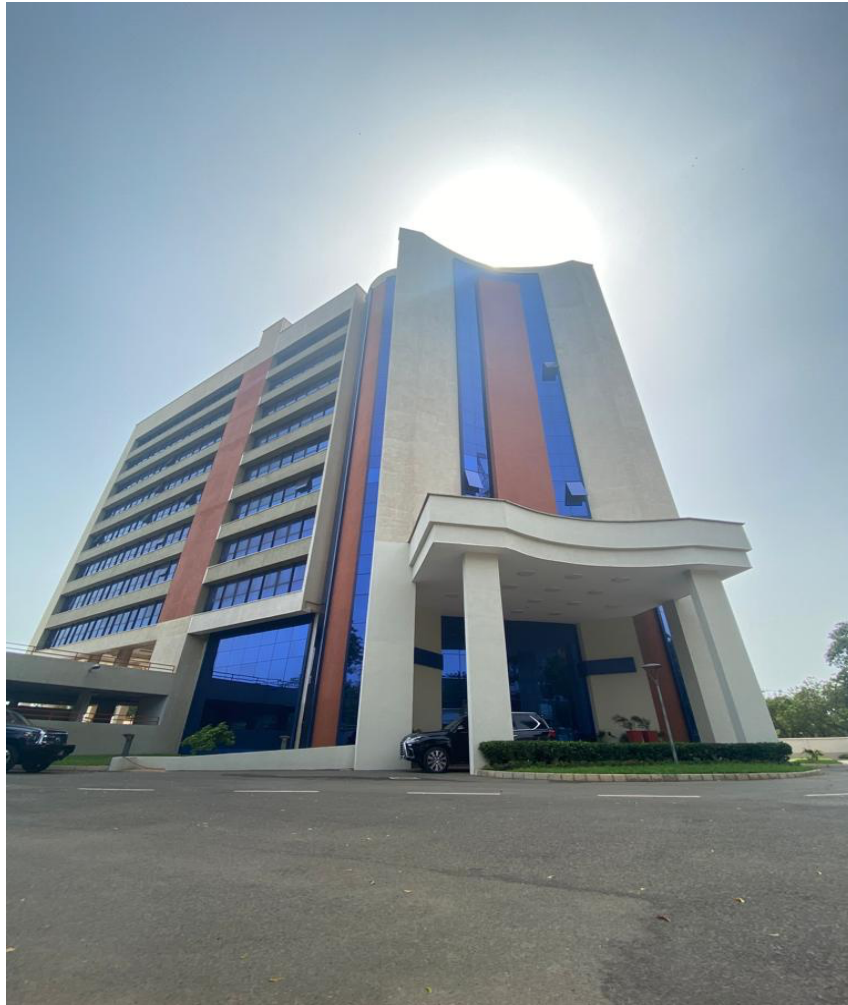




Half Yearly Report

31 December 2022



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 second 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 August 2022 and 31 December 2022.

Notwithstanding continuous debilitating financial and material constraints and the non-issuance of its establishment budget, the OSP has performed its fourfold functions of investigating, prosecuting, asset recovering and preventing corruption and corruption-related offences commendably. The impact of the operations of the OSP resonates in all provinces of life.

We are conscious of the practical consideration that we cannot snuff out corruption. There is force in that reckoning. However, as we apply well-structured systems, technology and intelligence led operations, we are rendering corruption a highly risky enterprise for the criminally-minded. As we firm up the drive against corruption and our message is registered strongly in the minds of people that sooner or later they will be arrested, prosecuted and their assets seized and confiscated to the state, the incidence of corruption will surely decline. This will restore confidence, promote the rule of law, and assure fairness and justice.

We have a wonderful opportunity here to change the discourse on the fight against corruption and to get things effectively and efficiently working. I invite all sectors of the economy and individuals to support the OSP in its vision of rendering corruption costly and unattractive in all its forms through sustained repression and suppression.

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

Kissi Agyebeng
Special Prosecutor
The Republic of Ghana
31 December 2022



I Introduction

- 1.1 The Office of the Special Prosecutor (OSP) is the gold standard and flagship specialised independent anti-corruption institution 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 has full police powers, and it exercises national security functions, including intelligence gathering, surveillance and countersurveillance. It is also a vital revenue generating agency through its asset recovery and management function of the disgorgement of illicit and unexplained wealth. 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 In exercise of the corruption prevention powers of the OSP, the Special Prosecutor directed the Commissioner of the Customs Division of Ghana Revenue Authority on 19 August 2022 to halt and discontinue all auction sales



in aid of facilitating investigation into suspected corruption and corruption-related offences in respect of auction sales of vehicles and other goods by the Customs Division between. The directive was reviewed and rolled back on 12 September 2022.

- 2.2 Following the directives issued by the Special Prosecutor to Ghana Revenue Authority in respect of customs advance rulings and benchmark values and auction sales of vehicles and other goods, the Authority launched an e-auction application – a novel electronic medium for the auction of seized items at the ports. This object is to assure greater transparency. Since the directive was issued, revenue accruing from auction sales by the Authority has risen over 12% per month on the average.
- 2.3 Further, the Office notes, with gratification, that following its various investigations and interventions at the Customs Division, the Government has reversed the discretionary discount on the free on board or freight on board (FOB) value of goods and the home delivery value (HDV) of used vehicles. The new policy effectively shuts all avenues for officers of the Customs Division to grant discretionary markdowns and removes opportunity for corruption and corruption-related activities. The OSP will monitor the implementation of the new policy.
- 2.4 The Office was admitted as a member of the International Association of Anti-Corruption Authorities (IAACA) in December 2022. The IAACA is an independent and non-political anti-corruption organisation comprising institutions responsible for investigating, prosecuting and preventing corruption around the world. Over 150 countries and regions have participated as members or engaged in various IAACA initiatives since its establishment. It promotes the effective implementation of the United Nations Convention against Corruption and it assists anti-corruption authorities in the prevention of and fight against corruption.

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 or an authorised officer 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 protect the privacy and safe-guard the 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 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. Two (2) criminal cases are being tried before the courts.

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 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.

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

Northern Development Authority

The Office has concluded investigation into suspected corruption and corruption-related offences in respect of a contract awarded by the Northern Development Authority to A&QS Consortium Limited for consultancy services under the Infrastructure for Poverty Eradication Programme (IPEP), especially in respect of the quantum of the contract sum.

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

C Ongoing Investigations

Charles Adu Boahen

Upon a referral by the President of the Republic by a letter dated 14 November 2022, the Office commenced investigation into suspected corruption and corruption-related offences in respect of 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.



Allegations of Attempt to Bribe Members of Parliament by Wealthy Businessman

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

The Office has triggered a liaison with the office of the Speaker of Parliament in this regard.

Electricity Company of Ghana Limited

The Office has commenced investigation into suspected corruption and corruption-related offences in respect of 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).

Gaming Commission of Ghana

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

Illegal Mining

The Office has commenced investigation into suspected corruption and corruption-related offences in respect of illegal small-scale mining. 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

The Office has commenced investigation into suspected corruption and corruption-related offences in respect of 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

The Office has commenced investigation into suspected corruption and corruption-related offences in respect of 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.

The OSP has also commenced investigation into suspected corruption and corruption-related offences in respect of 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, in respect of 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 respect of 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 twenty (120) 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 Special Prosecutor attended a high-level leadership and management meeting for Heads of Anti-Corruption Agencies in Commonwealth Africa in Mauritius in the first week of November 2022. The event was an initiative of the Independent Commission Against Corruption (ICAC) of Mauritius in collaboration with the Commonwealth Secretariat.
- 4.2 The Special Prosecutor presented a paper on Ghana's experiences in the fight against corruption on International Anti-Corruption Day, 9 December 2022, in Abidjan, Côte d'Ivoire at the invitation of the Ministry of Good Governance and Anti-Corruption of that country.



- 4.3 On 14 December 2022, the Special Prosecutor delivered a paper on the topic – *The Role of the Office of the Special Prosecutor in Fighting Corruption: Issues and Prospects for Sanitising the Natural Resource Sector* – at a two-day conference on the use of a beneficial ownership regime to fight corruption in the extractive industry organised by Ghana Integrity Initiative (GII) and Extractive Industries Transparency Initiative (EITI) and held in Accra.
- 4.4 On 15 December 2022, the Special Prosecutor delivered the 2022 Ghana Institution of Engineering Ethics Lecture on the topic – *Quality Infrastructure and Engineering Services - The Engineer, Politician and Ethical Behaviour*.

V Collaboration

- 5.1 The Office collaborated with the Economic and Organised Crime Office, Narcotic Control Commission, Financial Intelligence Centre, Ghana Police Service, and Ghana Revenue Authority to develop and launch an Asset Recovery and Management Policy Framework and Standard Operating Procedure in Asset Recovery with the support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The OSP is a member of the Implementation Committee.
- 5.2 The Office has commenced discussions on collaborative work with the Special Investigating Unit of South Africa and Nigeria’s Presidential Advisory Committee against Corruption.
- 5.3 The Office is in a continuous active collaboration with anti-corruption civil society, non- governmental and community-based organisations in the fight against corruption. Our strategic partners are Ghana Integrity Initiative (GII) and the Afrobarometer Directorate of the Center for Democratic Development (CDD) – two institutions that have matchless reputations in the field.
- 5.4 The Office is employing the services and expertise of investigative journalists to assist with investigations.
- 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).



VI Conclusion

- 6.1 As technological advancement ushers in marvels hitherto unknown, perpetrators of corruption and corruption-related offences device sophisticated ways adapted to avoid detection. It is this clear and ever-present danger that dictates full funding for the Office for investment in technology, equipment, and personnel to avoid the situation of law enforcement always being a step or several steps behind malefactors.

- 6.2 The Office is resolute in its vision of rendering corruption and corruption-related activities an ultra-costly adventure in Ghana through the deterrence of a culture of illegal and unfair gain.