

DO NOT DEFAME MARTIN AMIDU IN THE PROPAGANDA TO NOMINATE A NEW SPECIAL PROSECUTOR: BY MARTIN A. B. K. AMIDU

Anybody deeply knowledgeable about the Agyapa Royalties Transaction Corruption Risk Assessment report which resulted in my eventual resignation as the first Special Prosecutor knows that one of the beneficiaries of the Agyapa Royalties Transaction is Africa Legal Associates whose contract to participate in the transaction was found to be contrary to the Public Procurement Act and tainted by bid rigging. Until 20th March 2020 Agyapa Royalties Limited was incorporated as Asaase Royalties Limited on 5th November 2019 in Jersey, the United Kingdom. Anybody who cares to know, knows that the alter ego of Africa Legal Associates is a cousin of the President who also established Asaase Radio which began official transmission on 14th June 2020. The Agyapa Royalties Transaction records show the role the President's cousin who established Africa Legal Associates, and Asaase Radio played with White & Case LLP, of London, one of the foreign law firms in the suspected corruption transaction.

It must, therefore, be worrying to any patriotic Ghanaian not afraid of the culture of silence to see Asaase Radio undertaking political propaganda beginning on 25th April 2021 to 26th April 2021 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 the Special Prosecutor as mandated under section 4(1) of the Office of the Special Prosecutor Act, 2018 (Act 959). In the attempt of persons implicated in the Agyapa Royalties Transaction corruption assessment report to pressurize the President to appoint their surrogate as the Special Prosecutor to safeguard their interests, the online reportage of Asaase Radio resorted to direct fabrications, lies, and omissions against me in its narration of the reasons for my resignation.

The post on the Asaase Radio online website by one Wilberforce Asare states in respect of my resignation that: "His [Martin Amidu] reasons for resigning were roundly criticized by civil society actors, who maintained that the law offered him enough protection to stay in office and perform his duties without interference and that there was no clear evidence of any executive interference that should have triggered his resignation." Asaase Radio and its alter ego did not have the courage to point out one civil society actor who expressed the fabrication it was putting out to the public to aid the appointment of its new surrogate and preferred "Agyapa" Special Prosecutor.

Asaase Radio also shamefully pretended not to have read my rejoinder giving further and better particulars on my resignation dated 26th November 2020 to the Secretary to the President's supposed reply to my resignation letter which we now know by experience that the President might not have instructed to be written at all. My functions or my judgment and decision as the Special Prosecutor to resign my office under Act 959 was not subject to the supervision or judgment of civil society actors let alone those of them who secretly attend Government policy making meetings as I had occasion to pointed out in writing previously.

In exercise of brazen impunity, Asaase Radio reported online a matter which never featured in my resignation for pure political propaganda to facilitate and enhance the status of its surrogate "Agyapa" Special Prosecutor even before the President could indicate his acceptance of the nominee and forward a request to Parliament. What has the nomination of a Special Prosecutor by the Attorney General which was awaiting the pleasure of the President

got to do with the reportage by Asaase Radio that: “Mr. Amidu, a veteran member of the opposition National Democratic Congress, who rose to become vice presidential candidate and Attorney General, fell out with the Mills administration over what he described as a matter of principle over alleged executive connivance in dubious multi-million dollar judgment debt.”? Didn’t the President know these facts when he invited me and convinced me to accept to be the first Special Prosecutor? Was the President expecting me to close my eyes to corruption in his Government when he personally sought my acceptance and transmitted my nomination to Parliament? Did I, as a public officer, continue to be a member of the National Democratic Congress (NDC) upon my nomination and subsequent appointment as the Special Prosecutor? Was my supposed disaffection with NDC the reason for the President referring the alleged Airbus bribery case to me for investigation?

Asaase Radio appears to have been so bent on pressurizing the President to announce their preferred choice as the Special Prosecutor (the Agyapa Special Prosecutor) that it forgot that the nomination letter by the Attorney-General was addressed only to the President. How then did the nomination letter of a new Special Prosecutor come into the public domain to make the rounds in the press? Asaase Radio should also have told the Ghanaian and international public that its surrogate and nominee Special Prosecutor in the published letter is a personal friend and classmate of the Attorney General, and the owner of Asaase Radio all of whom attended the University of Ghana’s Faculty of Law, and Ghana Law School. The independence of the Special Prosecutor from the direction or control of any person or authority in the performance of the functions of his office are the operative statutory words for the nomination of an impartial Special Prosecutor! Not a word with an “ism”.

Section 13 particularly subsections (3) and (4) of the Office of the Special Prosecutor Act, 2018 (Act 959) spells out the procedure for the nomination and appointment of a qualified Special Prosecutor. In the scheme of the 1992 Constitution and Act 959 even though the nomination of the Special Prosecutor is entrusted to the Attorney-General subject to the approval of Parliament, the person who accepts the nomination and submits it to Parliament for consideration and approval is the President.

Consequently, the announcement of my nomination as the first Special Prosecutor was made by the President on 11th January 2018 at a press conference at the Jubilee House and followed up with a request to Parliament to consider the nomination for approval. The Attorney-General at the time never arrogated to herself the authority to force the hands of the President to accept my nomination by making her nomination public before the President had the opportunity to make same public. The Attorney-General at the time followed the dictates of Ministerial and Cabinet responsibility in allowing the Cabinet and the President to consider my nomination before it was made public. And those of us who had ears inside the Cabinet knew the debate that went on before the President concluded the Cabinet debate in accepting and announcing my nomination as the first Special Prosecutor on 11th January 2018.

Asaase Radio and the nominator of the proposed new Special Prosecutor know or ought to have known the extent of the involvement of their surrogate as a lawyer for suspects in pending suspected corruption cases in which the Government showed an undue interest in the Office of the Special Prosecutor which I await to see how independently and impartially those cases will be handled to conclusion should the President submit the name of the nominee to Parliament, he is approved, and then appointed. I read Sir Sam Jonah’s expose on

impunity, corruption, and other “isms” militating against the fight against corruption in Government and the economy before reading the series of propaganda publications by Asaase Radio on its preferred and proposed new Special Prosecutor. No impartial observer can disagree with Sir Sam Jonah’s reflections except beneficiaries of the system who loot from the public purse. The fight against corruption in Ghana has been and is still in State Capture. Mark my words!

By all means let anybody root for his or her preferred Special Prosecutor as an insurance against prosecution for corruption in Government but leave me out of the propaganda. I am honouring an undertaking by my silence in not commenting on public affairs. Stop tempting me to speak by the defaming propaganda against me. It will not be in anyone’s interest.

Martin A. B. K. Amidu
29th April 2021