RESPONSE BY GODFRED YEBOAH DAME (FORMER ATTORNEY-GENERAL AND MINISTER FOR JUSTICE) TO ALLEGATIONS BY DR DOMINIC AYINE, ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, AT PRESS CONFERENCE JUSTIFYING THE DECISION TO DISCONTINUE PROSECUTION OF VARIOUS HIGH-PROFILE CRIMINAL CASES

Ladies and gentlemen, my attention has been drawn to the press conference of the new Attorney General and Minister for Justice, Dr. Dominic Akuritinga Ayine, held on Wednesday, 12 February 2025. At the press conference, Dr. Ayine sought to provide reasons for his discontinuation of certain criminal cases filed against certain persons, most of whom were leading members of the National Democratic Congress (NDC) and persons who served in the NDC Government that exited office in January 2017.

As the public would observe, throughout my tenure as Attorney-General, I never made any comment or passed judgment on the work of any of my predecessors in office even though I was often at the receiving end of many unsavoury remarks from sections of the populace, particularly, personalities in the NDC. Since leaving office, I have also stayed clear of subjecting the work of my successor to any form of assessment, leaving that to discerning Ghanaians to do. Before this morning, I had made absolutely **no** statement or comment whatsoever about the conduct or performance of the new Attorney-General, Dr. Dominic Ayine. However, at the press conference of the Honourable Attorney-General, in a rather unconventional manner, he proceeded to malign my good self, immediate past Attorney-General, and peddled a host of untruths, half-truths and misinformation, a trajectory which is not only unfortunate but begs the question as to the actual motive and justification for his decisions.

The Judiciary was not spared the brush of the Attorney-General's unwarranted scathing attacks, as some members were subjected to similar disparaging attacks under the guise of Dr. Ayine's strained exercise of "assigning reasons" for decisions he has taken as Attorney-General. I consider the attack on the Judiciary as part of the stratagem of the NDC to blame others for their resolve, long before they assumed power, to clear all of John Mahama's appointees of any criminal liability for past acts by withdrawing criminal cases pending

against them. Indeed, Dr. Ayine's decisions are in furtherance of the **RESETTING AGENDA** of the NDC.

The material facts will bear this out. Dr Ayine was sworn in as Attorney-General on Wednesday, 22nd January, 2025. On Friday, 24th January, 2025, he caused to be filed a notice of abandonment of the appeal by the State in Republic vrs. Ato Forson and 2 Others. On Tuesday, 28th January, 2025, he withdrew the case against Dr. Stephen Opuni and 2 Others, resulting in the complete white wash of their crimes by an acquittal and discharge through the backdoor. On 29th January, 2025, he entered another withdrawal in Republic Vrs. Ofosu-Ampofo & Another, again resulting in an acquittal and discharge of the accused. On 30th January, 2025, Dr. Ayine withdrew two different cases against Dr. Johnson Pandit Asiama, resulting in his acquittal and discharge in one and a discharge in the other. There were more withdrawals and nolle prosequi to be entered by the NDC Government through the Attorney-General in the subsequent days. Indeed, what broke the trend of "one day, one withdrawal", was the occurrence of weekends.

Fellow Ghanaians, these developments irresistibly point to only one conclusion - a calculated, preconceived ploy on the part of the NDC to wipe out all criminal cases pending against its leading members and officials of the John Mahama Government and clear them of wrongdoing, not by the courts, but through their Attorney-General.

Remarkably, there is no precedent for this kind of conduct in the Fourth Republic. Throughout the two 8-year terms of the NPP in Government, no Attorney-General appointed by either President J. A. Kufuor or President Akufo-Addo withdrew criminal charges or filed nolle prosequi in cases involving leading members of the NPP or senior members of the government. By the time the NPP assumed power in 2017, all the cases filed by the erstwhile NDC Government against some Ministers and appointees of the Kufuor Government had been contested fully in the courts and won. We secured acquittals through the courts, and not by resorting to delay tactics in the hope that an Akufo-Addo appointed Attorney-General would come and withdraw the cases and procure an acquittal. I speak from experience as I personally conducted some of the cases. Other lawyers within our ranks including my Deputies also handled some.

I must state that it is clearly unprecedented for an Attorney-General to hold a press conference and subject his predecessor-in-office to abuses and peddle falsehood in the manner displayed by Dr. Dominic Ayine. I am constrained, to set the records straight, to unveil the half-truths and manipulation of facts for well-meaning Ghanaians to decipher the true intentions of the NDC Government acting through the current Attorney-General in withdrawing charges against leading members of the NDC.

1. It is necessary to indicate at the outset that, the decision to charge a person with a criminal offence, especially in the high-profile cases in issue which held serious implications for the public purse, involved a prosecutorial discretion exercised pursuant to painstaking investigations conducted by duly authorised investigative authorities of State, inquiries and extensive deliberations by career prosecutors in the Office of the Attorney-General, who indeed proceeded to conduct the cases. I continue to be grateful for the advice I received from the hardworking Attorneys at the A-G's Office, investigators and my able Deputies, Mr. Alfred Tuah Yeboah and Ms. Diana Asonaba Dapaah, on the cases we personally initiated in office and the many others that had been commenced by my distinguished predecessor, Madam Gloria Afua Akuffo, which we continued. I cherish the robust discussions and debates we had while professionally moving forward with each of those cases.

2. The nation would note that Dr. Ayine and other leading figures in the NDC and the Government of the day were counsel in many of the cases he has discontinued. I say that, indeed, it is not uncommon for defence counsel, as Dr. Ayine and other NDC personalities were, looking at the same set of facts to come to different conclusions informed by their varying understandings of the law and the undeniable political considerations they hold. However, I daresay that in taking decisions as monumental as withdrawing those cases, the only consideration had to be the national interest and not that of defence counsel. The analysis I make of the reasons advanced by Dr. Ayine will expose the questionable intent behind the withdrawal of the criminal cases.

3. Dr. Ayine's unfounded allegation insinuating unethical conduct on my part in the conduct of the Ambulance Trial – Republic vrs. Cassiel Ato Forson is highly disingenuous and rather unfortunately, recaps the series of falsehoods persistently published by foot soldiers of the NDC and other uninformed members of society. I must say that I find it quite ironical for Dr. Ayine, who is the subject of disciplinary proceedings for professional misconduct still pending at the General Legal Council, filed by the Hon. former Chief Justice himself, to accuse me of unethical conduct. In the interest of the nation, the case of professional misconduct pending against Dr. Ayine at the General Legal Council, should have been determined before the parliamentary assessment of his suitability or otherwise for the high office of the Attorney-General and Minister for Justice of our dear Republic.

4. The facts relating to the allegation by Dr. Ayine that I interfered with an accused person in the Ambulance case are well within the public domain and have been adumbrated in court proceedings. The record shows that there has been a judicial determination of that unfounded allegation frequently made by foot soldiers of the NDC and other uninformed people. Shockingly, Dr. Ayine, the current Attorney-General, ignored this fundamental fact in his 10-page Press Statement and over an hour conference with the media, for the simple reason that he knew that his allegation had been flatly debunked by the court when same was put to strict scrutiny.

   If you would recall, the accused persons in the Ambulance Trial, filed an application for mistrial, hinging same on the alleged interference with one of the accused persons. On 6th June, 2024, the High Court coram Her Ladyship Justice Afia Serwaa Asare-Botwe dismissed the application. You would all remember the learned Justice of the Court of Appeal, who sat as an additional High Court Judge, say that she had listened to the tape in question about ten (10) times and found nothing to warrant a mistrial. Specifically, she stated at page 24 of her ruling:

   "*After listening to the conversation between A3 and A1,* ***the issue of whether the Attorney-General actually told A3 to implicate A1 is not borne out by the evidence on Exhibit CAF2. These words were uttered by A3 at about minute 09:00 to 10:00. In the same vein, the declaration that A3 was innocent and***

"going through ordeal" but was being asked to help make the case of the AG better was not made by the Attorney-General, but was made by A3, to which the Attorney-General responded at minute 10:20, "I am not asking you to help me ..." at minute 10:30. *The statement made that "You and I, you've been meeting me at my cousin's place ..." (at minute 10:45) etc. when closely, together with A3's alleged attack of conscience did not proceed from the mouth of the Attorney-General". The judge proceeded to state at page 32 of her ruling that "the 3rd Accused by any stretch of imagination be seen to be the one procuring new evidence or cowed by the conversation*".

5. In the face of this clear judicial determination of no wrongdoing as to warrant a mistrial, it completely defies logic and good reason why the Hon. Attorney-General of Ghana would say to the public that I was culpable of a "disgraceful and unethical conduct" in the Ambulance trial. Ghanaians want to know rather, how the current Attorney-General, Dr. Dominic Ayine, will deal with the complaint of professional misconduct pending at the General Legal Council against him made by no less a person than the Chief Justice of Ghana in 2021.

RELIANCE ON DEFENCE COUNSEL TO WITHDRAW CASES AND ENTER NOLLE PROSEQUI

6. Ladies, and gentlemen, in a chilling twist, the nation heard Dr. Ayine confessing to speaking with lawyers for the defence and engaging them on the cases that were pending against the leading members of the NDC before exercising his discretion to file nolle prosequi or withdraw the charges. He indicated that in **Republic vrs. Gyakye Quayson**, the lawyer for the accused person expressed an inclination to go on and prove the innocence of his client, and therefore, he decided not to enter nolle prosequi. Respectfully, what this betrays clearly, is that, the exercise of Dr. Ayine's discretion to continue with the prosecution of cases or not is informed principally by the disposition of counsel for the accused in cases that the Republic is prosecuting against their clients. Thus, if counsel for the accused is in the position to strongly defend the interests of his client in court, the Attorney-General of the Republic will not enter nolle prosequi. Where the counsel for the accused are not convinced about the likelihood of success of their defence in court, Dr. Ayine would immediately enter a withdrawal (if the

prosecution has closed its case), or nolle prosequi (if the prosecution has not closed its case).

7. As I will show in an examination of each of the specific cases cited in Ayine's press statement, the Hon. Attorney-General quite reprehensibly, relied solely on the case for the defence before exercising his discretion to discontinue the actions. He did not engage in any meaningful consultation with the Prosecutions Division of the Office of the Attorney-General before instructing the filing of the withdrawals and nolle prosequi in the cases against the senior members of the John Mahama Government and other leading members of the NDC. The dates of the filing of the said processes buttress the assertion I make here. I challenge Dr. Ayine to show any memorandum presented to him by the Prosecutions Division of the Office of the Attorney-General advising or indeed, expressing a view on the continuation, discontinuation or "*termination*", as he calls it of any of the criminal cases in question. I can say without any fear of contradiction, that, there is **none**. He should also show evidence of consultation on any of the charges he held with the Director of Public Prosecutions (DPP) before discontinuing the cases. You can be assured he **cannot** produce any.

8. Listening to Dr. Ayine, one gets the distinct and chilling confirmation that he relied solely on the version of the facts of the case as presented by counsel for the accused as well as their erroneous views of the law on the subject matters in question. It is for this reason that the claims of alleged defects with the various charges only re-echo positions articulated by the defence counsel throughout the proceedings. In effect, Dr. Ayine came to narrate to the Ghanaian public on Wednesday, the perspective of defence counsel on the charges their clients had been charged with. The media would notice that, for each of the cases, the explanations of the Attorney-General for the withdrawal filed were only a rehash of argument already reported in the media as having been made in the court room by counsel for defence. Is that a reasonable manner of the exercise of the Attorney-General's discretion to enter nolle prosequi and withdrawal of criminal cases?

9. The people of Ghana should be very scared if we have an Attorney-General whose prime consideration for the discontinuation of criminal cases involving the loss of billions of Ghana Cedis is, the position of defence

lawyers on charges preferred against their clients rather than the interests of the Republic in the prosecution of crime.

10. Even more scary and bizarre is the claim of Dr. Ayine that he did not consult the former President , John Dramani Mahama before taking the monumental decision to discontinue the criminal cases. The cases involved the loss of colossal sums of taxpayers' money and some related to the banking sector crisis which affected the Ghanaian economy. The people of Ghana should indeed be extremely concerned and afraid by the vesting of prosecutorial authority in a person who can discontinue the prosecution of such important and high-profile cases without discussing with the President of the Republic and members of the Cabinet. Even defence counsel he consulted, how much more the President?

11. But Ladies and gentlemen, we ought to ask ourselves - is it true that Dr. Ayine did not consult the President or his Cabinet about the decision to discontinue the various criminal proceedings? A careful examination of the facts shows that this claim is palpably untrue. The nation has not forgotten the loud claims made by President John Mahama and the NDC that the NPP rather, was responsible for a collapse of the banking sector and that on assuming power, the John Mahama government will restore all the banking licences which were revoked. The withdrawal of the cases in question is only the first step of the clearing or whitewashing process of those whose acts led to the crisis that plagued the banking sector. Ghanaians are certainly more discerning than the NDC and Dr. Ayine think.

I proceed to examine Dr Ayine's reasons for withdrawing some of the criminal cases Dr. Ayine mentioned in his Press Statement. I find, generally, that all his explanations are laden with contradictions and inconsistencies and betray the questionable motives for his actions.

A. **REPUBLIC V. CASSIEL ATO FORSON & ANOTHER**

12. The firs reason assigned by the Attorney-General for the discontinuance of the appeal is "*ethical and professional*", since he was deeply involved in the conduct of the defence of Dr. Cassiel Ato Forson. According to him, he could not "*in good conscience*" continue the conduct of the appeal. This explanation

is a sham as the Attorney-General's prosecutorial authority under article 88(4) of the Constitution is exercised by himself or "***any other person authorised by him in accordance with any law***". Pursuant to this, the **Criminal and Other Offences (Procedure) Act, 1960 (Act 30)** permits attorneys of the Office of the Attorney-General and other persons, including even private legal practitioners, to whom the Attorney-General may delegate his powers through an executive instrument enacted pursuant to **Act 30**, to prosecute. Thus, the fact that he, Dr. Dominic Ayine, found himself in a conflict of interest situation did not imply that the entire appeal had to be abandoned.

Dr. Ayine characterises the prosecution of the Ambulance case as a political witch hunt. I wholly disagree. The facts show that vehicles purporting to be ambulances were imported into the country in December, 2014 in violation of the contract governing the transaction. In the absence of any request by the Ministry of Health, and at a time that the period for supply of the ambulances under the contract had even lapsed, Dr. Cassiel Ato Forson, by letters dated and 7th and 14th August, 2014, instructed the Bank of Ghana and the Controller and Accountant-General to issue letters of credit which was the agreed means of payment for the vehicles. The letters of credit were consequently established on 18th August, 2014. Big Sea General Trading LLC, the suppliers of the vehicles based in Dubai, whose contract had no parliamentary approval, proceeded to ship the vehicles on receipt of the letters of credit. When the vehicles arrived, they were not of the kind specified in the contract and had serious defects with every material part of the vehicles which rendered them unfit to be described as ambulances. Indeed, a John Mahama appointed Minister for Health at the time, Dr Alex Segbefia described the vehicles as "*ordinary vans*" not fit for purpose.

The defects were so irremediable that from the time the vehicles started arriving in December, 2014 up to January, 2017 when the erstwhile John Mahama administration left office, they could not be converted into ambulances. To date, they cannot be converted into ambulances and the John Mahama Government is back in pwoer.

I am of the honest view that the split 2 – 1 decision of the Court of Appeal, far from confirming Dr. Ayine's opinion that the case was

flawed, was erroneous and the Republic's chances of having same set aside by the Supreme Court was very high. If Dr. Ayine was convinced that his position would prevail on appeal, why did he not allow the appeal to run its course for a vindication of his views? What did he or his former client, Dr. Ato Forson stand to lose by a determination of the appeal by the Supreme Court? Ladies and gentlemen, I observe that the real reason for a discontinuance of the appeal by Dr. Ayine was that he did not wish to deepen the woes of Dr. Ato Forson any further.

B. REPUBLIC V. OFOSU AMPOFO & ANOTHER

13. Dr. Ayine did not advance any reason whatsoever for the withdrawal of this matter save that he was on record as counsel for the defence. I have already pointed out above the absurdity of such a position. I would not recount same. The self-serving nature of Dr. Ayine's decision is too apparent for the people of Ghana to see.

C. REPUBLIC V. COLLINS DAUDA & OTHERS

14. The reason advanced by the Attorney-General for the entry of nolle prosequi in the case filed against Mr. Collins Dauda and 4 Others for their roles in the Saglemi Housing Scheme, is that in his view, the charges were defective. He claimed that the prosecution wrongly charged the former Minister, Collins Dauda with the offence of misapplying public property (funds) in the sum of Two Hundred Million United States Dollars (USD200million). In Dr. Ayine's view, the prosecution should taken account of the fact that part of the US$200m was used to construct the houses at Saglemi. With the greatest respect, this analysis by Dr. Ayine portrays a complete misapprehension of the ingredients of the offence of misapplying public funds. The offence of intentionally misapplying public property consists in wrongly applying public property, which is defined under the **Public Property Protection Act, 1977 (SMCD 140)** for a purpose other than as lawfully approved. It is different from the offence of wilfully causing financial loss to the State whose defining ingredient is the actual loss occasioned the State through one's wilful acts. In this case, Mr. Collins Dauda was charged with the offence because he intentionally misapplied the sum of US$200 Million for the construction of 1,412 housing units instead of the **5,000** housing units

lawfully approved by Cabinet, the Parliament of Ghana and the Public Procurement Authority to be constructed. So, the question of how much was disbursed by the State during Collins Dauda's tenure as Minister for Works and Housing, or the exact amount spent on the buildings when he was Minister, is immaterial. The real question is whether Collins Dauda authorised the application of the sum of US$200 Million for the purpose lawfully approved for the project, i.e. the construction of **5,000** housing units. The answer to this can only be in the negative.

I say that, in any event, if the Attorney-General was of the considered view that the sum of US$200 Million mentioned under the count of misapplying public property should have been US$94 Million, all he had to do as a good prosecutor acting in good faith, was to amend the count. The remedy is not a discontinuation of the entire case, especially **when that offence of misapplying public property constituted only one out of seventy (70) charges filed in the case**. What happens to the other sixty-nine (69) charges that Dr. Ayine does not fault, and did not talk about.? With the greatest respect, the State should be seriously worried if her Attorney-General demonstrates such ignorance of the basic principles in criminal law and ingredients of offences which border on the protection of State funds or public property.

15. The second factor cited by Dr. Ayine for the withdrawal of the Saglemi case is the alleged failure of the prosecution to charge other Ministers who took office after Mr. Collins Dauda left office. This is another palpable falsehood. The State charged all those whose roles in the Saglemi Housing Scheme implied criminal liability. This included Kwaku Agyeman-Mensah who signed and authorised the payment of money and who was John Mahama's Minister after Collins Dauda until January, 2017. It also included a Chief Director, Alhaji Ziblim, who was in office until 2017 (covering a part of the tenure of Mr. Atta Akyea as Minister) and signed and authorised payment of money.

Dr. Ayine raises issue with the failure to join Hon. Samuel Atta Akyea as an accused person in the matter. It ought to be made clear that the prosecution of crime is not an arena to achieve political equalisation. A careful check of the facts would have disclosed to Dr. Ayine that Hon. Samuel Atta Akyea

never authorised any payment for the Saglemi project. Mr. Atta Akyea was rather the one who called attention to the bizarre circumstances of the project and wrote a letter seeking the advice of the then Attorney-General, Ms. Gloria Afua Akuffo in or about 2019 for an urgent termination of the contract, a decision which stopped the State from unnecessary financial haemorrhage.

The sum of US$5 Million that Dr. Ayine alludes to, was authorised to be paid by the then Chief Director, Mr. Solomon Asoalla, and not Mr. Atta Akyea. The decision by the prosecution team not to charge Mr. Solomon Asoalla but rather to use him as a prosecution witness was, because a scrutiny of the record showed that, Mr. Asoalla in truth, tried to save the Saglemi housing project from total collapse. The sum of US$5Million was authorised by Mr. Asoalla to be utilised for the project to save the project. Further, he assisted in shedding light on the relevant facts of the project. Hence our decision to use him as a prosecution witness.

D. THE PROSECUTION OF DR. JOHNSON PANDIT ASIAMA

16. The narration given by the Attorney-General about why he discontinued the two different cases against Mr. Johnson Pandit Asiama disclosed a litany of untruths, half-truths and a skilful manipulation of the facts. Be that as it may, as it is with any manipulation of facts, the truth is always laid bare on being subjected to careful analysis.

E. THE REPUBLIC V. KWABENA DUFFUOR & OTHERS - THE UNIBANK CASE

17. This case involved an approval by Dr. Johnson Asiam of the sum of GHC450Million for the benefit of Universal Merchant Bank. Part of that sum of was GHC300Million Cedis which was an unsecured facility approved by Johnson Pandit Asiama for Universal Merchant Bank for the benefit of Unibank Limited. The sum of GHC300Million formed the basis of a charge of making approvals in contravention of the Banak of Ghana law. The remaining amount of GHC150Million formed the basis for the offence of wilfully causing financial loss. It is necessary to state that, contrary to Dr. Ayine's claim, the sum of GHC150Million to date, remains unpaid.

18. I must indicate that I find the line of thinking of Dr. Ayine that simply because an alleged loss to the State is recoverable after the offence has been committed or the charge filed, the offence of wilfully causing financial loss is rendered invalid very strange and insupportable. Also, an amount paid in violation of a law, when subsequently recovered, does not clear the person who gave the approval to be made of criminal wrongdoing in the first place.

19. The anchor of Dr. Ayine's explanation for discontinuing the cases against Johnson Pandit Asiama is a memorandum allegedly delivered to my good self by attorneys at the Office of the Attorney-General purportedly "*recommending that the charges against him be dropped*".

    Let me state for the record, that, to the best of my knowledge, **no such memorandum exists**. I do **not** recall receiving any such memo from the Prosecutions Division. I challenge Dr. Ayine to produce such a memo for the examination of the public as he has touted same to the public at a press conference as the basis for his impugned actions.

    Curiously, when probed further on that issue in the "Questions" session of his press conference, Dr. Ayine claimed that I might have disagreed with the memo, and that, he is yet to know the exact comments I made on the memo. This is bewildering and casts doubts on Dr. Ayine's assertions that a memo was presented to me on the issue. Will my comments or the position I took on the memo not be expressed on the memo? How can Dr. Ayine see the memo but not see my comments in the memo? Clearly, the Attorney-General set out to throw dust into the eyes of Ghanaians who, in his view, are a bunch of unanalytical people. Ghana deserves better than the tales of Dr. Ayine.

20. Assuming for argument purposes that a memo was prepared for the consideration of the former Attorney-General (by some state attorneys whose ranks the current Attorney-General does not specify and on a date he does not indicate), is such a memo binding on the Attorney-General? Is the view of the state attorney binding on the Attorney-General?

    Dr. Ayine himself alleges that he had some discussions with the DPP before withdrawing the cases in issue. Where he disagreed, he made it known to

the DPP. Was the DPP's view binding on Dr. Ayine? Was it not his view of the charges he withdrew which prevailed? If Dr. Ayine could form a view of the charges he withdrew from the court in spite of what the DPP told him, how can he castigate Godfred Dame in the media for whatever views Godfred Dame took on a memo allegedly presented to him by some state attorneys who Dr. Ayine cannot name, on a date he cannot specify and affecting some accused persons he could not specify. (Mind you, there are 6 accused persons in the matter. Did the memo touch on all 6? Dr. Ayine fails to tell).

I say that Dr. Ayine, should with the greatest respect, be bold to fully accept responsibility for his action in withdrawing and filing nolle prosequi in all the cases, rather than purporting to blame former Attorneys-General for his decisions.

F. **REPUBLIC VRS. JOHNSON PANDIT ASIAMA & 5 OTHERS - THE UT BANK CASE**.

21. Dr. Ayine lumps up the facts of the two cases against Johnson Asiama and contends that the alleged memo presented to the former Attorney-General which discussed an amount of GHC450 Million the subject matter of charges against the gentleman in the Unibank case also covered the UT Bank case. This is another falsehood. The sum of GHC450Million was in respect of only the Unibank case.

22. The UT Bank case involved the grant of approval by Dr. Johnson Asiama of GHC460Million facility to UT Bank in violation of the single obligor limits.

23. Be that as it may, it suffices to note that Dr. Ayine provides absolutely no justification for a withdrawal of the charges in the UT Bank matter, save the allegation that an alleged memo was presented to me. It is also important to note that the Attorney-General conceals the simple fact that the prosecution had closed its case in the UT Bank case. Thus, by virtue of the notice of withdrawal filed by the Attorney-General, Johnson Pandit Asiama was acquitted and discharged. Dr. Ayine therefore secured, through the backdoor, a whitewash and clearing of sins of Johnson Pandit Asiama forever.

G. **REPUBLIC V. STEPHEN OPUNI & 2 OTHERS**

24. The reasons given by the Attorney-General for the withdrawal of the case against the three accused persons in the Stephen Opuni case and the consequential whitewash and cleansing of sins through an acquittal and discharge, again recounts the misconceived perspective of defence lawyers on the charges. That case involved the loss of GHC271Million to the State.

25. Once again, the media would observe that the Attorney-General only presented to the public the same stories that had formed the line of defence of counsel for the accused, completely abandoning the formidable case built by the prosecution. The Attorney-General completely disregards the fact that the prosecution had been adjudged by all the courts in the Superior Courts architecture – the High Court, Court of Appeal and Supreme Court- as having established a case for the accused to answer. Dr. Opuni had closed his case. Seidu Agongo had called about 10 witnesses.

26. Dr. Ayine, in the face of the holdings of the various courts that there was a case for the accused to answer in respect of the over 27 charges filed in the Opuni case, proceeded to embark on a scathing attack on the work of the Prosecutions Division of the Office of the Attorney-General over which he is now superintending, as a ruse to justify his withdrawal of the case. The simple question that begs for answer is this: why would the Attorney-General who is supposed to be acting in interest of the Republic be arguing strenuously in favour of the defence counsel and against the Republic when all the Superior Courts had stated that Dr Opuni and two others had a case to answer?

    If the new Attorney-General, was of the view that the accused had a strong case and would be acquitted, why did he not wait for the accused to establish this through the trial? Is it the case that counsel for the accused told him after his extensive discussions with them, that they were not sure of securing the acquittal of their clients and therefore, they would prefer the A-G to bail them out through a withdrawal of the charges?

DISPARAGEMENT OF THE JUDICIARY AS A PLOY TO DEFEND THE WRONG WITHDRAWAL OF THE OPUNI CASE

27. Fellow Ghanaians, in purported rationalisation of the Government's decision to withdraw the Opuni case, the Attorney-General, most bizarrely, attacked the integrity of a retired Justice of the Supreme Court, Justice Clemence Honyenuga and the Honourable Chief Justice, albeit unjustifiably. Dr. Ayine claimed that a perjury application filed by Dr. Stephen Kwabena Opuni against a witness was not heard by Justice Honyenuga and that "*this is most unacceptable*". Regrettably, this is another falsehood in Dr. Ayine's press statement. The trial court ruled on the said perjury application. The applicant proceeded to the Court of Appeal.

    I repeat that the tendency of an Attorney-General to peddle untruthful allegations against the prosecuting team and judges sitting on cases being prosecuted by his Office, is highly unprofessional. This is what we see from Dr. Ayine three weeks into his tenure! His actions constitute an attack on the very Office he is now head of.

28. Dr. Ayine stated further in his press statement that, "*when, in accordance with law and practice, Justice Anokye Gyimah decided he was going to hold a de novo trial in the same Opuni case, he was instantly transferred to Kumasi and the case was allocated to a new judge who then proceeded to adopt the proceedings*". This is another plain falsehood and a rehash of the unfounded allegations made by NDC commentators in the media space. If Dr. Ayine had taken pains to examine the file in the Opuni matter, as he should have done, he would have found that it was not a new trial judge who adopted the proceedings for the trial to continue. The then Attorney-General, my good self, was compelled to file an appeal against the order of Justice Anokye Gyimah for the proceedings to start *de novo* or afresh after the close of the prosecution's case and the defence had opened their case. The Court of Appeal allowed the Attorney-General's appeal and ordered that the proceedings be adopted before the trial court. It took about three months for the appeal to be heard and determined. Before the conclusion of the appeal, the Hon. Chief Justice in exercise of her powers under the Constitution, at a time that the proceedings in the Opuni matter had effectively been stayed owing to the pendency of the appeal, transferred the Justice Anokye Gyimah to the High

Court, Kumasi. The display of unfamiliarity by the current Attorney-General of facts regarding cases he withdraws from the courts and speak about in the media, is shocking. Ghana must be seriously worried.

29. Ladies and gentlemen, I deem the press conference hurriedly assembled by the Attorney-General, Dr. Dominic Ayine, as a knee jerk reaction to genuine concerns raised by well-meaning Ghanaians on the attempt by the NDC Government to white wash the crimes of persons who served in the NDC government and as far as the law would allow, clothe them with perpetual immunity from being prosecuted for offences committed against the Republic of Ghana. The posture adopted by the Hon. A-G threatens to undermine Ghana's democratic and good governance structures. I am however reassured by the fact that Ghanaians are discerning enough to discover the illegitimate motives for the discontinuance of the cases in question. The President, through his Attorney-General, has in a spectacular fashion, become the clearing agent to indemnify their allies who have duly been put before the courts for commission of crimes.

God bless us all!!!!

GODFRED YEBOAH DAME
IMMEDIATE PAST ATTORNEY-GENERAL AND
MINISTER FOR JUSTICE
14/02/2025