

THE MPs DOUBLE SALARY CRIMINAL INVESTIGATION DOCKET WAS HANDLED BY THE ATTORNEY-GENERAL AND NEVER BY MARTIN AMIDU AS SPECIAL PROSECUTOR: BY MARTIN A. B. K. AMIDU

Introduction

On 17th May 2021, a friend called my attention to the fact that he had heard a radio discussion on Oman FM in which I was being blamed for the Government's inability to prosecute the Members of Parliaments' double salary case which the Office of the Attorney General had allegedly transferred to my office for prosecution, and I had failed or refused to prosecute same before my resignation. This was certainly a deliberate and knowing concoction of fake news from the newly minted Office of the Attorney General to assassinate my integrity and character.

My researches led me to the Daily Guide Network report in its publication of 10th May 2021 under the heading: "MPs Double Salary Bounces Back" in which it attributed the inability of the Attorney-General's Office to prosecute the suspects in the case that has come to be known as the Members of Parliament Double Salary Scandal to the infantile and banal fact that: "the Office of the Special Prosecutor which was headed by former Attorney General Martin A.B.K. Amidu, took over the case to do the prosecution but the process was not completed until he resigned late last year."

Attorney General's Politically Inspired Propaganda To Tarnish Amidu's Integrity On MPs Double Salary

The politically inspired propaganda against my integrity which sought to link my resignation to the failure or refusal of this irredeemably corrupt Government for four whole years to deal with the simple offence of double salary or stealing (as the Criminal Investigations Department of the Police Service put it), are false, infantile and barefaced lies intentionally concocted and put out by the Office of the Attorney-General to the unsuspecting public under the sub-heading "Godfred Yeboah-Dame." The effigy of the Attorney-General published alongside the concocted falsehoods of me resigning without prosecuting a case which was never handled by my office during my tenure as the Special Prosecutor demonstrates how shamefully low the hitherto respected ethical Office of the Attorney-General which I had the privilege of serving in for over fourteen years of my career has descended into since 7th January 2021.

Throughout my tenure as the Special Prosecutor, the respected former Attorney General, Ms. Gloria Akuffo, never referred this case to me for further investigation or prosecution. Any experienced and ethical person who has ever occupied the office of Deputy Minister of Justice under the Constitution knows that the Attorney General never sends a docket to another independent investigatory or prosecutorial agency without a covering letter forwarding the docket with requisite instructions or requests.

Mr. Godfred Yeboah Dame, the young and inexperienced Attorney General should know now that he is the Attorney General that there are no records in his office or the Director of Public Prosecution's office showing that the Attorney-General, Ms. Gloria Akuffo, old enough to be Mr. Dame's mother, sent any docket on this case to me as Special Prosecutor to prosecute. No such letter was ever received by me when I was the Special Prosecutor, and no records exists in the Office of the Special Prosecutor of receipt of such a letter or docket from Ms. Gloria Akuffo.

Mr. Godfred Yeboah Dame under whose name the Daily Guide Network reports and attributes the infantile lies that: “the Office of the Special Prosecutor which was headed by former Attorney General Martin A.B.K. Amidu, took over the case to do the prosecution but the process was not completed until he resigned late last year” ought to have developed the capability of asking the Director of Public Prosecutions as to the status of the case instead of linking to my resignation to a matter which never came under my watch just to assassinate my character.

President Akufo-Addo Determines Criminal Prosecutions – Not The Attorney General

The credible information I received on the case is and was that the then Attorney General and the Director of Public Prosecutions had both perused the case docket and had come to the conclusion that charges be filed against some of the suspects for prosecution. The Attorney General was instructed not to do so by the President who unconstitutionally usurped the investigatory and prosecutorial constitutional authority of the Attorney General on grounds of political expediency of having the suspects agreeable to play ball in Parliament for the Government.

This view is consistent with the clear unconstitutional usurpation of the independent exercise of prosecutorial discretion of the Attorney General by President Nana Akufo Addo in his response to a question asked by Kweku Dawuro of Kingdom FM on the government’s fight against corruption on 13th December 2019, particularly the prosecution of the double salaries and other criminal cases. The President unconstitutionally assumed the status of the Attorney General of Ghana and shockingly said, inter alia, on the members of parliament double salary cases as follows:

“...The double salary and members of parliament: it is not a straightforward allegation of misappropriation that some people think. There is a whole lot of double counting, to what extent people were taking money vis- a-vis the emolument of the article 70 and all that, and I am thinking that unless the thing is really clear cut and it has not been made quite clear to me, to rein a whole lot of parliamentarians and the list is quite a lot, to rein a whole lot of parliamentarians on a fifty -fifty case, for myself I don’t think that we will be doing the public interest of our country any service in that way. So the process of seeing to what extent the set off can be, there is been ongoing, there is a group doing that work and when they finish we be in a position to let the country know what the final outcome of the double salary thing is....”

The framers of the 1992 Constitution followed the hallowed tradition of Anglo-Ghanaian jurisprudence by enshrining the prosecutorial powers of the Republic of Ghana in an Attorney-General who is professionally responsible for prosecutorial decisions made on a non-partisan basis and not the President. I served as Deputy Attorney General and Attorney General for almost fourteen years and can testify to the fact that no Head of State or President ever sought to direct or interfere with the prosecutorial discretion of the Attorney General during that period. The President’s response at the media encounter of 13th December 2019 is the first time I ever heard, in my life, a President unashamedly and publicly usurping an independent prosecutorial constitutional discretion of an Attorney General. The allusion by the President to a group performing the constitutional duties of the Attorney General to enable the President to decide, and “be in a position to let the country know what the final outcome of the double salary thing is...” shows beyond every reasonable doubt the interfering role of this President in the administration of criminal justice in deciding who must or must not be prosecuted for crime and not the Attorney General. The Attorney General regrettably became a poodle of the President by ceding his or her constitutional prosecutorial mandate to the usurping President.

The Double Salary & Other Criminal Cases Were Negotiated for Ministerial Approvals

The political propaganda reportage from the Office of the Attorney General alongside the effigy of the Attorney General contained in the Daily Guide Network of 10th May 2021 also attributed the following words to the Office of the Attorney-General:

“The AG’s Department is said to have recently resumed working on the establishment of a prima facie case against the ex-appointees and then swing into action.”

I say with all the knowledge and information at my disposal on this matter that the statement is merely intended to divert the minds of suffering patriotic Ghanaians, particularly the youth championing the #FixTheCountry from the abysmal failure of the Government in bringing the country to its present sordid state of suffering while its operatives enrich themselves through illegal gold mining called Galamsey. It is not accidental that the Daily Guide Network of 10th May 2021 also carried a news report in which the Minister of Finance was desperately trying to convince Ghanaians that the woes of the country were inherited even in the second term of a Government that promised bread and butter for every Ghanaian when elected into power.

The statement attributed to the Office of the Attorney General about recently resuming “working on establishing a prima facie case against the ex-appointees and then swing into action” cannot also be reflecting any factual truth because of negotiations led by one of the former Ministers of Finance of the NDC on behalf of this Government which resulted in the NDC party outside Parliament instructing the NDC in Parliament to approve all the Ministerial nominees of the Government including the Minister who was yet to supply further and better particulars to the appointments committee for consideration before his approval or disapproval by the Committee and by Parliament.

This compromising agreement led to some NDC contractors being paid for the first time for work done prior to 7th January 2017 before the ministerial approvals were made as a show of good faith to the NDC. My informants and agents within the executive and parliamentary NDC are certain that the MPs Double Salary cases and other pending criminal cases involving some NDC Members of Parliament formed part of the negotiation and compromises that paved the way for the resolution of the ministerial approval impasse with the NDC in Parliament. It is an open secret, for those who care to find out that the second batch of NDC contractors have submitted their request to the appropriate quarters, through a representative of the NDC in Parliament, who is to facilitate payments as part of the agreed compromise.

In concocting falsehoods intended to tarnish my reputation the Office of the Attorney General disgracefully and unethically tied up my former position of Attorney-General with my later appointment as the Special Prosecutor to which President Nana Akufo-Addo invited me to his office on 10th January 2018, pleaded with me and persuaded me to accept to be nominated under the mutually agreed understanding of my guaranteed independence to assist him fight the canker of corruption. The Office of the Attorney General also deliberately and disingenuously further linked my service under the Presidency of the late Dr. J. E. A Mills to the Government of John Dramani Mahama of which I was not a member when the Daily Guide Network reports that:

“... it had emerged that the case involving former ministers and appointees in the erstwhile John Dramani Mahama-led National Democratic Congress (NDC) government who were caught in the alleged double salary scandal, has not been dropped. It states that its sources say a docket is being worked on once again

following concerns that the privileged in society, particularly politicians, are committing offences with impunity.

The police Criminal Investigation Department (CID) prepared the initial docket and forwarded to the Attorney General's Department for advice. However, the office of the Special Prosecutor which was headed by former Attorney General Martin A.B.K. Amidu, took over the case to do the prosecution but the process was not completed until he resigned late last year."

I am proud to have served the Government of the Provisional National Defence Council (PNDC) beginning February 1982 to 6th January 1993 and in the Constitutional Governments of the NDC1, NDC2 and NDC3 until I fell out with that Government over the Waterville/Woyome, and the Isofoton scandals.

Martin Amidu 's Appointment As SP And President Akufo-Addo's testimony On His Competence And Integrity

In producing its concocted story to be told by the Daily Guide Network, the present Office of the Attorney General took no account of the notorious fact that it was because of my distinguished services and incorruptibility under the PNDC/NDC Governments terminating in January 2012 that led President Nana Akufo-Addo to seek me out and persuaded me to accept nomination from his Government's as its first Special Prosecutor to the Office of the Special Prosecutor. The then Attorney-General, Ms. Gloria Akufo, purported to have nominated me as Special Prosecutor for the Office of the Special Prosecutor on 11th January 2021 without ever having met or spoken with me until at the forum for my fanfare introduction to Ghanaians on the same day.

The President was unequivocal in his introductory statement about me on 11th January 2018 when he stated that:

"Mr. Amidu has the requisite integrity and independence of character to occupy such challenging office." The President added that: "I have done so because I am fully convinced that Mr. Martin Amidu, a prominent legal personality who held the high office of the Attorney General of the Republic in the government of the late President John Evan Attah Mills has the requisite integrity, competence, courage and independence of character to discharge effectively the responsibilities of this office." (Emphasis supplied)

The President, Nana Akufo-Addo, in whom I had placed my sincerest confidence as the person to keep his promise to support me to fight pervasive canker of corruption in the body politic had the following words to say at my swearing-in ceremony on 23rd February 2018 at the Jubilee House amidst fanfare:

"The overwhelming, popular acceptance by the good people of Ghana, and the strong consensus approval by Parliament, of Mr. Amidu's nomination justifies the confidence I repose in him. Indeed, his eloquence and grasp of issues, displayed to the public during his recent vetting, is further testimony of the soundness of his appointment. 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)

The President then bore personal testimony to the tenacity with which he has known me over the years to hold to my views when he stated that:

“I have known Martin Amidu for several years. Indeed, I was his opposing counsel in many of the landmark constitutional cases in the early years of the 4th Republic in the 1990s and can personally testify to the tenacity with which he holds on to his views. That tenacity has now to be exercised in favour of the Ghanaian people in his new office.”

The Then Darling DCOP Mrs. Mamme Tiwaa Addo-Danquah (Now COP) of CID Handled This Investigations

The Members of Parliament double salary case broke out when I had not been considered for approval as the Special Prosecutor and the case was immediately entrusted to the care of the then darling Deputy Commissioner of Police Criminal Investigations Department of the Police Head Office, Mrs. Maame Tiwaa Addo-Danquah. As the Daily Guide Network reported, the CID in April 2018 said the double salaries saga “is contrary to Section 124 (1) of the Criminal and other Offences Act 1960 (Act 29) as amended in 2012 (Act 849). Section 124 relates to the offence of stealing.”

The first time I spoke on the subject of the then on-going CID investigations into the double salary alleged stealing case was on 19th April 2018 when I granted an interview to Citi News’ Umaru Sanda Amadu in which I said that the Criminal Investigations Department (CID), should be allowed to investigate the matter and not sweep it under the carpet.

I also said that:

“... Why should a Special Prosecutor be prosecuting ordinary Ghanaians and your honourables will be involved in these things; then they will be talking to the president to wash it up. Then I have no need sitting here. I won’t even have the conscience to continue. Will I have the conscience to prosecute any other body for corruption if the CID finds something prosecutable and are not allowed to prosecute because Members of Parliament are involved? That is not fair,”

Indeed, the Daily Guide Network which the Office of the Attorney General is using for its shameful unconstitutional campaign to tarnish my reputation had reported my interview with Umaru Amadu Sanda on 21st April 2018.

Propaganda By the Office Of the Attorney-General and The Media Subverts The Constitution

When the Office of the Attorney General descends into the gutter of political propaganda contrary to its mandate under Article 88 of the Constitution using a media that knowingly abdicates its journalistic ethics on a matter it has previously reported upon, constitutionalism and the rule of law are seriously subverted as no rights under the Constitution can survive. This is the gravest danger this country faces today under the Gestapo Government of President Nana Akufo-Addo, as Mr. Charles Wereko-Brobby put it mildly. There is a present

danger to the liberty of the citizen under the 1992 Constitution when the Office of the Attorney General assumes the role of the President's poodle.

“Akufo-Addo ‘blackmailing’ NDC double salary MPs to do his bidding – Joy”

In researching this rejoinder article I came across a news report by mynewsgh.com on Ghana Web dated 31st March 2021 with the heading: “Akufo-Addo ‘blackmailing ‘ NDC double salary MPs to do his bidding – Joy” which underpins the diversionary political propaganda being undertaken by the Office of the Attorney General and the Daily Guide Network. Mr. Jacob Osei Yeboah is reported to have asked a rhetorical question about what is happening in Parliament and answered as follows:

“What’s Happening in the 8th Hung [Parliament](#)? Nana Addo is holding the balls of key double salary NDC’s MPs in the 8th Hung [Parliament](#). You all know that when a man’s balls are being squeezed, his mind and actions are incoherently bizarre. So NDC rank and file be calm and understand Gen. Mosquito and Elders. .. NDC is now on Political Dialysis in the 8th Hung [Parliament](#) whilst Nana Addo keeps on squeezing the balls of all double salary NDC’s MPs and corrupt high ranking members intermittently. Can NDC survive till 2024?...”

Conclusions

My resignation as the first Special Prosecutor was the result of the endemic attitude of President, Nana Akufo Addo’s penchant to usurp the constitutional authority of investigators and prosecutors in criminal justice administration as he tried to do in the Agyapa Royalties Transaction Anti-Corruption Risk Assessment Report implicating him. My old school ethics and integrity as a lawyer of more than four decades standing guided me to resist the President’s unconstitutional interference and resigned my office instead of being his poodle. It had nothing to do with the Members of Parliament double salaries which I never saw nor handled during my tenure. The President’s responses to the media on 13th December 2018 is evidence, if evidence be needed, that this President determines who may be prosecuted for crime and not the Attorney General or Special Prosecutor as his pronouncements on the Members of Parliament double salaries amply demonstrates. God save Ghana from Corruption under this regime. Ghana First!

Martin A. B. K. Amidu
25th May 2021