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FOR IMMEDIATE RELEASE

LINSOD CALLS ON ATTORNEY GENERAL HONOURABLE GODFRED YEBOAH DAME TO RESIGN IMMEDIATELY AND FOR THE POLITICAL PROSECUTION OF MINORITY LEADER HONOURABLE DR. CASSIEL ATO FORSON TO STOP FORTHWITH

1. Like many Ghanaian academics, jurists, and members of the general public, we Lawyers in Search of Democracy (LINSOD) feel extremely scandalized by the unprecedented revelations made by the 3rd Defendant in court on Thursday, May 23rd, 2024, while he was being prosecuted by the Attorney General and Minister for Justice, Honourable Godfred Yeboah Dame in the famous "Ato Forson" case to the effect that he was persistently coerced personally by the Attorney General of the Republic to dishonestly give evidence in the case to incriminate his co-Defendant the Honourable Minority Leader, Dr. Cassiel Ato Forson.
2. This was the testimony of the 3rd Defendant, Mr. Richard Jakpa in the "Ato Forson" case of which the Leader of the Minority in Parliament, Honourable Dr. Cassiel Ato Forson is the 1st Defendant, and whom the Attorney General had tried earnestly to coerce Mr. Jakpa to testify against in order to get him imprisoned. Mr. Dzakpa's testimony was later substantiated at a press conference on Tuesday, May 28th, 2024, addressed by the Chairman of the opposition National Democratic Congress, Mr. Johnson Asiedu Nketiah which revealed an audio recording of a conversation between the Attorney General and the 3rd Defendant, Mr. Richard Dzakpa.



3. Upon listening carefully to the full press conference of the NDC and the recorded conversation between the Attorney General and Mr. Richard Jakpa on one hand, and the counter press conference of the NPP, addressed by Lawyer Frank Davies in an apparent response to the issues that were raised in the NDC's statement to the general public on the other hand, we, of LINSOD cannot help but agree fully with most Ghanaians who are appalled by the revelations and are calling on the Attorney General to resign or be immediately fired by the President.
4. It is noteworthy that two distinguished jurists namely, Mr. Kwaku Ansah Asare, a former Director of the Ghana School of Law and Founder of the MountCrest University College/Faculty of Law, and Professor Kwadwo Appiagyei-Atua, an Associate Professor of law at the University of Ghana Faculty of Law, are among the increasing number of Ghanaian academics; lawyers; senior members of leading Civil Society Organizations in governance and justice sectors; social and political commentators; and members of the general public; who are calling on the Attorney General to resign or must be fired by the President.
5. For the same reasons why the aforementioned and many other well-meaning Ghanaians are increasingly calling on Attorney General, Hon. Godfred Dame to resign, and which we provide below, we of LINSOD also join the multitude to call on the Attorney General, Hon to immediately resign, and allow a new Attorney General to be appointed to restore dignity and honour to the Office of the Attorney General of the Republic of Ghana.

Contravention of Rule 13 (1) of the Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423) (Communication with Represented Person)

6. Rule 13(1) of the Legal Profession Rules, which regulates the professional conduct of all lawyers in Ghana provides that "**[a] lawyer shall not (a) approach, communicate, or deal with a represented person on a matter, or (b) attempt to negotiate or compromise a matter directly with a represented person except through or with the consent of the lawyer of that represented person.**" There is incontrovertible evidence supporting

Mr. Jakpa's testimony that Attorney General Godfred Yeboah Dame had persistently approached him personally to discuss the matter for which he was being prosecuted without the consent and/or presence of his lawyer.

7. There is a clear violation of Rule 13 (1) cited *supra* and hence, a blatant professional misconduct has been committed by the Honourable Attorney General, who also doubles as the leader of the Bar. As such, Attorney General, Godfred Dame he is no longer fit, or possess the moral authority to remain in that dignified office in the face of his unguarded acts of impunity.

Contravention of Rule 40 of the Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423) (Special Responsibility of a Prosecutor)

8. Rule 40 (1) of the Professional Etiquette Rules provides that "**where a lawyer acts as a prosecutor, the lawyer shall act resolutely and honourably within the limits of the law, and shall treat the Court or tribunal with candour, fairness, courtesy, and respect.**" The Attorney General, Honourable Godfred Dame, cannot be said to have treated the court with candour when he was heard on a telephone conversation advising the 3rd accused person, Mr. Jakpa to fraudulently procure a medical report to deceive the court that he was not well in order to be absent from court at the time he (the Attorney General) shall not be available to conduct affairs in the manner he would prefer.
9. The Attorney General cannot be said to have treated the court with fairness when he was busily courting an accused person to come and lie in court in order to enable him secure a conviction against the 1st Defendant, Honourable Ato Forson. The Attorney General, Hon. Godfred Dame, has therefore failed to show fidelity to the law and professional etiquette rules, and is accordingly incompetent and unfit to remain in office as the Attorney General of Ghana.

10. Rule 40 (2) (a) provides that “[a] **prosecutor in a criminal case shall refrain from prosecuting a charge that the prosecutor knows is not supported by facts.**” It can be reasonably inferred from the back and forth argument that ensued between Mr. Jakpa and the Attorney General in their telephone conversation that the Attorney General knew very well that he did not have sufficient and compelling evidence to support the charges he had proffered against the Honourable Dr. Cassiel Ato Forson. At worst, the Attorney General must have realized from his engagement with Mr. Jakpa that there would be a remarkable degree of doubt in his case against the Minority Leader. Notwithstanding all of that, the Attorney General was determined to prosecute and have the Majority Leader jailed at all cost. If this is not malicious prosecution, we don’t know what else it is.

11. Rule 40 (2) (b) provides that “[a] **prosecutor in a criminal case shall make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining counsel and has been given reasonable opportunity to obtain counsel.**” Although the evidence provided by the National Chairman of the NDC during his press soiree indicates that contrary to the lame excuse by the defenders of the Attorney General that he contacted Mr. Jakpa personally only at the time Mr. Jakpa did not have a lawyer, it was that on the 9th of April, 2024 when the Attorney General had had the controversial telephone conversation with Mr. Jakpa, the latter had a lawyer in the person Mr. Thaddeus Sory representing him.

12. A careful reading of the rule referenced in paragraph 8 above even shows that the Attorney General had a duty to give a reasonable time, and to assist Mr. Jakpa and all other accused persons to find and/or engage lawyers of their choice. The Attorney General has no business to attempt to compel accused persons to defend themselves, or seek to coerce, harass, or directly intimidate them and turn around to defend his unprofessional conduct of dealing directly with those accused persons by claiming he only

did so at the time they were not represented. The Attorney General is also the Minister for Justice and he must be seen to be seeking justice for all citizens including even those he is prosecuting in the instance case. The Attorney General's conduct, undoubtedly, constitutes a woeful violation of his ethical duty to the 3rd Defendant in particular, and Ghanaian people in general.

Contravention of Rule 54(1) of the Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423) (Integrity of Evidence)

13. Rule 54 (1) of the Professional Conduct Rules provides that “**[a] lawyer shall not advise or suggest to a witness to give false evidence. (2) A lawyer shall not suggest or condone a client or another person suggesting to a prospective witness, the content of any particular evidence which the witness should give at any stage in a proceeding.**” Rule 54 (4) provides that “**a lawyer shall not coach or encourage a witness to give evidence which that witness believes to be false.**”
14. All that Rule 54 prohibits is exactly what Attorney General, Hon. Godfred Dame, had engaged in with Mr. Jakpa. Even when Mr. Jakpa had expressly told Honourable Dame that he did not want to be dishonest with the court, the Honorable Attorney General nevertheless insisted on his pursuit of convincing and encouraging him to accept his (Attorney General's) theory of the case, and to twist his responses to support that theory to ensure that the Minority Leader shall be jailed.
15. As he went on with his telephone conversation with Mr. Jakpa, he became suspicious and jittery at some point that he might be recorded, and yet he continued when Mr. Jakpa had assured him that he must not be worried about being recorded. It is obvious that the Attorney General can no longer command the respect and confidence his office deserves from the people of Ghana, and we think it is in his best interest, and in the national interest to resign forthwith.

Contravention of Section 213 of the Criminal Offences Act, 1960 (Act 29)

(Fabrication of evidence)

16. Section 213 of the Criminal Offences Act, 1960 (Act 29) states explicitly as follows: ***“Whoever fabricates evidence, with intent to defeat, obstruct, or pervert the course of justice in any proceeding, shall be liable to the same penalties as if he had committed perjury in that proceeding.”*** The Attorney General, Hon. Godfred Dame, by his conduct as sequentially narrated above is indisputably in breach of this statutory provision. Basically, everything the Attorney General tried to achieve from his engagement with Mr. Jakpa was to succeed in getting Mr. Jakpa to fabricate evidence against the Honourable Ato Forson in order to secure a conviction against Honourable Ato Forson through a fraudulent scheme. This, among several other reasons makes the Attorney General dishonourable and unsuitable to remain in office.

NPP's lame Defence of the Attorney General

17. We paid equal attention to NPP's counter-press conference in defence of the Attorney General as we did to the NDC's, which released the telephone conversation recordings between Mr. Jakpa and the Attorney General. It is regrettable to state that we did not find the NPP's counter press conference a good defence enough in support the Attorney General. In fact, we found it completely empty and devoid of anything meaningful and worthy to be discussed.
18. To be candid and straightforward, we did not find that the press conference addressed by the learned Frank Davies answer any of the serious and pertinent questions about the clear misconduct of the Attorney General. It was only intended to court public sympathy for the Attorney General and throw dust into the eyes of the general public by overly glorifying the Attorney General. As long as Mr. Jakpa's substantiated allegations against the Attorney General remain unanswered, the Attorney General has no moral authority to be the leader of the Bar anymore — he has rendered himself completely unfit for the Office, and thus must resign honourably.

Attorney General, Hon. Godfred Dame is not interested in saving or retrieving money for Ghana as much as putting Hon. Minority Leader in Jail.

19. The facts available in this case include the news of a proposal by the supplier of the ambulances, **Big Sea Trading Limited of Dubai** to refund whatever was paid to it by the Government of Ghana in return for the vehicles that were delivered to the Government, but which the Government does not like, and for the prosecution of those charged in the matter to be stopped.
20. It beats our imagination that the Attorney General rejected this excellent proposal by Big Sea, which would have resulted in the nation retrieving all or almost all the money that had been expended in the transaction, and was instead fixated on jailing the Honourable Minority Leader for merely writing, under the instruction of his boss, the Minister of Finance, Hon. Seth Tekper, to request for a Letter of Credit (LC) to be established as required by the contract between the Ministry of Health and Big Sea.

Law of Causing Financial Loss does not require that Accused persons benefit personally from their action

21. It is important for the general public to know that it is not required that public officials, who are charged under the law of Causing Financial Loss to the State benefit from their actions that result in the alleged loss to the state in order for them to be prosecuted and convicted. In other words, it does not have to be shown that the accused person benefited even a pesewa from the transaction. Accordingly, it is not the case against the Minority Leader that he benefited in anyway at all from the transaction that the Attorney General has charged him of.
22. If it is not the case that Honourable Ato Forson has benefited anything from the transaction, and the supplier of the ambulances offered to refund the money that was paid to it by the Government of Ghana in return for the vehicles, and for dropping the case, why should the Attorney General not accept this offer on behalf of the people of Ghanaian?

23. It is obviously not in the best interest of Ghanaian people for the Attorney General to reject the offer of Big Sea to refund the money the Government had paid to it, and instead elect to prosecute the Minority Leader and get him imprisoned. Unfortunately, the Attorney General is not bothered about what the Ghanaian people truly desire. He is more interested in political vendetta, and scoring political points against his opponents.
24. The Attorney General explained in a recent statement from his office that he preferred that those charged with the offence in Ghana must first plead guilty to the charges before he would accept the offer by Big Sea to refund the money that was paid to it. This is a classic case of malicious prosecution in the name of the people of Ghana, and must not be countenanced. The trial of the Honourable Minority Leader, Dr. Cassiel Ato Forson is purely a political prosecution, and therefore, a true persecution in actual sense, and the Attorney General must be condemned vehemently for this attitude..

The Deafening Silence of the Ghana Bar Association

25. It is noted interestingly, that in all of this, the Ghana Bar Association (GBA) maintains a deafening silence, which shocks the nation to the core. We of LINSOD think that the outrageous misconduct of Attorney General, Honourable Godfred Dame presents an opportune time for the GBA to shed off the perception of double standard against the Association, and for the Association to rise and be counted as one, which is truly interested in justice for all, fairness, good governance, and true democracy and rule of law. The GBA cannot, with sincerity, count on the confidence of its members in Honourable Godfred Dame at this time as the Leader of the Bar, and someone who can muster the moral courage to address the next Bar Conference. Accordingly, the GBA must add its voice in calling on Honourable Godfred Dame to resign honourably.

Conclusion

26. The office of the Attorney General and Minister for Justice is a very important one, and created specifically by the Constitution in Article 88 (1) of the 1992 Constitution. As Minister for Justice, the occupant of that office must be of high repute with unblemished character, and must exercise his duties and discretion on behalf, and in the best interest of the people of Ghana.
27. When the proposal was made to the Attorney General about the refund of the two Million Euro, which was paid for the ambulances in return for the ambulances, which the government does not want anymore, the Attorney General should have thought about what would be in the best interest of Ghanaians between accepting the refund by Big Sea or rejecting the refund and rather find a way to imprison the Minority Leader. The Attorney General has clearly exercised his discretion arbitrarily and unreasonably in this instance, and has betrayed the trust and confidence of the people of Ghana.
28. By rejecting an offer which Ghanaians would have overwhelmingly accepted over the mere imprisonment of a top public official in Parliament, and by consciously plotting to imprison the Minority Leader, and in the process coaxing, and urging the 3rd accused person to lie to doctors for the sole purpose of fraudulently obtaining a medical report, which the 3rd accused person must present in court to deceive the, and lie to the court that he is sick and cannot attend proceedings, Honourable Godfred Dame was involved in criminality.
29. All the above, in addition to his other efforts to convince the accused person to fabricate or twist his testimony to aid him in securing conviction for the Minority Leader, the Attorney General, Honourable Godfred Yeboah Dame has grossly misconducted himself, and has brought disgrace to himself and the high Office of the Attorney General and Minister for Justice of Ghana. He has no better option than to resign forthwith and save the Office from further embarrassment.

30. We end by reciting the words of our national anthem: Make us cherish fearless honesty, and help us to resist oppressors' rule with all our will and might for evermore.

Long live LINSOD

Long live Democracy

Long live Ghana.

31. For all media engagement please contact **Sadat Haruna Alhassan, Esq.** on **024 975 9698.**

Signed:

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