

VOLUME 2 CHAPTER 5**CHAPTER 5****REVIEW OF PETITIONS****5.1.0. A. 6TH MARCH 1957 – 23RD FEBRUARY 1966
(THE GOVERNMENT OF THE CPP)**

5.1.0 In 1951, 1954 and 1956 general elections were held in the Gold Coast. The Convention Peoples' Party (CPP) led by Nkrumah won each of these elections. In the 1956 general elections, the CPP won more than two-thirds of the 104 seats in the National Assembly. The Party was thus given the responsibility of laying the foundation for a strong and stable democracy in Ghana. With a buoyant economy, it was well placed to achieve this end. However, there was little understanding of party politics: political rivalries engendered personal animosities and, before long, the politicians found themselves at each other's throats. Their supporters followed suit, and violent clashes occurred. The reaction of the CPP government to this 'law and order' situation was the passage of draconian laws to suppress opposition to its rule.

5.1.1 DETENTION WITHOUT TRIAL

5.1.1.1 Among the laws were the Deportation Act, 1957, the Deportation (Indemnity) Act, 1958 and the Preventive Detention Act, 1958 (PDA). The Deportation Acts gave the government power to deport aliens from the country. Section 2(1) of the PDA gave the government power to "order the detention of any person who is a citizen of Ghana" if it is "satisfied that the order is necessary to prevent that person acting in a manner prejudicial to: (a) The Defence of Ghana (b) The relations of Ghana with other countries, or (c) The security of the State".

5.1.1.2 The Deportation Acts were used to deport three prominent supporters of the opposition parties, Amadu Baba, Othman Larden and Wahabi Balogun, all of whom claimed to be citizens of Ghana. Under the PDA, leading members of the parties opposed to the CPP were arrested and thrown into prison without trial. Among them were Dr. J. B. Danquah, S.D. Dombo, S.G. Antor, Attoh Okine, Attoh Quarshie and Baffour Osei Akoto. Others were Oheneba Kow Richardson, Osei Baidoo, Victor Owusu and Joe Appiah.

5.1.1.3 The *Daily Graphic* newspaper, Number 2531 of Tuesday, 11th November 1958 published a government statement which sought to justify the detention of the first batch of 43 detainees. It said that the persons had been "preparing plans to overthrow by assassination and violence, the lawfully constituted Government of Ghana" and described secret meetings they had held in

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furtherance of the conspiracy. But, if the matters alleged against the detainees were true, they warranted their arrest and prosecution under the Criminal Code (Cap. 9). The resort to the extraordinary powers of detention without trial was a serious violation of the right of the prisoners to their individual liberties. Some detainees under the PDA died in custody; others languished in gaol for over seven years until they were released after the overthrow of the CPP government on 24th February 1966.

5.1.2 SUPPRESSION OF DISSENT

5.1.2.1 In 1960, a new Constitution - the Republican Constitution - was introduced giving Nkrumah full executive powers and making him President for life, or until such time as he chose to step down. In 1964, an amendment to the Constitution made the CPP the sole political party recognised by law. This was the Constitution (Amendment) Act, 1964 (Act 224) which provided in section 2:

“There shall be inserted immediately after Article 1 of the Constitution the following new Article: 1A. (1) In conformity with the interests, welfare and aspirations of the people, and in order to develop the organisational initiative and the political activity of the people, there shall be one national party which shall be the vanguard of the people in their struggle to build a socialist society and which shall be the leading core of all organisations of the people. (2) The national party shall be the “Convention Peoples’ Party.”

5.1.2.2 Another amendment barred citizens who were not members of the CPP from standing for election to the office of President. This was the Constitution (Amendment) Act, 1965 (Act 290) which stated in section 11(2)(a):

Article 11 of the Constitution is hereby amended by the substitution thereof of the following new Article: 11 (2)(a) Provision shall be made by law for regulating the election of a President, and shall be so made in accordance with the following principles: (b) Any citizen of Ghana who is a member of the national party shall be qualified for election as President if he has attained the age of thirty-five years.

5.1.2.3. Finally, the Electoral Provisions Act, 1965 (Act 290) section 6 (1) (d) disqualified all persons who had been detained under the PDA from being electors and, consequently, from being eligible to stand for election to Parliament. It stated:

- 6 (1) A person shall not be registered as an elector if –
- (d) He is a person against whom an order was made under the Preventive Detention Act, 1964 (Act 240) or under any enactment repealed by that Act and continued in force by virtue of section 10 thereof;

These pieces of legislation were the building blocks of the dictatorship established in Ghana by the CPP led by Nkrumah.

VOLUME 2 CHAPTER 5**5.1.3.0 DETAINEES**

5.1.3.1 The Commission received and considered petitions from the following detainees or by others on their behalf:

1. Amarkai Laryea Amarteifio	7 years 3 months
2. Albert Kpakpo Allotey	“
3. William Kpakpo Allotey	“
4. Joseph Ayithey Kortor Quartey	“
5. Emmanuel Odartey France	“
6. Kwablah Danquah	“
7. Odartey Lamptey	“
8. Samuel Tettehfio Tettey, (wrongly called Tettey Bonaparte)	
9. Emmanuel Kofi Dumoga	6 years
10. Daniel Kumasi Dumoga	“
11. Peter Bimpong alias Kwasi Gyasi	6 years
12. Kwabena Dapaa	“
13. Yaw Gyamera	“
14. Okyeame Kwabena Mensah, deceased	“
15. Kwame Nsonyameye	“
16. Kwabena Owusu Ansah	6 years
17. S. K. Boakye	6 years
18. Yaw Amoako	5 years
19. Malone MacStephen Y Boateng	“
20. Kwabena Boateng	“
21. Akwasi Acheampong	5 years
22. Akusaki Azumah	5 years
23. Kwadwo Gare	5 years
24. Joseph Kwadwo Kankam	3 years
25. Jonathan Tettey Padi	2 years
26. Ahmed Dahamani Gumah	2 years
27. Kwaku Nsaakyi	2 years 3 months
28. Kofi Nyarko	1 year 9 months

5.1.3.2 Gershon Ashie Nikoi was detained from 1958 to 1960. After his release, a fresh order was made for his further detention. He escaped to Togo, and then to Nigeria, where he died in 1963.

5.1.3.3 Nana Kwasi Duku Asante, Chief of Wioso, near Agogo was detained in 1960. He died in custody in 1963.

5.1.3.4 1. **Akwasi Nsiah** (6 months), and his late father, **Kramo Musa** (seven months).
 2. **Mensah Darko (Snr.)** -
 3. **Sam Gatro Antor** - 5 years
 4. **Kofi Juantuah** “

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5. Gerald Kofi Yawotse	- 5 years
6. Kofi Sedefia	- 6 years
7. Akwasi Acheampong	“
8. Yeboah Nortey	- 4 years
9. Kwame Beteh (died in custody)	“
10. Kofi Appiah	- 6 years
11. Umaru Iddrissu	- 3 years
12. Dauda Abubakar	“
13. Moses Kofi Asase	- 6 years
14. Daniel Emmanuel Abedi Addae	- 5 years
15. Simon Kwami Fetor	- 6 years
16. Kwadwo Nsiah	- 4 years
17. Kwabena Adubofour	- 6 years
18. Atta Ahenesa	“
19. Kofi Osei	“
20. B K Busia, brother of Dr Busia	- 3 ½ years
21. Kofi Nyarko	- 1½ years
22. Dennis Yaw Hamelo	- 1 year
23. Chief Isifu Tahiru of Ho Zongo	- four months.
24. Joseph Kwadwo Kankam	- 3 years
25. Samuel Kwame Morttey	- 1 year
26. Suigir Mwonzaala	- 13 months
27. Yokan Tenni	- 13 months
28. Joseph Tendan	- 13 months
29. Moses Mwin	- 13 months
30. Yahaya Kaleo	- 13 months
31. Samuel Kofi Bortei-Doku	- 7 months.
32. Grace Boah re Kwaku Boah	- 5 years
33. Nana Kwasi Gyamsere re Kwaku Oppong	- 5 years
34. Osman Halidu	- 4 years

5.1.3.5 Margaret Akosua Nimo’s uncle, **Kwame Beteh** was detained under the PDA in 1962. He died in detention in 1964.

5.1.3.6 Paulina Afriyie’s parents, **Kofi Ackom** and **Adwoa Nyarko**, both supporters of the NLM were arrested and detained in Kumasi Central Prisons for 6 months and one month respectively.

5.1.3.7 Alexander Gbegne: In 1962, the petitioner’s late father, **Gbegne**, was arrested and detained in Wa for four years.

5.1.3.8 **Alfred Akortor Adjei** was District Commissioner for Accra. He was arrested with Ako Adjei, Tawiah Adamafio, Cofie-Crabbe and others in September 1962 in

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connection with the attempt on the life of Nkrumah at Kulungugu. Adjei was never brought to trial; rather, he was detained under the PDA until he was released on the overthrow of Nkrumah in 1966.

5.1.3.9 Alex Kwesi Boye of Asakai, near Takoradi went to live in Kumasi in 1939. While there he met and struck up a friendship with **Kwadwo Ansong** who lived at Pampaso, near Obo-Kwahu. In 1962, Ansong went to Kumasi to visit Boye and his wife who also hailed from Kwahu. Ansong left the house for a stroll, but did not return. Later, Boye was informed that Ansong had been arrested and was in custody at Tapa. On 24th November 1962, Boye and his wife went to Tapa Police Station to enquire of Ansong. Boye was arrested and, together with Anson, brought down to Kumasi. In January 1963 Boye and Ansong were admitted into Nsawam Prisons. They were kept there until the overthrow of Nkrumah on 24th February 1966. No charges were ever preferred against Ansong. Indeed, in response to an enquiry from the Commission, the Regional Commander, Eastern Region, Assistant Director of Prisons Ben Lartey, by letter No. NSM/0046A/V.1/09 dated 3rd January, 2003, stated that Boye was admitted into the custody of the prison on 28th January, 1963, as an “unclassified detainee”.

5.1.4 EXILE

5.1.4.1 Some supporters of the political parties opposed to the government took to flight rather than submit to detention without trial. Many were to remain in exile until the overthrow of the Nkrumah government in 1966. The Commission received and considered the following petitions:

Raphael Larbi, Henry Kwaku Afake both of whom are still alive, and **Isaiah Kofi Akumiah Isako Koto, Lawrence Tiagbe Kumatse, Cephass Kwami Akpakpla, Kofi Agusa, Wahrenfried Nukro, Kwame Gavu**, all of whom are now dead. These persons were among the adherents of the Togoland Congress who fled the country to Togo to escape persecution and possible detention by the Nkrumah government. They returned to Ghana after 24th February 1966. One of them, Gavu, died in exile.

5.1.4.2 Others who went into exile were:

Ayuba Lamptey fled to Togo. He returned to Ghana in 1966.

Blandford Aduake Sarpei was in exile in Togo for two years.

Yusufu Sakey Lamptey a member of the *Ga Shifimo Kpee*, fled the country to Lome, Togo. He returned to Ghana in 1962.

5.1.4.3 Dr Edward V C deGraft Johnson a lawyer and politician, left Ghana and went into exile in Nigeria when he had information that he was about to be detained under the PDA. He returned to Ghana when he and his wife, a medical doctor, received assurances of his safety. He was away from November 1961 to March 1962.

5.1.4.4 Daniel Akwasi Prempeh a UP activist, fled into exile in 1962, returning in 1964.

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5.1.4.5 Martin Agbakli-Zakli petitioned that **Stephen Kwadwo Obeng** also known as **Togbe Mawusi**, deceased; **Kwadjo Aforna Egbenu**, deceased; **Ruben Yaw Animdee**, deceased; **Simpson Kwasi Evenyi**, deceased of the Akposokubi community in the Volta Region were deported to Togo as aliens under the Deportation Act, 1957 on 16th July, 1958. The deportation orders were revoked by the NLC regime in 1968.

5.1.4.6 Bernard Tuprah claimed to be representing 207 persons who fled the Volta Region in 1960 and 1961 to live in Togo. They returned to Ghana in 1966. He alleged that the United Nations made a grant to the Ghana Government as compensation for them and that they never received the money. The petitioner was asked to submit proof of such a grant. He could not produce any. The Commission's own investigators have not been able to find any evidence, that any such sum ear-marked for them, was paid to the Ghana Government at any time. The list of persons is given as an addendum to this Chapter.

5.1.4.7 Vidal Quist was chairman of the Location Branch of the National Union of Railway and Harbour Workers in Sekondi. Following a strike, he and other trade unionists were arrested on 3rd October 1961 and detained at the Ussher Fort Prison, Accra. They were later released. After the Kulungugu bombing incident in 1962 he received information that he was about to be arrested again. Quist therefore went into exile first in Togo, then in Nigeria, Birmingham in the UK and finally in Denmark. He returned to Ghana in 1966 after the overthrow of Nkrumah.

5.1.4.8 Nana Akwasi Adokwabo was Bantama Constituency Chairman of the NLM. In 1960, CPP elements took him to his home in Kumasi and, with the assistance of a detachment of police officers brought down from Elmina, performed rituals to destool him from his position as Twafohene of Otumfuo, the Asantehene. Thereafter, upon information that he was to be detained under the PDA, he went into exile with his wife, Ama Kromo, and his children, among them Afua Nyarko, in the Ivory Coast. He returned to Ghana after the overthrow of Nkrumah in 1966.

5.1.4.9 Kwaku Apau's uncles **Kwadwo Ofori** and **Akwasi Boah** were UP activists at Atwima Ofoase. Following harassment by their political opponents they left the country in 1961 and went into exile in Bontuka in the Ivory Coast. They returned to Ghana on the overthrow of the Nkrumah government in 1966.

5.1.5 THUGGERY

5.1.5.1 Akwasi Agyei Num, a member of the NLM petitioned that he was attacked and badly beaten up in 1960 by CPP hooligans. Such acts were common on both sides of the political divide.

5.1.5.2 Kofi Darko, Kwadwo Brenya and **Kwaku Apau**, members of the UP, were arrested while on their way to Wenchi to engage in political activity. They suffered some manhandling while in custody at Wenchi and Sunyani. Eventually they were taken to Kumasi where they were put before court. They were acquitted and discharged.

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5.1.5.3 Kwame Kyei-Baffour, a member of the UP sustained cutlass wounds in political violence involving UP and CPP activists.

5.1.5.4 Odikro Kwabena Ampratwum: The petitioner is the Odikro of Patase, near Ashanti Mampong. In 1958 there was a clash between supporters of the CPP and the UP in the area. As a result, Patase, a predominantly UP village, was burnt down. As evidenced by a publication in the *Ghanaian Times* of 10th December, 1970, the government of Dr. Busia promised to rebuild the village. To date this has not been done. This is a promise that ought to have been kept.

5.1.6 BOMB OUTRAGES

5.1.6.1 The violence, which marred politics of the period, and the frequent and indiscriminate use of preventive detention to stifle dissent, bred plots to assassinate President Nkrumah or to overthrow his government. In the confrontation that followed, innocent citizens suffered, not at the hands of the government, or persons acting on its behalf, as set out in Section 3 (2) of Act 611, but by persons who were using violent means to bring about a change of government.

5.1.6.2 Although the current Constitution accepts that force may be used to overthrow a dictatorship, it does not sanction the use of indiscriminate violence. Therefore, where the State fails in its duty to protect the citizen from such acts, it is expected that it will grant relief to the affected persons and their families.

5.1.6.3 The Commission received and considered petitions from the following victims or their representatives:

5.1.6.3.1 Comfort Okai, a 16 year old girl, was injured in a bomb blast in 1962 at Flagstaff House, Nkrumah's residence. She was treated in various hospitals at the expense of the State.

5.1.6.3.2 Salifu Bawku, a Post and Telecommunication linesman was on duty at Flagstaff House in 1962 when the bomb went off. He sustained injuries resulting in the amputation of his right leg. He retained his job as a linesman. During the Acheampong regime, Bawku was fitted with an artificial limb at government expense.

5.1.6.3.3 Huseini Osmanu Suraqa, a cleaner at CPP Headquarters, Accra was injured in the right ankle in 1962 when the bomb went off at Flagstaff House. He feels residual pains and walks with a limp.

5.1.6.3.4 Susana Kumi, an official of the Information Services Department, was injured in 1962 in a bomb blast at the 'Arena' where Nkrumah was to address a public gathering. She received medical treatment at the expense of the State and was paid Workmen's Compensation. She continued to work with the Information Services Department until she retired in 1989.

5.1.6.3.5 John Adjebu Blankson, now deceased, was a music instructor with the Ghana Young Pioneer Movement (GYP). On 20th September, 1962, while on a route march near the 'Arena' with members of the GYP there was a bomb explosion. Blankson and several other persons

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were injured. Blankson was taken to the 37 Military Hospital where his left leg was amputated. He was later sent to Britain, UK where an artificial leg was fitted. After the disbandment of the GYP in 1966, Blankson was given employment as an accountant at the Electricity Corporation.

5.1.6.3.6 Emmanuel Ofori Sasu was injured in the leg when the bomb went off at the 'Arena' in 1962. He still has some pellets in his leg.

5.1.6.3.7 Theophilus Kwasi Owusu, a student of Abuakwa State College, Kibi was following a candle-light procession marking Nkrumah's birthday in 1962 when a bomb went off near Lucas House, an electrical firm in Accra. Owusu sustained an injury to his leg.

5.1.6.3.8 Elizabeth Asantewaa, a 12-year-old girl and member of the GYP, was injured in a bomb blast in 1963, at a football match at the Accra Sports Stadium attended by Nkrumah. Asantewaa's left leg was amputated. She was sent to the United Kingdom for further medical treatment during both the Nkrumah and Acheampong regimes.

5.1.6.3.9 Elizabeth Hammond, was on duty at the Accra Sports Stadium as a Security Officer when the bomb explosion occurred in 1963. Elizabeth sustained a fracture of the right leg. She refused to accept medical advice to have the leg amputated.

5.1.6.3.10 Michael Hammond, a 9-year-old boy, died when the bomb explosion took place at the Accra Sports Stadium in 1963. Michael's funeral expenses were borne by the government. His mother, Rose Okraku, was given employment by the government.

5.1.6.3.11 Comfort Acquah petitioned on behalf of her brother, **Sgt. Isaac Koranteng**, a policeman, now deceased, who was injured in the bomb explosion at Kulungugu, near Bawku. Koranteng sustained injuries and was sent to Germany for medical treatment. He received further treatment at the 37 Military Hospital. He returned to his duties in the Police Service but was retired on health grounds in 1980. He died in 1989.

5.1.7 INVASION OF PROPERTY RIGHTS

5.1.7.1 Dr Edward V C deGraft Johnson In or about September, 1962, the police conducted a search of the home of the petitioner in Accra and carried away manuscripts, lectures, legal briefs and other important documents. The search was conducted ostensibly to look for subversive material. The papers and other documents were never returned.

5.1.8 THE VOLTA LAKE

5.1.8.1 Petitions were received from persons who claimed that they, or their predecessors-in-title, lost property through flooding on the construction of the hydro-electric dam at Akosombo. They were:

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Joseph Kofi Papaye; Daniel Kwabena Bronya; Nana Kwame Aniamoah I; Nana Abronye Otapo III; Nana Kofi Djantrubi II; Alexander Dominic Sunkwa; Tanmu Shakibu Baako; Yao Sareba; Kwabena Nyame; Thomas Nii Ayitey Michael Larweh; Barnabas Narh

5.1.8.1.1 Papaye claimed that his late father, **Kwabena Kabre**, was the owner of farms in the Krachi District in which he planted yam, cassava, rice and groundnuts.

5.1.8.1.2 Bronya, that his father **Kwame Kran** owned a farm at Kantankpan, also in the Krachi District, and that he had planted cassava and yam.

5.1.8.1.3 Aniamoah complained that he lost several acres of yam, maize, rice, groundnuts and oil palm as well as stool regalia and a six-room house.

5.1.8.1.4 Otapo complained that he lost oil palm as well as stool regalia and personal effects.

5.1.8.1.5 Djantrubi complained that a 12-room house, the chief's palace and the shrine of Krachi Dente were destroyed.

5.1.8.1.6 Sunkwa, a teacher of Kete Krachi complained about the inadequacy of the compensation paid to those who lost houses and other properties.

5.1.8.1.7 Tanmu Shakibu Baako, complained about the inadequacy of the compensation in terms of housing given to his father.

5.1.8.1.8 Sareba and **Nyame** complained of the destruction of their farms and houses and claimed that they received no compensation.

5.1.8.1.9 Ayitey, claimed that his father's two-storey building was destroyed, but that he received no compensation.

5.1.8.1.10 Koblah Hima Za-Sakpaku, claimed that the homes of his parents, **Issa Kofi Za Adzidza** and **Juliana Voe Womini**, collapsed when the Lake was created and that no compensation was paid to them.

5.1.8.1.11 Larweh claimed that his father's six bedroom house and cocoa and oil palm farm were destroyed. He was given a two-bedroom house which petitioner considers inadequate.

5.1.8.1.12 Narh claimed that his father lost a house and cocoa farm. He was not compensated.

5.1.8.2 The Commission invited the Volta River Authority to comment on these petitions. In a response dated 18th August, 2004, the Authority stated:

VOLUME 2 CHAPTER 5**RESPONSE TO SPECIFIC PETITIONS FORWARDED TO VRA FROM NRC**

An archival search has been conducted to investigate the allegations in the 13 petitions forwarded to us. The various claims have been categorized under the following headings:

6.0 Houses

Apart from Thomas Ayitey, there are no records on the other petitioners claiming compensation for their houses. In the case of Thomas Ayitey, his one storey house and out buildings were valued at £253 by the Lands Department and he was duly resettled. There are no records of his father's house as claimed. The details of his survey report indicate that his mother, brothers and sisters, named in his petition were all living with him under one roof and as such did not qualify to be compensated with individual core houses. A copy of his survey and valuation records are attached as ...

It is worth noting that our records indicate names of the original owners/caretakers of the houses at the time. We are therefore unable to investigate particular cases of petitioners who have not indicated the names of the original owners and/or whose names cannot be traced. All the house owners were issued with house owner's identification cards. We request that the petitioners produce their cards for further investigations.

6.1 Crops

It is further observed that most of the crops indicated in the attached petitions are annual crops. The farmers were given enough time to harvest their annual crops like beans, groundnuts, maize etc. It was not the policy to pay for such annual crops as the farmers were given the opportunity to harvest them.

Compensation was however paid for cash crops. A list of assessed and paid cash crops valued by the Lands Department in the Kete-Krachi District is attached as Appendix 4.

6.2 Chiefs regalia, 'gods' and personal effects

With respect to compensation for the Chief's regalia and gods, the resettler's demanded money to perform the required rituals for resettling the gods. Reference to page 137 & 140 of "The Volta Resettlement Experience" edited by Robert Chambers 1972. Copy attached as Appendix 5.

The resettlers had time to remove their chief's regalia, personal effects such as kente cloth, elephant tusks, batarak and ahenema sandals referred to in some of the petitions.

With regard to claims by Nana Kofi Djantubi (II) Nifahene, reference file No. HVR. 200334, a palace was built for the Kete-Krachi Chief ie. the Krachi Wura at the new resettlement town and compensation was paid for the relocation of the Krachi Dente god.

6.3 Flooded Lands

Compensation for flooded lands were not paid for because of conflicting claims that were received by the Lands Department in those days. Responsibility for this expenditure however devolved to the Central Government as indicated above and confirmed in 1971 when government

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requested VRA to hand over all responsibility on compensation to the Ministry responsible for Lands.”

5.1.8.3 The Commission took note of the petitions, but found that more than adequate notice was given to local inhabitants when the dam was under construction and that management for those whose properties were destroyed to be fully compensated. In our view, it would not be in the public interest to permit persons to come forward 40 years after the event to make fresh claims.

5.1.9 INTERFERENCE WITH THE RIGHT TO WORK

A number of petitions were on the master/servant relationship. The State has a special responsibility to observe the rules of fair dealing in its relations with its employees. Where there is a breach of these rules, there is cause for concern and a need for reparations. The Commission received the following petitions:

5.1.9.1 Issahaku Zuu. Although he claimed that he was dismissed from the Police Force in 1963, an examination of his Certificate of Discharge showed that the original entry had been erased and ‘Dismissed’ written in its stead. From answers given by Zuu we were satisfied that he in fact resigned from the Force. There is therefore no basis for the allegation of wrongful dismissal.

5.1.9.1.2 Stephen Amevor Agbeyegah, was a soldier in the 3rd Battalion of the Ghana Army which went on peacekeeping duties in the Congo. He was among those court-marshalled for mutiny on their return to the country. He was sentenced to 18 years imprisonment. Having served his sentence, he is now claiming what he terms his benefits. He did not appear before the Commission to explain what those benefits were.

5.2.0 24TH FEBRUARY, 1966 – 30TH SEPTEMBER, 1969**5.2.1 HISTORICAL BACKGROUND**

5.2.1.1 Although the overthrow of the Nkrumah government was generally welcomed as rescuing the nation from a suffocating dictatorship, it brought in its trail some human rights abuses. In the course of overthrowing the government, grave human rights violations were committed, especially against members of Nkrumah’s security apparatus known as the Presidential Detail Department (PDD). Eye witness accounts given to the Commission have it that one of the first ports of call of the insurgents was Flagstaff House, where Nkrumah lived and the blocks of flats opposite it in which members of the PDD and their families lived. The flats were surrounded by soldiers, the inmates brought out and the men taken away. Women and children were forced, some at gun point, to leave their homes. Some men, and even boys, were shot dead. Those who were not killed were subjected to various

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forms of cruelty and molestation. They were beaten, made to crawl on their knees and to lie on the ground staring at the scorching sun. Some claimed that

concoctions were poured into their eyes. These incidents took place even though Kotoka, Harley and Afrifa were very visible at Flagstaff House and the Police Headquarters, where the prisoners were congregated. The National Liberation Council (NLC) and the leaders of the coup must bear responsibility for the abuses committed by troops under their command.

5.2.2 KILLINGS

5.2.2.1 Mary Blay's husband, **Ernest Kojo Nyan**, was a security officer attached to Flagstaff House. Nyan was arrested after the coup in the presence of Mary and taken away. After a search

by Capt Addy, her brother-in-law, Nyan's body was found with gunshot wounds at Korle-Bu Hospital mortuary. The body was buried at Dunkwa-on-Offin.

5.2.2.2 Kwaw Tei, a member of the PDD, was shot and killed by soldiers who invaded his flat opposite Flagstaff House. He was survived by a daughter called Ama Sey.

5.2.2.3 Joseph Kesson was an ex-serviceman of World War II, serving with the PDD as a guardsman. He was shot and killed at Flagstaff House, Accra on 24th February, 1966 during the coup.

5.2.2.4 Ama Otuwa's father, **Ekow Pete** of Asebu, and his brother, **Egya Kwesi Bentil**, who were known to be supporters of the CPP were arrested and taken to Cape Coast. Soon thereafter, Pete died, apparently, from the ill treatment he received. The body was given to the family for burial.

5.2.2.5 George Bartels (jnr), the 17 year-old son of Abena Ataa and George Bartels (Snr), a guardsman, was shot and killed when on seeing soldiers threatening Mary Sagoe, his step mother, he tried to run away.

5.2.2.6 Note Hammond, Member of Parliament, his wife, **Peace** and their son, **Nii Noi**, left their home at 5.30 a.m. on the morning of the coup to visit a family friend who was on admission at the 37 Military Hospital. On leaving the Hospital, they were signaled to stop. Shots were fired killing Note and Peace on the spot. Nii Noi died later, on admission at the 37 Military Hospital.

5.2.2.7 Elizabeth Lamptey's husband, **Robert Kwasi Ackon**, a member of the PDD was shot dead on 24th February 1966.

5.2.2.8 John Kow Tay, was a member of the PDD and lived at Flagstaff House. When the Nkrumah government was overthrown on 24th February, 1966, Tay sent his family away while he hid in a wardrobe in his flat. His body was later found among members of the PDD who had been shot and killed.

VOLUME 2 CHAPTER 5**5.2.3 MAIMING**

5.2.3.1 Joseph Techie-Menson a member of the PDD was arrested. While in custody he was hit on the left eye with the butt of a gun. He lost the sight in the eye.

5.2.3.2 Kodwo Anfam was a footballer with the Highlanders Club at New Takoradi. Following the coup, when soldiers roamed the streets, it was alleged that one of their number had been beaten up in the vicinity. Soldiers rounded up several young men in the area, including Anfam, and beat them up in retaliation. Anfam claimed that as a result he became paralysed. Anfam failed to turn up at the Commission when he was offered the opportunity of appearing before it. Further, there is no medical evidence to back up his claim.

5.2.4 ILL TREATMENT

5.2.4.1. Matthew Narh Tetteh, a member of the PDD was on the delegation to Hanoi when the coup took place. He left Nkrumah to return home. He gave this account of how he was received at the Accra airport:

“...there was repeated commands from the tarmac through loud speakers that my team and I should undress, leave our dresses behind in the plane, come out in only our pants with our palms open and showing to them and carrying a white handkerchief showing to them that we had surrendered. ...

I led my team of 12 men out and we were ordered to stop at the base of the ladder. Many machine guns were pointed to our faces and at the command of one Major E. A. Baidoo we were carried like sacks of sand or something (by our hands and feet) and thrown into the back of the trucks at the tarmac. After hitting the floor of the truck, we were commanded to jump down from the truck and we would be thrown to the next. This continued until we had been thrown into all the 6 trucks around the plane ...we were taken from the airport to the Police Headquarters ...

At the Police HQ, both the Police and Army personnel there beat us severely for over thirty minutes. We were made to crawl on all fours on a newly spread stone chippings without our dresses for well over an hour. We were all bleeding at our hands and knees and were weak as well. Our hands were tied behind our backs and we were facing up...”

5.2.4.2 Martin Okai, a member of the PDD was arrested. While in custody, he was hit with the butt of a gun and struck with a gun sling. His evidence that Afrifa ordered that hot coffee be poured on his and other PDD members' eyes was supported by at least one other witness.

5.2.4.3 Philip Dade Armah, a security Officer at Flagstaff House and others were arrested and taken to the Police Headquarters where they were made to lie down and gaze at the sun.

5.2.4.4 Sampson Peter Anim Danquah, a member of the PDD was arrested. While in custody, he was severely beaten. He developed a hearing defect.

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5.2.4.5 Ephraim Yaw Akoto, now deceased, and nine others were arrested and taken into custody for attempting to destool the chief of Tanyigbe in the Volta Region. They were taken to Ho Police Station where manhandling led to Ephraim sustaining an injury to his eye.

5.2.4.6 George Oscar Gray Jnr., a civilian, was arrested by soldiers led by Cpl. Borlabi, a neighbour, on an allegation that he was a member of the PDD. In the course of the arrest he was kicked in the stomach, hit with the butt of a gun and pushed so that he fell. He was also made to roll on the ground.

5.2.4.7 Nana Kwasi Ketewa IV petitioned that three days after the coup, soldiers went to Nkroful in Nzema, pulled down Nkrumah's family home, attacked men and women in the village and forced them to sing profane songs in praise of the coup. Some houses were pulled down.

5.2.4.8 Emmanuel Appiah-Dwaa, a member of the PDD, was arrested. While in custody, he was beaten, slapped, kicked and hit with the butts of rifles.

5.2.4.9 Augustus Hiambee petitioned on behalf of **Joseph Kwaw Larrie**, a student of the University of Ghana, Legon, who was arrested at Keta for protesting against the arrest of his mother, a CPP activist. He was taken to Burma Camp and apparently brutalised. He became mentally unbalanced shortly thereafter. He is currently at the Psychiatric Hospital, Accra. In response to an enquiry by the Commission, Dr. J. B. Asare, Chief Psychiatrist wrote: "Mr. Larrie has become institutionalized as a chronic schizophrenic patient who cannot live an independent life outside the hospital".

5.2.4.10 Abdul-Wahab Olani was arrested while driving a Jaguar car from Legon towards 37 Military Hospital. He was assaulted by soldiers who thought that the car belonged to Nkrumah. Olani was slapped and beaten. He lost some teeth. He was taken to Burma Camp where the vehicle was impounded for six months before being returned to him.

5.2.4.11 Samuel Kwesi Mensah was taking some children to school in his taxicab when five soldiers accosted him and demanded the keys. When he refused, they kicked and slapped him and used the butt of their rifles to hit him. He sustained injuries for which he received treatment at Korle-Bu Hospital.

5.2.4.12 Stephen Wilfrid Arthur While Arthur and other members of the PDD were in detention in Takoradi, they were set upon by soldiers and beaten up. Arthur's face got swollen and he bled from the nose. They were made to lie down and look at the scorching sun.

5.2.4.13 Joseph Davies, a driver in the Presidential Household was mistaken for a member of the PDD and was arrested. At the entrance to Ussher Fort Prison, he was hit with truncheons. When he raised his hand to protect his head, he was hit on the hand. The blows to the head affected his eyes.

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5.2.4.14 Anthony Kofi Asante, District Organiser of the GYP in Sefwi Wiawso was arrested by soldiers and subjected to beatings. He lost two teeth.

5.2.4.15 Emmanuel Kid Abaidoo, a District Commissioner under Nkrumah, was arrested and slapped several times leaving him with residual headaches.

5.2.4.16 Theodore Kwasi Yao was Paramount Chief of the Ho Asogli Traditional Area. He was arrested by soldiers led by Major Evans Kwame and taken to the Ho Barracks where he was made to lie on the ground facing the sun and to hold his ears and hop from place to place. He was released after four days.

5.2.4.17 Ebenezer Osei-Poku, a lieutenant in the Ghana Army, took part in the abortive coup led by Lt. Arthur in 1967. He was brutally assaulted while under interrogation. He was slapped and hit across the mouth resulting in the loosening of a tooth.

5.2.4.18 Daniel Emmanuel Ekins, a teacher, was an instructor in the GYP at Dunkwa-on-Offin. After the abortive coup of April 1967, he was arrested and detained until December of that year. While he was in detention, he was beaten, resulting in injuries to his gums and jaw.

5.2.4.19 Daniel Dumah Asima In 1968, the petitioner, a craft teacher bought a hat of the GYP at a public auction in Tamale. Later while traveling to Wa he put the hat on. On arrival in Wa he was stopped by the police who questioned him about how he came by the hat. A policeman removed the hat and struck him with it. His medicated glasses got broken as the policeman beat him about the head. The petitioner complained that he is now totally blind. Even though the petitioner was partially blind before the attack the beatings he was subjected to may well have worsened his condition and hastened his blindness.

5.2.4.20 Lawrence Oteng-Gyan was arrested in December, 1965 and confined to a psychiatric hospital for exhibiting abnormal behaviour. He escaped and went to Lome. After the overthrow of Nkrumah, he returned to the country and demanded to be paid US \$3 million for the role he claimed he played in Nkrumah's overthrow. The government of the NLC refused to pay him. Gyan was later charged with defrauding a prospective Parliamentary candidate. He was acquitted of the charge. He now demands compensation. His acquittal did not entitle him to damages.

5.2.5 DETENTION

5.2.5.1 The Protective Custody Decree, 1966 (NLCD 2) and the Protective Custody (Amendment) Decree, 1966 (NLCD 37) sanctioned the detention without trial of functionaries of the previous administration if the NLC was "satisfied that it is in the interest of national security and in the interest of the safety of such persons so to do". Among those who were detained were:

1. **Emmanuel Amartey Adjaye** - 1 year, 10 months.

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- | | |
|--|--|
| 2. Thomas Ekow Halm | - 7 months. |
| 3. Kwame Oppong Asante | - 1 year, 2 months. |
| 4. John Bomo Ackah | - 1 year 10 months. |
| 5. Alexander Samuel Abbia Kwakye | - 1 year, 2 months. |
| 6. Solomon Tulle Atulari | - 1 year 2 months |
| 7. Martin Appiah Danquah | - 2 years 2 months |
| 8. Adolphus Macauley Essuman | - 2 years |
| 9. Joseph Techie Menson | - 1 year. |
| 10. John Ohene Nyantwi | - 4 months. |
| 11. Francis Abeka | - 3 months. |
| 12. Henry Walters Duku | - |
| 13. Martin Okai | - 2 months. |
| 14. Philip Dade Armah | - 10 months |
| 15. Sampson Peter Anim Danquah | - 1 year. |
| 16. Lawrence Aufei Fianko | - 1 year. |
| 17. Peter Obiri Yeboah | - 1 year, 6 months. |
| 18. Matthew Narh Tetteh | - 2 years. |
| 19. James Myers | - 1 year, 10 months. |
| 20. Emmanuel Appiah Dwaa | - 1 year, 10 months. |
| 21. Christian Blukoo | - 1 year, 2 months. |
| 22. Solomon Tei Norbi | - 4 months. |
| 23. Joseph Sally Kwofie | - 1 year, 6 months. |
| 24. Daniel Kofi Yankey | - 1 year, 10 months. |
| 25. Francis E. Amihere | - 1 year, 10 months. |
| 26. Stephen Wilfrid Arthur | - 8 months. |
| 27. John Cobbina Ndede, Francis Akese, Francis Ketibuah, Ambrose Eddi | |
| 28. Awonzoe Boadie | - 1 year, 2 months. |
| 29. Jeremiah Ekellah | - 1 year, 10 months. |
| 30. James Fred | - 2 years. |
| 31. John Andoh (petition of Elizabeth Arthur) | - he was taken ill while in custody and died a month after being released. |
| 32. Francis E Amihere | - 1 year 10 months. |
| 33. Abena Mansah | - 1 year, 4 months. |

5.2.5.2 Thomas Annang Lanquaye a member of the PDD, went into exile in Guinea with Nkrumah. On his return to Ghana on 30 October, 1968 he was detained for three months and then re-instated into the Police Service.

All these persons were in the PDD.

5.2.5.3 Other CPP activists who were detained were:

- | | |
|---|-------------|
| 1. Kofi Agyesa Bassaw | - 10 months |
| 2. Thomas Kwesi Appiah , District Commissioner for Dunkwa-on-Offin | - 9 months |
| 3. Moses Kofi Mensah a District Commissioner | - 1 year |
| 4. Emmanuel Agyekum , a telephonist at Peduase Lodge | - 3 years |

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- | | |
|---|-------------------|
| 5. Roland Ekow Acquah , District Commissioner for Cape Coast | - some months |
| 6. Eddy Cockra Ziblim | - 1 year |
| 8. Severio Termagre , District Commissioner for Tongo, now deceased | - 1 Year |
| 9. Theophilus Kwabena Asare , a Zoo keeper at Flagstaff House | - 4 months. |
| 10. Robert Sarkodie Sakyi an employee of the Workers Brigade | -1 year 2 months |
| 11. Eric Paditey | - 6 month |
| 12. Thomas Kwesi Appiah , a District Commissioner | - 9 months |
| 13. Kofi Williamsan officer in the Fire Service based at the Castle, Osu | - 4 months. |
| 14. Joseph Davies a driver in the Presidential Household | - 8 months |
| 15. Emmanuel Kid Abaidoo , District Commissioner for Takoradi | - 1 year 2 months |
| 16. Joseph Baiwie Anaman , District Commissioner for Nkroful | -1 year 10 months |

5.2.5.4 Abubakar Hajj Issah was six years old in 1966. He claimed that his father, **Bobby Issah**, a goldsmith by profession and a supporter of the CPP, was arrested and detained after the overthrow of the Nkrumah government. Confirmation of his evidence is lacking, as his father's name does not appear in any executive instrument or newspaper publication as having been detained.

5.2.5.5 **Kofi Owusu**, a 19-year-old student of Konongo Odumase Secondary School was arrested in January 1967 and tried for complicity in a coup plot with Lt Owusu Gyimah. He was convicted and sentenced to 25 years' imprisonment. He was released on 11th March, 1970, on the orders of the Presidential Commission. On 21st September, 1981, he was granted a free pardon.

5.2.5.6 On 17th April 1967, Lt Arthur of the Ho Mortar Regiment led an attempt to overthrow the NLC. His principal collaborators in this dangerous undertaking were Lt Yeboah and Lt Osei Poku. Even though the insurgents were able to kill Gen Kotoka, the attempt to overthrow the government failed. Lt Arthur and his men were put on trial, convicted and sentenced to death by firing squad. Arthur and Yeboah were publicly executed. Osei Poku was sentenced to 30 years' imprisonment.

5.2.5.7 The really disturbing aspect of the insurrection was the retribution meted out to persons who were supposed to have shown support for the insurgents in one way or the other. Among the victims of the were:

5.2.5.8 **Emmanuel Asamoah**, a Sergeant in the Police Force, was arrested and detained at the Ussher Fort, Accra for eight months.

5.2.5.9 **Anthony Kofi Asante**, a District Organiser of the GYP in Sefwi Wiawso, who had been arrested and detained at the Sekondi Prisons for 6 months in 1966, was again arrested and detained for 4 months.

5.2.5.10 **Kwame Nsiah**, **Nana Frimpong Manso** deceased; **Joseph Kwabena Nkrumah**; **Kofi Amponsah Kumah**; **Kwame Krah**; **Adwoa Konsiwaa** and other citizens of Praso, near Konongo, were arrested and detained for one year.

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5.2.5.11 Alfred Kwame Addo, Afia Kumah of Biemso No. 1 Ashanti Region were arrested and detained for seven months.

5.2.5.12 Samuel Kwabena Antwi was dismissed from the Police Service and placed in protective custody on the orders of the Inspector General of Police, J. W. K. Harlley. He was in detention for 6 months.

5.2.5.13 Chris Asher Snr., editor of the *Western Tribune* newspaper published in Takoradi, was arrested and detained for one year.

5.2.5.14 Daniel William Manu's two brothers, **Yaw Amoako** and **Kwame Ampewoyie**, were placed in detention for 1 month and 10 months respectively.

5.2.5.15 Daniel Emmanuel Ekins was arrested at Dunkwa and detained at Obuasi, Kumasi and Nsawam Prisons.

5.2.5.16 Kwame Obeng who was a few months old in 1967, petitioned that in that year his mother **Ama Amponsah** of Sekyere Odumasi was arrested and detained. He could not tell the Commission the reason for his mother's arrest or for how long she was detained. The details given are too scanty for a determination to be made as to whether there were any human rights issues involved.

5.2.6 INVASION OF PROPERTY RIGHTS

5.2.6.1 It was the common story of members of the PDD and their wives that they lost all their personal effects. Whether these were looted by soldiers or by common thieves is unknown. However, since the victims were obliged to vacate their abodes at short notice, measures should have been taken by the authorities to ensure that their rights over their honestly acquired properties were not infringed.

5.2.6.2 Ama Konadu wife of Peter O. Yeboah, a member of the PDD lost all her personal belongings.

5.2.6.3 Hannah Andoh-Ampiah wife of James Fred Ampiah, a member of the PDD, petitioned that when the Nkrumah government was overthrown, their premises was searched and various items removed. She lost most of her personal effects, including kente cloth, blouses, footwear and a singer sewing machine. She also lost ₵600 cash.

5.2.6.3 Following the 24 February, 1966 coup, the living quarters of **George Bartel's** son, a security man attached to Flagstaff House was ransacked and properties belonging to him and his

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wife **Mary Sagoe** were seized and taken away. The properties included cash, personal effects and a taxicab.

5.2.6.5 Akub Eduku, wife of Kofi Yankey, a security guard serving with the PDD, lost all her personal effects when she was forced to flee from her husband's flat opposite Flagstaff House.

5.2.6.6 Andrews Kofi Baah was a security officer and member of the PDD. His Peugeot vehicle was seized from his house by soldiers after 24th February, 1966 coup. In 1977 he found the vehicle in the hands of a third party who had apparently bought it.

5.2.6.7 Amissah Nunoo On 12th March 1966, soldiers and a policeman went to Nunoo's shop at Akim Oda and seized a large quantity of goods which they took away in an army truck. The goods were never returned. Before the coup, Nunoo was the local chairman of the CPP.

5.2.6.8 Rebecca Ofoley Ayeetey, (petition of Samuel Laate) was the owner of Freedom Bar at Abossey Okai, Accra. On 28th February, 1966, and 6th March, 1966, soldiers raided the bar and carried away drinks of all kinds and cash.

5.2.6.9 Freeman Kofi Agbemasu was District Organiser of the GYP. Following the 24th February, 1966 coup, he went into hiding. His tailoring equipment and personal effects were seized and burnt by Police personnel sent to arrest him. His motor bicycle was stolen.

5.2.6.10 In 1964 Ghana Commercial Bank granted a loan to **Alhassan Yakubu**, father of Baba, then Head of Mission, Ghana Embassy, Niamey, to purchase a car. After the 1966 coup, the car was seized by soldiers. The rule at the time was that civil servants were allowed five years to pay off car loans. Since Yakubu senior started paying the monthly instalments in February 1964, he had paid only two years' instalments when the car was seized. At the time of the seizure, the vehicle was the property of the Ghana Government.

5.2.6.11 Kwame Oppong, Kwame Kyere, Ama Sikayena farmers at Kootokrom, near Sunyani petitioned that their lands were taken over by the military for use as a firing range. No compensation was paid.

5.2.6.12 Thomas Kwesi Appiah, a District Commissioner, petitioned that a savings account he opened for his daughter was confiscated by the NLC. He was unable to produce any documents to support the existence of the account or to prove that it contained £1000 West African pounds. In any case, it is for his daughter, who must now be an adult, to lay claim to any such funds.

5.2.6.13 Fred Doh Aboetaka The Annie Jiagge Commission which investigated the assets of F. D. Goka, Minister of Finance in the Nkrumah government ordered the seizure of 106 cattle belonging to his uncle Fianyefu Aboetaka on suspicion that Goka owned them. In its report the Commission made no mention of the cattle. As a result 69 of the cattle were released to him. The final release of the remaining cattle and their offspring totaling 525 was aborted when the 31 December 1981 coup occurred.

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5.2.6.14 Following the overthrow of the Nkrumah government, seven cows belonging to **Awuku Akpagu Gbeku**, now deceased, were seized as being the property of F. D. Goka. The cows

were kept at a government-owned kraal at Amelorkope. Later they were released to Togbe Fianyenu Aboetaka who was Gbeku's caretaker. Togbe Aboetaka claimed that three of the cows died and that he sold the remainder to recover his expenses in working for the release of the cows. The government bears a measure of responsibility for what happened by seizing cows which did not belong to a person under investigation.

5.2.6.15 Johnny Hansen re **Convention People's Party**; Attached to Hansen's petition is a letter from the CPP giving particulars of properties of the party they claimed were confiscated by the NLC. These are:

- (a) CPP National Headquarters, Accra
- (b) Central Region office, Cape Coast
- (c) Brong Ahafo Region office, Sunyani
- (d) Eastern Region office, Koforidua
- (e) District office, Asamankese

5.2.6.16 With the creation of the 'one party' State, the CPP used public funds unmindful of whether the expenditure was for the purposes of the State or for those of the party. In this situation, it was legitimate for the successor government to regard all the properties of the Party as having been unlawfully acquired. If exceptions were to be made, it could only be made in respect of properties with regard to which the Party produced indubitable evidence that they were acquired with funds from sources other than the public purse. Such evidence was not produced before this Commission.

5.2.6.17 John Kojo Ackon, also known as Nana Aduku Adaa IV. Although Nkrumah was born at Nkroful in Nzema, he traced his ancestry to Nsuaem in Wassa Fiase and Dadieso in Aowin. In April 1962, he was enstooled chief of Nsuaem under the stool name of Nana Aduku Adaa III. He exercised his functions through a regent nominated by him. Shortly after his enstoolment, he built a chief's palace and a block of flats at Nsuaem. There is no reason to disbelieve the evidence of Ackon that the people of Nsuaem rendered free communal labour towards the project. On the overthrow of Nkrumah in 1966, these buildings were taken over by the State and are currently being used as a police station and for housing police personnel. On the facts, the project was intended to be for the benefit of the stool. Fairness demands that the building be restored to the stool.

5.2.6.18 Abena Mansa claimed that she was an Intelligence Officer based at Flagstaff House during the rule of Nkrumah. On Nkrumah's overthrow she was detained for 16 months. On her return she could not find her car and an estate house she lived in at Awudome, Accra had been allocated to someone else. Abena failed to appear before the Commission to give evidence. An explanation is called for as to how the car got missing. On the estate house, Abena admits that

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she had not fully paid for it. If she did not get in touch with the Housing Corporation during her incarceration, they may well have thought that she had abandoned the premises.

5.2.6.19 William Kofi Diameh From November, 1965, until July, 1966, Diameh was on a course in Yugoslavia under the sponsorship of the United Ghana Farmers' Council (UGFC). On his return to the country, his allowances amounting to ₵432, which were payable locally were not paid to him as following the 24th February coup, the UGFC had had its accounts frozen. The Council was subsequently dissolved. Fairness demands that Daniel be paid his allowances.

5.2.6.20 Daniel Ahusano Donkor Amos petitioned that in 1920 his grandfather, **Narh Dagadu**, acquired a customary grant of land from the Nungua Mantse and put up a swish building. In 1987, a year before Dagadu died the swish building collapsed. It is the petitioner's case that he re-built the house up to lintel level. Thereafter, it was demolished on the instructions of the TDC.

5.2.6.21 By custom, a grant of land for building purposes lapses when the building collapses. When, therefore, the swish building collapsed, it was not open to the petitioner to put up another in its place without a fresh grant. There is no evidence that the petitioner obtained a fresh grant from anyone.

5.2.6.22 Amissah Nunoo was a businessman and chairman of the Akim Oda branch of the CPP. After the 24th February 1966 coup soldiers went to his shop and seized goods worth ₵4,177. They also seized about ₵350 and his wife's gold trinkets. His bank accounts were frozen and remained frozen until 1970.

5.2.6.23 Cecil Kwame Forde petitioned that in 1966 the NLC seized a Mercedes Benz saloon car No. GF 3868 belonging to his father, **Cecil Forde**, who was Chairman of Ghana Radio & TV Corporation.

Investigations have revealed that Forde bought the car with a loan from the Ghana Commercial Bank (GCB). When his appointment was terminated on 1st April, 1966, he was indebted to the Bank in the sum of C4,013.92. The vehicle was impounded on the orders of the Bank and sold to Col George Yarboi.

5.2.6.24 Eddy Cockra Ziblim was the Assistant Northern Region Secretary of the CPP. On the overthrow of the Nkrumah regime he tried to flee to Burkina Faso. He was intercepted at Savelugu and taken back to Tamale. His Opel Rekord Saloon car No. SG 1961 was seized.

5.2.6.25 Damma Wuni a District Commissioner for Walewale in the Nkrumah regime petitioned that after the 24th February, 1966 coup a Mercedes Benz car he purchased with a loan from the government was taken away from him. The insurance document he attached to his

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petition showed that the vehicle was not a Mercedes Benz but an Opel Rekord. In any event, the petitioner admitted that as at 24th February, 1966 he had not paid the full price of the vehicle.

5.2.6.26 On 5th September 1968, police at Bolgatanga raided the shop of **Peter Kwame Nsowah** and seized 157 bags of flour. They accused him of hoarding and later sent the matter to the

Circuit Court for trial. He was acquitted and the Court ordered that the flour be restored to him. However, when Nsowah went for the flour at the Police Headquarters, Bolgatanga he found that they had gone bad. Thus he lost the capital he was using for his business.

5.2.6.27 Sophia Appiah Danquah petitioned for the deconfiscation of the properties of her late husband, **Martin Appiah Danquah**. The confiscations were effected on the basis of the report of the Annie Jiagge Commission. The properties are No. 196 Kwadaso Estate, Kumasi; No A732/4 Latebiokoshie, Accra and a house at Nkawie.

5.2.6.28 **John Kodwo Mensah** petitioner claimed that when 1966 coup occurred, CPP members at Tarkwa had commenced building a conference hall for the party. The uncompleted building was confiscated.

5.2.7 INTERFERENCE WITH THE RIGHT TO WORK

5.2.7.1 **John Cobbina Ndede; Moses Assabieh; Awonzoe Boadi; Francis Ketibuah; George Tanda Eduku; Polley Ransford Namuah; Kwamenla Eboyi; Adaryi Quarm; M.T. Andoh,**

Francis Akesseh; Patrick Yaw Morkeh; Robert Forbah Edukuh; J. A. Boah; Francis Akese Ackah; Joseph Tayie; Jones Henry Anaman; John Abeka Essien; Matthew Cudjoe; John Morkeh Awonzoe; Eddie Ambrose; Henry Walter Duku; Joseph Kwofie Wuajahui, Martin Kwasi Essien; Daniel Evans Arpelleh; J. K. Buah; Ben K. Forjoe; Joseph Cofie Ediem; Paul Ackah Kabenlah; Jeremiah Ekellah; George Quarm; Francis Abeka; Ambrose Yankey Jnr; Moses Kainyah Erzuah; Ebenezer Boafo Asante; Bannerman Smith; George Asiamah Addo; Emmanuel Appiah Dwaa; Robert Tachie Menson Jnr; Isaac Christian Ackah; James Naw Ackah: These petitioners were all members of the PDD who lost their jobs on the overthrow of the Nkrumah government. Many of those who were with Nkrumah on the Hanoi trip went into exile with him. A few left him and returned home. Of those who went to Guinea, some were later repatriated to Ghana with the assistance of President William Tubman of Liberia. The rest came back in 1972 when Nkrumah died and the body was conveyed to Ghana. On their return, some of them petitioned the Ombudsman for some form of compensation for loss of employment. Their prayers were answered when the Ombudsman recommended that appropriate pensions be paid to them. It is the view of the Commission that those who are yet to receive their pensions ought to be permitted to do so.

5.2.7.2 Emmanuel Asamoah Although he claimed that he was dismissed from the Police Force in 1967, he failed to produce his Certificate of Discharge to confirm the fact.

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5.2.7.3 Isaac Nelson Adjekum, a police officer with the Special Branch, was on a course in Moscow when the Nkrumah government was overthrown in 1966. The Government of Russia deported him to the Republic of Guinea where Nkrumah was in exile. He remained in Guinea until 1968 when, with the assistance of the government of Liberia, he returned to Ghana. On

arrival he was detained for six months and then released. He was not taken back into the Police Service.

5.2.7.4 Samuel Obuobisa Bampoe was a student at the Kwame Nkrumah Ideological Institute at the time of the 1966 coup. After the coup he returned to his post of Graphic Artist at the Graphic Corporation. He was dismissed in March 1966. His contributions to the Provident Fund were not refunded to him.

5.2.7.5 Samuel Kwabena Antwi (also known as **Asenso Benjamin Akwasi**) At the time of the abortive coup of 17 April, 1967, Antwi was a police constable stationed at Have in the Volta Region. A civilian called Emmanuel Akubia lodged a complaint that Antwi openly expressed support for the coup attempt and made threatening remarks against the Inspector General of Police. The Central Disciplinary Board of the Police Service ordered his dismissal from the Service.

5.2.7.6 Kofi Ankwandoh Arkorful, a W O I in the Ghana Army, claimed to have played a leading role in the agitation for the expulsion of British Officers from the Army in 1961. In 1965, he was commissioned as Lieutenant on the instructions of Nkrumah. After 1966, his commission was withdrawn and he was reduced in rank from W O I to Staff Sergeant.

5.2.7.7 Fuseini Mumuni, a Lance Corporal in the Ghana Armed Forces, was discharged in 1968. An assessment of his conduct and character indicates “he found it extremely difficult to cope with military routine and discipline.” Indeed, he forfeited 115 days of service. The excuse that he took his girl friend to his hometown to deliver a baby is not convincing.

5.2.7.8 In 1968, **Nicholas Mevemo Norvimagbe**, a Sergeant in the Ghana Army left his duty point to his subordinate and went away. While he was away, smugglers were arrested. His men decided to steal some of the goods. When they were found, out they and Norvimagbe were court-martial. Norvimagbe was dismissed from the army with disgrace. His colleagues were sent to prison. There can be no excuse for a soldier to leave his post without informing his Superior Officers. The punishment meted out to Norvimagbe was deserved.

5.2.7.9 Wilson Bamfo-Awuah, a soldier in the Ghana Army, went AWOL on 30th April, 1969, and was discharged. The explanation he gives that he was arrested and sentenced to six months imprisonment by an unnamed body seems imaginary.

5.2.7.10 Kofi Duku was Managing Director of the Food Marketing Corporation. On 1st December, 1966, his appointment was terminated by Ministry of Agriculture letter No. 8006.SF.

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55/62 signed by C. A. Dadey, Principal Secretary. Following representations made by him, the termination was changed to suspension. A Committee of Enquiry was appointed into the affairs of the Corporation. On the basis of its report, it was finally decided to terminate Duku's appointment with effect from 9th March, 1968. Duku's period of service with the Corporation

was from 1963 to 1968. Whether he was entitled to terminal benefits, as he claimed, depended on the terms of his employment.

5.2.7.11 Kwabena Grunshie was appointed to the non-pensionable post of Cook's Mate in the Presidential Household in September 1961. By 1966 he had been promoted to Cook Grade II. Following the overthrow of Nkrumah, he was declared redundant and was paid off with one month's salary. Grunshie's letter of appointment made it clear to him that his post was not a pensionable one and was to be held at the pleasure of the President. Even though he was not entitled to be paid a pension, an ex gratia award would not have been out of place

5.2.8 THE YENDI SKIN

5.2.8.1 For many years now, the Dagomba chieftaincy has posed a threat to order. In 1960, the Nkrumah government tried to regulate succession to the skin by making the Declaration of Customary Law (Dagomba State) Order (LI 59). However, the Instrument was revoked by the NLC. When, therefore, Ya Na Abudu III died on 14th September, 1967, a dispute arose between the Abudu and Andani gates (branches of the same family) over the person to succeed him. The Andani gate put up Mion Lana Andani while the Abudu gates put up the Regent who was the eldest son of Abdulai III. When the Andani gate purported to enskin Mion Lana as Ya Na Andani III, the NLC appointed the Nene Azu Mate Kole Committee to look into the matter. The Committee subsequently submitted a report on 8th August, 1969, which was accepted by the government. The main recommendation was that the enskinment of Ya Na Andani III was a nullity.

5.2.8.2 On 8th September, 1969, detachments of police were sent Yendi to dislodge members of the Andani gate who had occupied the Ya Na's Palace. After a 24-hour ultimatum to disperse had expired, the police moved in with force and, in the process, several persons were killed and others injured.

5.2.8.3 Post mortem reports of the time confirm the killing of the following persons:

- **Kaku Sumani**
- **Abdulai Foribe-Na**
- **Abdulai Mahama**
- **Wumbie Paga (female)**
- **Norga Moshie**
- **Musa Abu**
- **Abdulai Dagomba**
- **Abukari Mahama**
- **Adia Muniru (female)**

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- **Maata Yakuba (female)**
- **Awabu Sulemana (female)**
- **Yakubu Abukare**
- **Mallam Abdulai Nyankpa**

- **Wumbie Npembe**
- **Adam Dagomba**
- **Shani Sulley**
- **Issaka Gushiei-Na**
- **Malam Ibrahim Dagomba**
- **Nyong Chirifo**

5.2.8.4 There were no post mortem reports to confirm the killing of the following persons:

- **Mahama Dagomba**
- **Mion Zuagyuri Naa Issahaku**
- **Abdulai Yamusa Inusa**
- **Musah Wumbei**
- **Musah Sancheerah**
- **Adam Abukari**
- **Alhassan Pagazaa**
- **Adam Kaleen**
- **Alhassan Bilinkuga**
- **Abukari Andani Yiri**
- **Dzebuni Pischeigu**
- **Karaga Tuu-Naa**
- **Tampion Tuu-Na**
- **Yakubu Guruma**
- **Damankung Alidu**

- **Sambu Daaso**
- **Alidu Braimah**

5.2.8.5 In all, the petitioner, Adam Baba Issifu, listed 36 persons as having been killed and 41 as injured.

In the course of the proceedings before the Commission, three of the injured, all women, were examined. They all had gunshot wounds. Subsequently, the Commission received medical reports on three of the injured, two women and a man. They are **Sana Imoro**, **Asana Mahama** and **Amidu Alhassan**. Sana was shot in the thigh, Asana in the left upper arm and Alhassan in the knee. Alhassan's right lower limb is amputated below the knee. He walks with a limp because of the amputation.

VOLUME 2 CHAPTER 5**5.3 C. 1ST OCTOBER, 1969 – 12TH JANUARY, 1972****(THE SECOND REPUBLIC)**

5.3.1 The introduction of a new, democratic Constitution on 22nd August 1969 raised high hopes for the development of a peaceful and prosperous nation. In the general elections held on 29th August, the Progress Party (PP) led by Dr. Busia won an overwhelming number of seats. The new government took office on 1st October, 1969.

5.3.2 EXPULSION OF ALIENS

5.3.2.1 Before the PP government took office there existed laws, notably, the Aliens Act, 1963 (Act 160) regulating the stay of aliens in the country. Among other things, the Act required all aliens to have a visa or permit to enter Ghana, and made it an offence for any alien whose permit had expired or been revoked to remain in Ghana. The new government was determined to enforce the laws as a way of controlling the influx of aliens into the country. It issued an order, the Aliens Compliance Order, requiring all aliens in the country to regularise their stay or face expulsion. Panic broke out when the government set a time limit of two weeks. Faced with financial and economic ruin, some aliens committed suicide; others sold their houses and businesses for a song. Some greedy Ghanaians seized the properties of aliens or entered into unconscionable agreements with them as to their disposal. Much suffering was caused by this attempt to enforce laws which had been left dormant for years in recognition of the mobility of the population in West Africa. It left considerable bitterness and destroyed many homes. Even though none of the aliens affected by the Order petitioned the Commission, it is necessary to record the event and acknowledge the hardships and injustices it caused.

5.3.3 INVASION OF PROPERTY RIGHTS

5.3.3.1 Kwadwo Subunu petitioned that during the construction of the Barekese Dam in 1970, the following crops on his farm were counted:

Cocoa	2611
Orange	7
Kola	9
Plantain	361

He maintained that no compensation was paid for the crops. The claim was considered by the Land Valuation Board in 2001. By letter No. 333 of 23rd March 2001, K. N. Asumadu Sakyi,

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Regional Valuer, Kumasi, informed the CHRAJ that documents on the claim could not be traced. He also expressed doubts as to the identity of the petitioner who, he said, was a nephew of Kwadwo Subunu, now deceased.

The petitioner gave his age in 2002 as 62 years. This would make him 30 years old in 1970. In his evidence before the Commission the petitioner claimed that he inherited the farm from his grand uncle. It is best to keep an open mind and allow the Valuation Board to complete their investigations into the claim.

5.3.4 INTERFERENCE WITH THE RIGHT TO WORK

5.3.4.1 Matthias Wolana Ofori was Managing Director of the Graphic Corporation. On 20th February, 1970 his appointment was terminated by the government in purported exercise of the power conferred by section 9(1) of the Transitional Provisions of the Constitution of Ghana, 1969. It provided as follows:

“Subject to the provisions of this section, and save as otherwise provided in this Constitution, every person who immediately before the coming into force of this Constitution held or was acting in any office established

(a) by or in pursuance of the Proclamation for the constitution of a National Liberation

Council for the administration of Ghana and for other matters connected therewith dated the twenty-sixth of February, 1966, or

(b) in pursuance of a Decree of the National Liberation Council, or

(c) by or under the authority of that Council,

shall, as far as is consistent with the provisions of this Constitution, be deemed to have been appointed as from the coming into force of this Constitution to hold or to act in the equivalent office under this Constitution for a period of six months from the date of such commencement, *unless before or on the expiration of that date*, any such person shall have been appointed by the appropriate appointing authority to hold or to act in that office or some other office.”

5.3.4.2 By this provision, all posts in the public services and corporations became vacant after six months, unless a fresh appointment was made. It follows that the petitioner’s post became vacant by operation of law, and it was not necessary for the government to dismiss him. The furore created by the attempt on the part of the government to dismiss some officers was one of its own making. Section 9(1) gave the government power to appoint to offices, not to dismiss anyone.

5.3.4.2.1 Joseph Broni Amponsah, a policeman, had his appointment revoked on 20th February, 1970. Later, it was found that the person to be removed from office was one James Kwabena

Broni. Accordingly, Amponsah was re-instated. His service record shows that he remained in the Service until at least 2nd May, 1974. However, in the petition he filed at the Commission, he claimed to have been retired. If indeed he was, then it must have been for reasons unconnected to the exercise by the Busia government of the power conferred on it by the Transitional Provisions of the 1969 Constitution.

VOLUME 2 CHAPTER 5**5.4 D. 13TH JANUARY, 1972 – 3RD JUNE, 1979****(NRC/ SMC I & II)**

5.4.0.1 Even though the military-cum-police coup d'etat of 24th February, 1966 may be explained on the ground that the CPP has created conditions whereby the only way to change the government was by the use of force, had the unfortunate effect of whetting the appetite of men in uniform for political power. From then on, the talk among Officer Cadets in the Military Academy was about overthrowing governments and installing themselves in power. They had seen Kotoka, a Colonel, become a Major-General and then Lt General. Ocran was promoted to Major-General. Afrifa, a Captain, became a Colonel, and then a Brigadier. Two years later, he was promoted to the rank of Major- General. In early 1970, Afrifa became a Lt General at the age of 34 years. It was enough to make any serving soldier green with envy.

5.4.0.1.2 On 13th January, 1972, Ignatius Kutu Acheampong, a Colonel and Commander of the 1st Brigade Group, made his move. With the support of Majors Agbo, Selormey and Baah he overthrew the PP government and set up a National Redemption Council (NRC) to rule the country. The rewards for their treachery were that Acheampong became Chairman of the NRC and promoted himself rapidly to the rank of Major-General. By the time he was forced out of office, he had risen to the rank of full General. Majors Agbo, Selormey and Baah became members of the NRC. They held office until 1975 when the NRC was re-organised as the Supreme Military Council (SMC).

5.4.0.3 The petitions received by the Commission on human rights abuses during the period of the NRC and the SMC covered Killing, Maiming, Torture, Ill-treatment, Detention Without Trial, Invasion of Property Rights, Interference with the Right to Work and Abuse of the Judicial Process.

5.4.1 KILLING

5.4.1.1 Samuel Kusi Addai was the Brong Ahafo Regional Manager of the Co-operative Society, a body engaged in the purchase of cocoa. On 28th March, 1972, Addai was arrested and taken to the military barracks in Kumasi. The next day, he was sent to Liberation Barracks, Sunyani. In the morning of 30th March, two of his wives visited him at the barracks in Sunyani. They observed that his hair had been shaved off and he looked troubled. He told them the authorities were demanding that he should pay ₵10,000 before being released. The amount was said to be due to the Society. Later that day, his wives heard that he had died. They went to view the body at the mortuary at Sunyani Hospital. The body was released to the family and Addai was buried on 1st April, 1972.

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5.4.1.2 In October, 1972 soldiers investigating a theft of money at Esumegya, near Bekwai, by a cocoa purchasing clerk, arrested **Ama Nyamekye** and her husband **Kwadwo Achamfour** on suspicion of complicity and took them to the Military Barracks in Kumasi. Achamfour died while in custody.

5.4.1.3 On 18th September, 1974 while at work at the Builder's Brigade camp at Bompata, Kumasi, **Joseph Philip Aidoo** was struck by a shot fired by a soldier. He died instantly.

5.4.1.4. On 22nd June, 1978, **Emmanuel Eworyi**, a student of Sogakofe Secondary School in the Volta Region, was walking back home after visiting a friend when he was shot by a soldier on duty at the Lower Volta Bridge. He died at Adidome Hospital the next day.

5.4.1.5. Peter Agyei Barimah a student of the University of Ghana was shot and killed by Police Constable Bedzra on 5th May, 1979 at the Railway Station, Accra. A Committee of Enquiry was set up to examine the circumstances leading to the shooting. When it submitted its report, it was announced that Barimah's family would be compensated. The petition filed by Philip Barima Osei, a brother, alleged that no compensation was paid.

5.4.2. MAIMING

5.4.2.1 In 1972, while in custody at the Air Force Station, Takoradi, **David Kobina Osei**, a trader of Assin Sibenso was struck by a soldier on the eye with a belt. He suffered lost of sight.

5.4.2.2 During the campaign to persuade the public to accept Acheampong's Union Government idea, there was a confrontation at Kejetia, Kumasi between those who supported it and those who opposed it. **Paul Kofi Agyimah**, a bar owner who had gone to town for supplies of drinks found himself caught in what had become a riot. Shots were fired and Agyimah received a bullet wound in the jaw. The bullet went through his mouth knocking out some teeth and emerged through his nose. Agyimah required plastic surgery to reconstruct his nose. This was done in 1981 in Germany at public expense. He was to have gone back for a review a year later, but due to official foot-dragging he has not been able to make the trip. Agyimah now has difficulty in breathing through his nose.

5.4.2.3 On 17 February, 1979, **Alexander Adjei Boapea**, went to an electrician's shop at Tudu, Accra to collect his battery. While there, Escort Sgt Coker of the Police Striking Force unit fired a shot which passed through both of his legs. As a result Boapea's left leg had to be amputated. Coker's excuse was that he thought Boapea and his mate, whom he killed, were thieves. Coker was put on trial before the High Court on a charge of murder and acquitted. Boapea has not been paid any compensation.

5.4.3 TORTURE

5.4.3.1 Naaba Ayamdo Abane's mother, **Atinpoka**, now deceased, sold kola nuts at Akayonga in the Bongo District. In 1977, soldiers went to the market and claimed that she was selling the

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kola nuts at “above control price”. They ordered Atinpoka to remove her *kaba* and flogged her on the back with their belts.

5.4.3.2 Between April 1973 and August 1975, **Jonas Ngaayen Baponye** was in custody at the military barracks in Kumasi on suspicion of having stolen gold from his employers, the Ashanti Goldfields Corporation. While there, his hair was shaved off with a broken bottle, he was drilled, threatened with being shot and flogged with barbed wire. He now has scars on his back.

5.4.3.3 Davis Ayiku a businessman was arrested and taken to the Castle, Osu after the goods in his wholesale had been seized by soldiers. At the Castle, he and one Addo, a friend who was arrested with him, were ordered to slap each other. When Ayiku expressed surprise at the order a soldier slapped him over his right eye. Ayiku fell down. While he was on the ground, the soldiers kicked him several times. He was then raised to his feet and he and Addo engaged in slapping each other several times.

5.4.3.4 Cliff Atampugri Apasnorin; Atia Adongo; Azelego (deceased) were tending to their farm near the Residency, Bolgatanga when they were invited to see Col Acquaye-Nortey, the Regional Commissioner. When they went to him the Commissioner questioned them on why they had set fire to the bushes. He then asked his bodyguard to punish them. Apasnorin and Adongo gave this account of their ordeal:

Apasnorin:

“The body guard sent us out and made us to crawl on the rough surface of the road with our knees and hands. The surface was made up of stones so it was very painful and hurting to crawl on them. But we had no alternative than to obey the bodyguard who was so cruel to the extent that he was whipping us with his military belt on all parts of our body. To make matters worse, he would jump onto the back of one person and then to the other. In addition to that, he kicked us on our faces, ribs and any part of our body that he felt like kicking. We were waiting and pleading for mercy but he would not budge. ... At one stage, he put a cement block on the chest of each of us and we were made to roll with the block strapped to your chest with your two hands. He continued like that until we could not move again. He then released us to go. ... The skin of our knees, toes and palms had peeled off. Indeed, my mother wept upon seeing me because she thought I was going to die.”

5.4.3.5 Adongo:

“He then handed us over to his military bodyguard who took us to the yard and subjected us to various military drills and torture. He made us to use our knees to walk on the rough floor, carry each other and ran a particular distance; rolling on the floor with a block strapped to our chests. While we were performing these drills, the soldier, kicked and beat us on all parts of our bodies. He continued like this until we were weak and could not move again. We sustained various

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degrees of injuries: blood oozing out from our heads,” the skins on our palms and knees peeled off.”

5.4.3.6 Joseph Smith Amankwah was an officer of the Centre for Civic Education based at Saltpond. Following the overthrow of the PP government, the Centre was dissolved. Amankwah received instructions to go to Cape Coast and hand over his duties to the Regional Administrative Officer. When he arrived at the offices of the Regional Administration, the

newly-appointed Regional Commissioner, Col Frank G. Bernasko, was on an inspection tour of the offices. Col Bernasko asked Amankwah why he was late for work. Amankwah explained to the Colonel the purpose of his visit to the Regional Office. Col Bernasko then said to a soldier, “Discipline him!” What happened next is best expressed in Amankwah’s own words:

Two of the soldiers took me outside to the quadrangle and told me jump, hold my ears and hop, then roll on the ground which was full of gravels from one end to the other. When I became tired and could no longer carry on with their instructions, they took off their belts and started to beat me with it. They kicked me with their boots and slapped me many times. I was bleeding at my back from the beatings I had received. My face was swollen and I still have the scar on my left arm from the cut I received when they used the belt on me.

I became unconscious and got up around 10 – 11 in the night at the district hospital (Saltpond) with a drip on me. They stitched the cut I had on my arm and given injections and drips. ...

I was informed by the doctor that the beatings had affected my spinal cord as I was lying face down when they were beating me.

In spite of Col Bernasko’s denial that the incident took place, it was clear that he saw nothing wrong with ‘disciplining’ civilians by compelling them to undergo humiliating punishment in public. He admitted this much in his evidence before the Commission and in a letter he wrote from London. What is more, the *Daily Graphic* of 29th February, 1972 reports that Col Bernasko used similar tactics to break a strike of workers at the Komenda Sugar Factory.

Even though it was proved that medical attention received by Amankwah since the incident has cost a fortune, we consider it unreasonable to ascribe it all to that one incident.

5.4.4 ILL-TREATMENT

5.4.4.1 Simon Ohene Peprah operated a drinking bar in Sunyani. On 11th November, 1978 a group of soldiers who had taken part in the Remembrance Day march went to his bar for drinks. When he sold a bottle of guinness stout to them at ₵2.20 they told him the control price was ₵1.95. The soldiers arrested him, took him to the barracks where they beat him and shaved off his hair.

5.4.4.2 Osman Bawa Issaka a dealer in foreign exchange, went to the Takoradi Harbour in May 1972 to transact business. While there, security officers searched him and foreign currencies found on him were seized. He was stripped naked and beaten by some naval officers who were present and made to roll on the ground. Thereafter he was detained at the Harbour Police Station

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for three days and then released. Although no charges were preferred against him, his money was not returned to him.

5.4.4.3 Joseph Armstrong Berko lived at Manso Akwasiso, Ashanti Region with his father, **Stephen Fordjuor**, now deceased. In 1973 soldiers who seized Berko's father's rice milling

machines subjected him, his brothers, **Isaac Mensah** and **Kofi Bronya**, and their father to ill treatment. They were kicked and beaten while being taken away. On arrival at the military barracks they were made to lie in the sun for several hours.

5.4.4.4 In 1975, **Paul Yaw Fosu**, a trader in charcoal, travelled from Kintampo to Techiman with several bags of charcoal. While on his way, a military vehicle with soldiers and policemen on board followed him. On arrival at Techiman, the team demanded that he hand over the keys to his shop. They searched the shop for hoarded goods but found none. They took him to Baamire village to search his father's house. Again no hoarded goods were found. At that point the team made him roll on the ground. He was also hit in the groin with a stick.

5.4.4.5 Isaac Osei Tutu, a L/Cpl in the Ghana Army resigned his position and left the army after five years' service. He complained that he was put in a guardroom for not saluting properly and was required to obtain a daily pass. These are matters of military discipline for which no compensation can be claimed.

5.4.4.6 While on his way to see the Regional Commissioner for Ashanti Region, Col Abrefa, at the **Residency** in Kumasi one evening, **Godbless Amankwah** gave a lift to two persons who said they were also going to see the Commissioner. On his return to the gate Amankwah was queried by the guards as to why he had not disclosed the fact that he had other persons in his car. The guards pulled him out of his car and kicked him so that he fell on the ground. He was made to carry sandcrete blocks in both hands while crawling on the ground. Anytime the blocks fell from his hands he was struck with a cane at the back. Amankwah was eventually saved from further punishment when the Regional Commissioner came upon the scene.

5.4.4.7 Soldiers who seized **Muhamadu Tahiru Saibu's** goods at the Aboabo market, Tamale, took him to the military barracks and shaved off his hair roughly leaving tufts at odd parts of his head. They asked him to report back at the camp the next day with the hair in the same condition. He did so and was then told to go away.

5.4.4.8 Roland Agorigo petitioned on behalf of his brother **Adombire Atia**, now deceased. Atia was seized by soldiers from his home in Bolgatanga and taken away. Thereafter, for the next 14 days, he and other persons in the custody of the soldiers were taken to the Bolgatanga market, paraded round and made to carry blocks. His hair was shaved off with a broken bottle and he sustained injuries on various parts of his body.

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5.4.4.9 George Adombilla Aseko's father, **Aseko** and his nephew **Abiko**, both of whom are now deceased, were arrested by soldiers at their home in Bolgatanga and taken away. The following day they were paraded through the streets and made to carry blocks. They were also beaten. Aseko and his nephew were released after one month.

5.4.4.10 Abugre Akumolga was the wife of **A. A. Abiko** of Bolgatanga. Abiko was arrested with his brothers by soldiers and taken away. Later they were paraded through the streets and beaten. The reason for the arrest is unknown, but the soldiers were led by one Andaa Atusir.

5.4.4.11 Ayuura Anonsige's father **Jack Anonsige**, a cleaner at the High Court, Bolgatanga was among a number of persons who were arrested by soldiers. They were paraded in the streets, beaten and made to carry blocks.

5.4.4.12 On 13th January, 1978, students of the University of Ghana, Legon embarked on demonstrations in protest against the celebration of the day as a public holiday. In a reaction, the authorities sent policemen armed with truncheons and tear gas to attack the students. One of the victims was **Mathew Kyei** who in trying to get away jumped over a hedge at the back of the Central Cafeteria, falling into a gutter. He broke his left leg. While prostrate on the ground he was attacked with truncheons by the police and sustained a cut on his head. A scar is still visible. The petitioner's left leg was operated upon at the 37 Military Hospital.

5.4.4.13 Following his arrest in connection with sugar alleged to have been hoarded by Go Ahead Limited, a company for whom he worked as a storekeeper, **Emmanuel Botway** was subjected to ill-treatment at Burma Camp. He was slapped and made to lie on a mixture of coaltar and gravel, and look at the sun without blinking.

5.4.4.14 **George Ohene Oppong** was a trader at Dormaa Asikasu in Brong Ahafo. A group of soldiers set upon him and beat him with their fists, boots and butts of their guns. He was also repeatedly slapped.

5.4.4.15 In 1970, **Nicholas Obiri Korang**, a farmer of Odumasi, near Sunyani took a loan of ₵100 from the Agricultural Development Bank. In January, 1973 he was arrested by soldiers and questioned about his indebtedness to the bank. While he was being taken to Sunyani the soldiers stopped from time to time and beat him and other persons who had also been arrested. The vehicle reached Sunyani during the night. Again, he was beaten after which he was asked to find his way back home. Korang's being indebted to the ADB was no excuse for the assault.

5.4.4.16 **Kwaku Agyapong** When soldiers went to Agyapong's shop at Nkoranza to arrest him on suspicion of hoarding, he was beaten and drilled in the sun.

5.4.5 HOSTAGE TAKING

5.4.5.1 **Asare Panti** was taken prisoner in place of his brother, Emmanuel Kofi Amoah who could not be found. On the way to the Castle, Osu the soldiers made him lie down in their vehicle and they put their feet on him. They beat him on the way. At the Castle, he was placed

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in a guardroom and beaten by the guards who questioned him about the whereabouts of his brother. The beatings had an adverse effect on his left eye.

5.4.5.2 David Okyere was a fitter's apprentice. In 1975 soldiers who had been engaged by one Kwaku Fokuo of Akrokeri to recover a debt owed him by Kofi Nti, Okyere's master, arrested

Okyere when Nti could not be found. Okyere was beaten up, resulting in the loss of a tooth. He was taken to the barracks in Kumasi and locked up till the next day.

5.4.6 DETENTION

5.4.6.1 The bad precedents set by the Nkrumah government and the NLC regime in the matter of detentions without trial were followed by the NRC. The Preventive Custody Decree, 1972 (NRCDC 2) gave the Council power to authorise the arrest and detention of any persons if the Council was "satisfied that it is in the interest of national security or in the interest of the safety of the person so to do". On the strength of this Decree, 265 functionaries of the PP were taken into custody for varying periods. Among them were:

- | | |
|---|---|
| 5.4.6.1 1. Samuel Dwira | - 11 months. |
| 2. Malone MacStephen Y Boateng | - 9 months. |
| 3. Francis Kwadzo Ahiakonu | - 5 months. |
| 4. Nana Akuamoah Sekyere II | - 1 year. |
| 5. Yak Ziga | - 1 year. |
| 6. Ebenezer Atta Bediako | - 3 months. |
| 7. Henry Nii Nyan Sanniez | - detained after the coup, he died on 21 st June, 1972 while still in custody. |
| 8. Albert Yao Agbattey | - now deceased, was detained for 1 year. |
| 9. Emil Kofi Agbley | - 7 months |
| 10. Joseph Owusu Kuntah | - 4 months |
| 11. Gladys Ashorkor Larbi | - 1 month |
| 12. Emmanuel Kofi Dusu | - 3 months |
| 13. Mary Anthonia Kumeni | - 2 months |
| 14. Eddy Cockra Ziblim | - 9 months |
| 15. Kwaku Acheampong | - 3 days |
| 16. Matthew Narh Tetteh , then Paramount Chief of Great Ningo, was arrested as a PP sympathiser. He was kept in custody at Nsawam Prisons for 10 months. | |

5.4.6.2 Other persons who petitioned against their unlawful detentions were:

- | | |
|--|-------------------|
| B. K. Busia , brother of Dr Busia | - 1 year 5 months |
| T. A. Busia | - |
| F. B. Busia | - |

Francis Kwesi Obeng In 1976, Francis, an employee of the Sunyani Hospital was arrested and brought to Accra on suspicion of involvement in a case of fraud. He was detained for seven days and later released.

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5.4.6.3 Kofi Agyirey Kwakye was one-time Managing Director of the Ghana Federation of Farmers Associations Limited. In 1972, and again in 1979, he was arrested and detained in an effort to compel the company to pay debts owed to the Cocoa Marketing Board.

5.4.6.4 Jerry Kartey Tetteh a chief sub-editor of the Ghana News Agency, was arrested in November, 1976 after returning home from Japan on a trip sponsored by the Japanese government. He was kept in detention until 8th March, 1978.

5.4.6.5 Kwame Kwakye In 1971, Kwakye had a brush with the police at Assin Fosu when in an attempt to retrieve a radio, they allegedly claimed was a stolen property, from him he butted a

policeman. Kwakye was put on trial but acquitted. In 1972, Kwakye was arrested by the police. He was kept in prison without charge until November, 1976.

5.4.6.6 Donyina Agyei-Kantonn, Chairman of the Brong Ahafo Region branch of the Civil Rights Organisation, was arrested in January, 1973 for opposing Acheampong's rule. He was kept in detention until December, 1973.

5.4.6.7 Charles Adu-Boateng, a soldier serving with Military Intelligence, was assigned duties as a body-guard to Prime Minister Busia. After the 13th January, 1972 coup, he was arrested and then released. Later, he was charged with plotting with others to overthrow the Acheampong government. He was tried and sentenced to death by a military tribunal. He remained in prison until 16th October, 1979.

5.4.6.8 James Ngaayeu Baponye On 27th January, 1973, Baponye, a miner employed by Ashanti Goldfields Corporation at Obuasi was arrested on suspicion of stealing gold. He was kept in custody first, at the Police Station, and then, in the guardroom of the military barracks in Kumasi, until August, 1975 when he was discharged by a Circuit Court at Obuasi.

5.4.6.9 Samuel Nepson Totimeh, a Captain in the Ghana Army, was arrested and detained on 20th May, 1977 on suspicion of plotting to overthrow the SMC. He was kept in detention under the Preventive Custody (No 36) Order 1977(EI 101/77).

5.4.6.10 Isaac Abraham was arrested and detained for 17 months under the Preventive Custody (No. 9) Order, 1975 (EI 33).

5.4.6.11 Daniel Tete Gyampo, a store-keeper at the Korle Bu Hospital, was arrested on 4th February, 1976, and kept in military custody for 3 months on suspicion of diversion of fuel. When the criminal charges against him were withdrawn he was again arrested and kept in military custody for 8 months.

5.4.6.12 John Alexander Osei was a Depot Keeper of the Co-operative Marketing Association at Insu Siding, Western Region. In April, 1972 he was arrested in connection with the theft of

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cocoa at his depot. He was taken to the Aprembo Barracks, Takoradi where he was detained until November 1972 after the real culprits had been found and arrested.

5.4.6.13 Dr. Kwadjo Amoah studied and worked in the United States and Canada for a number of years and returned to Ghana in 1975. He wrote a pamphlet entitled “The Hour of Truth or a call on Acheampong to Handover Government”. In the pamphlet he compared military dictationships unfavourably with democratically elected governments. Dr. Amoah was arrested and detained at Nsawam Prisons for 2 years.

5.4.6.14 Mathew Kofi Sarbeng a Secretary/Receiver of the Ghana Co-operative Marketing Association stationed at Hwidiem in Ashanti was arrested on 13th January, 1972 and detained in Sunyani Prisons for 6 months.

5.4.6.15 In 1972, **Nana Essankwa Baah**, Chairman of Obuasi Urban Council was detained for 3 months.

5.4.6.16 King Agyeman-Duah, a Superintendent of Posts stationed at Tapa, Ashanti was arrested in 1973 and detained at Uddara Barracks, Kumasi for five years. On the overthrow of Acheampong, the petitioner was released only to be re-arrested and taken to a Circuit Court to face criminal charges.

5.4.6.17 Daniel Akwasi Prempeh was detained at Kumasi Prisons and Kete Krachi Prisons. Released after overthrow of Acheampong.

5.4.6.18 Atta Obeng alias **Nana Kwadwo Obeng II** was a driver of K. Y. Manu, Deputy Minister of Transport & Communication in the Busia government. On the overthrow of the government, he was arrested with the Minister at Nsuta and taken to Kumasi. He was detained for 1 year.

5.4.6.19 Valentine Akakpo a driver was detained under Preventive Custody (No. 16) Order 1977 (EI 51) on 13th July, 1977. He was released in April 1978.

5.4.6.20 In 1975, **Emmanuel Dumfeh** was arrested at Akatsi in the Volta Region, when he was found in possession of cigarettes believed to have been smuggled into the country from Togo. He was kept in a guardroom for 72 days and then detained at Nsawam Prisons for one year.

5.4.6.21 On 22nd February, 1972 **Stephen Yao Mayer** was arrested by the police at Hohoe and taken into custody. He was detained without charge until 31st December, 1975, when he was released.

5.4.6.22 Mensah Larlai served as a bodyguard to G. W. Amarteifio, a well-known opponent of the Acheampong regime. In 1978, he was arrested at the Accra Sports Stadium and detained for

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one week. He was arrested again and remained in custody until Acheampong was removed from office on 5th July, 1978.

5.4.6.23 Bakuro Dombo is a younger brother of S. D. Dombo, a Minister in the government of Dr. Busia, he was arrested and detained for one year two months following the 1972 coup.

5.4.6.24 In August 1974, **Emmanuel Botway**, a storekeeper of a company called GO AHEAD LIMITED was arrested and questioned about sugar said to have been hoarded by the company. He remained in custody for 10 months.

5.4.6.25 John Yaw, a tailor and brother to one Kontoh, lived at Dormaa Ahenkro. Kontoh was arrested and soldiers from Sunyani went to Dormaa in search of his driver. The soldiers approached Yaw, enquired of him as to the whereabouts of the driver. When he answered that he did not know, he was arrested and taken to the barracks at Sunyani where he was detained for three months.

5.4.6.26 Kwadwo Owusu Sekyere, was a member of the Movement for Freedom & Justice (MFJ). For participating in activities to oppose the Acheampong regime, he was arrested and detained at Kete Krachi Prisons until the overthrow of Acheampong. In all petitioner spent 4 months in detention.

5.4.7 ABUSE OF THE JUDICIAL PROCESS

5.4.7.1 On 21st August, 1972, **Emmanuel Kwaku Badasu** and one other were charged with stealing telephone cable wires. They were first sent to the Tema District Court where the charge was laid under the Criminal Code, 1960. Later, they were sent to a Military Tribunal and charged with subversion under the Subversion Decree, 1972 (NRCD 90). They were found guilty and sentenced to death. The sentence was later commuted to 30 years imprisonment. Badasu was released after serving 10 years in prison.

5.4.7.2 Contrary to established practice, section 6 of NRCD 90 made the Armed Forces Act, 1962 (Act 105) applicable to civilians. Further, the Subversion (Amendment) (No. 2) Decree, 1973 (NRCD 186) barred all courts from entertaining legal challenges to the decisions of military tribunals set up under section 4 of the Decree. In other words, their decisions, right or wrong, were final. This was a draconian enactment which showed scant regard for the liberty of the individual. It cannot be supported in this era of democratic rule.

5.4.7.3 Manfred Cromwell Doh was an employee of the National Lotteries. In 1973 he was arrested with two persons, Amane and Bosompem for economic crimes. Amane died while in custody. After 2 years in detention, Doh and Bosompem were tried by a military tribunal, convicted and sentenced to 25 and 30 years' imprisonment respectively. Doh was released in 1980 after spending 5 years in prison.

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5.4.7.4 Albert Owusu Boateng, now deceased, was a journalist working on the *Weekly Spectator* newspaper. On two occasions, he was arrested and detained for brief periods for writing articles critical of the Acheampong government. After 1973, he was rearrested with Kojo Botsio, Imoru Ayarna, John Tettegah and others on suspicion of conspiring to overthrow the NRC. They were tried by a military tribunal. Boateng was sentenced to 30 years imprisonment. He was released from prison after serving five years of the term.

5.4.8 PRICE CONTROL

5.4.8.1 The Price Control Decree, 1974 (NRCD 305) gave the Commissioner responsible for Trade power to fix the maximum price at which specified goods may be sold. It also made

hoarding and smuggling of goods illegal. Any person who contravened a price control order, or hoarded or smuggled goods, was liable to prosecution. The Decree was more often than not abused as there were hardly any prosecutions. The goods were either seized and taken away or sold to the public without accounting for the proceeds. The Petitioners were:

5.4.8.2 Atanga Ayemleme, a trader in cattle was conveying 153 sheep and goats from Namoo to Accra for sale when he was intercepted at Walewale by soldiers who accused him of smuggling them from across the border. In the face of threats, Ayemleme was obliged to abandon his sheep and goats and flee for his life.

5.4.8.3 Albert Kwasi Addai, in April 1977 at Bekwai, soldiers seized and sold Addai's goods. The proceeds were not given to him.

5.4.8.4 Lydia Armah On 1 May, 1977 police at Akim Oda raided Lydia's shop and carried away 14 bundles of roofing sheets.

5.4.8.5 Yaw Osei In 1977 policemen went to Osei's shop at Mampong, Ashanti and sold all the goods to the public. The goods comprised mainly sewing machines, plywood, bicycles and wax prints.

5.4.8.6 Larkyne Mary Tawiah was a trader in second-hand clothes at Makola No. 1 Market. The goods in her shop were seized by soldiers during the Acheampong regime and taken to Burma Camp.

5.4.8.7 Alexander Kwasi Yirenkyi was owner of a shop at Koforidua. After 1972 coup 250 cartons mackerel and 150 St. Louis sugar were seized from his shop and sold to the police. The proceeds were paid into government chest.

5.4.8.8 David Kobina Osei In 1972 military personnel took it upon themselves to adjudicate in a dispute between Osei, a trader of Assin Sibenso and his partner, Grace by seizing Osei's stock of 14 bags of cola nuts.

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5.4.8.9 Esther Akakpo was the owner of Lomnava supermarket in Accra, She was taken by soldiers to her establishment where all the goods, including electrical appliances were sold. The soldiers took the proceeds away.

5.4.8.10 Kwaku Ofori In 1974 the petitioner bought goods which he kept at his father-in-law's shop at the Kumasi Central Market. Soldiers who claimed to be enforcing price control and anti-hoarding measures seized all the goods in the shop and took them to the military barracks.

5.4.8.11 Ama Achiaa was a trader at the Kumasi Central Market where she sold cloths. In 1978 soldiers went to her stall and seized her goods. Petitioner claimed 50 pieces of cloth were seized.

5.4.8.12 Patience Kai Okai On 11th February, 1977 Patience was going about in the streets at Tema selling cloth. A policewoman in civilian clothes who bought one accused her of selling above the controlled price. Patience was arrested and later charged with selling above control

price. She was convicted and sentenced to four months' imprisonment. Her stock of cloth was seized.

5.4.8.13 Ziblim Yakubu In 1978, 18 bicycles Yakubu, a Tamale trader, was selling at ₵1,200 each were seized and taken to the military barracks where they were sold to the public at ₵600 each. The proceeds were given to him.

5.4.8.14 As Muhamadu Tahiru Saibu was about to open his shop at the Aboabo market, a soldier asked him to stop. Later other soldiers arrived to take an inventory of the goods. The soldiers then took them to the military barracks. The goods were mainly mattresses and paints.

5.4.8.15 Fuseini Panyezi went to Kumasi and bought 30 bags sugar and 17 wristwatches. On reaching Tamale the goods were seized by soldiers.

5.4.8.16 Adam Yakubu a businessman of Tamale received 300 bags cement from a Kumasi distributor. Soldiers seized the entire consignment and detained him at the barracks for one week.

5.4.8.17 Alabira Zakari sold bicycles and bicycle spares at the Tamale Central Market. Soldiers seized the items on sale to the barracks and sold them at reduced prices. For example, a bicycle which cost ₵1,500.00 was sold for ₵600.00. The soldiers gave Zakari the proceeds from the forced sale. He incurred substantial losses.

5.4.8.18 Fuseini Zakaria had a shop near the Aboabo market in Tamale where he sold bicycles, bicycle spares and other goods. Soldiers who had been sent to the town to check on the prices of goods seized 12 bicycles, roofing sheets and paints from his shop. The soldiers told him they would sell the goods and give him the proceeds but they did not.

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5.4.8.19 Davies Ayiku, a businessman had a wholesale in Accra where he stocked various goods, including clothing materials and food products. In 1975, soldiers led by Joris Wartemberg, an operative at the Castle, Osu, surrounded the wholesale, forced him to open it up and sent the entire stock to the Castle. Ayiku was detained at the Castle for a few days and then released. The goods were not returned to him.

5.4.8.20 Comfort Akosua Afrah a cloth seller had two shops at the Takoradi Market Circle. While on a visit to Nyinampong, near Mampong, Ashanti soldiers forced their way into the two shops and took the goods to the barracks at Apremdu. On her return she tried every means, including trips to the Castle, Osu to retrieve her goods. She never got them back.

5.4.8.21 George Ohene Oppong was a trader at Dormaa Asikasu in the Brong Ahafo Region. He dealt in provisions. Six soldiers went to the shop and auctioned the goods. The soldiers took the proceeds of sale away.

5.4.8.22 Yaw Anning Boateng was a wholesaler doing business in suiting materials in Sunyani. Soldiers raided the wholesale and took the suiting materials to the barracks. Later Boateng had information that some persons were stealing the suiting materials. When he alerted the military it was discovered that more than half of the stock was missing. What remained was sold by the military. The proceeds were given to Boateng.

5.4.8.23 Kwaku Agyapong was a trader at Nkoranza. In 1978 soldiers went to his shop and seized the goods on the ground that he was engaged in hoarding. Some of the goods seized were sugar, rice, milk, soap, margarine and sardine. The military handed over Agyapong to the police for prosecution but the police released him.

5.4.9 INVASION OF PROPERTY RIGHTS

The Commission received the following petitions on seizures of property:

5.4.9.1 John A. Quarcoo lodged ₵18,000 in his account with the Ghana Commercial Bank a few days before the Cedi (New Notes) Decree 1979 (SMCD 226) came into force. His lodgement was reduced to ₵9,000.00 in compliance with the Decree. The Decree affected all persons with deposits of more than ₵5,000 and was in no way discriminatory. It was a fiscal measure applicable to all.

5.4.9.2 On 5th March, 1979 **David Kwadwo Darkwa**, a Kumasi businessman paid ₵31,250.00 into his account at the GCB, Asafo Market Branch. On the instructions of the Bank of Ghana, and in compliance with SMCD 226 the GCB debited his account with ₵15,625.00 being 50% of the sum deposited.

5.4.9.3 Daplah Hanson Ziemeh On 7th March, 1979 ie. two days before the currency exchange took place the petitioner deposited ₵31,500.00 into his bank account with the Wa branch of the

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Agricultural Development Bank. In accordance with the Bank of Ghana directive the petitioner's account was debited with ₵15,750.00 representing 50% of the amount deposited.

5.4.9.4 George Albert Sey who had been resident in Germany for some years brought down some second-hand vehicles for a motor workshop he intended setting up. The importation was in 1969 and 1976. He was later tried and acquitted of offering a bribe to the Border Guard commander. His vehicles were never returned.

5.4.9.5 John Alex Hammah was convicted of treason in 1974 and sentenced to death. An amount of ₵56,000.00 he was alleged to have given to Col R. E. A. Kotei to induce him to support him in the plot was confiscated. The death sentence was commuted to life imprisonment.

In 1978, he was released from prison and in 1979, given a pardon. His request was that his ₵56,000.00 be returned.

A pardon implies that all penalties imposed for the offence are nullified. Thus, if for example, the conviction disqualifies the convict from holding a public office or voting at an election, those

disabilities are removed. It stands to reason, therefore, that money confiscated as a result of the conviction ought to be returned to its owner when the conviction is nullified.

5.4.9.6 Emmanuel Kofi Mensah, a brother-in-law of Owusu Adjei, Managing Director of the State Housing Corporation (SHC), acquired the Corporation's property known as H/No. 99A 4th Norla Street, North Labone Estate, Accra, on hire purchase with an initial deposit of ₵10,000.00 on 27th August, 1975. On 23rd January, 1978, an offer was made for him to purchase the property for ₵67,849.50. He completed payment of this sum on 31st July, 1978. In February, 1979, the State took over the property. It has since been in the possession of the (MDPI) one of whose retired officers now lives in it. It is mentioned in the Confiscated Assets (Removal of Doubt) Law, 1993 (PNDC L 325) as a confiscated property.

5.4.9.7 Abdul Karim Boakye–Yiadom: Petitioner's mother **Afia Mansa** was a Women's Organiser of the Progress Party in Asante Akim. She was a beneficiary of a loan scheme set up by the Busia government. In 1973, soldiers went to her village Komeso to recover the loan from her. She was then away from the village. The soldiers broke into her room and took away gold kept there.

5.4.9.8 Benny Ashun: In 1978, Ashun took a 99 year lease of Plot No. 16A Fifth Circular Road, Accra from the Ghana Government. On the fall of the Acheampong regime, steps were taken to recover this and 47 other plots for the government. To protect his acquisition, Ashun, who is also known as Kobina Quaye, took action in the High Court against the Commissioner for Lands & Mineral Resources and on 15th January, 1979 obtained an interim injunction pending the determination of the suit. On 7th March, 1979, the Akuffo regime made the State Lands (Revesting) Decree, 1979 (SMCD 227) restoring the 48 plots to the government. The Decree was to take effect from 8th September, 1978. However, Ashun continued to live in the house he

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had built on the plot. When Ashun left the country in November, 1979 he rented out the premises to a diplomat. In 1983, the PNDC turned the house into a guest house for the Ministry of Foreign Affairs and, later, as a residence for Capt Kojo Tsikata, a member of the PNDC. Ashun recovered his house from the government in 1999.

5.4.9.9 Quessie Daniel Agyei's company, Asafo Gyamfi Company Ltd., imported 1493 pieces of outer covers into the country. They were confiscated by the State on the ground that contrary to the Imports & Exports (Amendment) Decree, 1978 (SMCD 177) prior approval was not sought for their importation.

5.4.9.10 Oswald Kwami Klutse is a 99 year-old farmer of Kponoe, near Ho. In 1972, the NRC made the State Lands (Ho-Site for Rifle Range) Instrument (EI 44) under the State Lands Act,

1962 (Act 125) to acquire part of his family land. No compensation has been paid for the acquisition.

5.4.9.11 Following a dispute between **Gideon Kwasi Akator's** family and one Atiga over land at Agotime Kpetoe, Volta Region, the High Court, Ho, found in favour of the Akator family. To protect a loan the Agricultural Development Bank had given Atiga for his farming project on the land, the SMC made the State Lands (Kpetoe – Site for Agricultural Development Bank) Instrument 1976 (EI 148) vesting the land in the State. Since then the Land Valuation Board has been unable to get the Bank to pay compensation which had been assessed at ₵14,300,000. It is evident that the power of compulsory acquisition of land given by the State Lands Act, 1962 (Act 125) was on this occasion abused.

5.4.9.12 Samuel Kwame Adablah The Adablah family of Ho-Bankoe is the owner of a piece of land in respect of which a declaration of title was made in their favour in *Suit No. L10/64 G. T. Klu v Felix Kodzo Adablah*, High Court, Ho dated 10th February, 1966. In 1978, the Ho District Council went onto the land and built a public toilet and a refuse dump thereon. No compensation has ever been paid.

5.4.9.13 John Ofei Amanor In 1970, one Laryea Quarshie transferred his TDC estate house to Amanor without the necessary formalities. Amanor sublet to one Alex Bonsu. Subsequently in 1973 Amanor and Bonsu were accepted by the TDC as tenants occupying one room each in the house. Amanor infringed a fixed rule of the TDC not to permit it; lessees to sublet without its consent.

5.4.9.14 Jacob Bamfo Darkwa was a tenant of SHC estate House No. C 5 Dansoman, Accra. In 1971, he sublet the premises to Elizabeth Opoku without seeking the consent of the Corporation. In 1972, he forcibly ejected Elizabeth from the premises. When the matter came to the attention of the Corporation, they terminated his tenancy. The Corporation justified their action under Clause (h) of Darkwa's agreement with the Corporation and section 1 (3) of the SHC Ejectment Act, 1970 (Act 322).

5.4.9.15 Joseph Opoku-Ampomah was the proprietor of the Institute of Professional Studies, Accra. On 13th May, 1977, the SMC published the Institute of Professional Studies

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(Management) Decree, 1977 (SMCD 88) authorising the government to take over the Institute and bring it within the public education system. By section 3 of the Decree, the government was to take a five-year sublease of all structures on the land of the Institute at a rent to be assessed by the Chief Lands Officer. According to the petitioner, the rent was assessed at ₵15,000 per month. In 1982, he was offered ₵4,850,000 in full and final settlement of his claims against the government in respect of the acquisition of the Institute. According to petitioner, he feared for his life and therefore accepted the offer out of prudence.

It is only a valuer who can determine whether in 1982 the sum offered was reasonable compensation for the structures on the land. The claim that the petitioner took the money out of fear is not convincing. If he had refused the offer the government would have been richer by the

like sum without being obliged to return the Institute to him. It was for the petitioner to have insisted on his rights and gone to court for redress.

5.4.9.16 Between 1974 and 1975, **Dr Isaac Allotey** acquired an eight-acre piece of land at Ofankor, Accra. In 1978, the SMC made an Executive Instrument (EI 82), under Section 1 (1) of the State Lands Act, 1962 (Act 125), acquiring a larger area of which the petitioner's land formed part. Petitioner asked to be given four building plots out of the acquisition and paid compensation for the rest. It is usual to give wide publicity to compulsory acquisition of land to enable all interested parties to put in claims for compensation. It seems that at the time of the acquisition, petitioner was out of the country. What needs to be determined now is whether compensation for the eight-acre piece of land was paid to anyone. If not, then, the claim of the petitioner deserves to be considered even if he is out of time.

5.4.9.17 Kwasi Addae a mason, was a resident of Awudome Estates, Accra. He claimed that he came home one evening to find that his room had been broken into and his personal effects, including television, refrigerator and clothing, carried away. Upon enquiry he was told it was the work of soldiers.

The evidence is unsatisfactory. The possibility that it was the work of common criminals cannot be ruled out.

5.4.9.18 Augustus Brew Thompson was a soldier in the Ghana Army. In 1976, he went on peace-keeping duties for the UN in Sinai. He claimed that he received an allowance of US \$15 per day from the government whereas, according to him, some foreign troops were being paid US \$75 per day.

The comparison between what some governments paid their soldiers and what the Government of Ghana paid Ghanaian soldiers is misplaced and does not disclose any human rights violation. Individual soldiers were not parties to the agreement between the government of Ghana and the UN.

5.4.9.19 James Bosu Quarshie claimed compensation on behalf of his late uncle, **Okyeame Kweku Atta**, whose land was adversely affected by the construction of a dam at Enyan Maim, Central Region. The Ghana Water Company Limited disclaimed all knowledge of such a dam. The Irrigation Department of the Ministry of Agriculture is yet to respond.

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5.4.9.20 Kofi Abrefa Busia was Prime Minister of Ghana from 1969 to 1972. On the overthrow of his government, his properties were confiscated. Among these were a house in Accra, four houses in Wenchi, Brong Ahafo and five cars. The houses which had all been built before 1969, were returned to his estate in July, 2000, by a letter written by the Attorney-General to the Lands Commission. A house at the Wenchi Ridge was used as offices by the Divisional Police Command Headquarters. Another on the Wenchi road was used as a duty post bungalow for the Divisional Police Commander. A third property near the Wenchi Post Office was used by the Ghana National Fire Service and other organisations as offices. It also houses Frema Primary School. After 28 years confiscation and use by the State the houses are all in a state of disrepair.

5.4.9.21 Isaac Wilson Sarkodee a storekeeper of the Ministry of Health at the Akim Oda Hospital was suspected of stealing various items belonging to the Hospital. His house was searched by a team led by Major Osabutey. Items of state property found on him and with his wife at the market included a sewing machine, a fridge and cutlery. The incident was reported in the *Ghanaian Times* of 7th September, 1976. Unfortunately, by the time the petition was heard on 5th July, 2004, Osabutey had died. However in the light of the statement filed by him with the

Commission on 24th May, 2004, we are unable to accept the petitioner's claim that the sewing machine belonged to his wife.

5.4.9.22 David Okyere: In 1977 the petitioner arrived in Accra from Nigeria bringing with him three chainsaw machines and other equipment. The machines were seized by soldiers and asked to come to the Military Barracks for them. Out of fear, the petitioner did not go for the machines.

5.4.9.23 Benjamin Narku Nortey-Botwey petitioned that his father **Joseph Nortey Botwey's** house was demolished to make way for expansion works on the Nsawam Road, Accra. He claimed that his father did not receive compensation for the demolition. The practice has been to give notice to all persons affected by such developments to put in claims for compensation. Such persons are then issued with verified documents indicating the properties likely to be affected by the development. Since the petitioner has no such document which he can produce it is impossible to validate his claim.

5.4.9.24 Joseph Armstrong Berko petitioned that in 1973, eleven soldiers went to Manso Akwasiso and seized the rice milling machines belonging to his father **Stephen Fordjuor**, now deceased. The soldiers also took away 240 bags of milled rice. The soldiers alleged that Fordjuor was assisting Malians to trade in rice.

5.4.9.25 Eddy Cockra Ziblim was the Northern Region Secretary of the Progress Party. On the overthrow of the government of Dr. Busia his Opel Saloon car was seized and never returned.

5.4.9.26 Mark Kuuku Kukur of Lawra petitioned for the payment of compensation for his family land of some two acres which was compulsorily acquired for a sports stadium in 1975.

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Subject to verification of the authenticity of the claim we would recommend that compensation be paid as the law requires.

5.4.9.27 Abukari Mahama The petitioner and his brothers and sisters are children of the Chogu-Naa of Tamale who died on 16th April, 1974. On 20th September, 1975 policemen ejected them from their home and carried away to Kamina Barracks the personal effects of their late father. The family succeeded in obtaining a court order recognising their title to the late Chogu-Naa's home. However, the personal effects were never returned. If there is a dispute as to the ownership of these effects, it can only be resolved in a court of law.

5.4.9.28 Fuseini Aduko a farmer at Namoo petitioned that he was compelled by Adams, Commander of the Border Guards to surrender 31 cows to the Meat Marketing board. He made

a complaint to the police but was given no assistance by them. The Meat Marketing Board did not pay for the cows.

5.4.9.29 In January 1975, **Nyaba Ayirigiya** of Sherigu, near Navrongo, was found near the Burkina Faso border with a herd of sheep and goats. He was arrested and charged with evasion of customs duty. He acknowledged his guilt and agreed to settle the matter out of court by paying a penalty of ₵300 with forfeiture of the goats. He duly thumb-printed Customs & Excise form No. 204. In the circumstances his son Eliasu who petitioned the Commission on behalf of his deceased father has no cause for complaint.

5.4.9.30 Basidu Ayamga In July, 1972, Ayamga was conveying 26 cattle and 42 goats from his village Yua, near Navrongo to Kumasi for sale when at the police barrier at Winkogo, near Bolgatanga they were seized by Border Guards. Ayamga was told that the animals were being sent to the Zuarungu Meat Factory. However, when he later enquired at the factory he was told that the animals had not been sent there. When he went to the Border Guards post at Bolgatanga to complain he was met with threats of arrest. With the loss of the animals he took to subsistence farming.

5.4.9.31 Awudulai Talballah was a trader at Bawku market. In March 1972 his home was searched by Border Guards who seized various items including cutlasses, radios, flasks and cloths.

5.4.9.32 In 1966, Yaa Serwaah's grand mother, **Ama Gyan**, now deceased, acquired land in the Twifu Heman area for farming. According to Yaa this land was subsequently taken over by the Ghana Government during the Acheampong regime. Compensation for compulsory acquisition of land is due to the stool and not to those farming on the land. Farmers are only entitled to be paid for crops actually on the land at the time of the acquisition. The petitioner did not indicate if her grandmother had any crops on the land.

5.4.9.33 During the construction of the Afife Irrigation Project, a number of farmers lost their crops or other property. The Commission received petitions by or on behalf of the following persons:

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Yawo Ahiakpa's cassava and coco-yam on a one and half acre plot were destroyed
Ben Datsomor - destruction of 6 coconut trees, 714 oil palm and 3 bamboo groves.
 The destruction was certified by a Valuation Assistant.

Korku Agbetsiafa lost a sugarcane and okro farm and a sandcrete block house.

Geofrey Kwami Amegadze lost cassava and maize. His father, **Lokpa Amegadze**
 Lost a house and oil palm trees.

Shito Kpodo, Korsunshia Kpodo lost cassava, maize and oil palm.

Sofadah Lumor coconuts, oil palm and maize on farm at Gagodope, near Wheta,
 Volta Region. His building was also destroyed.

Shito Agbohla, lost oil palm, coconuts and a building.

5.4.9.34 Kwabena Badu In 1976, the government declared its intention of acquiring land in Sunyani for the construction of a sports stadium. Part of the land belonged to the family of which petitioner is the head. A count of crops on Badu's family's land was taken and certified by officers of the Land Valuation Board. There were 217 kola nut trees, 434 oil palm, 43 mango and 14 avocado pear trees. Subsequently, it was decided that the land was unsuitable for the purpose for which it was acquired. The sports stadium project at the site was abandoned. No compensation has been paid to Badu's family for the fruit trees which were cut down. What is more the land has been carved up into building plots which are being sold to the public.

5.4.9.35 Augustus Owusu-Gyimah in February, 1979, soldiers went to the shop of Gyimah in Accra and seized 150 bags granulated sugar, 85 bags of rice, 45 cartons sardine and 30 cartons Eveready batteries.

5.4.10 INTERFERENCE WITH THE RIGHT TO WORK

5.4.10.1 Alexander Saka Ansong was a Construction Manager in the Ministry of Youth, Rural Development & Social Welfare. By a letter dated 7th January, 1972 he was asked to proceed on transfer to Bolgatanga as Regional Works Superintendent. He did not obey that instruction. Accordingly, by a letter dated 3rd February, 1972 he was declared to have vacated his post. Ansong protested at the decision. The letter of 3rd February, 1972 was withdrawn and he was placed on interdiction pending a final decision. He was informed that during his interdiction he would be placed on half-salary. A final decision was not taken until 18th December, 1974 when he was informed that his appointment had been terminated with effect from 11th December, 1974.

Placing Ansong, or any worker for that matter, on interdiction for 2 years 10 months was an abuse of his rights. Placing him on half salary during the period when the applicable regulation, the Civil Service (Interim) Regulations 1960, Section 54(3), required that he be paid two-thirds salary was equally wrong.

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5.4.10.2 Roland Osibo a Police Constable, was arrested in 1976 and put before court in connection with the alleged theft of a vehicle. He was acquitted and discharged. Later a Service Enquiry found him guilty of conduct prejudicial to good order and discipline. He was dismissed.

It was perfectly in order for Osibo to be charged for misconduct at an internal enquiry even after his acquittal at a public trial. Osibo's offence was that he had aided a driver who had abandoned his employer's vehicle to escape. A minute from the police file shows that the recommendation was that he should be made to suffer deferment of increment plus a warning letter. Dismissal seems to have been a rather harsh sentence to impose.

5.4.10.3 Valentine Godson Kartey Agbottah a Superintendent of Police, was summarily dismissed in 1973 for alleged involvement in cigarette smuggling. Even though a Committee of Enquiry found that he had a case to answer, this was not sufficient to warrant dismissal. He ought to have been put before a Service Enquiry and given the opportunity to defend himself.

5.4.10.4 Adam Gariba a Police Constable based at Takoradi, was found guilty in 1977 by a Service Enquiry of taking a bribe of ₵30,000.00 from a gang of armed robbers. A sentence of dismissal was imposed on him. His appeal to the IGP was dismissed. The proper procedures having been followed, Gariba has no cause for complaint.

5.4.10.5 Maguerita Accad petitioned on behalf of her father, Samuel Azu Crabbe (ACC 1270) On 15th June, 1977 Azu Crabbe, then Chief Justice, was removed from office by the Judicial Service (Amendment) Decree 1977 (SMCD 101) and compulsorily retired. This extraordinary decree, which was tailor-made for one individual, stated:

1. Notwithstanding any enactment to the contrary, Mr. Justice S. Azu Crabbe, Chief Justice of Ghana is hereby retired as Chief Justice and shall cease to be a member of the Judicial Service of Ghana with effect from 15th day of June, 1977.
2. The said Mr. Justice S. Azu Crabbe shall notwithstanding that he has ceased to be a member of the Judicial Service, after the said date be allowed to enjoy all leave he had earned prior to that date, with full emoluments and benefits and he shall be eligible to all retiring benefits for which he would have been eligible as if he had retired voluntarily from the Judicial Service as Chief Justice on the said date.

Azu Crabbe was then 59 years old and retired on a reduced pension. It was a most unfair exercise of executive power.

5.4.10.6 Gordon Quartey a storekeeper at a Ministry of Agriculture rice mill at Dahwenya, Greater Accra, was arrested when he could not account for 2 bags of rice in his care. He was detained by the Police and then released. He was asked to go home and await the outcome of Police investigations into the theft. He was never recalled.

5.4.10.7 John Kofi Nyamekye a member of the Border Guard: was discharged in 1978 after 15 years service. Under the applicable regulations, he was entitled to be paid gratuity only and this was duly paid to him. He is now asking to be paid a pension.

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5.4.10.8 Alfred Kobina Bonney After a tour of duty at the Ghana High Commission in London, the UK, Bonney, a WO 1 in the Ghana Army, was instructed to return to Ghana. It was alleged that the instruction was that he should leave London on 23rd March, 1971. He did not leave until 26th March, 1971. Consequently, he was declared AWOL for three days. After the Acheampong coup, Bonney decided to leave the Army. He was honourably released with effect from 18th April, 1972. All his benefits were paid to him. He now receives a pension as a WO 1. His claim to be given the rank of a Major and paid the pension applicable to that rank is not justified.

5.4.10.9 Kwabena Agyekum a Circulation Supervisor of the New Times Corporation, and other workers in his department were summarily dismissed in 1978 for gross misconduct in the performance of their duties. A VW car for which he took a loan from the Corporation was sold by the Corporation to defray the unpaid balance.

Any conduct which under the terms of the Collective Bargaining Agreement amounts to gross misconduct may be punished with summary dismissal. Agyekum has not shown that this was not the case at the New Times Corporation.

5.4.10.10 Anthony Yaw Gyasi was an Accountant at the State Fishing Corporation (SFC). In 1978 following a disagreement with the then Managing Director, Commander Boham, he was dismissed. The petitioner blames the uncertainties created by the overthrow of Acheampong, Akuffo and the period of AFRC rule for his failure to take any action to obtain redress. The period of the Limann Administration was relatively quiet. If he were serious about seeking redress he could have done so. His total service with the SFC was 12 years, not 15½ years as he claimed. He found a new job in 1981 but from his own statement the dismissal took place in 1978.

5.4.10.11 Mahama Seidu was a policeman stationed at Tamale. On 27 November, 1971 he assaulted E/Sgt Kofi Gyekye. He was put before court and convicted. On the strength of this conviction Seidu was dismissed from the Service in early 1972. Seidu has no cause for complaint.

5.4.10.12 Albert Yaw Awuah was a bodyguard to Prime Minister Busia. On the night of the overthrow of the government on 13th January 1972, he was manhandled by soldiers who invaded the home of the Prime Minister. When things calmed down he applied for a discharge and this was granted.

5.4.10.13 Daniel Kwaofio Apima was a corporal in the Ghana Army serving with Military Intelligence. In 1976 he resigned out of frustration because he had been denied the chance of going abroad on a course and also been denied promotion. His petition to the Commission was that having done important work like being a bodyguard to the late Dr. Busia, former Prime Minister he should be rewarded for a job well done. The petitioner is not entitled to any special payments for the services he rendered the nation as a soldier.

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5.4.10.14 Adongo Amogre was posted to the Divisional CID, Obuasi as a driver on 8th October, 1981 after a brief training. Not long thereafter there were credible reports that he had taken to heavy drinking and regularly reported for duty drunk. On the instructions of the IGP he was discharged as “Unlikely to become efficient constable”. It was evident that the petitioner posed a danger both to personnel at the Obuasi station and to the state-owned vehicle entrusted to his care.

5.4.10.15 Joseph Ofori Amanfo In 1972, the petitioner a Meter Reader of the ECG stationed in Kumasi was summoned to appear before a Board of Enquiry to answer charges of tampering with meters. He refused to appear before the Board, claiming that its members were biased against him. He was dismissed. The petitioner would have served his own interests better if after registering his protest he had appeared before the Board to defend himself.

5.4.10.16 Kwadwo Bawa petitioned that his father **Bonya Dagarti**, a labourer at the Border Guard outpost at Sewum in the Aowin District died in 1977, leaving a wife, Esi Dagarti, and children. Petitioner is claiming death benefit from the Border Guards. In the absence of documentary evidence it is impossible to determine whether there is any merit in the claim.

5.4.10.17 Sampson Gideon Kofi Tettey, a police officer had a confrontation with a superior officer during which he claimed the officer assaulted him. Subsequently he resigned from the Service. Tettey petitioned that although he had been in the Police Service for 11 years he was not paid any benefits.