

PRESIDENT AKUFO-ADDO'S FAMILY AND FRIENDS AGYAPA KABUKI DANCE WITH THE SPECIAL PROSECUTOR AND PARLIAMENT: BY MARTIN A. B. K. AMIDU

“Timing is everything”, indeed. The timing and content of his report, notwithstanding.’

INTRODUCTION

The truce appeared to hold after my rejoinder to the Secretary to the President’s letter with reference number OPS126/20/2362 also dated 17th November 2020 addressed to me in person and in my private capacity allegedly upon the instructions of the President making false and frivolous character assassination statements attacking my integrity until the forum of the Appointments Committee of Parliament was used by the nominee Minister for Justice and Attorney General, Mr. Godfred Yeboah Dame, and the Minister of Finance nominee, Mr. Ken Ofori-Atta, both of whom had ceased to hold any public office and were being vetted for possible approval for appointment to continue the Kabuki dance by attacking not only the official Special Prosecutor’s Agyapa Royalties Transactions anti-corruption assessment report but my person as well. This continued in April 2021 when the media owned by one of the President’s family members suspected in the anti-corruption Agyapa Transaction assessment report was used to further assassinate my reputation and integrity on the leak of a letter on the nomination of a new Special Prosecutor to replace me as required by law.

My silence since the unprovoked attacks on my work as the first Special Prosecutor by the nominee Minister for Justice and Attorney General, and the nominee Minister for Finance has encouraged the Agyapa kabuki theatre to seek to discredit not only the anti-corruption Agyapa Transactions analysis and assessment report but also my person, character, and integrity to give credibility to their misstatements. The self-serving misstatements and misrepresentations constitute part of the plan of the Akufo-Addo and family Agyapa kabuki theatre to use their control over the political power and might of the Republic to destroy my reputation before Ghanaians to enable the submission of the “...governments new Mineral Royalty Transaction...” to the 8th Parliament as though the assessments in the Agyapa Royalties Transactions anti-corruption report of suspected corruption offences committed were of no moment.

This rejoinder is to set the records straight and to expose to Ghanaians the Akufo-Addo, family and friends’ Agyapa Kabuki dance intended to pull wool over the eyes of the public for their personal agenda. Before then, I give a summation of events and how the realization by the President that the Agyapa Royalties Transactions anti-corruption analysis and assessment report implicated him as aiding and abetting the suspected corruption offences triggered the commencement of a family and friends Agyapa Kabuki dance as an instrument of political damage control and propaganda.

On Friday 16th October 2020 I addressed a letter with reference number OSP/SCR/20/12/20 to H. E. President Nana Akufo-Addo and copied the Minister of Finance submitting the conclusions and observations of the anti-corruption analysis and assessment of the Agyapa Royalties Transactions report. The only reason the Minister of Finance was copied was that he had visited me at my residence on 10th October 2020 while the report was being considered and written, and I had given him my word that I would let him see a copy of what I send to the President and if thereafter he wished to discuss its content with me, he was at

liberty to come back. I counted the Minister as a friend, and he had visited my residence on previous occasions before and after 7th January 2017.

After the report reached the President on 19th October 2020, his immediate reaction was to ask the Chief of Staff to invite me to meet her which she conveyed by an urgent letter with reference number OP/COS/105 dated 20th October 2020 stating that: “I have been directed by H. E. the President of the Republic to deliver an urgent message personally to you, today 20th October 2020. I am looking forward to seeing you as requested.” When I met her in her office the following morning, 21st October 2020 at 88:40 am she inform me that the President had directed that I was not to take any further step on the Agyapa Royalties Transactions anti-assessment report until I met him on Friday, 23rd October 2020.

In the morning of 22nd October 2020 at 5:36 am the Minister of Finance made his second visit on the Agyapa Transaction to my private residence in the company of a mutual friend who excused himself and left the two of us together. I made it clear to the Minister of Finance that there was nothing I could do about the contents of the report as disclosed by the analysis and assessment. The Minister told me that he could not also phantom how the report could be put in the public domain.

When I met the President on 23rd October 2020, he exacted a promise from me not to take any further steps on the report for another week. We agreed to meet on 30th October 2020. The President told me that he did not know of the Minister of Finance’s visit to my residence the previous day and he had not sent him to me.

It was this second meeting which was held between the President and me on Sunday, 1st November 2020 in his office, that necessitated, firstly, my press release, and secondly the distribution and the publication of the full Agyapa Royalties Transactions report on the morning of 2nd November 2020. The President’s press statement purporting to take over the further conduct of proceedings by my office by directing the Minister of Finance and the Attorney General to resubmit the Agyapa Royalties Transactions to Parliament was published belatedly around 21:00 HRS on 2nd November 2020 after I had publicized the full report.

Any careful reader will notice at once that the President Akufo-Addo, family, and friends Agyapa Kabuki dance for political damage control begun on 20th October 2020 with his instructions to the Chief of Staff to me, through to my meeting him on 23rd October 2020. This continued privately by the mediation efforts of the late former President Rawlings on 26th, 27th and 28th October 2020. When on 1st November 2020 all the attempts to persuade me to change my mind had failed the Akufo-Addo, family and friends Agyapa Kabuki dance descended into the domain of the public theatre of political damage control with his directives on the night of 2nd November 2020 to his family and friends to resubmit the Agyapa report to Parliament.

I resigned as the Special Prosecutor on 16th November 2020 and my resignation was accepted on 17th November 2020 by the President by letter with reference number SCR/DA96/135/01/A under the signature of the Chief of Staff. President Akufo-Addo, family and friends’ Agyapa Kabuki dance then moved into a letter with reference number OPS126/20/2362 also dated 17th November 2020 addressed to me in person and in my private capacity allegedly upon the instructions of the President making false and frivolous character

assassination statements attacking my integrity. I made a 25-page fitting written rejoinder to this political propaganda letter on 26th November 2020 which is in the public domain.

THE ROLE OF THE PRESIDENT IN AGYAPA AND BIRTH OF THE KABUKI DANCE

It was discovered for the first time on 15th September 2020 through a letter of response with reference number PS/LS/038/SPO01 dated 15th September 2020 from Parliament pursuant to my notice of request dated 10th September 2020 during the analysis and assessment of the prevention of corruption and corruption risk of the Agyapa Royalties Transactions that a Minerals Income Investment Fund (Amendment) Act, 2020 (Act 1024) had been assented to by the President, Nana Akufo-Addo, on 27th August 2020 and gazetted the same day.

On 14th August 2020 Parliament approved five (5) Agreements and tax exemptions in relation to the Gold Royalties Monetization Transaction under the Minerals Income Investment Fund Act, 2017 (Act 978). These Agreements are variously referred to as the Agyapa Royalties Agreements, the Agyapa Royalties Transactions, or the Transaction Documents. The Minister for Finance submitted a memorandum dated 13th August 2020 to Parliament for consideration and approval of the Transaction Documents. Parliament had within twenty-four (24) hours purported to have examined, recommended the agreements for approval by a majority decision of the Finance Committee of the ruling political party, and subsequently, Parliament approved all the agreements conditionally on 14th August 2020. As on 14th August 2020 only Act 978 governed the operations of the Minerals Income Investment Fund but unconstitutionally the majority's conditional approval was based on the potential coming into force of the Minerals Income Investment Fund (Amendment) Bill, 2020 which had been passed by Parliament without the Presidential assent to become law for purposes of the 1992 Constitution. This condition was clearly inconsistent with Articles 11 and 181 (5) of the 1992 Constitution which prohibited such parliamentary approval based on a prospective or future legislation. The minority party in Parliament naturally staged a protest by walking out and did not participate in the plenary vote to approve the Transaction Documents.

The sudden appearance of the enacted Minerals Income Investment Fund (Amendment) Act, 2020 (Act 1024) having been signed and gazetted on 27th August 2020 raised issues of the propriety of the transparency of the enactment process of Act 1024. I made inquiries at the Office of the Attorney-General on 16th September 2020 to obtain a copy of Act 1024 and nobody could tell my then Office whether the Minerals Income Investment Fund (Amendment) Bill, 2020 had received Presidential assent. I sent emissaries to the Assembly Press Shop near the Accra Polytechnic on the 28th September 2020 and to both the Assembly Press Shop near Accra Polytechnic and the Printing Press on 2nd October 2020 only to be told that Act 1024 was unavailable. The last date of enquiry at both the Assembly Press Shop and the Printing Press was on 9th October 2020 again to no avail. This meant that Act 1024 was not available to the public to know its content as soon as enacted as they were entitled to in every democracy.

The purpose of Minerals Income Investment Fund Act, 2020 (Act 1024) purportedly assented to and gazetted on 27th August 2020 was intended to unconstitutionally ratify the Agyapa Royalties Transaction Documents conditionally approved by Parliament. The prevention of corruption and corruption risk assessment accordingly found that the originating processes leading up to the approval of the Transaction Documents by Parliament lowered considerably

the risk to corruption prevention and corruption. It was assented to on 27th August 2020 and not before 14th August 2020.

The prevention of corruption and corruption risk analysis and assessment consequently stated that:

“The fact that legislation has been enacted does not put it beyond the pale of corruption risk analysis and assessment under Regulation 31 of L. I. 2374 made pursuant to Act 959. It is the transparency and accountability in the legislation making process and the application of the law that lowers or raises the risk to corruption prevention and makes corruption a very low or very high-risk enterprise which is the focus of the endeavour of corruption risk analysis and assessment.” The foregoing assessment of the prevention of corruption and corruption risks of enacted legislation applies to the Minerals Income Investment Fund (Amendment) Act, 2020 (Act 1024) should it, even though validly enacted as law, be used opaquely now or in future in aid of transactions that lower the risk to corruption prevention and corruption and thereby act as a low-risk incentive for the prevention of corruption.’

But for the findings of the prevention of corruption and corruption risk analysis and assessment, the President intended his assented Act 1024 to validate the unconstitutional conditional approval granted to the Agyapa Royalties Transaction Documents by Parliament on 14th August 2020. The President’s conduct had the effect of aiding and abetting suspected acts of corruption, including bid rigging, the potential for illicit financial flows and money laundering, breaches of the Public Procurement Act and other laws, and constituted suspected corruption against the President if established by a full investigation by the Special Prosecutor.

The report on the Analysis Of The Risk Of Corruption And Anti-corruption Risk Assessment Of The Processes Leading Up To The Request For Approval And The Approval Of The Transaction Agreements and Tax Exemptions Granted By Parliament Thereunder In Relation To the Gold Royalties Monetisation Transaction Under the Minerals Income Fund Act, 2018 (Act 978) And Other Related Matters Thereto by exposing and indicting the President’s suspected corruption conduct led to his face-saving instructions that his controlled political appointees, the suspect Minister of Finance, a family relation, and the Minister for Justice and Attorney General review and resubmit the already approved Agyapa Royalties Transaction Documents by Parliament to the 7th Parliament again for consideration or reconsideration.

Imara Corporate Finance Limited (Pty)/Databank (South Africa/Ghana)

My report as the Special Prosecutor also analysed and assessed the risk to prevention of corruption and corruption in respect of the tendering, bidding, and selection of Imara Corporate Finance Limited (Pty) /Databank (South Africa/Ghana) and the later appointment of the Transaction Advisors of the other services providers and underwriters on behalf of the Ministry of Finance to provide services for the actualization of the Transaction Documents. In respect of the appointment of Imara/Databank as the Transaction Advisors the anti-corruption report analyzed and assessed that:

“This opaque arrangement in the contract negotiation process not arising out of the Public Procurement Authority approval is what makes the corruption risk analysis and assessment conclude that the process of the selection of the Transaction Advisors discloses reasonable suspicion of bid rigging, corruption activity including the potential for illicit financial flows and money laundering in the arrangement of how the fees payable to Databank as the decoy which was not approved under the Public Procurement Authority Act, 2003 (Act 663) as amended by the Public Procurement

Authority (Amendment) Act, 2016 (Act 914) are to be made. There was thus a zero-chance arising out of individual interests at the Ministry of Finance and Imara/Databank of expecting impartiality and neutrality on the part of the Transaction Advisors in advising the Republic of Ghana as a national corporate entity representing the unitary interest of its Chiefs and people.”

Once the report analyzed and assessed under Regulations 31(1) and (2) of L. I. 2374 that the appointment of the main Transaction Advisors was tainted by suspected corruption whatever those Transaction Advisors did thereafter in relation to the Agyapa Royalties Transactions including the selection and appointments of service providers and underwriters on behalf of the Ministry of Finance were similarly tainted by suspected corruption. There was the need for a full-scale investigation of the suspected corruption offences disclosed by the anti-corruption analysis and assessment report by the Office of the Special Prosecutor to build an investigatory docket for possible prosecutorial action by the Special Prosecutor. The President, whom the report has exposed in Salento for aiding and abetting suspected corruption, intentionally and purposefully sought to avoid such an investigation by interfering with and usurping the functions of the Special Prosecutor on Sunday, 1st November 2020 in his office.

The proper thing for an impartial and neutral President (who had campaigned and won the 2016 election on a promise of transparent anti-corruption governance) acting in accordance with his oath of office under the Constitution to do was to have allowed the Office of the Special Prosecutor to have dealt with the results of its Risk Of Corruption And Anti-corruption Risk Assessment Report instead of usurping the investigatory and prosecutorial independence of the Special Prosecutor first by requesting me to shelve the report and failing that, secondly by referring further cover-up action to the Minister of Finance and the Attorney General whose anti-corruption partiality was the main reason for the establishment of the Office of the Special Prosecutor.

Government’s promise to abide by results of the anti-corruption assessment report.

The Minister of Finance, Mr. Ken Ofori-Atta, and the Ministry of Finance had so soon forgotten their promise to abide the results of the Special Prosecutor’s risk of corruption and anti-corruption risk assessment report prominently carried on its website on 9th October 2020 when the Government anticipated a favourable reporting outcome in the following terms:

“The Agyapa Royalties Transaction Update

Accra, Friday 9th October, 2020...On 14th September 2020, the Office of the Special Prosecutor (OSP), in exercise of its mandate pursuant to sections 2 (1) (c), 29, 69 and 73 of Act 959 and Regulation 31 (1) and (2) of L.I. 2374 requested for information and production of documents in relation to a risk assessment it was conducting on Agyapa Royalties transaction.

Ministry of Finance (MoF) welcomes the decision of the Special Prosecutor to undertake this assessment and views it as an opportunity to address some of the concerns raised in respect of this transaction. Such an assessment is welcome to reassure all Ghanaians that the transaction has and will continue to adhere to the highest levels of corporate governance and transparency.

However, any such exercise and the findings thereof, by the Office of the Special Prosecutor of Ghana shall be deemed material to the IPO and public listing of Agyapa and will therefore need to be fully disclosed in the prospectus prior to applying to the regulators of the UK and Ghana Stock Exchanges for approval to launch the IPO.

This Ministry is, therefore, working with the OSP to successfully complete this exercise. In the interim, the OSP has been notified by MoF that the IPO shall not be launched until the risk assessment has been completed. END” (Emphasis supplied).

The above promise was never given to the anti-corruption Civil Society Organizations who first questioned the propriety of the Agyapa Royalties Transactions. The Ministry was still threatening to launch the IPO by middle of September 2020 and completing in December 2020. The promise was only made when the Special Prosecutor demanded a commitment from the Ministry which apparently deluded itself that the Special Prosecutor like other investigatory agencies was as usual going to rubber stamp the Ministry of Finance and the Government's position to enable it to list the Agyapa Transaction as planned for December 2020.

It was after the Ministry of Finance made this formal promise that the Minister, Hon. Ken Ofori-Atta visited me at my residence on 10th October 2020 while I was still working on the anti-corruption analysis and assessment of the Agyapa Transaction report.

The Government's vault face in the face of the unfavourable reporting outcome

The President's intentions when he realized the likely effect of the Agyapa Royalties Transactions Risk Of Corruption And Anti-corruption Risk Assessment Report on his own alleged assent to the Minerals Income Fund (Amendment) Act, 2020 (Act 1024) and its purported gazette on the same day, 27th August 2020, on the conditional approval by Parliament of the Agyapa Transactions was to resile from the welcoming press release of the Ministry of Finance quoted above and marshal his political appointees to do political damage control and doing in the process what he did not have the power under Act 959 to do, to refer the matter back to the 7th Parliament in an attempt to kill the damning risk of corruption and anti-corruption risk assessment report by the Special Prosecutor on his suspected corrupt Government.

This vault face quoted below is captured again on the Website of the Ministry of Finance which in conjunction with the President forgot that under Act 959 the Office of the Special Prosecutor is not one of the Offices under the control of the President the results of whose functions an implicated President and his cousins can countermand with executive directives to any of his ministries such as the Ministry of Finance and the Ministry of Justice and Attorney General:

"Re: Agyapa Royalties Transaction - Directive by His Excellency the President Following the Release of the Report of the Special Prosecutor

Accra, Tuesday, 3rd November 2020 - Reference is made to the report of the Special Prosecutor dated 15th October 2020 which was submitted to His Excellency the President of the Republic of Ghana and copied to the Minister for Finance.

Reference is also made to the comments of the Minister for Finance on the report of the Special Prosecutor (contained in a confidential memo dated 30th October, 2020 to H.E. the President). The above referenced documents can be found on the Ministry's website <http://www.mofep.gov.gh>

His Excellency the President has, by a communication dated 2nd November, 2020, directed the Minister for Finance to take a number of steps in connection with the Agyapa Transaction.

We wish to assure the general public that the Ministry of Finance is committed to implementing the directives of His Excellency the President. We will continue engaging the Ghanaian people and all stakeholders as part of efforts to engender broader public support for the Agyapa Transaction. END" (Emphasis supplied).

The President and his Agyapa Royalties Transactions political collaborators have since been in the damage control mode in their determination to render at naught the suspected corruption offences disclosed by the analysis and assessments contain in the Agyapa Transactions report.

The foregoing is more than sufficient evidence to show that the so-called usurpation of the corruption prevention and investigatory powers of the independent Special Prosecutor in the discharge of his functions was the only reason for the illegal directive to the prime corruption suspects, the Minister of Finance, Hon. Ken Ofori-Atta, and his Deputy, Hon. Charles Adu Boahene, in the analysis of the risk of corruption and anti-corruption risk assessment report on the Agyapa Royalties Transactions. It was not because of any civil society agitation against the Agyapa Royalties Transactions. It was the result of the Special Prosecutor living by the oath of his office and disappointing the President and his cousin the Minister of Finance who were anticipating a rubber stamp of their position by the Special Prosecutor. As the Special Prosecutor's resignation letter based on the President's usurpation of his functions showed, the letter of 15th October 2020 was a mere 26-page summary of the Special Prosecutor's sixty-four-page report which the Special Prosecutor caused to be published on 2nd November 2020 when the President's intentions to interfere with his functions became clear to him at a meeting with the President on Sunday 1st November 2020.

Implication of the Government's new Mineral Royalty Transaction to 8th Parliament

Suspected corruption always leaves behind trails. Otherwise, why will the President who had secretly signed the Minerals Income Investment Fund (Amendment) Act, 2020 (Act 1024) which was not available at the Assembly Press for public consumption in consequence of the conditional approval by his majority in Parliament be countermanding the Parliamentary Resolutions dated 14th August 2020 approving the Transaction Documents under Article 181(5) of the Constitution if the report of the anti-corruption analysis and assessments of the Agyapa Transaction was not sustainable? The very fact that the directives of the President required the Ministry of Finance, the prime corruption suspects, to take a number of steps in connection with the Agyapa Royalties Transactions including submitting it again to the 7th Parliament which now turns out to be an entirely new 8th Parliament is clear admission that the Special Prosecutor's anti-corruption assessment report contained cogent and credible analysis and assessments showing suspected offences of corruption, including bid rigging, procurement malpractices, illicit financial flows, money laundry, lack of transparency and accountability in the Agyapa Royalties Transactions and its approval processes. No amount of politically motivated damage control using the President's political appointees intended to take Ghanaians for a herd instead of rational citizens can act as a smokescreen to cover the professional analysis and assessments contained in the Agyapa Royalties Transactions anti-corruption report by the independent Special Prosecutor under Act 959. Common sense leads to one and only one conclusion: that the President was compelled by the Agyapa Royalties Transactions anti-corruption analysis and assessment report to work on submitting "...government's new Mineral Royalty Transaction..." to Parliament and not the old Agyapa Royalties Transactions unconstitutionally approved by Parliament on 14th August 2020.

CONTINUING POLITICAL DAMAGE CONTROL FOR THE NEW TRANSACTION

The President's Agyapa Royalties Transactions musical chairs for his second term

The interfering directives by the President to the Minister of Finance, Hon. Ken Ofori-Atta, the prime suspect in the Agyapa Royalties Transactions anti-corruption assessment report and the Minister of Justice and Attorney General to resubmit the Agyapa Royalties Transactions to the 7th Parliament was made on 2nd November 2020 after I, the Special Prosecutor, had refused the President's illegal verbal directive in his office on Sunday 1st November 2020 for

me to shelve the report. Hon. Mark Assibey-Yeboah, the then Member of Parliament for New Juabeng South who had lost his party's primaries for his constituency in or around June 2020, was then the Chairman of the Finance Committee of the 7th Parliament which had recommended the approval of the Agyapa Royalties Transactions by Parliament in less than twenty-four hours on 14th August 2020. Hon. Assibey-Yeboah's Committee had met and considered the Agreements with the then Deputy Ministers for Finance, Hon. Charles Adu Boahene and Hon. Kwaku Kwarteng, with a team from the Ministry of Finance and the Minerals Income Investment Fund. As the 7th Parliament did not reconsider the Agyapa Royalties Transactions as directed by the President before it dissolved on 6th January 2021 the Nana Akufo-Addo, family, and friends Agyapa Kabuki theater had to reposition its dance ensemble for the political damage control in the new Mineral Monetisation Transaction intended to be submitted afresh to the 8th Parliament.

Hon. Kwaku Kwarteng was the only Member of Parliament appointed a Deputy Minister at the Ministry of Finance during the 7th Parliament. Hon. Kwaku Kwarteng, who had won his seat again at the December 2020 elections and was conversant with the activities of the Ministry of Finance, particularly the ill-fated Agyapa Royalties Transactions parliamentary approval, naturally became the Chairman of the Financial Committee of the 8th Parliament. Hon. George Mireku Duker, the Chairman of the Mineral Income Investment Fund governing board which was analyzed and assessed not to have been transparently and accountably composed to supervise the efficient performance of the functioning of the Fund for such an important national patrimony of mineral resources for Ghana, was nominated for appointment to the Ministry of Lands and Natural Resources which has responsibility for the mineral resources of Ghana. Hopefully, he will also again play a critical role in the new Mineral Royalty Transaction to be submitted to the 8th Parliament when approved and appointed. The Distribution of the appointments to others on the Minerals Income Investment Fund, the Boards of Agyapa Royalties Limited of Jersey, U.K, ARG Royalties Ghana Limited, and other institutions analyzed in the anti-corruption assessment report towards the President Akufo-Addo, family, and friends Agyapa Kabuki dance will become apparent when the composition of the governing boards of statutory boards and corporations are completed and made public.

Disengagement of the President's cousins' businesses from Imara Corporate Finance Limited (Pty)

On 3rd February 2021 Citi Newsroom reported that: "Africa Legal Associates completes engagement with Imara on monetization of gold royalties project." The Agyapa anti-corruption risk assessment report deals with the suspected corruption role of the engagement of Africa Legal Associates as service providers/advisors at pages 24 to 26 of the report under the sub-heading: "The Unique Case of The Engagement Of Africa Legal Associates As Services Provider/Advisor." The report assessed in the case of Africa Legal Associates as in the case of the other service providers that the bid rigging process led to there being no distinction between the Ministry of Finance and Imara Corporate Finance Limited (Pty) of South Africa for purposes of probity, transparency, and accountability in such an important international business or economic transaction involving the Monetization of Ghana's Gold mineral royalties." A void transaction will always remain a void transaction no matter what political damage control one attempts to undertake for the purpose of hoodwinking unsuspecting Ghanaians.

The pathetic posture of Gabby Otchere-Darko, the powerful cousin of the President and the Minister of Finance, who holds no official position in the Government but whose influence in the Government and some media houses is publicly suspected to be legendary is that his story on the role of African Legal Associates in the Agyapa Royalties Transactions keeps changing like the chancellor's foot.

Eight days exactly after Cousin Gabby Otchere-Darko's Africa Legal Associates gives notice of completing its engagement with Imara/Databank, a news report on 11th February 2021 in MyJoyOnline.com carries the following publication: "Agyapa: Databank withdraws from deal as transaction advisor."

Imara Corporate Finance Limited (Pty) /Databank (South Africa/Ghana) were joint bidders, won the contract and signed it jointly. The two companies as analyzed and assessed in the Agyapa report purported to have performed under the suspected corruption tainted contract taking effect from 1st May 2018 to the alleged date of withdrawal in February 2021. Imara/Databank worked purportedly jointly from the first phase which was the "Evaluation and recommendation Phase", the second phase, "The Documentation and Preparation Phase", the third phase, "The Execution Phase", and were in the fourth and final phase, "The Further Advice Phase" which included the final listing on the London Stock Exchange in September 2020 and completing in December 2020. The Ministry of Finance, instead of making payments for performance of the contract to Imara Corporate Finance Limited (Pty), South Africa, as per the contract (the Ministry of Finance whose interest in Databank is the reason for the belated purported withdrawal) made all the payments to Imara Botswana, another legal entity which never contracted with the Government of Ghana.

It is intriguing that the Databank's withdrawal reported to Ghanaians on 11th February 2021 claims that:

"Investment and brokerage firm, Databank has served notice to Imara Holding Limited of their decision to withdraw their services as a partner and transaction advisor in the controversial Agyapa royalties deal. Databank and Imara Holding Limited were co-partners and transaction advisors for the Agyapa Gold Royalties Company."

The Mandate Agreement signed on 6th June 2018 in Accra, Ghana which is recited as having been made on 1st May 2018 was signed on behalf of the Republic by the Deputy Minister(F) (Hon. Charles Adu Boahen) and Jayne Backhouse for Imara Corporate Finance Limited (Pty) and one Franklin A. Hayford for Databank Financial services Limited. The contract for Transaction Advisors was not with Imara Holding Limited as now being alleged by the withdrawal notice of Databank Financial Services Limited. It is too late in the day to rectify the reason for the payments through Imara Botswana Limited with this present concoction about the Transaction Advisors' contract being with Imara Holding Limited (see pages 21 to 23 of the assessment report). But that is how political damage control is attempted with an ignorant public. Unfortunately, for today's political damage controllers the Ghanaian public has grown wiser after four years of deceptive governance by this Government leading to the emergence of a mobilized apolitical youth under the #FixTheCountry banner.

The Appointments Committee of Parliament, Ministerial Nominees, and Agyapa

Exactly a day later, on Friday 12th February 2021 the nominee of the President for the Minister for Justice and Attorney General for consideration for approval by the 8th Parliament for appointment to the substantive office, Mr. Godfred Yeboah Dame, without waiting to be appointed to be clothe with authority to execute the Presidents 2nd November 2020 directive with the Minister of Finance, was reported at his vetting to have assured the people of Ghana

that the Agyapa transactions to monetize some of Ghana's gold royalties was done in the national interest and in accordance with the laws of the land. He is reported to have argued that the Finance Minister, his Deputy, and promoters of Agyapa were unfairly criticized in the controversial report of the first Special Prosecutor. The nominee Minister of Justice and Attorney General told the Appointments Committee of Parliament that Friday that, at every step of the way, the Ministry of Finance and, for that matter government, put the interest of the nation first and not the interests of any individual, organization, or group of persons. "Mr. Chairman, with all respect, I don't see any vitiating factor with regard to the transaction," he said.

The Agyapa Royalties Transactions assessment report was written when a substantive Attorney General was in Office in the first term of the Government under the 7th Parliament. This Attorney General, Ms. Gloria Akuffo, was the person admonished by the President to "respect scrupulously the independence of the Special Prosecutor" and she was the person with the Minister of Finance to whom the directive of the President dated 2nd November 2020 to resubmit the Agyapa Royalties Transactions to the 7th Parliament for reconsideration was addressed. She knew she had no jurisdiction to review the functions of the Special Prosecutor in the performance of his prevention of corruption duties under section 3 of Act 959 and Regulation 31 of L. I. 2374 and made no comment on the substance of the Special Prosecutor's report.

A Deputy Minister for Justice, Mr. Godfred Yeboah Dame, and who was nominated to that position, inter alia, because he was a pupil and junior in the President's law chambers, whose appointment lapsed on 7th January 2021, and was being considered for elevation to the Office of Minister of Justice and Attorney General gets so excited by his nomination that without waiting to be appointed to the substantive post joins the President and his family Kabuki dance of interfering in the independence of the performance of the functions of the Office of the Special Prosecutor. Mr. Godfred Dame showed his abject inexperience for the ethical Office of Attorney General he was being vetted for, and lack of objectivity to comply with the independence of the performance of the functions of the Office of the Special Prosecutor when appointed by the conclusive statements he made to the appointments Committee of Parliament as a mere nominee for the post.

No mature and experienced aspiring senior public officer and Minister would make such bald statements Mr. Godfred Dame made to the Appointment's Committee without evidence that he had perused the same documents, information, and materials officially submitted to and used by the Special Prosecutor in his analysis and assessment of the Agyapa Royalties Transactions report under Regulation 31 of L. I. 2374. The documents, information, and other materials submitted to the Office of the Special Prosecutor were never copied to the Ministry of Justice and Attorney General.

Compared to the mature, more senior, and experienced Ms. Gloria Akuffo, the Attorney General under whose professional watch the Agyapa Royalties Transactions report was made by the Special Prosecutor, Mr. Dame was so grateful to the President for nominating him for possible elevation to the office of Minister for Justice and Attorney General that he could not wait to show appreciation by playing the President's poodle. The President and his cousin, Ken Ofori-Atta, the Minister of Finance's Agyapa Kabuki dance of political damage control was in full swing as Mr. Godfred Dame, when approved and appointed was to nominate the next Special Prosecutor who may decide whether to conduct a full investigation into his predecessor's anti-corruption analysis and assessment report.

Not surprisingly, on 26th March 2021 the nominee Minister for Finance, Mr. Ken Ofori-Atta, who is at the center of the Agyapa anti-corruption risk assessment was reported by MyJoyOnline.com as having “hit back at accusations that government erred in selecting his cousin, Gabby Otchere-Darko’s law firm, as part of the legal advisors for the Agyapa Mineral Royalties transaction” during his vetting on Friday. He is reported to have been judge and jury in his own cause when he “stated that government did nothing wrong in choosing the Africa Legal Associates and other law firms as legal advisors on the deal.” This simple and misguided statement underscores the growth of impunity under the Nana Akufo-Addo Government in which the report of an independent anti-corruption agency can be wished away by the principal suspects in the anti-corruption risk assessment report. It was such impunity and corruption that led Lord Acton to say that: “Power corrupts, and absolute power corrupts absolutely.” And when a nominee Minister of Justice and Attorney General who has not read the same source documents used by the Special Prosecutor plays the President’s poodle even before being appointed by making the uninformed statements he made at the Appointment’s Committee, the likelihood that he can uphold the ethics of impartiality required under Article 88 of the Constitution when appointed becomes suspect.

The nominee Minister of Finance who is the principal suspect in the anti-corruption risk assessment report is reported to have “stated that although he did not take a personal role in the selection process, he trusts that the Attorney General’s Department did a thorough (sic) in its assessment”. He is quoted to have said to the Committee that:

“Mr Chairman, I think that the process was as far as I know, because I did not participate personal participate (sic) in all of that, the transaction was done appropriately and I believe the AG was quite comprehensive in assessing whether the right thing was done or not.”

The naivety exhibited by the foregoing answer which implies that the Office of the Attorney General is the Procurement Entity Committee of the Ministry of Finance and responsible for the suspected bid rigging etc by the Minister of Finance and the Ministry of Finance is dumb founding. The Minister of Finance’s contention that: “White & Case LLP International Law Firm was the firm procured in which they then had Bentsi-Enchill, Letsa & Ankomah and Africa Legal Associates. I don’t know whether they are sub-contractors. But certainly, it wasn’t direct procurement of to (sic) any local law firm,” is not borne out by the documentation provided by his own Ministry to the Office of the Special Prosecutor as extensively quoted in the anti-corruption assessment report (see pages 17 to 26 of the report thereof).

The assurance given by the nominee Minister of Finance to the Appointments Committee as reported by MyJoyOnline that: “...government’s new Mineral Royalty Transaction to be re-submitted to Parliament intends to build a national consensus in the interest of the nation” is rather a clear admission that the Agyapa Transaction submitted by him to the 7th Parliament on 13th August 2020 and approved in less than twenty-four hours on 14th August 2020 was infected by corruption activity as assessed by the Special Prosecutor. It is a shame that a nominee Minister for Finance could not simply reason that by agreeing that what the Government was purporting to “re-submit” to the 8th Parliament was “... government’s new Mineral Royalty Transaction...” he was admitting that his Agyapa Royalties Transactions submitted and approved by the 7th Parliament was tainted with serious constitutional defects to require an entirely new one to a new 8th Parliament. (Emphasis supplied).

The underlying assumption and fallacy which appears to have operated in the mind of the President, his cousins and nephews since the Agyapa Transaction Report is that in spite of the Office of the Special Prosecutor Act, 2017 (Act 959) and Regulation 31 of the Office of the Special Prosecutor

(Operations) Regulations, 2019 (L. I. 2374) an Attorney General has jurisdiction to interfere in the corruption prevention, investigatory, and prosecutorial functions of the Office of the Special Prosecutor. It is as if it was not this very President, Nana Akufo-Addo, who said at my swearing-in ceremony on 23rd February 2018 that:

“... I want to assure him that not only will the Executive, including the Attorney General, respect scrupulously the independence of his Office, but will also provide him whatever assistance is required to enable him discharge his high duties effectively, in the interest of the Ghanaian people....” (Emphasis supplied)

Now the independence of the Office of the Special Prosecutor to fight corruption under Act 959 means nothing to this President, his cousins, and Attorney General nominee when their ox is gorged. The politician will spare nothing for damage control when he is suspected of corruption and that is what is playing out before the eyes of Ghanaian in the Kabuki theater of the new Agyapa Royalties Transactions to be submitted to the 8th Parliament.

Nomination of a new Special Prosecutor

As a continuation of the political damage control and Nana Akufo-Addo and family Agyapa Kabuki dance, beginning on 25th April 2021 to 26th April 2021 it became worrying to any patriotic Ghanaian not afraid of the culture of silence to see Gabby Otchere-Darko’s Asaase Radio undertaking political propaganda to prepare the minds of the Ghanaian and international public to accept the surrogate of the alter ego of the Asaase Radio station and Africa Legal Associates as a new Special Prosecutor mandated under section 4(1) of the Office of the Special Prosecutor Act, 2017 (Act 959). In the attempt of persons implicated in the suspected Agyapa Royalties Transactions anti-corruption assessment report to pressurise the President to appoint their surrogate as the new and next Special Prosecutor to safeguard their interests, the online reportage of Asaase Radio resorted to direct fabrications, lies, and omissions against me, the first Special Prosecutor, in its narration of the reasons for my resignation. The Asaase Radio station published a letter from the new Attorney General, who earned his appointment as Deputy Minister for Justice as former pupil and member of the President’s law firm, Akufo-Addo, Prempeh & Co, addressed exclusively to the President dated 16th April 2021, nominating one Kissi Agyabeng, a classmate and friend of both himself and the principal owner of Asaase Radio, as a new Special Prosecutor. The President eventually accepted and forwarded the nomination to Parliament for consideration and possible approval. The Attorney General’s nomination of Kissi Agyabeng, synchronized with President Akufo-Addo, family and friends damage control Kabuki dance. As part of the President’s usual non-verbal rhetoric, he purposefully delayed accepting the nomination knowing he was eventually going to do so if the Kabuki dance is to demonstrate how wrong the Agyapa anti-corruption assessment report was as contended by his nominee surrogates at their vetting by the Appointments Committee.

Government’s public forum for Monetization of Mineral Royalties

The Government’s elaborate political damage control Agyapa Royalties Kabuki family and friends dance spearheaded under the Ministry of Finance continued through a public forum

organized by the Minerals Income Investment Fund allegedly to explore the concept and best practices of monetizing minerals royalties. The purpose of the public forum turned out to be to create a space where handpicked Government aligned so called experts including Hene Aku Kwapong (Founder of the Songhai Group), Kwabena Ata Nuamah Mensah (Resource Governance Professional), and Carl Odame- Gyenti (Banking and Finance Professional) were given a platform to argue that countries like South Africa and Saudi Arabia which have seen quick investments in infrastructure have done so because of, among other things, the monetization of their resource incomes.

Because these were rented “government” experts the Government intended to use to throw wool over the eyes of the public, none of the so-called experts specifically addressed the issues of suspected corruption, bid rigging, lack of transparency and accountability and money laundry raised in the Agyapa Royalties Transactions report of the Special Prosecutor.

There were many Ghanaians who saw through the deceptive government arranged public forum as demonstrated by some members of Civil Society Organizations who were naturally quick to point out that the so-called public forum of experts did not constitute proper consultation as the government had not first come out with the amendment in the Agyapa Royalties Transactions Agreements after President Akufo-Addo directed the Finance Minister and the Attorney-General to correct the concerns raised by the Civil Society Organizations (CSOs).

“Timing is everything”, indeed.’

The President Nana Akufo-Addo and family and friends kabuki dance ensemble have for the meantime moved from the front stage or region and to the back region of the dance theater in planning and revising their lines of how to continue to damage the reputation of the first Special Prosecutor, assassinate his character, and possibly his person for daring to publish the Agyapa Royalties Transactions anti-corruption and assessment report and pave the way for the preparation and presentation of the “... government’s new Mineral Royalty Transaction” to the 8th Parliament.”

Members of the family and friends came to discuss how to deal with me for the expositions contained in the full Agyapa Royalties Transactions anti-corruption analysis and assessment report published on 2nd November 2020 immediately after the demise of former President Rawlings on 12th November 2020. On 15th November 2020 one of the planners cautioned, inter alia, that: “Timing is everything ... all that I am asking ALL of us is to help Martin to help us, period...” This invoked the following chilling response from one of the suspects disclosed by the Agyapa Royalties Transactions anti-corruption assessment report: ““Timing is everything”, indeed. The timing and content of his report, notwithstanding.’ I jumped ship the next day by resigning my office.

I have since been waiting for the “timing” of my damnation and the processes planned to lead to that which begun unfolding with the first salvo being the personal reply signed by the Secretary to the President to my resignation letter with reference number OPS126/20/2362 even after my resignation had been accepted on 17th November 2020. I have already narrated some of the well laid out attacks and assassination of my reputation and character through the medium of their rented press in this discourse. Power is might, so the worse may yet unfold in the days and months ahead but it is important for me that the Constitution is defended whatever the cost because fear is the enemy of change.

CONCLUSIONS

The foregoing analysis of the Agyapa Royalties Transactions teaches all Ghanaians that this Government came to power on the strength of the rhetorical abilities of a candidate who had perfected the art of saying one thing and doing exactly the opposite. The Office of the Special Prosecutor and the first Special Prosecutor were intended as mere window dressing to Ghanaians and world while the public purse continued to be raped through purposeful corruption activities on the blind side of the voters who brought the President into power.

I was hoodwinked like many other Ghanaians first to support the Kabuki campaign of Candidate Nana Akufo-Addo for President during the 2016 elections and secondly to accept to be the Special Prosecutor (in the teeth of my initial refusal to be nominated for the office of Special Prosecutor) with the assurance of real independence to perform the functions of that Office. I never phantom that the President I trusted and upon whose honour I accepted the office merely wanted to use my known public reputation and integrity to foster suspicious corruption and corruption activities in his government. I wish the next Special Prosecutor good luck during his tenure.

This article demonstrates what consequences awaits any appointee of this Government who takes literally, like I did, the President’s rhetoric of “be citizens’ and not “spectators”. The Agyapa Royalties Transactions anti-corruption analysis and assessment report was done professionally without fear or favour, affection, or ill will. When our political rhetorical President saw that the report implicated him, his family and friends in suspected corruption activities, an official government anti-corruption assessment supported by law became an instrument of political damage control for his government. The President not only sought to interfere for me to shelve the report from the public, but the President also went further after failing to have my cooperation, to lead and signal his family and friends kabuki dance ensemble to assassinate my character, my reputation and possibly my person as evidenced by the actions and pronouncements of his supporters.

“Time is everything”, indeed’ but I am not, as a citizen of Ghana, going to be intimidated by the fear of death or the use of the power of the state at the disposal of any President and his cohorts from continuing to defend the 1992 Constitution as enjoined by the Constitution itself. I refuse to be intimidated by the Nana Akufo-Addo, family, and friends’ Kabuki theatre into a culture of silence if I remain their target for damnation. Fortunately, other suspected corruption activities of this Government such as the procurement of the Sputnik V vaccines and others are currently topical suspected corruption activities. The apolitical #FixTheCountry movement and the galvanized attempts by the government to suppress the expression of its free will, shows how silence through fear can negate the citizen’s rights

under our Constitution. Let all of us as patriotic Ghanaians resist at the peril of our comfort and lives the attempts by this government to suppress our rights to defend the 1992 Constitution. That is the only surest way to protect the Constitution and put Ghana First.

Martin A. B. K. Amidu