

FINAL REPORT OF THE SPECIAL
INVESTIGATION BOARD

(KIDNAPPING AND KILLING OF SPECIFIED PERSONS)

TABLE OF CONTENTS

	<i>Part.</i>	<i>Page</i>
SUMMARY OF RECOMMENDATIONS	—	vi
Part I		
INTRODUCTION	—	1
Background to the appointment of the Board	1	1
Establishment of the Board	24	5
Functions of the Board	26	5
The Technical Investigation Team	34	6
Method of Investigation	39	7
Acknowledgements	51	9
Part II		
A. LAW OF CONSPIRACY	60	10
Guiding Principles	61	10
B. EVIDENCE OF CONSPIRACY	68	11
(i) The Confession	69	11
(ii) The Fiat Compagnola Jeeps	76	13
(iii) The G.N.A. Press Release	91	15
Part III		
A. EVENTS ON 30TH JUNE, 1982	109	18
(i) Final Briefing	109	18
(ii) Dressing for the Operation	116	19
B. WEAPONS USED	119	20
Part IV		
FINDINGS	120	20
Part V		
THE OPERATIONS	121	20
Part VI		
THE LAST JOURNEY TO BUNDASE MILITARY RANGE	130	26
Part VII		
AMARTEY KWEI CONGRATULATED 'MURDER SQUAD'	135	27

TABLE OF CONTENTS

	<i>Para.</i>	<i>Page</i>
Part VIII		
DISCOVERY OF DEAD BODIES		
(a) <i>The Evidence of Bary Anadu</i> ..	136	28
(b) <i>The Evidence of Major Tutteh Charway</i> ..	142	28
Part IX		
POLICE/MILITARY PATROL IN ACCRA REGION ..	147	29
Part X		
CAUSES OF DEATH	151	30
Part XI		
IDENTIFICATION OF VEHICLES	161	31
Part XII		
ARREST OF JOHNNY DZANDU AND TONNY LEKEOR	164	32
Part XIII		
A. STATEMENTS BY JOACHIM AMARTEY KWEI ..	173	33
B. STATEMENT OF CAPTAIN KOJO TSIKATA (RTD.) ..	191	41
Part XIV		
NOTE PURPORTEDLY SENT BY BRIGADIER NUNOO MENSAH	241	49
Part XV		
AMARTEY KWEI'S EXPLANATION OF NOTE ..	245	49
Part XVI		
SHOOTING RANGE—BUIEASE	259	52
Part XVII		
RELATIONSHIP BETWEEN CAPTAIN TSIKATA AND L/CPL. AMEDEKA	264	53
Part XVIII		
CONTINUATION OF THE RELATIONSHIP BETWEEN CAPTAIN TSIKATA AND L/CPL. AMEDEKA ..	265	53
Part XIX		
AMEDEKA'S REASON FOR DENIAL OF RECEIVING NOTE	277	57
Part XX		
AMARTEY KWEI'S FAILURE TO MENTION THE CAPTAIN'S NAME	283	59

TABLE OF CONTENTS

	<i>Para.</i>	<i>Page</i>
Part XXI		
HAD AMARTEY KWEI ANY SINISTER MOTIVE FOR IMPLICATING CAPTAIN TSİKATA?	294	61
Part XXII		
GENERAL APPRAISAL OF EVIDENCE AND FINDINGS		
(a) <i>Identity of Kidnappers</i>	304	63
APPENDICES		
APPENDIX "A"—List of Witnesses who gave oral evidence	—	71
APPENDIX "B"—List of Exhibits	—	73

REPORT OF THE SPECIAL INVESTIGATION BOARD
(KIDNAPPING AND KILLING OF SPECIFIED PERSONS)

SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. The acquisition of two Fiat Compagnola jeeps by L/Cpl. Amedeka, Amartey Kwei and L/Cpl. Senyah from Tema and the State House on 18th June, 1982, was the first overt act in furtherance of the conspiracy to kidnap and kill the three Justices of the High Court and the retired Army Officer. (Paragraph 89.)
2. Sergeant Daniel (now Ahmed) Alolga Akata-Pore was a co-conspirator in the common design to kidnap and kill the three specified Judges and the retired Army Officer. (Paragraph 90.)
3. The Press statement made by Amartey Kwei on 18th June, 1982, that the Government had set up an Hospital Equipment Rehabilitation Fund to raise money to repair broken-down hospital equipment is demonstrably false. (Paragraph 106.)
4. The alleged Press Conference by Amartey Kwei was a ruse designed to get off the roadsmotorists who might risk breaking the curfew, and thus clearing the roads for his partners in crime. (Paragraph 107.)
5. The alleged Press Conference was an act done in pursuance of an apparent criminal purpose. (Paragraph 108.)
6. There is evidence which, if believed, would support a conclusion that the following persons—
 - (i) L/Cpl. Michael Senyah
 - (ii) L/Cpl. Gordon Kwowu
 - (iii) Ransford Johnny Dzandu
 - (iv) Evans Tekpor Hekli, alias Tonny
 - (v) L/Cpl. Nsurowuo
 - (vi) L/Cpl. Victor Gomeleshiojoined the conspiracy with the criminal purpose of killing the three High Court Judges and the retired Army Officer;
 - (b) on the night of 30th June, 1982, Amartey Kwei drove L/Cpl. Amedeka and L/Cpl. Senyah from Broadcasting House to the town and showed them the various houses in which the three High Court Judges and the retired Army Major lived;
 - (c) on their way back to Broadcasting House, Amartey Kwei took from a house along the Independence Avenue, later described as the residence of Mrs. Agyeman Rawlings a Fiat Compagnola jeep, already filled with petrol;
 - (d) Amartey Kwei was the hub around which the "wheel of conspiracy revolved". (Paragraph 120.)

7. It is absolutely inconceivable that Capt. Kojo Tsikata (Rtd.) would drive all the way to Adu Lodge in order to keep an appointment, only to stand in front of his friend without uttering a word. (Paragraph 194.)
8. It is 'most improbable' that a person of Capt. K. Tsikata's calibre will meet a friend and will either not remember anything said, or that he himself said nothing throughout the meeting. (Paragraph 196.)
9. Amartey Kwei and Capt. Kojo Tsikata (Rtd.) met at Adu Lodge on 31st October, 1982, and agreed upon a strategy to 'mislead the Special Investigation Board in order to save the Government from disgrace and collapse. (Paragraph 197.)
10. Amartey Kwei's statement dated 15th December, 1982 was the result of that strategy. (Paragraph 198.)
11. The period between the hours of 2 p.m. and 3 p.m. on 30th June, 1982, is critical in this investigation, because this is the time that Amartey Kwei alleges that Capt. Tsikata was taking him round to show the houses of the Judges and the retired Army Officer who were to be arrested that night. (Paragraph 208.)
12. The statement by Capt. Tsikata that at the time when Amartey Kwei claimed that he was giving him instructions he was at the Castle, is untrue. (Paragraph 220.)
13. The lie told by Capt. Tsikata is capable of constituting corroboration of the evidence of Amartey Kwei on the material issue whether or not Capt. Tsikata was with Amartey Kwei between 2 p.m. and 3 p.m. on 30th June, 1982. (Paragraph 221.)
14. Mr. Tandoh's evidence is very suspect, and no weight can be attached to it. (Paragraph 237.)
15. Capt. Tsikata was not in the Castle between 2 p.m. and 3 p.m. as he claimed, and was in all probability in the company of Amartey Kwei. (Paragraph 239.)
16. Capt. Kojo Tsikata (Rtd.) did not cause any proper investigation to be made into the conduct of military men who had deserted their posts at Broadcasting House on 30th June, 1982, in order to commit the crime of murder outside, because he was himself deeply implicated in the conspiracy to commit that crime. (Paragraph 258.)
17. L/Cpl. Amedeka must have acted on the instructions, or with the connivance, of someone in authority in selecting the Bundase Military Range as the venue for the murders. (Paragraph 263.)
18. It is loss of memory, due to mental breakdown, that prevents L/Cpl. Amedeka from remembering whether or not he received a note from Capt. Tsikata. (Paragraph 278.)
19. L/Cpl. Amedeka is very well known by Capt. Tsikata, and that he did receive a note from Capt. Tsikata, as alleged by Amartey Kwei. (Paragraph 282.)

Capt. Tsikata. (Paragraph 278.)

19. L/Cpl. Amedeka is very well known by Capt. Tsikata, and that he did receive a note from Capt. Tsikata, as alleged by Amartey Kwei. (Paragraph 282.)

20. Amartey Kwei was unwilling to tell anyone of the complicity of Capt. Tsikata in the conspiracy because the two of them were both implicated. (Paragraph 291.)
21. Having regard to the whole evidence, it is clear that the plot to kidnap and kill the four specified persons was master-minded by Capt. Tsikata. (Paragraph 292.)
22. Accordingly, it is recommended that Capt. Tsikata should be arrested immediately and placed in custody to await trial. (Paragraph 293.)
23. The implication of Capt. Tsikata by Amartey Kwei in the kidnapping and killing of the Judges and the retired Army Major was the natural reaction of one who felt that he alone should not be made to suffer the penalty for crimes he committed jointly with someone else. (Paragraph 303.)
24. The three Judges were specially picked for execution, and this was motivated by the dissatisfaction felt by some people at their judgments in which they freed some 'A.F.R.C. convicts'. These atrocities could only have been committed by fanatical supporters of the A.F.R.C. (Paragraph 318.)
25. In spite of the evidence that the Chairman of the P.N.D.C., Flt.-Lt. Rawlings, was a close associate of L/Cpl. Amedeka; and again in spite of the clear evidence that the Fiat Compagnola jeep, which was used in the kidnapping, was collected from the house of Mrs. Agyeman Rawlings, there is no evidence from which the inference can be drawn that both the Chairman and his wife had foreknowledge of the kidnapping and the murders. (Paragraph 321.)
26. The negative reaction of Capt. Tsikata to the establishment of a public inquiry into the killing was prompted by his fear of the truth being made known. (Paragraph 324.)
27. The anxiety of Sgt. Alolga Akata-Pore to be briefed on the developments of the Board's proceedings could only arise from the fear that his involvement in the conspiracy might become known. (Paragraph 329.)
28. It was agreed between Amartey Kwei and Capt. Tsikata that the four specified persons should be kidnapped and killed during the curfew period of 30th June, 1982, and not for the reasons cleverly stated by Amartey Kwei on 23rd November, 1982, in his statement. (Paragraph 339.)
29. On the evidence as a whole, it is clear that Capt. Tsikata (Special Adviser to the P.N.D.C.), Sgt. Alolga Akata-Pore, and Joachim Amartey Kwei (member of the P.N.D.C. on 30th June, 1982), were all implicated in the conspiracy to kidnap the three Judges and the retired Army Major. Indeed, Amartey Kwei described Capt. Tsikata (Special Adviser to the P.N.D.C.) as "the architect"

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PART I

INTRODUCTION

Background to the Appointment of the Board

During Wednesday night, 30-6-82, three Justices of the High Court and a Retired Army Officer were kidnapped from their homes by four armed men. The Justices were Mr. Justice Fred Poku Sarkodee, Mrs. Justice Cecilia Koranteng-Addow and Mr. Justice Kwadwo Agye Agyepong. The Retired Army Officer was Major Sam K. Acquah, Director of Personnel, Ghana Industrial Holding Corporation (GIHOC).

2. In a statement issued by the Government on Thursday night 1-7-82, the Government warned the kidnappers to free their victim immediately or face the full rigours of the law. Speaking in an interview at the Police Hospital on Friday, July 2, 1982, the Secretary for the Ministry of the Interior, Mr. Johnny Hansen, was reported to have said that the police had been alerted and were working round the clock to track down "the adversaries of the people's power".

3. In a joint statement issued by the June 4 Movement and the New Democratic Movement on 2-7-82, the two bodies said that the abduction of the three Judges was an "act orchestrated by counter-revolutionaries to discredit the Revolution by trying to create the impression that the country is in a state of anarchy". The statement further said that although it was true that "the judicial system did not favour the advancement of the Revolution, the answer to the problem did not lie in the abduction of individual Judges". In a subsequent statement, the JUNE FOURTH LEAGUE (JUFLEAGUE) said in reaction to a Press Release by the Association of Recognised Professional Bodies, that "such atrocities deserve more than a passing reference", and added: "In our pursuits of the terrorists that abducted and murdered the judges, we need to cast our nets wide not only to include the sympathisers or fanatics of the revolution but also such apparently decent associations like A.R.P.B."

4. In a special radio and television broadcast to the nation on Sunday, 4th July, 1982, the Chairman of the P.N.D.C., Flight-Lieutenant J. J. Rawlings, said, in a melancholy mood, that he had been informed on the previous day, Saturday, that four corpses had been discovered in the 'Accra Plains', and that investigations later revealed that these were bodies of the three judges and of Major Sam K. Acquah (Retired). The Chairman then declared: "We condemn these acts from the depths of our hearts." He assured the nation that every effort was being made by a special high-powered investigation team to trace the criminals, who had perpetrated this horrible act, and to deal with them "whoever they are and whatever their motives in accordance with the democratic laws of this country".

The investigation team, the Chairman said, would be headed by Mr. Johnny Hansen, Secretary for the Ministry of Interior.

5. The news of the abduction and the killings sparked off very angry reaction by the public. On Monday, 5th July, 1982, the workers of the Judicial Service held a peaceful demonstration in protest against the killings, whilst the National Union of Ghana Students (NUGS) issued a Press Release on the same day in which the Union "condemned in no uncertain terms the brutal, insane and criminal murder of the three senior members of the Bench and a Retired Army Officer". The NUGS, therefore, called on the P.N.D.C. to spare no effort in bringing the criminals to book. The Ghana Bar Association also demanded the immediate institution of a Coroner's Inquest to ascertain the facts about the abduction and murder of the Judges and the Retired Army Officer. The Association further expressed in strong terms its misgivings about the special high-powered investigation team, especially on the ground that it was being headed by a member of the government.

6. In a Press Statement, the Ghana Medical Association on its part, condemned "unreservedly the callous kidnapping and murder of the three High Court Judges . . ." The statement continued: "We further condemn the mutilation by burning of their corpses. The perpetration of these acts is singularly un-Ghanaian and we abhor any introduction of such alien and atrocious practices into our society."

7. In another statement, the LAW STUDENTS' UNION also condemned—

"... the kidnapping and cold-blooded murder of four honourable citizens whose only crime was to have dutifully and faithfully discharged their duties towards humanity and the State.

It is a sad and rather filthy commentary on the nation that such an atrocious and outrageous terrorist activity should be recorded in this hitherto peaceful country".

8. The Law Students' Union further expressed its strong disapproval of the appointment of the Secretary for the Ministry of Interior as Chairman of the "high-powered investigation team".

9. The West Industrial Area Workers' Defence Committees in Accra jointly urged the security agencies of the government to take up the challenge to arrest those connected with the kidnapping and murder of the three High Court Judges, and the Retired Army Officer. Meanwhile, the management and staff of the Ghana Industrial Holding Corporation (GIHOC) urged the investigation team that has been set up to expedite action "to track down the murderers and make them face the full rigours of the law".

10. In a statement by the Interim Management Committee of the Trades Union Congress, the T.U.C. declared that individual acts of terrorism on people, no matter who they may be, can never replace the mass struggle for social change in the country. The statement further said that the T.U.C. "endorsed the P.N.D.C.'s determination to spare no effort in searching for those responsible for this barbaric act and to punish them accordingly".

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11. On 6th July, 1982, Dr. Kwesi Botchwey, P.N.D.C. Secretary for Finance and Economic Planning and a Senior Lecturer in Law at the University of Ghana, was reported in the *Ghanaian Times* to have described the murder as a "real stain on the political life of the country". He gave the assurance that the P.N.D.C. was making all efforts to trace those involved in that "heinous crime and take stern revolutionary action against them".

12. On 7th July, 1982 the Secretary for Interior, Mr. Johnny Hansen, was also reported as saying that the Investigating Team promised by the P.N.D.C. Chairman in his special broadcast had already set to work. He added that the culprits could be operating from within, and expressed the view that whoever they were, they had "external connection".

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13. The women of Ghana also expressed their feelings of horror and indignation at the killings. In a statement issued on 16th July, 1982, the women's organisations expressed their "shock, horror and dismay at the brutal murder of four of Ghana's eminent citizens; a wicked act which exhibits a lack of respect for human life never known in our society; a heartless act which has caused wanton disruption of family life".

14. In an address at a Memorial Service held on 17th July for the late Mrs. Justice Cecilia Koranteng-Addow, the Chairman of the National Council on Women and Development said:

"It is such a woman, whose life held so much promise, a woman, who would have made Ghana truly proud, whose life has been so wantonly destroyed, and the women of Ghana are justifiably angry and horrified. This should never have happened in Ghana. This should never happen again."

15. Outside the nation's capital, Accra, demonstrations were held in all the regional capitals by workers and other organisations in protest against the killings. In the Sekondi-Takoradi area, for example, Workers' Defence Committees staged a demonstration through the principal streets, and the demonstrators carried placards some of which read "Workers don't support killing"; "Get rid of anti-revolutionaries".

16. In a Communique issued on 13-7-82 by the Conference of Catholic Bishops meeting at Wa (Upper Region), the Bishops said:

"Ten days ago, we were all stunned by the news of the abduction of three judges from their homes by armed men. On Sunday, horror descended upon us as we learned that they had all been murdered along with a Retired Army Officer.

The utter senselessness of this atrocity has once more laid bare the tragedy of a decadent social situation against which the Church must raise its voice. It has brought into sharp relief the general anarchy of our society."

17. The reaction to this terrible event outside this country can, to some extent, be gauged by the arrival here on 16-7-82 of a delegation of the AFRICAN BAR ASSOCIATION, led by its Secretary-General, Hon. Debo Akande. In a discussion with the Secretary for the Ministry of the Interior, Hon. Debo Akande called on the Government to:—

(a) conduct an Inquest into the murders of the three Judges and

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(a) conduct an Inquest into the murders of the three Judges and

(b) to conduct an Independent Public and Judicial Inquiry to track down the culprits and assess the damages to the families of the three judges. He stressed that rumours and reports outside Ghana had made a deep dent on the image of the government abroad. He added that unless the Government used all its machineries and facilities to track down the culprits and bring them to book, it would be difficult, if not impossible, to believe that they did not know anything about the murders or supported them.

18. In his reply the Secretary for the Ministry of the Interior stated that the Government was in no way connected with the murders. He said it was his belief that the incident was carried out by enemies of the present Government in order to embarrass and destabilise it. He assured the delegation of the Government's determination to do all that was possible to establish the identities of the culprits and to punish them.

19. On 17-7-82, the Chairman of the P.N.D.C. also told the delegation of the AFRICAN BAR ASSOCIATION that he and his Government very much regretted the incident and that they were neither involved in, nor had any previous knowledge of the murders. He confirmed the undertaking of his Secretary that a Public Inquiry would be held, and that the AFRICAN BAR ASSOCIATION was free to send its representatives as observers at the proceedings of the Inquiry.

20. Meanwhile, the murmuring of objection to the proposed investigation team, headed by Mr. Johnny Hansen continued.

21. In Accra, on 19th July, 1982, the Rev. Dr. Vincent Kwabena Damuah, then a P.N.D.C. member, assured Ghanaians at the inauguration of the Osu Kinkawe People's Defence Committee, that the murderers would be traced and dealt with according to the laws of the State. He then said, with his characteristic frankness:

"The enemies are from within. They are here with us now and it is our duty to smoke them out."

The evidence that the Board has heard during this investigation has proved the Reverend gentleman right beyond all reasonable doubt.

22. On 14-7-82, Sgt. Alolga Akata-Pore was reported to have said that the Report of the Committee appointed by the Government to enquire into the killing of the three High Court Judges and the Retired Army Officer would definitely be published. (*The Legon Observer*, Vol. XIV No. 7 July 1982, page 171.)

23. It was against this background of a general sense of outrage in the country, as well as the prevailing feeling that the culprits ought to be traced and punished, that on 15th July, 1982, a statement released from the P.N.D.C. Secretariat announced that the government had decided to set up a Special Investigation Board to supervise the entire investigation into the recent abduction and murder of the three Judges and a Retired Army Officer and to submit a report to the P.N.D.C. as soon as possible. The release explained that the decision had been taken in response to the views of the general public on the matter and the government's desire to ensure a fair and expeditious investigation.

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Establishment of the Board

24. The Special Investigation Board (Kidnapping and Killing of Specified Persons) was established under the Special Investigation Board (Kidnapping and Killing of Specified Persons) Law, 1982 (P.N.D.C.L. 15) made on the 15th day of July, 1982 and published in the *Ghana Gazette* dated 23rd July, 1982.

25. Section 2 of the Law provides that the membership of the Board shall be constituted as follows:

- (a) a person appointed by the Provisional National Defence Council—*Chairman*;
- (b) a representative of the Christian Council and the Catholic Secretariat—*Member*;
- (c) a representative of the Ghana Bar Association—*Member*;
- (d) a person nominated by the Provisional National Defence Council—*Member*; and
- (e) a representative of the Attorney-General's Office—*Member/Secretary*.

Functions of the Board

26. Under Section 3 (1) of P.N.D.C.L. 15, the Board is empowered—

- (a) to investigate the kidnapping and killing of the three High Court Judges, namely:

Mr. Justice F. P. Sarkodee

Mrs. Justice C. A. Koranteng-Addow, and

Mr. Justice K. A. Agyepong, and of

Major Sam K. Acquah (Retired).

- (b) to investigate any other matter which appears to the Board to be reasonably related to the foregoing.

27. In the discharge of its functions the Board is given power under section 3 (3) of P.N.D.C.L. 15 to receive oral evidence as well as memoranda from the general public.

28. Again, the Board, by virtue of section 6 of P.N.D.C.L. 15, may by summons issued under the hand of the Chairman, require any person—

- (a) to attend at such time and place as is specified in the summons to give evidence or to produce any documents in his possession or control, which relate to any matter specified in the summons

in the summons.

29. The Board interprets the provisions of sections 3 (3) and 6 as giving it the jurisdiction to act, not only on facts emerging from the oral evidence adduced before it, but also on information furnished to it, for the purpose of ascertaining the true facts relating to the kidnapping and killing of the four persons. Consequently, we think that all evidence and statements of all persons touching on the kidnapping and the murders are relevant. It is also provided by section 5 (5) of P.N.D.C.L. 15 that the Board shall regulate its own procedure, unless it is otherwise provided in that section.

30. In an investigation of this nature, there is no issue between parties for us to resolve, as in a litigation; and no one appears before us to defend himself, as in a criminal trial. Indeed, we have no adjudicating powers. We do not think that the Board is bound to "act judicially" in the sense that it is bound to hear evidence from both sides and to come to a judicial decision approximately in the same way that a Court must do. We are appointed solely to find the facts, establishing the kidnapping and murder of the four persons, as well as the surrounding circumstances, and to submit our finding to the Attorney-General for necessary action, as required by the provisions of section 3 (1) (e) of P.N.D.C.L. 15. As we said at the inaugural meeting:

"We wish to stress that this Special Investigating Board is essentially a fact-finding body. This is not a trial, and no one is here to prosecute, and no one comes here to be prosecuted. We think that the principal task of all who take part in this Inquiry, including counsel who may appear to assist and advise witnesses, is to assist the Board in eliciting the facts and elucidating the truth of the matters under enquiry."

31. Those who, on the facts, are found in anyway to be implicated in the kidnapping and killings of the Justices and the Retired Army Officer may have to defend themselves in the criminal court.

32. Soon after its establishment, the Board appealed, through the news media, to all those in this country, and outside it, who had any information that was likely to assist the Board, to contact the Secretary to the Board personally or submit memoranda to the Board through its Secretary. The response to this appeal has on the whole not been encouraging.

33. We held our inaugural meeting on 10th August, 1982, in the Old Banquet Hall at the State House, and from that date the Board continued for some time to hold its meetings at the same venue, until it had to give way to the newly established Public Tribunal. The Board then continued to hold its meetings at the Kwame Nkrumah Conference Hall.

The Technical Investigation Team

34. In his radio and television broadcast on 4th July, 1982, the Chairman of the P.N.D.C. informed the nation of the establishment of a Technical Investigation Team to investigate the kidnapping and killings of the three Justices of the High Court and of the Retired Army Officer. The Chairman of the Team was to be the Secretary for the Ministry of the Interior, but the membership of the Team was not announced. It is common knowledge that public reaction to the proposed Technical Investigation Team was most unfavourable and it was even said of its Chairman that; "To put him at the head of the Committee of Enquiry whose membership is not known is not the most reassuring, therefore. Objectivity and impartiality are not guaranteed or made manifest." (*The Legon Observer*, Vol. XIV, No. 7, July, 1982.)

35. Eventually, the Special Investigation Board was established under the Special Investigation Board (Kidnapping and Killing of Specified Persons) Law, 1982 (P.N.D.C.L. 15). Under section 3 (2) of this Law, it is provided as follows:

"The Technical Investigation Team established into the kidnapping and killings, and led by the Provisional National Defence Council Secretary responsible for the Interior shall be supervised by the Board and shall provide investigative services and facilities to the Board."

36. It is important to note that apart from the leader, the membership of the Technical Investigation Team is not specified by the Law. Subsequent events clearly showed that no Technical Investigation Team had been in existence at the time the Board was established.

37. However, the Criminal Investigation Department, had since 1st July, 1982, conducted intensive investigations into the kidnapping and murder of the three Justices and of the Retired Army Officer in the normal course of their duty, though this time with special effort at the beginning to rescue the four persons.

38. Soon after the establishment of the Board, the Commissioner of Police (C.I.D.), Mr. D. K. Nzeh, submitted to the Board the results of the investigations his Department had conducted and placed at the service of the Board a team of police officers, under the able and courageous leadership of Chief Superintendent of Police, Mr. J. J. Yidana.

Method of Investigation

39. At our inaugural meeting held on 10th August, 1982, we announced that although the proceedings of the Board would generally be held in public, the Board would, if it considered it desirable and in the national interest, hold some of its sessions *in camera*. Our public sessions were at first held at the Old Banquet Hall at the State House, but later we continued to sit at the Conference Hall. When it became necessary, for security reasons, to hear the evidence of some witnesses, especially those who were in custody, we sought permission to sit *in camera* either at the National or Regional Headquarters of the Bureau of National Investigations.

40. In view of certain ill-advised and tendentious criticisms levelled against the Board in some newspapers for not taking the evidence of Capt. Kojo Isikata (Rtd.) *in camera*, we wish to state that the Captain was not in custody on grounds of national security at the time he gave evidence before the Board during the public-sittings. Moreover, though he was represented by Counsel, no application was made on his behalf that his evidence should be held *in camera* on the grounds of national interest or on any other ground. If such an application had been made, it would have been considered on its merits. During the hearing, Capt. Kojo Tsikata refused on the ground of national security to answer a question which required him to disclose the result of an enquiry into a *coup* plot. His refusal to answer was upheld by the Board.

refusal to answer was upheld by the Board.

41. If it is the truth that we speak, does it matter whether we speak it in public or in private?

42. We think that it is also necessary to refer to some few cases which we heard *in camera*. First, there was the case of Mrs. Jemima Acquah, wife of the late Major Sam K. Acquah (Rtd.). During the course of her evidence at the public session the Board observed that she had been overwhelmed with grief and was on the verge of collapsing. The Board, therefore cleared the public from the sitting and continued to hear her evidence *in camera*.

43. Then, there was the case of a witness, who wishes to remain anonymous. He told the Board that he came from the same village as one of those ex-soldiers who had committed the murders, and that his life would be in danger, if he was exposed to the public. He, therefore, appealed to the Board to hear his evidence *in camera*. The Board acceded to his appeal. His evidence was of very great assistance to the Board, for it immediately led to the arrest of two of the murderers who had been at large.

44. The third case was that of two students, who, by reason of their age, felt nervous to appear in public before the Board. The Board, therefore, agreed to clear the public from the sitting and hear their evidence *in camera*. Their evidence was most valuable in the identification of the Fiat Compagnola Jeep used in kidnapping the three Justices of the High Court and the late Major Sam K. Acquah (Rtd.).

45. The last case was that of Brigadier Joseph Nunoo-Mensah, Chief of Defence Staff, whose evidence was taken by the Board on 7-12-82, with very great reluctance. On that day, the members of the Board had met in the office of the Chairman for one of their usual periodic conferences. During the course of the meeting, the Principal Secretary of the Ministry of the Interior entered the room followed by Brigadier Nunoo-Mensah. The Principal Secretary delivered a special message from the Secretary for the Ministry of the Interior, Mr. Johnny Hansen, to the effect that Brigadier Nunoo-Mensah was about to travel abroad, but that the government had insisted that unless he appeared before the Board, he would not be given permission to travel outside the country. The Secretary of the Interior was, therefore, appealing to the Board to hear his evidence that day. The Board decided to co-operate, and it, therefore, heard the evidence of Brigadier Nunoo-Mensah in the Conference Room of the Salary Review Commission adjacent to the office of the Chairman. It was purely on the basis of this appeal from the Secretary of the Ministry of the Interior and the circumstances at that particular time, that the Board heard the evidence of Brigadier Nunoo-Mensah *in camera*.

46. We wish to draw special attention to the provisions of section 5(1) of P.N.D.C.L. 15 which vest the Board alone with the discretion to decide whether or not it should sit *in camera*. No one has a right to be heard *in camera* however exalted his position within the Republic of Ghana.

47. In the ordinary circumstances, before witnesses appeared before the Board to give evidence, our Investigating Team took statements from them. The Board therefore had the opportunity of reading these statements long before their oral evidence.

48. In some cases when a person was invited to make a statement, his attention was drawn specifically to a previous statement made by another person or witness implicating him in the crimes committed.

49. All persons, who appeared before the Board, to testify in obedience to a summons, either swore an oath, or made an affirmation, to speak the truth.

50. At the end of our assignment, we had held 39 meetings, and had heard 60 witnesses.

A list of persons who gave oral evidence before us can be found in Appendix "A".

Acknowledgements

51. Our task is now complete. But this could not have been done without the assistance and co-operation of others. We wish therefore, to acknowledge our indebtedness to all who in various ways enabled us to perform this important national assignment, which many believed was a perilous task.

52. First of all, we wish to acknowledge our debt of gratitude to Mr. J. O. T. Ahinakwa (Assistant Commissioner of Police) for the excellent and efficient manner he made arrangements for the security of members of the Board. He sometimes went on patrols either late at night or in the early hours of the morning in order to ensure that the Police Guards posted at our houses were on the alert. He was always courteous and willing to discuss all Security problems personal to a member or of the Board.

53. We cannot find precise words to express our deep appreciation of the co-operation and courtesy of the Investigating Team, made up of Chief Superintendent J. J. Yidana, E. Oheneasah (Deputy Superintendent of Police), Mr. Kwabena Gyamfi (Assistant Superintendent of Police), Mr. S. Adu-Darko (Inspector of Police) and Mr. J. F. Tordimah (Chief Inspector). Without them, it would have been impossible for the Board to achieve any results.

54. There were other police officers who assisted us in various ways, especially in serving summons and keeping order during our meetings. They are too many to mention, but we wish to record our thanks to all these police officers for the assistance they rendered to the Board.

55. We think it proper to place on record our appreciation of the support and services rendered to us by the Secretary, Ministry of Interior. In particular, his action in arranging for the arrest and detention of those implicated in the matters under investigation, as well as his directions to the Bureau of National Investigation to place its facilities at our disposal to enable us interrogate witnesses who were in custody.

56. We wish to thank most sincerely all persons, who, on their own initiative, or at our request, gave evidence before us.

57. The Board had functioned without the support of any organised staff, and we are, therefore, grateful to Mr. J. O. Amui, Member/Secretary, on whom alone fell the arduous administrative work connected with the establishment of the Board and its work programme.

9

58. We cannot fail to acknowledge our deep appreciation to Mrs. Marguerita Accad, who, in spite of her many engagements, agreed to type not only the Interim Report but also this Final Report.

59. Finally, it is in no formal way that we express our thanks to Miss Mildred Martinson and Miss Patience Mensah of the Salary Review Commission, who assisted in preparing this Report.

PART II

A. THE LAW OF CONSPIRACY

60. In Ghana the law of conspiracy is stated in section 23 (1) of the Criminal Code, 1960 (Act 29) as follows:

"If two or more persons agree or act together with a common purpose for or in committing or abetting a crime, whether with or without any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet that crime, as the case may be."

as the case may be.

Guiding Principles

61. We think that at this stage it will be appropriate to set out some of the well-established principles of the law of conspiracy that we intend to follow in our endeavour to examine the facts.

62. In the case of

62. In the case of *Commissioner of Police v. Afari* (1962) 1 G.L.R. 483, the Supreme Court explained the law of conspiracy as stated in the provisions of section 23 (1) as follows (on page 485):

"It consists not only in the criminal agreement between two minds, but also in their acting together in furtherance of a common criminal objective."

63. In *Rex v. Briscoe* (1803) 4 East, page 164, it was stated that:

"... conspiracy is a matter of inference deduced from certain criminal acts of the parties accused done in pursuance of an apparent criminal purpose in common between them."

64. It is not necessary that all the conspirators should take part in the actual commission of the crime; for R. S. Wright emphasized in his book *Law of Criminal Conspiracies and Agreements* (1873), on page 20—

"a person may involve himself in the guilt of a conspiracy by his mere assent to and encouragement of the design, although nothing may have been assigned or intended to be executed by him personally."

65. It has been said by Brett, J.A. as far back as 1876 in the famous case of *Rex v. Aspinall* (1876) 2 GBD on page 2, that:

"The crime of conspiracy ..."

"The crime of conspiracy is completely committed, if it is committed at all, the moment two or more have agreed that they will do at once or at some future time, certain things. It is not necessary in order to complete the offence that any one thing should be done beyond the agreement. The conspirators may repent and stop, or may have no opportunity, or may be prevented, or may fail. Nevertheless, the crime is complete: it was completed when they agreed."

10

66. We refer again to the case of *Teye alias Bardjo and others v. The Republic* (1974) 2 G.L.R. 438, where the Court of Appeal, in explaining the effect of section 13 (2) of the Criminal Code, 1960 (Act 29) said (on page 442):

"The position is that when

"The position is that where two or more persons embark upon a joint criminal exercise, each of the participants will be answerable for the acts done in pursuance of the joint exercise including such acts as are incidental to and necessary for the achievement of the joint enterprise and which acts were in contemplation or ought to be in the contemplation of the parties at the time the exercise was embarked upon: see *R. v. Akatia* (1946) 12 W.A.C.A. 98."

67. Lastly, we wish to refer to one more case, *Rex v. Murphy* (1837) 8 C & P. on page 310, in which Coleridge, J. directed the jury as follows:

"You have been properly told that this being a charge of conspiracy, if you are of opinion that the acts, though done, were done without common concert and design between these two parties, the present charge cannot be supported. On the other hand, I am bound to tell you that although the common design is the root of the charge, it is not necessary to prove that these two parties came together and actually agreed in terms to have this common design, and to pursue it by common means, and so to carry it into execution. This is not necessary, because in many cases of the most clearly-established conspiracies there are no means of proving any such thing, and neither law nor common sense requires that it should be proved. If you find that these two persons pursued by their acts the same object, often by the same means, one performing one part of an act and the other another part of the same act, so as to complete it, with a view to the attainment of the object which they were pursuing, you will be at liberty to draw the conclusion that they have been engaged in a conspiracy to effect that object. The question you have to ask yourselves is, "Had they this common design and did they pursue it by these common means—the design being unlawful?"

B. EVIDENCE OF CONSPIRACY

68. There can be no doubt that the main object of establishing the Board is the collection of evidence that is likely to establish the identity of all those who committed, or were in any way connected with the offences of kidnapping and killing the three Judges and the retired Army Officer.

(i) The Confession

69. In the exercise of the powers conferred on the Board under section 6(b) of P.N.D.C.L. 15, the Board invited No. 174826 Lance-Corporal Samuel Kwaku Amedeka, who is now in custody, to make a statement. On 11th October, 1982, he accordingly made a detailed statement, and part of this reads as follows:

"I remember early June 1982 between 1 p.m. and 2 p.m. one L/Cpl. Nsurowuo of P.N.D.C. Information Centre and L/Cpl. Gomeleshio also of P.N.D.C. Secretariat (Ops.) came to Broadcasting

11

House to invite me to see Sgt. Alolga Akata-Pore at his office the same day at 9 p.m. I went to his office as arranged but met his absence. I went to him the following day at about 9 p.m. where I met Sgt. Alolga Akata-Pore and Mr. Joachim Amartey Kwei in the office of Sgt. Alolga Akata-Pore. I was informed by the two men that I should get prepared to command an operation, the details of which were not disclosed at the time to me. However, the two men promised to get me a suitable vehicle at the appropriate time. Later on I was informed by Mr. Amartey Kwei that he had gone to see the men at State House for a vehicle, so I was instructed to go and sign for two jeeps which were at the Tema Harbour. In the middle of June, 1982 I went through the authorities of the State House to Tema Harbour and signed for the two Fiat Compagnola jeeps from the G.N.T.C. Shipping Agency. After collecting the two vehicles from the Tema Harbour, I drove one and the other one was driven by a driver from the State House to the State House and we were accompanied by a Security Officer from the Harbour. On our arrival, the vehicles were left at the State House. The next day I went and signed for the two jeeps from the State House and took them to Broadcasting House. Both jeeps were cream in colour. I gave them Operational Numbers as follows: NT 9303 and GZA 9285. The next day Mr. Amartey Kwei requested for one which was having Registration Number NT 9303. All these times I was using one of the jeeps for administration at the GBC and one was with Mr. Amartey Kwei."

70. The confession of L/Cpl. Samuel Kwaku Amedeka continued with the most chilling effect when he said:

"After collecting Major Acquah we drove him and the three judges through the Motorway and Kpone Barriers to Bundase where the execution took place under a big tree near the cook-house. When we got to the spot we sat them on blocks in a line and they were shot from behind by Michael, Tonny and Johnny who fired at the same time in my presence. Tonny went into the vehicle and brought out a container with petrol which we used in burning them. We spent about 45 minutes at the scene."

71. Later in his sworn testimony before the Board on 20th October, 1982, L/Cpl. Samuel Kwaku Amedeka faithfully confirmed all that he had earlier said in his statement (Exhibit 'O').

72. Perhaps the confession which will certainly evoke the greatest interest was that made on 23rd November, 1982 by Joachim Amartey Kwei, who, until his resignation from the Provisional National Defence Council in August, 1982, was the most articulate and vociferous member of the Council. His confession relates not only to the events of the the fateful day of 30th June, 1982, but also to his collaboration with the Special Adviser to the P.N.D.C., Captain Kojo Tsikata (Rtd.) in the unlawful common design to kidnap the three Justices of the High Court and the retired Army Officer.

This aspect of the matter is dealt with appropriately under another heading later in this Report.

73. As Earl, J. said in *Reg. v. Duffield* (1851) 5 Cox. page 404:
"It does not happen once in a thousand times when the offence of conspiracy is alleged that anybody comes before the jury to say that he was present at the time when the parties did conspire together, and when they agreed to carry out their unlawful purpose; that species of evidence is hardly ever to be adduced before a jury . . ."

species of evidence is hardly ever to be obtained.

74. In this case, both Amartey Kwei and L/Cpl. Samuel Kwaku Amedeka have done what is commonly believed to be rare in the administration of criminal justice. Each came before the Board and said "that he was present at the time when the parties did conspire together, and when they agreed to carry out their unlawful purpose"

75. In his first statement to the Board dated 15th November, 1982 which he confirmed on oath, Amartey Kwei, a former member of the P.N.D.C., referred to the efforts he made to get a vehicle from the State House for L/Cpl. Amedeka. He said:

"I got to know L/Cpl. Senyah when he came together with Amedeka during the early part of June 1982 to my office at Gondar Barracks. In my office Amedeka told me that they have been assigned a duty in the Volta Region by Capt. Kojo Tsikata (Rtd.) to track down smugglers. Amedeka further stated they had located two Jeeps at Tema Harbour and asked me to assist them to get the vehicles. I was alone in the office at the time. I assured them that I will get in touch with the Officer-in-Charge of vehicles at the State House, Sub. Lt. Salitey. Later on, in the afternoon I met Capt. Kojo Tsikata who confirmed that he has detailed Amedeka on that assignment. The next day, Amedeka came to see me with Sub.-Lt. Salitey in my office at Gondar Barracks. At my office Sub.-Lt. Salitey assured me of getting the vehicles released to Amedeka. Some few days later, on my arrival for duty at the Gondar Barracks, I saw a strange Jeep parked in the yard. Later Amedeka came to inform me in my office that they have got the vehicles and thanked me for the assistance."

(ii) The Fiat Compagnola Jeeps

76. These jeeps are known by their trade-name as the Fiat Compagnola Jeeps of which the Ghana National Trading Corporation are the sole agents in Ghana. Since May, 1980 only six (6) Jeeps of this description had been imported into this country by the Ghana National Trading Corporation.

77. Both Amartey Kwei and Sgt. Alolga Akata-Pore denied very vigorously that they had ever met L/Cpl. Amedeka and had promised to get him a vehicle for an operation.

78. On his own part Sgt. Alolga Akata-Pore said that it was not true that he had ever sent L/Cpl. Nsurowuo and L/Cpl. Gomeleshio to call L/Cpl. Amedeka to his office since the revolution. Furthermore, he had not asked them to take part in any operation to be undertaken by Amedeka.

79. It was with great difficulty that the Investigating Team was able to get L/Cpl. Gomelesbio to testify before the Board. He definitely tried

to evade service of summons on him to give information to the Board. However, on 10-12-82 the Investigating Team succeeded in getting him to make a statement in which he supported the evidence of Sgt. Alolga Akata-Pore. He appeared very confused and nervous when he gave oral evidence, and he said that he was at his home-town on 30-6-82. He did not, however, say where he was during the early part of June, 1982.

80. L/Cpl. Nsurowuo is still evading the summons of the Board to make a statement or give oral evidence, even though he had been served with summons through the normal official channels, and he is still in the active service of the Ghana Army.

81. The evidence of L/Cpl. Amedeka on 8-12-82 was quite clear and straight-forward. In answer to a question by Amartey Kwei, he said: "When I came there that evening if you could remember I met you and Sgt. Akata-Pore; Mr. Tsatsu Tsikata was then with you in Chairman's office with a certain lady but I don't know her. From there the Sergeant confirmed the message he sent to me through those soldiers." L/Cpl. Amedeka gave his evidence very confidently.

82. In spite of protests by Sgt. Alolga Akata-Pore that he had been framed, we think that there is on record cogent evidence which if believed shows that he did acts which were in pursuance of a criminal purpose common to all the conspirators. The principle is clear that "a person may involve himself in the guilt of a conspiracy by his mere assent to and encouragement of the design, although nothing may have been assigned or intended to be executed by him personally."

83. The significance of the acquisition of the Fiat Compagnola jeeps in this investigation is that one of them was identified as having been used in kidnapping the Judges and the retired Army Officer in the evening of 30th June, 1982. It was this particular piece of evidence that provided the clue for the identification of the kidnappers and their accomplices.

84. Indeed, as Amartey Kwei stated in his third statement dated 7th December, 1982:

"...I can also remember following. When the Special Investigation Board succeeded in narrowing down the investigation to the Fiat Jeep I went to Capt. Tsikata's Office one morning to suggest to him that it would be better for the Government to invite the S.I.B. and present the facts to the members as we know them. Capt. Tsikata told me that I should not worry and that Cpl. Amedeka was experienced enough to handle the Board."

85. But why should Amartey Kwei run in panic to Capt. Kojo Tsikata (Rtd.), Special Adviser to the P.N.D.C., in particular to discuss with him the important development at the Special Investigation Board? Was Capt. Kojo Tsikata (Rtd.) or the government of the P.N.D.C. in any way connected with the acquisition of the Fiat Compagnola Jeep by L/Cpl. Amedeka? The answers to these questions become clear as the reader begins to read later from Part XIII of this Report.

86. The statement of L/Cpl. Amedeka as to the circumstances in which he collected the two Fiat Compagnola Jeeps at the Tema Harbour was

substantially confirmed by the evidence of both the 7th Witness, Eliezer Gyan Bekoe, Senior Shipping Manager of the Ghana National Trading Corporation (G.N.T.C.) and the 8th Witness, Joseph Beresford Wood, Senior Security Officer of G.N.T.C., Shipping Department, Tema. The 7th Witness testified that on 17th June, 1982, three soldiers, including L/Cpl. Amedeka, came to the Port and told him that they had been instructed by a superior officer at the State House in Accra to collect two jeeps. The Witness said that he prepared a covering Waybill dated 17-6-82 (Exhibit 'J'), which L/Cpl. Amedeka, the leader of the group, signed, and he allowed him to take away two Fiat Compagnola Jeeps out of the four which the G.N.T.C. had ordered for their customers, the Ghana Commercial Bank. According to the Witness, the two vehicles were seized with a show of force. The 8th Witness confirmed the evidence of his senior colleague, the 7th Witness, and said that he accompanied L/Cpl. Amedeka to the State House in Accra.

87. In his statement, L/Cpl. Amedeka said that on 18th June, 1982, he went to the State House and signed for the two Fiat Compagnola jeeps and drove them away to Broadcasting House, where he was attached on duty. L/Cpl. Amedeka was sure that the two vehicles were cream in colour.

88. It is admitted by No. 177505, Lance-Corporal Michael Komla Senyah in the statement he made on 15th October, 1982, that he accompanied L/Cpl. S. K. Amedeka to the Harbour to seize the two Fiat Compagnola Jeeps, as deposed to by the Witnesses. According to L/Cpl. Senyah they drove the two jeeps from the State House to the P.N.D.C. Headquarters, where Amartey Kwei came and inspected the jeeps and had discussions with L/Cpl. Amedeka.

89. We find that the acquisition of the two Fiat Compagnola Jeeps by L/Cpl. Amedeka, Amartey Kwei and L/Cpl. Senyah was the first overt act in furtherance of the common design to kidnap and kill the three High Court Judges and the retired Army Officer.

90. We also find that Sergeant Aloka Akata-Pore, was a conspirator in the common design to kidnap and kill the three specified Judges and the retired Army Officer.

(iii) The G.N.A. Press Release

91. The Board finds it very significant that on 18th June, 1982, the day that L/Cpl. AMEDEKA took the two fiat Compagnola jeeps from the State House and gave one to Amartey Kwei, there should be an extraordinary Press Release by the Ghana News Agency (Exhibit 'N'). This Press Release appeared to be the report of a purported Press Conference held by Amartey Kwei, and the relevant portions of it read as follows:

"Ghana News Agency, June 18. G.N.A. - The P.N.D.C. has set up a

embarrassment and reminded all workers of the utility services to carry their curfew passes with them while on duty."

92. In the course of the investigation, the attention of the Board was attracted by this Press Release, and by virtue of the powers vested in the Board under section 6 (1) (b) of P.N.D.C.L. 15, the Board directed its team of investigators to request Mr. Amartey Kwei to give information on certain specified matters. These matters were expressed in the form of a questionnaire, and this was embodied in Guidelines, which were interdicted as instructions to the investigating team only.

93. At this stage we refer to the relevant questions which the Board directed that Amartey Kwei be asked to answer. These were as follows:

"Mr. Amartey Kwei

- (i) He is to be confronted with the G.N.A. release of 18-6-82 and is to be asked whether statements attributed to him are correct.
- (ii) Were the statements Government policy or his own personal views?
- (iii) If the statements were his personal views, then he should give reasons therefor.

X X X X X X X

- (xi) Can he give any information which may be of assistance to the Board?"

94. In his letter to the Board dated October, 1982, which was routed through the office of the Secretary to the Ministry of the Interior, Amartey Kwei stated *inter alia* as follows:

"Curfew—Accra, June 18, G.N.A.—The P.N.D.C. has set up a hospital rehabilitation fund to raise money to repair broken-down hospital equipment. Speaking to the press here today, a member of the Council, Mr. Amartey Kwei, said, all car owners who broke the curfew with retrospective effect from last night would pay 5,000 cedis each into the fund.

Previously all curfew breakers were prosecuted in the courts. Mr. Kwei asked diplomats in particular to take note to avoid any

"As for the first questions about statements on curfew-breaking and Government policy, they are far from what the Board is investigating, so the whole thing beats my mind. It looks as if because Rev. Dr. Damuah and I recently resigned from the Council, we are being put before the Board. If there is anything the Board wants to know on Government policy about the curfew why seek answers from Dr. Damuah and I who are no longer in Office? The Board is calling us to ask questions about the Government for an aim I do not understand unless it is something I do not want to believe of the Board."

The Board has taken note that Amartey Kwei chose to attempt answering the first question last.

95. The questionnaire related to matters personal to Amartey Kwei, and it was directed to him by virtue of the provisions of section 6 (1) (b), which states as follows:

"The Board may by summons issued under the hand of the Chairman require any person—

(a) x x x x x x

(b) to give the Board such information as may be specified in the summons.

16

96. In his so-called reply to the Chairman of the Board, it was noticed that Amartey Kwei had taken the unusual course of distributing copies of this reply to the Secretary to the P.N.D.C., and the Chief Justice.

97. The Board was greatly amazed that Amartey Kwei should decide in a matter, which, in normal circumstances, would be treated as confidential, to play to the public gallery by causing the whole of the questions and his answers to be published in the *Ghanaian Times* of 4-10-82 and the *Daily Graphic* of 5-10-82.

98. In the opinion of the Board, Amartey Kwei might have won an ovation from the public gallery, but he deliberately evaded answering the first question which he must have found embarrassing. We find that the whole of his letter is lacking in candour.

99. But in his evidence before the Board, Amartey Kwei said that he appreciated the confidential nature of the correspondence between him and the Board, and that the publication of the correspondence to other persons and in the daily newspapers was caused by Capt. Kojo Tsikata (Rtd.).

100. The General Manager of the Ghana News Agency, Mr. K. B. Brown (35th Witness), who gave evidence about the circumstances surrounding the G.N.A. Press Release on the alleged Press Conference by Amartey Kwei, told the Board that in his experience Amartey Kwei was not the proper authority for issuing such Press Releases. He added that a Press Release on such a subject would normally be issued by the Ministry of Information. He further said:

"I do not think the so-called Press Conference was a serious matter, the way it was handled."

101. Mr. Brown further told the Board that as the Head of the Ghana News Agency if the Government had established a Hospital Equipment Rehabilitation Fund he would have heard about it long before he received the report from his representative at Gondar Barracks.

102. Mr. Brown's evidence is supported by at least one Ghana News Agency Press Release on "ON-THE-SPOT FINES", which was published in the *Daily Graphic* of 13-7-82. This was a statement issued by the Ministry of Information. The release read:

"The Provisional National Defence Council (P.N.D.C.) has approved an on-the-spot flat fine of C85.00 for motor offences such as causing obstruction, parking and stopping offences.

According to a statement issued by the Ministry of Information yesterday, other offences which would attract the fine include contravening traffic signs, traffic light offences, unauthorised stopping or parking, and overtaking on the wrong side."

103. On the same subject the Board also had the advantage of hearing evidence of both Dr. Yaw Aboagye-Atta (48th Witness), the Acting Director of Medical Services in Ghana and of Dr. Benedicta Monica Ababio (49th Witness), Acting Regional Medical Officer of Health, Greater Accra Region.

104. In his evidence Dr. Yaw Aboagye-Atta told the Board that there had never been a Hospital Equipment Rehabilitation Fund in Ghana, and that if there had been such a fund, he would, by virtue of his position, have known of it.

105. On her part, Dr. Ababio, who had been acting as Regional Medical Officer of Health for the Greater Accra Region since June, 1982 testified as follows:

... the establishment of such fund.

106. The Board accepts the evidence of these witnesses and finds that the statement made that the Government had set up a Hospital Equipment Rehabilitation Fund to raise money to repair broken-down hospital equipment is demonstrably false. And why this deliberate falsehood?

107. We further find that the alleged Press Conference by Amartey Kwei on 18th June, 1982, was a ruse cunningly designed to get off the roads motorists who might risk breaking the curfew. The object was to clear the roads for his partners in crime.

108. We further find that this was an act done in pursuance of an apparent criminal purpose.

PART III

A. EVENTS ON 30th JUNE, 1982

(i) Final Briefing

109. On the 30th of June, 1982, Amartey Kwei went to Broadcasting House between 4 p.m. and 5 p.m. to look for L/Cpl. Amedeka. But L/Cpl. Amedeka had gone out at the time, and therefore Amartey Kwei left a message with one Mr. Bright Akuamoah Osei. Mr. Bright Akuamoah Osei had in a statement dated 15th October, 1982, confirmed that Amartey Kwei visited the Broadcasting House between 4.30 p.m. and 5 p.m. and that he left a message with him for L/Cpl. S. K. Amedeka. Mr. Osei described the colour of the car in which Amartey Kwei was riding. It was white.

110. In his statement to the Board L/Cpl. Amedeka said:

“At about 5.30 p.m. in the same evening Mr. Amartey Kwei came back in his private car, Toyota Corolla Saloon, white in colour, and picked myself and L/Cpl. Michael Senyah.”

111. There is evidence in the records at the State House Licensing Office that a car of that description was released to Amartey Kwei in June, 1982, for operational duties.

112. Amartey Kwei then picked up L/Cpl. Amedeka and L/Cpl. Michael Senyah, and he drove them out of Broadcasting House. In the words of L/Cpl. Amedeka:

"Whilst on the car for a drive, Mr. Amartey Kwei briefed us that we are going to undertake an operation that evening which involved some important personalities. He further explained that we were going to liquidate judges Mrs. Cecilia Koranteng-Addow, Sarkodee, Agyepong and Major Acquah, and he took us round to show us their various residences. After he had shown us their respective houses, he drove us back to the Broadcasting House. The time was then about 6.30 p.m."

This aspect of the conspiracy is fully confirmed in the statement of L/Cpl. Gordon Kwowu, dated 18th October, 1982.

113. We find that at this stage L/Cpl. Senyah became a partner in the conspiracy to kill the Judges and the retired Army Officer.

114. On their return to Broadcasting House, L/Cpl. Amedeka decided to contact L/Cpl. Nsurowuo and L/Cpl. Gomeleshio, who had already been introduced to him by Sgt. Alolga Akata-Pore, as the two soldiers who had been briefed and had agreed to participate in the operations that night. He, therefore, drove to the P.N.D.C. Information Centre, and those in the vehicle with him were L/Cpl. Michael Senyah and L/Cpl. Gordon Kwowu. He met only L/Cpl. Nsurowuo, who agreed to join them when the operations were about to start.

115. Meanwhile, Amartey Kwei had released for the operation the Fiat Compagnola Jeep, which L/Cpl. Amedeka had earlier allowed him to use. The jeep was already filled with petrol by Amartey Kwei.

(ii) Dressing for the Operation

116. There was some argument about the mode of dress to be worn during the operation. Amartey Kwei, it is said, suggested that military uniforms should be worn, but this suggestion was rejected by L/Cpl. Amedeka. It was ultimately agreed that the participants in the operation should use N.T. smocks. L/Cpl. Gordon Kwowu then withdrew, and after some time when L/Cpl. Nsurowuo had not appeared, it was decided to recruit one Johnny and another man called Tonny for the operations. The two men readily agreed to co-operate when they learnt that Sergeant Alolga Akata-Pore and Amartey Kwei were solidly behind the operations for the evening.

117. It is said that Amartey Kwei gave Johnny a smock to use, whilst Gordon Kwowu also supplied one to Tonny. In the end all the four men who were embarking on the operation put on their N.T. smocks and were ready for action.

118. During the course of the investigation the Board learnt from the statement of L/Cpl. Gordon Kwowu, dated 18th October, 1982 that the proper names of the two men who were recruited at the last moment are Johnny Dzandu and Tonny Tekpor.

19

B. WEAPONS USED

119. The weapons used were supplied by L/Cpl. Amedeka, L/Cpl. Michael Senyah and L/Cpl. Gordon Kwowu. These were, one pistol "TT", one Uzi, and one .33 rifle.

PART IV

FINDINGS

120. We find that:

(a) there is evidence which, if believed, would support a conclusion that the following persons:

- (i) L/Cpl. Michael Senyah
- (ii) L/Cpl. Gordon Kwowu
- (iii) Johnny Dzandu
- (iv) Tonny Tekpor
- (v) L/Cpl. Nsurowuo
- (vi) L/Cpl. Gomeleshio

joined the conspiracy with the criminal purpose of killing the three High Court Judges and the retired Army Officer;

(b) on the night of 30th June, 1982, Amartey Kwei Jrove L/Cpl. Amedeka and L/Cpl. Michael Senyah from Broadcasting House to the town, and showed them the various houses in which the three High Court Judges and the retired Army Major lived;

(c) on their way back to the Broadcasting House, Amartey Kwei took from a house along Independence Avenue later described as the residence of Mrs. Agyeman Rawlings, a Fiat Compagnola jeep, filled with petrol;

(d) Amartey Kwei was the hub around which the "wheel of conspiracy" revolved.

PART V

PART V

THE OPERATIONS

121. By 9 p.m. on 30th June, 1982 the 'Murder Squad' had assembled at Broadcasting House. The Squad was made up of L/Cpl. S. K. Amedeka, L/Cpl. Michael Senyaf, Johnny Dzandu, and Tonny Tekpor. They were all dressed in N.T. smocks and were heavily armed. They stood by the Fiat Compagnola jeep, cream in colour, which had been released by Amartey Kwei for the Operations. The jeep had no registration number on it. All the four men boarded the jeep and set out from Broadcasting House. The driver of the jeep was L/Cpl. S. K. Amedeka.

20

122. They first drove to House No. 36, Dzorwulu, and according to Regina Mensah (14th Witness), they arrived there about 9.30 p.m. When they were told that the late Major Sam K. Acquah (Rtd.) had gone out, they drove away. A detailed account of the circumstances of the kidnapping of the late officer that evening will be given later in this Report.

123. From Dzorwulu the Squad drove to Bungalow No. 9, Castle Road, which is the residence of Judge Adadevoh, a Circuit Court Judge. The bungalow is situated near the traffic lights at the junction of the Castle Road and Fifth Avenue. Two Witnesses, namely S. S. Adadevoh (33rd Witness) and Peter Avah, Jnr. (34th Witness), said that whilst walking along the Castle Road in the evening of 30th June, 1982, they saw a Land Rover type of vehicle parked near the entrance to Judge Adadevoh's bungalow between 9.15 p.m. and 9.30 p.m. Later, on 29th June, 1982, the two Witnesses were invited to the Police Forensic Laboratory, where, at an identification parade, they identified a Fiat Compagnola jeep as similar to the one they saw in the evening of 30th June, 1982, in front of the gate to Judge Adadevoh's bungalow.

124. Thinking that Bungalow No. 9, Castle Road, was the residence of the late Mr. Justice Sarkodie, L/Cpl. Amedeka and his men entered the house. Amartey Kwei had earlier in the late afternoon pointed out this bungalow as the residence of the late Justice Sarkodie.

125. As the Squad entered the house, they were met by a man who

125. As the four men entered the house, Victor Kano (6th Witness) challenged them in the Ewe language, and one of them answered in the same language that they wanted to see Judge Adadevoh. The witness must have heard the intruder simply say that they wanted the Judge or his master and not "Judge Adadevoh". We know from the statements of L/Cpl. Amedeka and L/Cpl. Michael Senyah that all those on board the Fiat Compagnola jeep were Ewes. The Witness said that although he informed the intruder that the Judge had gone out, he, the intruder, proceeded towards the entrance of the house to meet Mrs. Adadevoh. He was later joined by one of his companions.

126. Mrs. Christine Adadevoh (18th Witness) said that the man who spoke to her said he was called John Gondo. We know that one of the men in the jeep was called John or Johnny Dzandu and that he wore a smock. John left a message that if Judge Adadevoh returned home he should be informed that his friend called John, from Tamale, had come to see him and that he would call again the next day. As the Witness was going to see him off, she saw two other men, also dressed in smocks, standing behind the kitchen.

127. Whilst the men were leaving, the Night Watchman, Mohammed Mukaila (9th Witness), saw a fourth man who had been standing behind the house. This man was L/Cpl. Michael Senyah, according to the statement made by L/Cpl. S. K. Amedeka. The Witness challenged him and the man said he was a soldier, and he pulled out a pistol. But the Witness held him and insisted upon seeing his identity card. The man succeeded in freeing himself from the grip of the Witness and ran to join his colleagues in the vehicle and they drove off. The 6th Witness described the vehicle as a Land Rover type painted white with a wire mesh.

128. The 'Murder Squad' then drove straight to Bungalow No. 9, Second Circular Road, where they kidnapped Mrs. Justice Cecilia Koranteng-Addow in the presence of her husband, Mr. Justice Gustav Koranteng-Addow (25th Witness). From the Second Circular Road, the murderers drove again to the Castle Road, where they succeeded this time in taking away Mr. Justice Sarkodie, and Mr. Justice Agyepong. The last victim to be picked up was Major Sam K. Acquah (Rtd.) at House No. 36, Dzorwulu. Dzorwulu is a fashionable residential area near the Motorway.

129. A detailed account of the kidnapping of each of the four persons is given as follows:

(i) Mr. Justice F. P. Sarkodie

The evidence relating to the kidnapping of the late Mr. Justice Sarkodie was given by his Night Watchman, Yadaga Moshie (4th, Witness). He testified that on 30-6-82 he went on duty as usual at Mr. Justice Sarkodie's bungalow, which was situated at the junction of the Castle Road and the Fifth Avenue.

The Witness said that about 9.45 p.m. he saw someone shaking the main gate which was then locked. When he looked towards the direction of the gate, he saw a man and a woman standing behind the gate. The man was dressed in N.T. smock, and said that he wanted to see the late Justice Sarkodie. The witness said that owing to the late period of their arrival at the bungalow—it was only some 15 minutes to curfew time—he refused to call his master for them. He advised them to come again the next day. The woman, who was slender stood quietly.

However, in view of the man's insistence to see the Judge, the witness said he went in and called him. When the Judge eventually came out, he readily recognised the woman and said: "This is Mrs. Koranteng-Addow—open the gate." But the witness said that he advised his master that it was too late to entertain visitors, and therefore, refused to open the gate. He refused three times the orders of his master to open the gate.

The witness said that when he finally opened the gate, the man retreated to the next house behind him. This would be the house of Mr. Justice Agyepong. According to the witness this gave him the opportunity to talk to Mrs. Justice Koranteng-Addow, and he invited her to enter the house, but she said nothing.

Whilst the witness was talking to Mrs. Justice Koranteng-Addow, the man came back with a gun, which he had picked from a vehicle standing close to Mr. Justice Agyepong's bungalow, and he ordered him to raise his hands. Meanwhile, he marched Mrs. Justice Koranteng-Addow into the house, and took Mr. Justice Sarkodie out along with her. He ordered them to board the vehicle which was parked outside.

The witness said that he struggled with the man in an effort to prevent him from taking his master away, and in the process the

man knocked his waist and head with the muzzle of the gun. He started to bleed and felt over-powered. His master asked him to fetch his pull-over from the house, and he did. The witness could not get out of the house again.

According to the witness the man who struggled with him was short, fair in complexion and he wore a pair of trousers under a white and black striped N.T. smock.

Mrs. Yvonne Poku Sarkodie, wife of the late Mr. Justice F. P. Sarkodie, made a statement to the Board. In it she said that her husband went to bed at about 9.30 p.m. on 30-6-82, and about 9.45 p.m. their maids came to inform them that they were being wanted. By the time she got downstairs, her husband was already there standing with two men and a woman. She saw her husband and the visitors walking towards the gate, and she tried to follow them. But one of the men pointed a gun at her and ordered her to go back. She became frightened and walked back and stood with her children as her husband was taken away on a vehicle.

(ii) Mrs. Justice Cecilia A. Koranteng-Addow

Mrs. Justice Cecilia A. Koranteng-Addow was until the 30th day of June, 1982 a Judge of the Superior Court of Judicature attached to the High Court, Accra. She lived with her husband, Mr. Justice G. Koranteng-Addow, in the same house at Bungalow No. 9, 2nd Circular Road, Cantonments, Accra.

The act of her abduction from her residence was descriptively given by her husband, Mr. Justice G. Koranteng-Addow (25th Witness) in his evidence on oath before the Board at its sitting on the 28th day of September, 1982.

The witness, who was cool, relaxed, and well collected, said that between 9.00 and 9.10 p.m. on the 30th of June, 1982, he was upstairs in the house with his wife and children, gathered around his mother-in-law, who was then indisposed, when the maidservant came up to inform them that someone was waiting downstairs asking for him. He then came down and met a young man standing in front of the outside door, which was well illuminated with a 4 feet fluorescent light. He therefore had a full view of the young man, who was between 20 and 30 years old. He was dressed casually, wearing a pair of sandals, trousers and "Fugu" (Batakali) from which he formed the impression that he was somebody's driver.

He went closer and enquired of his mission in the house. The young man informed him that he wanted to see his wife. The witness then shouted for his wife, who was still upstairs. When Mrs. Justice Koranteng-Addow came down to the place where the witness and the young man were waiting, the latter tried to resort to some tricks to get his wife out of the house into the street by saying that a certain Judge, whose car had broken down was waiting outside the house and wanted to see his wife. Thinking that this was rather odd, the witness asked the young man to invite the Judge to the house. Whilst waiting for the Judge, the young man a little while returned with three other

men following him. When they got to where the witness and his wife were waiting, one of the men darted forward and held the wife's wrist and informed her that she was under arrest and, simultaneously, each of them pulled out a weapon. Three of them were each holding a pistol and the fourth drew up his Fugu and revealed a solid SMG (Short Machine Gun). Whilst this display of force was going on, the witness said, his wife was at the same time being dragged away with the pistol pointed at him. The witness tried to follow them, but when he got into the street they had out-distanced him and all that he saw was that his wife was being pushed into the opened rear of a vehicle that had been parked about 40-50 yards away from their entrance. At this stage, the witness said he felt helpless, and all that he could do was to run after them. He saw that the kidnappers' vehicle drove away and took the direction of Burma Camp.

When asked how he could recognise and describe the SMG (Short Machine Gun) the witness stated as follows:

"I have had truck with soldiers and I know the type of guns they use. I am satisfied that they were military men. Their comportment and everything they did, was with military precision. Therefore the conclusion I came to was that they were soldiers."

Therefore the conclusion I came to was that they

During that night and thereafter, all efforts to trace her with assistance from the Attorney-General and others proved futile, until the 4th of July, 1982 when he learnt that her charred body with three other persons kidnapped on the same night were reported to have been discovered at Bundase in the Accra Plains and deposited at 37 Military Hospital Mortuary.

(iii) Mr. Justice K. A. Agyepong

Mr. Justice Agyepong had until his untimely death lived with his family at Bungalow No. 10, 4th Avenue, Accra.

His widow, Mrs. Comfort Agyepong, testified that on 30-6-82 she was at home with her husband and at about 9.30 p.m. she heard a knock on the door. Her maid, Abena Dankwa, went and opened the door. Mrs. Agyepong said that she followed the maid to the door and there found her talking to a certain young man, who said that Mrs. Cecilia Koranteng-Addow was seriously ill and wanted to see her husband. She then asked the young man to invite Mrs. Koranteng-Addow to the house whilst she went into the house to inform her husband that Mrs. Koranteng-Addow was very ill and needed his help.

Mr. Justice Agyepong was eating his supper at that time, but on hearing the disturbing news about Mrs. Koranteng-Addow he got up from the dining-table, leaving his sandals behind, and walked towards the door. At this juncture, Mrs. Agyepong said she heard her baby crying and so she went upstairs to attend to her. When she came downstairs later, she observed that her husband had gone with the man. At first she thought that Mrs. Koranteng-Addow had died and her husband had accompanied the dead body to the house

of Mrs. Koranteng-Addow. Her husband did not return home that night. He was seen entering the back of a waiting jeep and banged the door without saying good-bye to his family.

The telephone at Bungalow No. 10, Fourth Avenue was out-of-order at the time, and so Mrs. Agyepong could not telephone to make enquiries about her husband. It was not until the next day at about 5.00 a.m. that the watchman of Mr. Justice Sarkodie, who lived across the road, told her that his master had also been taken away during the previous night. Mrs. Agyepong said she immediately reported the matter to the Chief Justice.

About five days later Mrs. Agyepong

reported to the Chief Justice.

About five days later Mrs. Agyepong was informed by a Government delegation that her husband had been killed at the same time as three other persons, including Mrs. Justice Cecilia Koranteng-Addow and Mr. Justice Sarkodie.

In her evidence Mrs. Agyepong said that she could not recognise the person who came to the house in the evening of 30-6-82; but he was fair in complexion and was short in stature. He wore a Batakari (N.T. smock).

According to Abena Dankwa, the maid, two men in N.T. smock came to the house on the night of 30-6-82 and asked for Mr. Justice Agyepong. They created the impression that Mrs. Justice Cecilia Koranteng-Addow was dead and that Mr. Justice Agyepong's help was urgently needed. Mr. Justice Agyepong entered the jeep waiting outside the house and he was driven away.

(iv) Major Sam K. Acquah (Retired)

As we have said earlier in paragraph 122, the Murder Squad first drove to House No. 36, Dzorwulu, and according to Regina Mensah (14th Witness) they arrived there at about 9.30 p.m. When she told them that the late Major Sam K. Acquah (Rtd.) had gone out, they drove away.

Until his death Major Sam K. Acquah

Until his death Major Sam K. Acquah (Rtd.) was working at the Head Office of GIHOC as the Director of Personnel. According to Mrs. Jemima Acquah (15th Witness) on 30-6-82 the late Major Sam K. Acquah (Rtd.) came back to the house from his office at about 7.00 p.m. saying that one Emma's husband was dead and so he was going to visit the bereaved family for a while. He returned to the house finally at about 9.45 p.m. About 15 minutes or so later, the late Major Sam K. Acquah (Rtd.) entered the sitting-room and was ready for his supper. Whilst the food was being got ready for him, Mrs. Acquah heard the sound of a vehicle. However, she was surprised that a vehicle should be around at that hour, as it was curfew time, and thought it was on patrol duties. Suddenly, she heard somebody forcing the gate of the house open. She came out of the sitting-room on to the balcony and saw a young man who had entered the house and was walking towards the building. When the young man reached where Mrs. Acquah was, she asked him what he wanted, and he replied that he wanted the late Major. Mrs. Acquah remonstrated with the man for coming into her house at curfew time, but

the man said he saw the late Major at the roundabout, and that the late Major had asked him to come to the house. The man said further that he had come on a Broadcasting vehicle on which there was somebody who had a curfew-pass and who could get him through the curfew. Mrs. Acquah went back to the sitting-room and informed the late Major Sam K. Acquah (Rtd.) that somebody was looking for him. The late Major Acquah (Rtd.) got up, and in bare feet came out, followed by Mrs. Acquah. The man then told the late Major Acquah (Rtd.) that he was wanted at the Burma Camp. The late Major Acquah (Retired) then asked the man to come in and wait at the sitting-room so that after eating he would accompany him to Burma Camp. But the man refused and pulled out a pistol and aimed it at the late Major. The late Major Acquah (Retired) had wanted to take his sandals, but the young man did not allow him and marched him out at gun point to a waiting vehicle. Whilst the late Major was being taken away Mrs. Acquah cried, and one other man came to the sitting-room to console her. This other man is Evans Tekpor Hekli, alias Tonny, according to his statement dated 3-11-82.

PART VI

THE LAST JOURNEY TO BUNDASE MILITARY RANGE

130. Major Sam K. Acquah (Retired) was the last person to be picked up. It was curfew time. From Dzorwulu the Murder Squad drove along the Motorway in the direction of Tema. When they got to the Kpone Barrier, the Policemen on duty allowed them to pass after L/Cpl. Amedeka had shown them an operational permit. They drove to Bundase Military Range where each of the victims was made to sit on a block and they were shot from behind by L/Cpl. Senyah, Johnny Dzandu and Tonny Tekpor. Tonny Tekpor went into the vehicle and fetched a tin of petrol with which the bodies of the dead victims were burnt.

The ' Murder Squad ' left the dead bodies under a big tree near the cook-house, where the four persons had been executed, and returned to Accra.

131. On the way to Bundase, according to L/Cpl. Senyah in his statement dated 15-10-82 (Exhibit ' R ').

" Johnny told the captives that we were the enemies of the revolution. He further told them that we were about to overthrow the Government and that we needed their co-operation. Johnny asked Cecilia her choice of leadership in the event of a take-over. She replied that her choice was Victor Owusu. Johnny further asked Cecilia whether she would like Tsatsu Tsikata to be a member with them in a proposed Government. Cecilia replied that even though she considered Tsatsu Tsikata as a clever chap, his link with the present Revolution disqualified him. I then came in and asked her whether she knew Jerry Rawlings. She replied that she had heard of him but

she had never met him personally. I asked Cecilia to comment on the Revolution. She replied that although Rawlings had support, she had not seen any marked change. Johnny asked Cecilia the whereabouts of Victor Owusu, and she replied she could trace him in the event of success on their part. Still on the way, one of the men asked where we were taking them to. I told him that we were taking them to a safe

place. When we got to Bundase, Amedeka ordered them to come down and sit on some stones. He told them that he, Amedeka had got to know that they were the enemies of the Revolution, and that today was their last day. Amedeka sent me to go and call some non-existent people. When I turned to go, he whistled and I responded. I later heard gun shots. Amedeka sent me to bring petrol from the vehicle which was used in burning the four bodies."

This was the dramatic, but sad, end of the lives of four distinguished Ghanaians.

132. It seems quite obvious that the conversation Johnny Dzandu engaged in with the captives was a concocted story which was calculated to allay their fears of the impending doom. For, at the end of the journey at the Bundase Military Range, L/Cpl. Amedeka, the leader of the Murder Squad, told the captives in no uncertain terms the true reason for their capture, and immediately ordered their execution.

133. After the executions, L/Cpl. Amedeka and his Murder Squad returned to Accra by a different route. From Bundase they drove through Dahwenya and Afienya and then arrived at Michel Camp. It was then easy for them to continue the journey to Accra through the Accra-Tema Motorway. On the way each member of the Murder Squad removed his N.T. smock.

134. During the early hours of 1st July, 1982, between the International Students' Hostel and the Continental Hotel on Independence Avenue, their vehicle was intercepted by Inspector Vincent Moore (42nd Witness) and his men in mobile patrol. On responding satisfactorily to a password given by Inspector Moore, they were allowed to go.

PART VII

AMARTEY KWEI CONGRATULATED 'MURDER SQUAD'

135. According to L/Cpl. S. K. Amedeka, he met Amartey Kwei on 1st July, 1982, at about 6.30 p.m. on the Ring Road near the Broadcasting House. When he told Amartey Kwei of the outcome of the operation, he, Amartey Kwei, congratulated him and his men. Amartey Kwei warned that there should be absolute secrecy about the operation.

PART VIII

DISCOVERY OF DEAD BODIES

(a) The Evidence of Bary Amadu

136. Bary Amadu (13th Witness) is a cattle-man and lives with his wife in a village at Bundase, not far from the Military Range, where the kidnapped persons were discovered murdered.

137. The witness said that at about 1.00 a.m. on Thursday, 1st July, 1982 he heard the movement of a vehicle; he then came out of his house to find out what was happening. It was dark, and a few minutes later he heard the sound of two gun shots followed by series of shots. He did not see those who were firing or the object of the firing. He, therefore, went back to his house. He did not consider the firing of the guns unusual, because the place was a firing range for soldiers who sometimes come there for firing exercises in the night. Later, he heard the noise of a vehicle moving away.

138. In the morning of the 1st July, 1982, he left for Ashiaman only to return in the evening the same day to be informed by one Nyemitei, an old man also living at the cottage that four bodies, namely, three male and a female had been discovered under a tree, close to the soldiers' cook-house. He was accompanied to the scene by Nyemitei, where he saw the four bodies under a tree, a usual resting-place for the soldiers when on their exercises.

139. In the morning of the 2nd July, 1982, he went to Ashiaman to inform his master (the cattle owner) of the discovery. He advised the master to report to the Police, but he declined, saying that the first person who made the discovery should do so. However, the master accompanied him, and they arrived at the scene at 5.00 p.m. on the same day.

140. Bary Amadu told the Board that it rained at Bundase on the 2nd July, and that it was in the evening at 8.00 p.m. that he learnt on the Radio for the first time of the kidnapping of the four persons.

141. On Saturday, the 3rd of July, 1982, early in the morning some soldiers came to the range for exercises. At about 9.00 a.m. he saw another batch of soldiers in a truck driving towards the direction of the military building (kitchen house) and he decided to go and call their attention to the four bodies. On reaching them, he said: "they informed me that they had already seen the bodies; one of them asked me how it happened, and I told him the story as I know". The soldiers after their exercises left Bundase at about 6.00 p.m. At about midnight he heard the noise of a convoy of vehicles and movements towards the bodies. The evidence is that this convoy was the team that made the first attempt at evacuating the bodies late on the 3rd of July.

(b) The Evidence of Major Tetteh Charway

142. On 3rd July, 1982, Major Tetteh Charway (13th Witness) of the Ghana Armed Forces and a Tutor at the School of Infantry (M.A.T.T.S.) who had led his students on a military exercise at the

Bundase Military Range, saw four dead bodies that were partially burnt. After the exercise, the Witness reported his discovery of the dead bodies at the P.N.D.C. Headquarters at Gondar Barracks. Upon instructions, he reported again to the Police Information Room. Later on the same day, at about 10.20 p.m., he led a team of armed policemen to the scene. It was found impossible having regard to the decomposed state of the bodies, to remove them that night.

143. The next day, 4th July, 1982, the team of policemen returned to the Bundase Military Range, and after the Police Photographer had taken photographs of the scene, the dead bodies were removed to Accra and deposited at the Mortuary of the 37 Military Hospital.

144. Giving evidence, Chief Superintendent J. J. Yidana (2nd Witness), who was a member of the police team said that the four bodies were found 50-60 metres away from the cook-house within the Bundase Military Range on the Accra-Aflao road. The cook-house is 8 kilometres away from the main Accra-Aflao road, and there is a Fulani settlement less than 2 kilometres from where the bodies were found.

145. According to the Chief Superintendent, the Bundase Military Range is used by military personnel for periodic military exercises, and that apart from the Fulani settlers no military personnel live there permanently. The Chief Superintendent further told the Board that there is a Sign Post indicating clearly that the area is a prohibited one and restricted to military personnel alone. This Sign Post is placed near the turning-point into the range from the main road.

146. From the identification of the bodies by the relatives it became unquestionably clear that the four charred bodies that were discovered at Bundase Military Range on the 3rd July, 1982 and evacuated and deposited at the 37 Military Hospital Mortuary on the 4th of July, were the bodies of Mr. Justice F. P. Sarkodie, Mrs. Justice C. Koranteng-Addow, Mr. Justice K. Agyepong and Major Sam K. Acquah (Retired), who were abducted from their respective homes on the night of 30th June, 1982.

PART IX

POLICE/MILITARY PATROL IN ACCRA REGION

147. Before 30-6-82, there had been joint Military/Police patrols in the Accra Region. In his evidence, Chief Inspector Samuel Ansah (36th Witness) told the Board that he had been attached to the Joint P.N.D.C. Striking Force at the Military Police Office, together with other Policemen since June, 1982. In the mornings they received complaints and they went or patrols during the curfew hours. The witness said that ever since his attachment, the Striking Force had never been on patrol duties at night because the only vehicle at their disposal had become unserviceable. The lights of the vehicles were faulty and no effort was made to obtain new bulbs to replace the defective ones. Consequently, it was impossible to drive the vehicle out during the night. The witness said he could remember

quite clearly that on the night of 30-6-82 the P.N.D.C. Striking Force did not go on patrol due to faults on the lights of the only vehicle which they had.

148. Other police witnesses who were attached to the Joint P.N.D.C. Striking Force said that they only sat at the Military Station at night doing nothing. It is difficult to say whether the failure to make the vehicle of the Joint P.N.D.C. Striking Force serviceable was the deliberate act of someone. But no one gave any reasons for the inability to replace the defective bulb on the vehicle.

149. As Mr. Kwesi Nksarh (28th Witness), Assistant Commissioner of Police told the Board, it is the responsibility of the patrol to check curfew-breakers and to check vehicles that carry weapons. We were gratified to hear from the witness that the Police have now become responsible for the patrol of the Accra Area since 30-6-82. The witness said that this change might be due to the events of 30-6-82.

150. We strongly deplore a situation where the Joint Police/Military Patrol of the Accra Area during curfew hours was frustrated, either through inefficiency or the deliberate act of an accomplice, so that criminals could harass law-abiding citizens with impunity.

PART X

CAUSES OF DEATH

151. The post-mortem examination on the four dead bodies were performed by Dr. Eric Suatey Boye, Specialist Pathologist, Korle Bu Teaching Hospital on Monday, 5th July, 1982, on the directions of the Coroner.

152. He told the Board that on July 4, he was informed by the authorities at the 37 Military Hospital that four dead bodies had been found somewhere. He was, therefore, requested to get ready to perform post-mortem examinations on them.

153. On the next day 5th July, after the due formalities—the Coroner's directives, and the identification of the bodies by relatives—he performed the post-mortem examination on each of the bodies in the presence of police investigations officers.

154. According to Dr. Suatey Boye, his examination revealed extensive gun-shot injuries on each of the bodies. Those of Mrs. Justice Cecilia Koranteng-Addow and Major Sam K. Acquah (Rtd.) were more severe. The bodies were burnt, decomposed and infested with maggots.

155. The witness said that on Mr. Justice Sarkodie's body, he found three gun-shot entry wounds in the area of the right chest with the points of exit on the left side of the chest, fracturing the 12th rib. His left hand and parts of his skull were severely burnt.

156. The next body the witness said he examined was that of Mr. Justice Agyepong. Apart from the multiple gun-shot injuries on his body,

30

the witness said that his heart was severely damaged. Three of his right ribs were fractured posteriorly, and his left leg was amputated eleven (11) inches below the knee. The witness explained that it was likely that the leg was cut with a sharp instrument.

157. The witness said that when he examined the body of Mrs. Justice Cecilia Koranteng-Addow, he discovered multiple gun-shot wounds on the left side of her back causing large tears of her abdominal tissues, which were protruding through the injury.

158. The witness further said that part of her skull and of the body were extensively burnt, but the physical impression of the breasts were visible. On the body was found a wedding-ring and an ear-ring which aided her identification.

159. On examination of the body of Major Sam K. Acquah (Rtd.), the witness said that he found six gun-shot entry points in the area below his shoulder-blade. Entry wounds could also be found on the chest, with multiple fractures from the middle of the collar-bone down to the ribs. Further examination revealed that the main chamber of the heart and the liver were severely damaged. In the opinion of the witness the injuries to the heart and liver caused extensive bleeding in the chest and abdomen.

160. After the examination, the witness said that he came to the conclusion that the dead bodies were obviously shot before they were burnt.

(The Pathologist's Report on each dead body can be found in the Appendix).

PART XI

IDENTIFICATION OF VEHICLES

161. During the course of the investigations, the Police held an identification parade of vehicles. They had on the parade four vehicles of different makes: namely, Nissan Patrol Jeep, V8 Land Rover, Fiat Compagnola Jeep, and an old type of Land Rover. They were all cream in colour. The parade took place on 29th July, 1982, at the Police Forensic Laboratory. Six persons were invited to the identification parade. Four of the Witnesses identified the Fiat Compagnola Jeep as the type of vehicle they saw on the night of 30th June, 1982, during the kidnapping operations.

162. On the 15th of July, 1982, L/Cpl. Amedeka returned the two Fiat Compagnola Jeeps to the State house. It is significant to note that on 17th July, 1982, Mr. Justice Koranteng-Addow, whilst in a procession along the Castle Road to the Osu Cemetery to lay a wreath on the tomb of his late wife, had his attention drawn to two Fiat Compagnola Jeeps parked at the State House. He therefore called his brother (30th Witness), who was in the procession with him, to come with him near to the fence of the State House. He then pointed to the two Fiat Compagnola Jeeps and said that the jeep in which his wife was abducted on the night of 30th June 1982 resembled one of those parked in the State House.

163. The evidence that the kidnappers rode in a Fiat Coinpagnola Jeep for the operations on the night of 30th June, 1982, is certainly overwhelming.

PART XII

ARREST OF JOHNNY DZANDU AND TONNY TEKPOR

164. On 27th October, 1982, these two men who had been at large were arrested in Accra by our Investigating Team. Both are ex-soldiers of the Ghana Armed Forces and are both about the same age. Even though each of them gave a different account of the circumstances of his recruitment for the operation of 30th June, 1982, they both agreed to the fact that they joined the conspiracy.

165. At the time of his arrest, Ransford Johnny Dzandu was residing temporarily in the Boys' Quarters at Broadcasting House. On 2nd November, 1982 he was requested by the Investigating Team to make a statement and he complied.

166. In this statement Dzandu said that on 30th June, 1982, during the afternoon he saw Amartey Kwei and L/Cpl. Amedeka at Broadcasting House engaged in conversation.

He stated that later in the evening he saw L/Cpl. Amedeka in the Kanda area, and that at gun-point L/Cpl. Amedeka forced him to join his Fiat Compagnola Jeep. The statement continues:

"I then joined him on the jeep. Whilst on the jeep, he asked me to take him to Tonny's house at Ringway Estate. At this stage, I asked Amedeka what it was all about. Amedeka then told me that there was an urgent National assignment which the Chairman of P.N.D.C. has passed on through Amartey Kwei to him, Amedeka and that he feels only the two of us, Tonny and myself can help. Meanwhile, Michael Senyah was on board the jeep. I further enquired from Amedeka where the rest of the people to take part in the assignment were, Amedeka replied that, we were to act as civilians for the operation he Amedeka and Senyah were about to undertake."

167. They found Tonny at PENTA HOTEL in Osu, and according to Dzandu, L/Cpl. Amedeka invited him in the same manner as he did to him, Dzandu, to join their vehicle. Tonny obeyed.

168. Continuing his statement, Dzandu said:

"We then drove to the P.N.D.C. Headquarters where Amedeka invited Amartey Kwei to the Jeep. I did not hear what was discussed, but I saw Amartey Kwei hand over what was later on described by Amedeka as an Operational Pass. From the P.N.D.C. Headquarters, we drove back to G.B.C. House where Amedeka brought a container with petrol into the Jeep. We set off. On our way, Amedeka briefed us that we were to arrest a number of Judges who were the architects of an alleged impending invasion of the country. In the process he

32

was to use myself and Tonny to invite the Judges so that he Amedeka and Senyah would arrest them."

169. Dzandu described in detail the kidnapping of the Judges and of the retired Army Officer, and their subsequent execution at the Military Range at Bundase.

170. Dzandu said that later he and Tonny were surprised by the broadcast of the Chairman of the P.N.D.C. and the persistent press reports condemning the murder of the Judges and the retired Army Officer. The two of them therefore went to seek an explanation from L/Cpl. Amedeka, because Amedeka had earlier assured them that the operation they undertook had the blessing of the Chairman and members of the P.N.D.C. But L/Cpl. Amedeka told them he had already seen the Chairman, who had said that "all that he was saying was to throw dust into the eyes of the public".

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171. On 3rd November, 1982, Evans Tekpor Hekli, alias Tonny, also made a written statement. The contents of this statement were substantially the same as those in the statement made by Ransford Johnny Dzandu.

172. The two men, Johnny and Tonny, were left in no doubt that the whole operation was a 'national assignment', and it was with official approval, for as Tonny said in his statement:

"In fact, on our way to Accra, I asked to know from Amedeka those people who gave instructions for the operations to be carried out, Amedeka replied that it was Amartey Kwei who gave out the operational permit, but the Chairman, Sgt. Alolga and the rest of the P.N.D.C. members knew about the operation."

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other than the kidnapping of the three Justices of the High Court and the retired Army Major.

175. With reference to some of the events of that fateful day (30th June, 1982), Amartey Kwei stated as follows:

"On 30th June, 1982, on my return from town to office between 3.00 p.m. and 4.00 p.m. I saw an envelope addressed to me on my desk which was quite normal. I tore open the envelope and saw another envelope to which was clipped a note written in red ink. The note was written and signed in red ink by Capt. Kojo Tsikata (Rtd.). The contents of the note were instructions to me to deliver the other letter by hand to L/Cpl. Amedeka. At about 4.20 p.m. I was at GBC House to deliver the letter as instructed. I did not meet Amedeka, but I left a message that I will be coming back so he should wait for me. Around 6.00 p.m. I came back to GBC House where I met Amedeka and delivered the letter."

176. Amartey Kwei said that he thereafter gave a lift to L/Cpl. Amedeka and L/Cpl. Michael Senyah in his car to the house of Mrs. Agyeman Rawlings (wife of the Chairman of the P.N.D.C.), where he had parked one of the Fiat Compagnola Jeeps. He further said that L/Cpl. Amedeka had told him that he was to meet Capt. Kojo Tsikata (Rtd.) to discuss an impending operation in the Volta Region that night. According to Amartey Kwei, he collected the ignition key of the Fiat Compagnola Jeep from the house of Mrs. Agyeman Rawlings, and he handed over the vehicle to L/Cpl. Amedeka. He, Amartey Kwei, then drove straight back to Gondar Barracks.

177. Continuing his statement Amartey Kwei further wrote:

"It is never true that I ever took Amedeka and Senyah to show them the respective houses of the victims. . . . I have never discussed any kind of operation with Sgt. Alolga Akata-Pore and L/Cpl. Amedeka in connection with the kidnapping and murder of the three Judges and the retired Army Officer. I was not responsible for the issue of Operation Permits and it is not correct that I obtained an operational permit for Amedeka and others on the night of 30th June, 1982."

178. There can be no doubt that before making his statement, Amartey Kwei had been shown the statements dated 11th October, 1982 and 15th October, 1982 made by L/Cpl. Amedeka and L/Cpl. Michael Senyah respectively.

179. He concluded his statement in these words:

"My feeling, and that of some of the members of the Government was that the act must have been carried out by enemies from outside the country owing to the security report that there was an impending invasion. This is all I know about the case."

180. (ii) On 23rd November, 1982, Amartey Kwei, who was still in police custody, made a request to the Police Investigating Team attached to the Board for an interview. The Board gave its approval to this interview

and at the subsequent meeting Amartey Kwei is alleged to have asked to be allowed to make a further statement. He then volunteered a detailed statement, which he later confirmed when he gave oral evidence before the Board on 2nd December, 1982.

181. The statement of the 23rd of November, 1982, is a vivid account of some of the events of 30th June, 1982, given from Amartey Kwei's view point, and in the opinion of the Board, this Report will not be complete without its reproduction in full.

PART XIII

A. STATEMENTS BY JOACHIM AMARTEY KWEI

173. Until his arrest on 8th November, 1982, upon the recommendations contained in the Interim Report of the Board, J. Amartey Kwei was, as we had earlier said in this Report, one of the most outspoken supporters of the P.N.D.C. Even though he resigned in August, 1982, he continued to work in collaboration with other members of the P.N.D.C., and it is common knowledge that he had a close working relationship with the P.N.D.C. Office at the Castle. According to Capt. Kojo Tsikata (Rtd.), Special Adviser to the P.N.D.C., he attended meetings of the P.N.D.C. in connection with Trade Union affairs.

174. (i) On 15th November, 1982, whilst in custody, Amartey Kwei made a statement to our team of investigators, and he confirmed the contents of this statement on oath in his oral evidence before the Board on 2nd December, 1982. He referred in this statement to his efforts in helping L/Cpl. Amedeka to acquire the two Fiat Compagnola Jeeps for purposes

33

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"My feeling, and that of some of the members of the Government was that the act must have been carried out by enemies from outside the country owing to the security report that there was an impending invasion. This is all I know about the case."

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34

other than the kidnapping of the three Justices of the High Court and the retired Army Major.

175. With reference to some of the events of that fateful day (30th June, 1982), Amartey Kwei stated as follows:

"On 30th June, 1982, on my return from town to office between 3.00 p.m. and 4.00 p.m. I saw an envelope addressed to me on my desk which was quite normal. I tore open the envelope and saw another envelope to which was clipped a note written in red ink. The note was written and signed in red ink by Capt. Kojo Tsikata (Rtd.). The contents of the note were instructions to me to deliver the other letter by hand to L/Cpl. Amedeka. At about 4.20 p.m. I was at GBC House to deliver the letter as instructed. I did not meet Amedeka, but I left a message that I will be coming back so he should wait for me. Around 6.00 p.m. I came back to GBC House where I met Amedeka and delivered the letter."

176. Amartey Kwei said that he thereafter gave a lift to L/Cpl. Amedeka and L/Cpl. Michael Senyah in his car to the house of Mrs. Agyeman Rawlings (wife of the Chairman of the P.N.D.C.), where he had parked one of the Fiat Compagnola Jeeps. He further said that L/Cpl. Amedeka had told him that he was to meet Capt. Kojo Tsikata (Rtd.) to discuss an impending operation in the Volta Region that night. According to Amartey Kwei, he collected the ignition key of the Fiat Compagnola Jeep from the house of Mrs. Agyeman Rawlings, and he handed over the vehicle to L/Cpl. Amedeka. He, Amartey Kwei, then drove straight back to Gondar Barracks.

177. Continuing his statement Amartey Kwei further wrote:

"It is never true that I ever took Amedeka and Senyah to show them the respective houses of the victims. . . . I have never discussed any kind of operation with Sgt. Alolga Akata-Pore and L/Cpl. Amedeka in connection with the kidnapping and murder of the three Judges and the retired Army Officer. I was not responsible for the issue of Operation Permits and it is not correct that I obtained an operational permit for Amedeka and others on the night of 30th June, 1982."

182. This historic statement reads as follows:

On the 30th of June, 1982 that faithful day. In the morning when I arrived in the Office, Capt. Kojo Tsikata requested to see me. When I went to him he asked me to run off my activities for the day, latest by the afternoon 2.00 p.m. At the appointed time 2.00 p.m. I went to Capt. Kojo Tsikata. He took me in his White Datsun Saloon 120Y alone. He drove me from Gondar Barracks through 37 Military Hospital to Dzorwulu. On our way going, he told me I was to organise the arrest and detention of four Judges and a retired Army Officer who were to appear before the (NIC)---National Investigations Committee on charges of Bribery and Corruption. He told me that he was in possession of information to the effect that these four Judges who sat on A.F.R.C. Convicts cases collected large sums of monies from them and freed them. In the case of the Retired Army Officer who happened to be Major Acquah, his offence was that, on the 5th of June, when the GIHOC demonstration came on and the workers were dismissed, he Major Acquah being a staunch member of P.N.P. and he Capt. Kojo Tsikata being one of the founding members of P.N.P. got to know that Major Acquah fed the P.N.P. administration with lies that he Capt. Tsikata and Flt.-Lt. Jerry John Rawlings instigated the GIHOC demonstrations and as a result of that he Major Acquah received favour including monetary consideration. Now the names of the Judges that were to be arrested were Justice Sarkodie, Agyepong, Cecilia Koranteng-Addow and Anterkyi and the Retired Army Officer, Major Sam Acquah. He told me that Anterkyi had then travelled and so the other three Judges and the Army Officer should be arrested and detained. All this point we had then arrived at Dzorwulu. He showed me Major Acquah's house, and then drove back on the same route to Military Police and turned towards Cantonments where he showed me Cecilia's house. He then continued to the Ridge Traffic Lights where he showed me Sarkodie's house. He then told me that the soldiers who were to conduct the arrests were to use one of the Judges to locate the house of Agyepong. He then specifically requested, I should use Cpl. Amedeka and his group for their arrest and detention. He, Capt. Tsikata being the head of the State Security, I did not doubt his integrity and complied. We then drove back to Gondar Barracks Headquarters. When we arrived at the Headquarters I told him, I was hungry and would like to go to the Mess and have my lunch. He also told me he would be going out soon and he would be leaving a note on my table to be taken to Amedeka.

and at the subsequent meeting Amartey Kwei is alleged to have asked to be allowed to make a further statement. He then volunteered a detailed statement, which he later confirmed when he gave oral evidence before the Board on 2nd December, 1982.

181. The statement of the 23rd of November, 1982, is a vivid account of some of the events of 30th June, 1982, given from Amartey Kwei's view point, and in the opinion of the Board, this Report will not be complete without its reproduction in full.

After my lunch, I came and collected the note from my table and took to Broadcasting House to be given to Cpl. Amedeka. When I got GBC House at about 4.30 p.m., Cpl. Amedeka was not in, so I left a message that he should wait for me and I will come back again. I then left and later came back again. This time, I met Cpl. Amedeka in his room and gave the note to him. He then tore open the envelope and removed the contents. The content was a piece of paper with Coded message which as a layman I did not understand. After reading it he tore the note and the envelope and squeezed it. I then told him why I was here at the GBC House and that I was to take him and his boys to show them the houses of the three Judges and the retired Army Officer. We then came out from his room and he invited Seryah to join us in my car. So I took them to Dzorwulu, then to Cecilia's place. At Dzorwulu, I showed them the house of Major Sam Acquah. From there I showed them the house of Cecilia at Cantonments. From Cecilia's place, I finally took them

to Sarkodie's house where I mistakenly showed them the house of Adadevoh. While we were going round spotting the houses, Amedeka requested that he would like to use the other Jeep which he had earlier asked me to park at Mrs. Agyeman Rawlings' house. It was true that I asked Amedeka and his group to be in Military uniforms because I did not suspect any fishy motive about the arrest and detention of those involved. But Amedeka rebuffed the suggestion to be in military uniform and rather opined that they would like to be in mufti in order not to scare them. We did not discuss the kind of mufti they should wear. We then drove to the house of Mrs. Agyeman Rawlings. At the house I got out of my car with Amedeka also following me to the sitting hall; where I collected the ignition key of the other jeep which was lying on the dining table and handed it over to Cpl. Amedeka. I collected a bottle of ice water from a Fridge at the kitchen, drank some and gave the rest to Amedeka to drink. We then got out of the hall. I must stress here that we did not meet anybody in the hall. I then got into my car alone and drove off to Gondar Barracks. In the evening of that same day at Gondar Barracks, Cpl. Amedeka came to me in my office around about 7.45 p.m. He told me he and his men were ready for the arrest and that they needed an operational Pass. I took him to the Operational Room to see the Operations Officer on duty and asked him to prepare a Pass for Cpl. Amedeka. At that juncture, we

asked him to prepare a Pass for Cpl. Amedeka. At that juncture, we asked Amedeka the number of Troops under his command for that exercise and he said they were three. So the Pass was prepared for him, Cpl. Amedeka and three others and was given to him. I then came out with Cpl. Amedeka to make sure the number of people he gave was correct.

Some few yards away to the vehicle, I did see the heads of three people in the vehicle I became satisfied and left him. On the following day which was the 1st of July, 1982 in the evening after we had returned from Kpong I went to the G.B.C. House to find out from Cpl. Amedeka whether they had effected the arrest. On arrival I didn't see him but was told that they left to the Beach on the morning

of that same day and had since not returned home. The following morning which was the 2nd July, 1982, when I arrived at the Gondar Barracks there was a rumour going round among the Troops that some Lawyers and Businessmen had been kidnapped by unknown Civilians. Some of the soldiers seemed to be in a jubilant mood while others were not sure of what was happening. I became suspicious immediately and therefore went to the Office of the Chairman. I saw him in bed sleeping and because I did not want to disturb him, I got out from the Office. None of my immediate colleagues was around, I therefore decided to drive to the Castle to see Capt. Kojo Tsikata.

At the Castle I didn't see him so I drove back to G.B.C. house to check whether I could see Cpl. Amedeka. On my way to Broadcasting House, when I got to the Ridge Circle, I saw Cpl. Amedeka in the Jeep with some others and signalled him to stop. I also stopped. He got out of his Jeep and I also got out of my car and we met each other halfway. When he got closer to me, I asked him the whereabouts of the Judges and the Retired Army Officer they were to arrest. He then answered that "They have finished them". When I asked him why they did so, he told me that was the instructions in the note I brought to him from Capt. Kojo Tsikata. I then left him and got into my car and drove straight to Gondar Barracks, when I arrived I went to the Chairman's office straight. There, I met Capt. Kojo Tsikata. Chair-

man Tsikata

...there, I met Capt. Kojo Tsikata, Chairman Rawlings himself, Major Gbedemah, Sgt. Daniel Alolga Akata-Pore and two other Officers whose names I did not know, discussing the kidnapping. From the discussion, I discovered that most of them were ignorant and therefore expected Capt. Kojo Tsikata to actually tell them what had happened, but he did not. So when the discussion was over the other officers left with Capt. Kojo Tsikata following them. I also followed Capt. Tsikata to his office. At his office, I told him what Amedeka had told me about the death of the victims as a result of the note he Capt. Tsikata gave to me to be given to Amedeka. Capt. Tsikata told me that it was a sheer accident and that Amedeka

Capt. Tsikata told me that it was a sheer accident and that Amedeka did not get the message very well. He then asked me to tell Cpl. Amedeka to tell his boys to shut up their mouths. When he told me that, I left to the Chairman's office to report to him. But surprisingly, it was Chairman Rawlings rather who took the lead to ask me whether I knew anything about the arrests of the Judges and the soldiers who conducted the arrest. I then told him emphatically that I knew about the arrest of the Judges and two of the soldiers who conducted the arrest, he then asked me of their names which I gave as Cpl. Amedeka, Senyah and two others. He then requested that I should

Amedeka, Senyah and two others. He then requested that I should go and ask Cpl. Amedeka where the victims were being kept. I then answered him that I had already seen Amedeka and Cpl. Amedeka had told me that he had dealt with the victims. He looked very sad and disappointed. Under that circumstances there was nothing that could be done than to wait for the search party to confirm the abduction and dealing with the victims by Amedeka and company. After the confirmation by the search party that the bodies had been discovered at Bundase Range, we were left with no alternative than to

give them a State Burial. The State Burial, was discussed by us, the younger ones, on the P.N.D.C. namely, Chris Atim, W.O.I Agyei-Boadi, Sgt. Akata-Pore, myself, Chairman Rawlings and the Special Adviser to the P.N.D.C., Capt. Tsikata. The only P.N.D.C. members who were not present were Rev. Father Dr. Damuah and Chief of Defence Staff, Brig. Nunoo-Mensah.

Some few days later, I met Cpl. Amedeka in traffic at the Zongu Junction, I signalled him to stop and I also went to park. He got out of his Jeep and I also got out of my car and as usual met each other half way. When he got closer to me I gave him the message Capt. Tsikata gave me which was that, he was to tell his boys to shut up their mouths. Then he, Amedeka told me that Capt. Tsikata had already seen him about the same message, and that he, Capt. Tsikata had instructed him Amedeka to burn the smocks that they used for the exercises to avoid any traces. Some few weeks later, Cpl. Amedeka came to my office in the company of some fishermen and requested for some fishing inputs. I referred them to the Logistics Officer-in-charge of Military allocation. He then requested that he would be seeing me again to discuss something in confidence with me. The following day I went to Obuasi to address a Workers' rally in connection with a demonstration against the Professional Bodies' Association. On that same day, I returned from Obuasi and arrived at the Headquarters very late—around midnight. At the H.Q., Capt. Kojo Tsikata came to me in the office and asked me to get in contact with Cpl. Amedeka quickly and the story or message I was to tell Amedeka was that he, Cpl. Amedeka has been implicated with a *Coup* plot and that those involved had been arrested leaving him and that he was to bolt away. I was very tired that night because of my trip to Obuasi so I could not go. The following morning I went to the house of Amedeka near Burma Camp—Congo Junction and met the wife in the house who told me Amedeka was not in. I then told her to tell Amedeka to wait for me on his return and that I would come back again. I went for the second time again and this time too I did not meet Amedeka. Instead, his wife told me he came to the house briefly but had to be out by another soldier with the instructions that Chairman Rawlings wanted to see him. So I waited in his house up to 2.00 p.m. in the afternoon and when he was not coming I had to leave but the wife insisted that I should leave a message behind. So the message I gave to Amedeka's wife was that, Amedeka brought some fishermen to me to be provided with fishing inputs, and that I had come to check up whether they had collected those items. I then left for Gondar Barracks. When I went to Gondar Barracks, I did not see Cpl. Amedeka neither Chairman Rawlings nor Capt. Kojo Tsikata.

There were then some visitors waiting for me so I had to attend to them. It was at that meeting that one of my Body guards by name Cpl. Sarfo came to inform that the Chairman Rawlings and his entourage had gone to the Airport to be flown to Libya for the O.A.U. Summit. We then left together for Airport. At the Airport, I saw Capt. Tsikata and informed him that I could not get Amedeka to deliver the message. He then told me that Amedeka had been

38

already arrested by the Security Agencies and taken away to Nsawam Prisons. I must stress here, that it is not true that I have ever met Amedeka with Alolga with he, Sgt. Alolga instructing Cpl. Amedeka to hold himself in readiness for an operation. This is all I know about the case."—(Sgd.) J. Amartey Kwei: 23-11-82."

183. The discrepancy between the statements of the 15th of November, 1982 and the 23rd of November, 1982, is so apparent, even on a casual reading; that when Amartey Kwei appeared before the Board on 2nd December, 1982, to give oral evidence, he was asked to explain the circumstances under which he made the two statements.

184. In his explanation, Amartey Kwei said that on 29th October, 1982, he met Capt. Kojo Tsikata (Rtd.) in the office of the Chairman of the I.N.D.C. at Gondar Barracks and that Capt. K. Tsikata (Rtd.) suggested to him that the two of them should meet on Sunday, 31st October, 1982 at 8.00 p.m. opposite Adu Lodge. According to Capt. K. Tsikata (Rtd.), on the other hand, the suggestion to meet that evening was made to him by Amartey Kwei, and that he asked Amartey Kwei to meet him at the Castle that evening. But Amartey Kwei said that he would not like to go to the Castle at that time of the evening, and therefore, it was agreed that Adu Lodge should be the rendezvous.

(For the sake of convenience we will hereinafter refer to Captain Kojo Tsikata (Retired) in this Report simply as Capt. Tsikata, except where reference to him is made by other witnesses or in a quoted passage).

185. Amartey Kwei said that he arrived at Adu Lodge at about 7.55 p.m., and that he sat there until 11.45 p.m. when Capt. Tsikata arrived in his white Peugeot 504.

"He parked his car closer to mine, got out from his car and joined me in my Datsun car 160J," said Amartey Kwei.

186. Then they started conversing and the following extracts from the record of proceedings of the Board on 2nd December, 1982 give Amartey Kwei's version of what was said: (Proceeding of 2-12-82),

"B.: Did he apologise?

J:A.K.: He did not apologise for coming late. He then went on to tell me that he was sure I was aware of the developments of late and that AKATA-PORE has betrayed the cause so the only hope which is now left is that I was the only person who could save the P.N.D.C. from collapse and that the Board had advanced in its investigations and very soon it is likely I would be called upon to say what I know about all that had taken place.

B.: Now, why did he say AKATA-PORE has betrayed the cause?

J.A.K: He said AKATA-PORE has betrayed the cause because when the Chairman asked him at the meeting to resign, he refused to do so and that he confronted the Chairman that both of them including KOJO knew something about the abduction and the murder of the Judges.

39

B: Why was AKATA-PORE asked by the Chairman to resign?

J.A.K: Sir, I was not at the meeting myself but this was a reported speech by Kojo Tsikata. He said Chairman Rawlings asked AKATA-PORE to resign from the membership of the P.N.D.C. because information had reached the government that he AKATA-PORE'S name has been mentioned in connection with this abduction and murder and in order to avoid disgrace he should honourably step down and at that juncture AKATA-PORE boiled up and said he Chairman RAWLINGS knows something about the abduction as well as he Kojo TSIKATA and that AKATA-PORE went on further to say that if the worse comes to worse he will call me as a witness. So in effect all that AKATA-PORE was saying was that the three (3) of us knew something about the abduction including myself so the only person who could save the government of P.N.D.C. from collapse at that time was I so I should do all that I could within my power to save the government.

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He went on further to say that we played very serious role in bringing this revolution into being and we have done a lot of sacrifice to consolidate the revolution and it will be just too bad at this stage for us to allow all that we have sacrificed for to be in vain and so he had made a contact with AMEDEKA at the cell and Corporal AMEDEKA was also going to do his best to protect the government, and so the only person on which everything was going to devolve was me. I was going to be the focal point of everything so if it will mean even dying to save the revolution, I should do so, so I thanked him and asked him a few questions. The first question I asked him was how he was getting information from the Board as to advance their developments, and he told me I should leave that for him because he was quite an experienced person in this security duties and he knew of what was going on. Now the second question I asked him was that, I felt the Board was supposed to be as independent as

was that, I felt the Board was supposed to be as independent as possible and that whatever the outcome, it was going to be after their investigations. I believe firmly that like the Chairman himself once told us that there was supposed to be internal and external pressure on the government to arrive at the truth. There was nothing we could do under the circumstances to allow the truth to come out so he told me at that stage that I shouldn't bother myself much about what you people were doing and that eventually it was the government who was going to publish a white paper on whatever report you were going to submit so I should only do my best to cover up as much as possible all that I knew about this case so we parted company. He went into his car and I got into my car and drove off and so that was up to that stage."

(B. = Board; J.A.K. = J. Amartey Kwei).

187. According to Amartey Kwei it was in accordance with this agreed strategy to cover up as much as possible to save the Government from embarrassment and eventual debacle, that he made his first statement dated 15th November, 1982. He said that he did not realise at the time that Capt. Tsikata (Rtd.) was playing a double game.

188. When Amartey Kwei was cross-examined on 6th January, 1983, it was suggested to him by Mr. Tsatsu Tsikata, Counsel for Capt. Tsikata, that it was untrue that he met the Captain on 31st October, 1982, because the Captain was at that material time attending a meeting at the house of Mr. Johnny Hansen, Secretary of the Interior. The record of proceedings speaks for itself, and the relevant portions are as follows:—

“T.T.: I am further suggesting to you that you could not have met Captain Tsikata as you are suggesting on the 31st October, because he joined a meeting taking place in Johnny Hansen’s house until very late hour—a very important security meeting.

J.A.K.: I met Capt. Tsikata on that day—31st—in the evening. He gave me the time 8.00 p.m. but he arrived very late at 11.45 p.m.

T.T.: You knew that there was a meeting at Johnny Hansen’s house and he saw you there?

J.A.K.: When I was getting out from Hansen’s house, I saw him and he told me he was attending a meeting. W.O. Agyei Boudi was also around. I was aware he was going to a meeting and that was why he could not come at 8.00 p.m. as he said, but rather turned up at 11.45 p.m.

T.T.: All these people will come and give evidence of where he was on the 31st.”

(T.T.=Tsatsu Tsikata; J.A.K.=J. Amartey Kwei.)

189. By the 18th January, 1983, when we announced publicly that the investigations had closed, no one had come forward to give evidence before the Board that Capt. Tsikata was not at Adu Lodge, as alleged by Amartey Kwei, but was in the house of Mr. Johnny Hansen. We cannot help observing that we find it very extraordinary that Counsel should make such strenuous effort to put up a plea of alibi for Capt. Tsikata, when this was completely inconsistent with the facts previously put before the Board.

190. It is well said that; “it might be thought to confuse judgement and hinder justice if Counsel were to be encouraged to raise defences so completely contrary to their instructions.”—*R. v. Bonnick* (1978) Crim. L.R. 246.

B. STATEMENT OF CAPTAIN KOJO TSİKATA (RTD.)

191. In his own statement dated 10th December, 1982, which Capt. Tsikata submitted to the Board and which he confirmed on oath at the meeting of the Board held on Friday, 7th January, 1983, he said as follows:

"...I asked him to see me the following night at Adu Lodge near the Castle as he did not want to come to the Castle. Because of developments that night and the following day at Gondar Barracks, I was very late for the appointment. Kwei however waited for me. He was very agitated and nervous and spoke incoherently of a number of things. He also told me of his plans to leave the country immediately. I told him that I was too tired to talk and that I would send for him later. Shortly after that he was arrested."

41

192. Amartey Kwei arrived at the rendezvous at 7.45 p.m., but his friend arrived there about midnight during the curfew period when there could be no one around.

193. Although Capt. Tsikata stated that Amartey Kwei "spoke incoherently of a number of things", he failed to mention at least one subject which was discussed. This is certainly incredible, and we think that this falsehood proceeded from a consciousness of guilt.

194. We find it absolutely inconceivable that Capt. Tsikata would

proceed from a consciousness of guilt.

194. We find it absolutely inconceivable that Capt. Tsikata would drive all the way to Adu Lodge about midnight in order to keep his appointment only to stand in front of his friend without uttering a word. Indeed, he was unable to say what his friend also said to him. As has been said: "The recourse to falsehood leads fairly to an inference of guilt."—*Nawaz Khan v. The Queen* (1967) 1 A.C. 454 on page 463.

195. The principle is that, a lie on some material issue by a party

indicates a consciousness that if he tells the truth, he will lose.

195. The principle is that, a lie on some material issue by a party indicates a consciousness that if he tells the truth, he will lose. As Hall, J. said in *Popvic v. Derks* (1961) V.R. 413 on page 422:

"... matters which otherwise might be ambiguous or colourless are rendered suspicious and corroborative by reason of the false denial."

196. The conclusion that a statement is false can be drawn from its inherent improbability. We find it most improbable that a person of Capt. Tsikata's calibre will meet a friend at a pre-arranged meeting and will either not remember anything said or that he himself said nothing throughout the meeting.

197. We find that Amartey Kwei and Capt. Tsikata met at Adu Lodge on 31st October, 1982, and that they agreed upon a strategy to mislead the Special Investigation Board and to save the Government from disgrace and collapse.

198. We further find that the statement dated 15th November, 1982, was the result of that strategy.

199. In the opinion of the Board, the critical question that arises is: If Capt. Tsikata was not really implicated in the conspiracy to kidnap the three Judges of the High Court and Major Sam K. Acquah (Rtd.), then for what reason did Amartey Kwei invite him in particular to a secret meeting which was held at midnight?

200. At this meeting, according to Capt. Tsikata's statement of 10th December, 1982, Amartey Kwei appeared nervous and agitated, and told him of his plans to leave the country immediately. In these circumstances described by Capt. Tsikata the natural reaction of the ordinary reasonable person would be to ask Amartey Kwei his reasons for wanting to leave the country immediately. But it does not appear from his statement of 10th December, 1982, that he reacted in that way. But why not? Does this conduct show that he already knew the reason for Amartey Kwei wishing to leave the country?

201. Now Capt. Tsikata is the head of the Security Services in this country, and if he got any information that Amartey Kwei was planning to flee from justice, it would have been his duty to have him arrested as

soon as practicable. Unless, as Amartey Kwei maintains, he himself was implicated in the conspiracy.

202. However, during the course of his evidence before the Board, Capt. Tsikata said:

"Before I met Amartey Kwei, Alolga had spoken about this matter. I had a report from the Secretary of the Interior about Amadeka's confession. We discussed it in the light of the security of the country and decided that we will not tell them that this confession had been made in order to provoke any incident."

made in order to provoke any incident and in the light of what happened, I think we were right in making this decision when Alolga got to know that he had been named to the Board so when I met Amartey Kwei, I didn't make the impression that I knew that this confession had been made."

203. If, indeed that is the true reason for not holding any discussion, Capt. Tsikata could have said so in his statement dated 10th December, 1982. When, however, he gave evidence before the Board on 7th January, 1983, he confirmed on oath that statement.

204. On the 10th of December, 1982, when Capt. Tsikata made his statement both Amartey Kwei and Alolga Akata-Pore had already been arrested and were in custody. In these circumstances, Capt. Tsikata could have been frank in that statement, and he should not have waited until 7th January, 1983 to tell the Board that, the reason for holding a brief meeting with Amartey Kwei at Adu Lodge was not, as he said, "I was too tired to talk", but for reasons of state security. In any case, the Secretary for the Interior was not called to give evidence in support of this new ground for Capt. Tsikata's taciturnity during late night of 31st October, 1982.

205. We heard a great deal of argument about the circumstances under which Amartey Kwei made his statement dated 23rd November, 1982, in which he implicated Capt. Tsikata in the kidnapping and murder of the three Judges and the retired Army Major. Amartey Kwei said that he decided in that statement to blow up the whole affair, because soon after his arrest, he became aware that Capt. Tsikata had used his position as the Chief Security Officer of the State to contact L/Cpl. Amedeka in his cells and that the two of them had conspired to make him, Amartey Kwei and Sgt. Akata-Pore, scapegoats for the crimes of 30th June, 1982.

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206. Perhaps extracts from the proceedings of the Board's meeting on 6th January, 1983, may forcefully demonstrate the points:

T.T.: When you wrote your first statement of 15th November after you had recently been arrested, you didn't make any such reference about Captain Tsikata having instructed Amedeka.

J.A.K.: I made reference to Tsikata.

T.T.: You didn't claim that he had taken you round?

J.A.K.: You were aware that the 15th Statement was a strategy we took to find out something from the Board—just to confuse the Board. He had already coached Amedeka about what he should say. Instead of Amedeka saying the truth, he has put things on me and Alolga that is why I have told the correct thing."

207. One of the significant features of Amartey Kwei's statement of 23rd November, 1982, was the assertion that in the morning of 30th June, 1982, Capt. Tsikata invited him into his office at Gondar Barracks and instructed him to stop whatever he was doing by 2.00 p.m. at the latest. At 2.00 p.m. he went to the office of Capt. Tsikata who then drove him towards the direction of the 37 Military Hospital, and they later arrived at Dzorwulu. According to Amartey Kwei, it was during this drive that Kojo Tsikata disclosed to him the plot to kidnap the three Justices and the retired Army Officer. He said further that Kojo Tsikata showed him the houses of the victims, and they then drove back to Gondar Barracks Headquarters.

208. We find that the period between the hours of 2.00 p.m. and 3.00 p.m. on 30th June, 1982 is very crucial in this investigation.

209. If the foregoing statement of Amartey Kwei is true, then there can be no doubt that Capt. Tsikata was the master-mind behind the murders. Consequently, in accordance with the stated practice of the Board, a copy of Amartey Kwei's statement of 3rd November, 1982, was served on Capt. Tsikata and he was asked if he wished to refute the allegations made against him in that statement.

210. In the statement dated 10th December, 1982, and signed by Capt. Tsikata and which was submitted to the Board, the Captain stated *inter alia* as follows:

"It is completely false for Mr. Akwei to claim that on the 30th of June, 1982, I requested to see him and told him to 'run off' his activities for the day, latest by the afternoon 2.00 p.m.'. The records in the Castle where I normally work in the afternoon and in my own diary show that at the time Kwei claims I was giving him instructions and taking him around to show him the houses of the murdered persons, I was in the Castle at work. I remember that the 30th June, was the day before the opening of the Kpong Project on the 1st of July and I was busy with some colleagues on the speech of the Chairman and the arrangements of the ceremony. I therefore could not have been in Gondar Barracks nor at any of the places to which Mr. Kwei alleges I took him. I do not know of any of the houses of the murdered persons up to this day."

211. We have printed **boldly** the words in the preceding paragraph for the purpose of emphasis. In our opinion the passage in **heavy type** amounts to a plea of alibi. What is meant by alibi? We can do no better than reproduce the definition in Earl Jowitt's **The DICTIONARY OF ENGLISH LAW** page 96; "Alibi" (elsewhere). A prisoner or accused person is said to set up an alibi when he alleges that at the time when the offence with which he is charged was committed he was "elsewhere", that is, at a place so far distant from that at which it was committed that he could not have been guilty.

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212. In the case of *Bediako v. The State* (1953) 1 G.L.R. 48 on page 50, the former Supreme Court of Ghana made these observations:

"If an accused puts forward an alibi as an answer to a criminal charge, the accused is simply saying that whoever might have committed the offence, if it was committed at all, it was not he; and to support this he leads evidence that he was elsewhere at the material time."

213. The statement by Capt. Tsikata makes no reference to his having been at his office at Gondar Barracks in the morning of 30th June, 1982. A false impression is, therefore, created that he would not have met Amartey Kwei so as to ask him to 'run off' his activities for the day by the latest in the afternoon at 2.00 p.m. Indeed, there is clear indication in the passage quoted from his statement that on the 30th of June, 1982 he was busy at work at the Castle with some of his colleagues on the speech which the Chairman of the P.N.D.C. was to make at the opening of the Kpong Project. He could not therefore have been at Gondar Barracks.

214. But in his evidence before the Board on 7th January, 1983, Capt. Tsikata admitted that he was at Gondar Barracks on the morning of June 30, 1982 and left there about mid-day in order to meet Mr. Tandoh at the Castle. He said Mr. Tandoh arrived at the Castle just before 2.00 p.m. and he continued his evidence as follows:

"Since this case, I have referred to the records at the Castle and when anybody visits the Castle he writes his name and time and arrival and the person he has to see. I have consulted the records and the exact time of the arrival of Mr. Tandoh so the card he filled can indicate."

215. The record of proceedings of the Board shows that Capt. Tsikata was closely questioned about the card he had earlier referred to. These are extracts from the record:

T.T. : Have you got the card here?

K.T.: After I had looked on the card, I gave it to Mr. Ben Fordjour.

B.: Mr. Ben Fordjour is where?

K.T.: Mr. Ben Fordjour is still in the Castle.

T.T.: Do you remember the exact time?

K.T.: I don't remember but it is on the card."

(T.T.=Tsatsu Tsikata; K.T.=Kojo Tsikata.)

216. It is the general and ordinary rule that:

"If the paper is in the possession of the party who seeks to have the jury infer something from its contents, he should let them see it."

The contents can only be proved by the writing itself.

217. On the 12th of January, 1983, Mr. P. V. Obeng, P.N.D.C. Co-ordinating Secretary at the Castle, Osu, made a statement for the Board. He appeared before the Board on 13th January, 1983, to give oral evidence and in the course of this, he affirmed this statement.

218. In his statement, Mr. P. V. Obeng said:

"At about 1.00 p.m. on this day, Capt. Tsikata rang me from his office at Gondar Barracks to enquire if there were people waiting to have interview with him."

Mr. Obeng would not have known that Capt. Tsikata was speaking from Gondar Barracks if the Captain had not told him where he was at that particular time.

219. In the opinion of the Board, Mr. Obeng's statement and evidence establish beyond doubt that Capt. Tsikata was at Gondar Barracks at least until after 1.00 p.m. on 30th June, 1982.

220. We, therefore, find that the statement by Capt. Tsikata that at the time when Kwei claimed he was giving him instructions, he was at the Castle, is not true.

221. We further find that the lie told by Capt. Tsikata is capable of constituting corroboration of the evidence of Amartey Kwei on this material issue which requires corroboration.

222. A false explanation by way of an alibi is evidence of guilt, to be taken into consideration with the other evidence given in the case.

223. Mr. Obeng wrote his statement for the Board more than six months after the murders on 30th June, 1982. In the opinion of the Board, the time given by Mr. Obeng as "At about 1.00 p.m." is ambiguous; it could be any time before or after 1.00 p.m. There can be no doubt therefore, that Mr. Obeng must have received the telephone call during lunch time. It was round about this crucial period that Amartey Kwei said Capt. Tsikata was taking him round to show him the houses of the murdered victims. After the rounds Amartey Kwei said:

"When we arrived at the Headquarters, I told him I was hungry and would like to go to the Mess and have my lunch. He also told me he would be going out soon and he would be leaving a note on my table to be taken to Amedeka."

224. Another witness who testified in support of the evidence of alibi was Mr. Augustus Obuadum Tandoh, an official who works at the P.N.D.C. and National Defence Secretariats at the Castle. He said that on 29th June, a draft copy of the speech to be delivered at the opening ceremony of the Kpong Project was discussed at Gondar Barracks in the office of the Chairman. The discussions continued late into the night, and it was agreed to continue whatever Mr. Fui Tsikata wrote through the night.

225. On 30th June the witness said that he drove straight to Gondar Barracks to continue the discussions of the Chairman's speech with his colleagues.

Witness continued.

"I arrived at Gondar Barracks around 10.00 a.m. I saw Captain Tsikata almost immediately."

46

The witness said that Capt. Tsikata asked him to bring the speech to the Castle. In the words of the witness:

"He indicated a time in the early afternoon, which unfortunately I cannot remember precisely. I remember telling him that I'd be there as soon as possible—indicating to him the early afternoon."

226. This witness appeared to be vague about time, but he certainly confirmed that Kojo Tsikata was at Gondar Barracks on the morning of 30th June, 1982. He left Gondar Barracks for the State House, arriving at the Aluminium Industries Commission at "about 11.00 a.m." He certainly established, by his evidence, that Kojo Tsikata was at Gondar Barracks before noon.

227. The witness said that at the Aluminium Industries Commission, a discussion took place as to the nature and formulation of the inscription on a plaque to be unveiled at the commissioning ceremony. "At about 1.00 p.m. or so", the witness again said, a general agreement on the plaque and the content of the speech had been reached.

228. Generally 1.00 p.m. is lunch time. But the witness said:

"I left Aluminium Industries Commission late in the lunch break, arriving at VRA some minutes later. I signed the visitor's book specifying the time. I have since checked the VRA records which indicate the time to be 1.30 p.m." Witness again said: "According to VRA records, I left there at 1.41 p.m. I drove straight to the Castle."

229. We are aware that our findings in this investigation may result in criminal prosecution, and therefore, we do not wish to make any observations here which may prejudice a plea of alibi at the trial. We feel that it is sufficient for us just to say that section 131 of the Criminal Procedure Code, 1960 (Act 30) of Ghana contains detailed provisions on alibi.

230. There are certain discrepancies in the evidence of Mr. P. V. Obeng and Mr. Tandoh, which we think affect their credibility, especially of Mr. Tandoh. According to Mr. Obeng, Capt. Tsikata entered his (Obeng's) office soon on arrival at the Castle as he normally did, and then left for his (Tsikata's) office. Soon after this, the Chairman of the P.N.D.C. also entered his office and enquired if Capt. Tsikata was in his office. When Mr. Obeng gave an affirmative answer, the Chairman went to Capt. Tsikata's office. Not long after Mr. Tandoh entered Mr. Obeng's office and he got engaged in conversation with Mr. Obeng about the proposed plaque and the national medal that had been selected for presentation to an expatriate engineer who worked on the Kpong Project. Mr. Obeng said:

"After about fifteen minutes, Capt. Tsikata came to my office again and asked Mr. Tandoh to remain in my office and wait for him."

231. The evidence of Mr. Obeng shows that Mr. Tandoh did not go straight to the office of Capt. Tsikata from the Receptionist's desk, and that it was after some time that Capt. Tsikata saw him in Mr. Obeng's office and asked him to wait for him. It is not clear from Mr. Obeng's evidence whether Mr. Tandoh even had the chance to discuss the Chairman's speech with Capt. Tsikata.

47

232. According to Mr. Obeng, he continued with his normal work, whilst Mr. Tandoh sat around the conference table in his office going through some papers and finally left at 4.00 p.m. Mr. Obeng concluded his statement in these words:

"I went to Capt. Tsikata's office at about 4.30 p.m. and he gave me the Chairman's draft speech for the Kpong Inauguration to go through which I did. We had a short chat and I returned to my office to continue my work. I left my office finally around 5.30 p.m. to go to Adu Lodge. On my way out, I dropped into Capt. Tsikata's office to tell him I was off."

233. But where did Mr. Tandoh go after he had left Mr. Obeng's office? According to Mr. Tandoh, he went straight to Capt. Tsikata's office from the Reception desk and handed over to the Captain, the Chairman's speech, which the Captain proceeded to read. That whilst he was with the Captain, the Chairman of the P.N.D.C. came into the office. This statement is in sharp conflict with Mr. Obeng's evidence stated above. At no time did Mr. Obeng say that Mr. Tandoh held discussions with the Captain up to the time he left the Castle at 5.30 p.m.

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234. But when Capt. Tsikata gave evidence, he said that Mr. Tandoh left his office at about 4.45 p.m., but he did not say where Mr. Tandoh was going from there. But when the Captain was later asked by his Counsel, Mr. Tsatsu Tsikata, whether he could remember how long Mr. Tandoh was with him, his answer was as follows:

"He was in the office from the time he arrived and getting to 4.30 p.m. he said that it was too late for the VRA people to type the speech and that it was getting to closing time and that he was going to tell them that the speech is not available and I told him that he should go and tell them to go home. So he left about 4.45 p.m. to go to tell them."

235. But Mr. Tandoh said that after the discussion of the Chairman's speech it was realized that little could be done by way of getting the speech to the V.R.A. typists, since he had not been able to recast the speech. He, therefore, left the Castle for the V.R.A. to inform them that their services were no longer required. But he did not indicate the time that he left. Then, according to him, he left V.R.A. and went back to inform Capt. Tsikata at the Castle. Again, he did not indicate the time.

236. Mr. P. V. Obeng stated that at 4.30 p.m. on 30th June, 1982, he went to Capt. Tsikata's office, and the Captain gave him the Chairman's draft speech to read. He did so, and he returned to his office. He left his office finally at 5.30 p.m., and on the way out, he went into the office of Capt. Tsikata. He must have met the Captain alone for if Mr. Tandoh was with him, he would have said so.

237. We find that Mr. Tandoh's evidence is very suspect, and accordingly we attach no weight to it. Any lie by a witness will discredit the rest of his evidence and may lead to him being regarded as having given no direct evidence.

238. If the defence of alibi is found to have been concocted, the jury need not convict merely because the alibi has broken down. But they are

entitled to ask themselves the sole question: "Why has a false alibi been tendered?" We do not wish to usurp the functions of the jury in this case in the event of a prosecution, but we think the answer is obvious.

239. We find that between 2.00 p.m. and 3.00 p.m. on 30th June, 1982, Capt. Tsikata was not at the Castle, and that he was in all probability in the company of Amartey Kwei.

240. One matter that was hotly debated before the Board was the assertion by Amartey Kwei that when he returned to his office at about 3.00 p.m. on 30th June, 1982, he found a note on his table, and that in accordance with an arrangement with Capt. Tsikata it was to be delivered to L/Cpl. Amedeka at Broadcasting House.

PART XIV

NOTE PURPORTEDLY SENT BY BRIGADIER NUNOO-MENSAH

241. It would appear that during an interview with the Investigating Team on 7th December, 1982 for the purpose of getting clarification of the discrepancy between Amartey Kwei's statement of 15th November, 1982 and that of 23rd November, 1982 Amartey Kwei was alleged to have said to the Team that the note he found on his table on 30th June, 1982, purported to have come from the Chief of Defence Staff, Brigadier Nunoo-Mensah. In a statement made to the Investigating Team on 7th December, 1982, Amartey Kwei stated that the note that he took to L/Cpl. Amedeka was not in fact from the Chief of Defence Staff, but from Capt. Tsikata, and that he had got confused about what Capt. Tsikata told him at the meeting at Adu Lodge on the night of 31st October, 1982. He said:

"Having refreshed my memory on what he told me on 30th June, 1982, he did not tell me that the note in question was going to originate from the CDS."

242. Chief Superintendent J. J. Yidana told the Board that what Amartey Kwei said during his interrogation was that he found on his table, a note which purported to have been sent to him by the Chief of Defence Staff. It was on a piece of paper in red ink.

243. In his evidence before the Board, Brigadier Nunoo-Mensah said that the late Sam K. Acquah was his relative and that they grew up together in the same house. The late Sam K. Acquah, he said, had even come to his house on the morning of 29th June, 1982, at about 6.30 a.m.

244. On the evidence, it is inconceivable that Brig. Nunoo-Mensah wrote a note ordering the murder of his relative.

PART XV

AMARTEY KWEI'S EXPLANATION OF NOTE

245. On 22nd December, 1982, Captain Tsikata appeared before the Board and was given the opportunity to cross-examine Amartey Kwei on the allegations he had made against him. The evidence of Amartey Kwei

49

with regard to the note, which he said he sent to L/Cpl. Amedeka, is both interesting and instructive. This is demonstrated in the following extracts from the record of the proceedings:

K.T.: I believe you said a note from the CDS, Brigadier Nunoo-Mensah, was given to you to be given to Amedeka?

J.A.K.: What I said exactly was that the note which I collected from my table purported to have come from the CDS on the 30th of June, 1982. The original note that I was to take to Amedeka was scribbled and another note was written and the name, Capt. Kojo Tsikata written under it.

B.: So you saw two notes?

J.A.K.: Yes Sir, one was an open note, instructing me to take the other one and it requested me to deliver it to Cpl. Amedeka.

K.T.: So Mr. Kwei, what you are saying is that the CDS wrote a note which was given to you?

J.A.K.: Generally Mr. Chairman, what was said on the note was that from the CDS to Amartey Kwei; that I am to deliver that note to Cpl. Amedeka at Broadcasting House, signed by Capt. Tsikata.

K.T.: You mean I wrote the letter?

J.A.K.: Yes, you signed Captain Tsikata. After my lunch, you told me you were going to send me a note."

(K.T.=Kojo Tsikata; J.A.K.=J. Amartey Kwei, B.=Board.)

246. In his statement of 23rd November, 1982, Amartey Kwei said that he delivered the note to L/Cpl. Amedeka personally on his second visit to Broadcasting House on 30th June, 1982, some time after 4.30 p.m. He said that L/Cpl. Amedeka opened the envelope in his presence and removed the content. It was a piece of paper with coded message written on it, and this, as a layman, he could not understand. After reading the message, L/Cpl. Amedeka tore the note and the envelope and squeezed the pieces in his hand. According to Amartey Kwei, he then told L/Cpl. Amedeka that his mission at GBC House at that time was to take him and his men to show them the houses of those who were to be kidnapped.

247. It is not quite easy to appreciate how Amartey Kwei was able to discern the form of language in the note. But be that as it may, L/Cpl. Amedeka denied categorically that he received any note from Kojo Tsikata on the evening of 30th June, 1982. He said in his statement of 11th October, 1982:

"Whilst on the car for a drive, Mr. Amartey Kwei briefed us that we are going to undertake an operation that evening which involved some important personalities. He further explained that we were going to liquidate Judges Cecilia Koranteng-Addow, Sarkodie, Agyepong and Major Acquah and he took us round to show us their various residences."

248. However, Amartey Kwei maintained that it was Kojo Tsikata who had prevailed upon L/Cpl. Amedeka to deny that he had ever received any communication from him, Kojo Tsikata.

50

249. In these circumstances, it is necessary for us to examine very closely the whole evidence relating to the conduct of these three persons in this sordid affair. We had, earlier in this Report, dealt in detail with the secret meeting held between Amartey Kwei and Kojo Tsikata at Adu Lodge. We expressed the view that we did not think that if Capt. Tsikata was not really implicated in the conspiracy he would have attended that meeting at that time and agreed on a strategy to mislead this Board and save the Government from collapse as maintained by Amartey Kwei.

250. We accept the evidence of Amartey Kwei that Capt. Tsikata told him at this secret meeting that he had made contact with L/Cpl. Amedeka in his cell and that the Lance-Corporal had promised to do his best to protect the Government. As the Chief Security Officer of the State, Capt. Tsikata has direct access to all the security agencies in this country, including the prisons.

251. There was ample evidence before the Board that before his arrest on 4th August, 1982, L/Cpl. Amedeka and L/Cpl. Michael Senyah were Security Guards at Broadcasting House. Indeed, L/Cpl. Amedeka claimed that he was the link, the Liaison Officer, between the military personnel at the GBC House and Gondar Barracks. But Capt. Tsikata pretended not to be aware of this, and said that he heard that for the first time on 7th January, 1983, during the proceedings of the Board.

252. The question which is of

252. The question which is of some importance at the moment is whether in embarking upon the operation in the evening of 30th June, 1982 from Broadcasting House, L/Cpl. Amedeka, as leader of the Murder Squad, acted on the lawful authority of any Superior Officer.

253. L/Cpl. Amedeka said that in carrying out the operation he was only taking orders as a soldier from a member of the P.N.D.C. According to him, in times of crisis or war a civilian who is attached to a military unit is bound by military orders. But, clearly, in this case Amartey Kwei was not in any way attached to any military unit. However, L/Cpl. Amedeka maintained that in the case of Amartey Kwei, he was a member of the P.N.D.C., who was carrying arms and could, therefore, give orders as a superior officer.

254. Capt. Tsikata, on the other hand, informed the Board that there must be a chain of command at Broadcasting House, and that if L/Cpl. Amedeka was taking other guards with him on operations, he must obtain the permission of his superior officer, or the officer-in-charge. He further informed the Board that it would be irregular for a military operation to be undertaken under the orders of a civilian. Then followed this short question and answer:

"B.: So that if it is said that it was Amartey Kwei who took them out and ordered them, it would be irregular?

K.T.: Yes without the notice of the officer-in-charge."

(B. = Board; K.T. = Kojo Tsikata.)

51

255. When pressed by the Board to say whether as Head of Security he had found out from the Officer-in-Charge of Broadcasting House how it came about that a civilian could order military personnel to go on an operation, Capt. Tsikata began to prevaricate. He said that since the incident of 30th June, 1982, they had tightened the chain of command. This was immediately followed by this short exchange between the Board and Capt. Tsikata:

"B.: This is not a question of chain of command. When the event happened was there any investigation to find out?

"B.: This is not a question of chain of command. When the event happened was there any investigation to find out?

K.T.: The officer who was in charge said he didn't know anything about it.

B.: What is the name of the officer?

K.T.: I don't know his name."

(B. = Board; K.T. = Kojo Tsikata)

256. Later Capt. Tsikata said that an investigation was conducted, but he did not know of the result. The Board expressed surprise that a matter in which four prominent citizens had been callously murdered should be handled by the Head of Security in such a casual manner. But this may not be surprising because as Amartey Kwei said:

"At his office, I told him what Amedeka had told me about the death of the victims as a result of the note he, Capt. Tsikata gave to me to be given to Amedeka. Captain Tsikata then told me that it was a sheer accident, and that Amedeka did not get the message very well. He then asked me to tell L/Cpl. Amedeka to tell his boys to shut up their mouths."

257. As a result of the indifference shown by the Head of State Security, Capt. Tsikata, in this serious matter, L/Cpl. Amedeka and L/Cpl. Michael Senyah remained at their posts as free men, until 4th August, 1982 when they were arrested in connection with a *coup* plot.

258. We find that Capt. Tsikata did not cause any investigation to be conducted into the irregular event at GBC House on the night of 30th June, 1982, because of his complicity in the conspiracy to kidnap and murder the four specified persons.

PART XVI

SHOOTING RANGE—BUNDASE

259. One question which we think ought to be examined is: Who granted permission for the Bundase Military Range to be used by the Murder Squad? According to Capt. Tsikata, the formalities which govern the use of the Bundase Military Range are to be found in the directives of the Armed Forces. He said that any soldiers who intend to go to the Range to fire will first obtain clearance from the Ministry of Defence, and they must also state the time and the type of practice which is to be carried out there. When all the formalities are completed, the Officer-in-Charge of the soldiers is informed whether or not permission has been granted.

260. L/Cpl. Amedeka said he alone decided to take their victims to the Bundase Military Range after the capture of Major Sam K. Acquah at Dzorwulu. It would appear then that he took this decision on the spur of the moment. Capt. Tsikata angrily rejected a suggestion by Amartey Kwei that he granted permission to L/Cpl. Amedeka, and he added:

"I don't think there was any question about anybody granting permission. We interviewed the people who found the bodies and the officer who was involved, but there was no question of anybody anywhere granting permission for the use of the Range."

261. Clearly, the people who found the bodies on 3rd July, 1982, could not have known whether or not permission had been granted for the use of Bundase Military Range on 30th June, 1982.

262. The formalities to be gone through before permission is granted for the use of the Bundase Military Range must be well known to all Military men. L/Cpl. Amedeka admitted that he had on previous occasion gone to the Bundase Military Range for exercises. It is extraordinary that L/Cpl. Amedeka should have the temerity to misuse the Range, and the Head of State Security has asked him no questions before this Special Investigating Board was established, and before the arrest of L/Cpl. Amedeka in connection with an alleged *coup* plot.

263. We find that L/Cpl. Amedeka must have acted on the instructions or with the connivance of someone in authority. As L/Cpl. Michael Komla Senyah said on oath:

"I believe that the operation was ordered by the Council." But the Head of State Security told the Board that he had not known of the existence of L/Cpl. Amedeka until they both appeared before the Board.

PART XVII

RELATIONSHIP BETWEEN CAPTAIN TSIKATA AND L/CPL. AMEDEKA

264. One of the interesting highlights, indeed, the most ludicrous drama during the whole of this investigation was the confrontation between Capt. Tsikata and L/Cpl. Amedeka during the proceedings of 18th January 1983. For the purpose of resolving the question whether Capt. Tsikata sent a note to L/Cpl. Amedeka as alleged by Amartey Kwei, we considered it necessary to examine the evidence more closely to find whether there had been any previous association between Capt. Tsikata and L/Cpl. Amedeka.

PART XVIII

CONTINUATION OF THE RELATIONSHIP BETWEEN
CAPTAIN TSIKATA AND L/CPL. AMEDEKA

265. L/Cpl. Samuel Kwaku Amedeka is a self-confessed murderer, and he had strenuously denied that he got his instructions to commit the crime from Capt. Tsikata.

53

266. During the proceedings of the Board on 7th January, 1983, Capt. Tsikata was asked whether he knew or had had any relationship whatsoever with L/Cpl. Amedeka. These extracts from the proceedings of that day give a true account of Capt. Tsikata's reaction to the question:

"K.T.: I will like to add one thing. It is true I know Staff Sergeant Amedeka, who is now living and working in Togo. He is, not the same as L/Cpl. Amedeka.

B.: We have got evidence that Cpl. Amedeka — Samuel K. Amedeka — is based at the Broadcasting House and was one of the people who were in the forefront of the revolution — the 31st December — you don't know that?

K.T.: I don't know that. I was not here.

B.: And you were here when Amartey Kwei said he was in the house of Mrs. Rawlings when Amedeka came there and you were there and you knew each other very well?

K.T.: It is not true. I don't know Amedeka.

B.: When he said he met you and Amedeka in the house of Mrs. Rawlings — is that not true?

K.T.: It is completely false story. I have never met Amedeka anywhere.

B.: But have you ever met Amartey Kwei anywhere?

K.T.: I have.

B.: In that house?

K.T.: I have.

B.: But you don't know Amedeka?

K.T.: I don't know him.

B.: You say you don't know Amedeka — he was one of the leaders of the *coup*?

K.T.: I don't know Amedeka.

B.: We are just asking you- have you ever heard that he was one of the men in the forefront of the December 31st operations?

K.T.: I have not heard that."

(K.T.=Kojo Tsikata; B.=Board.)

267 The Board drew Capt. Tsikata's attention to evidence before it that Cpl. Amedeka was one of the strong men guarding GBC and that he was the Liaison Officer between the personnel of the GBC and the Gondar Barracks. But Capt. Tsikata's answer simply was:

"I don't know that."

He further said that, this was the first time he was hearing the information that L/Cpl. Amedeka was the Liaison Officer at Broadcasting House. Again in answer to a question by Amartey Kwei, Capt. Tsikata said that he had never spoken to L/Cpl. Amedeka because he did not know him.

54

268. When this matter was again raised during the proceedings of 11th January, 1983, Capt. Tsikata maintained his ground and said in answer to a question by the Board: "I can't recognise him."

269. By these strenuous denials Capt. Tsikata no doubt wished to create the impression that he had had no association whatsoever with L/Cpl. Amedeka, not even a casual acquaintance with him, and that consequently, he could not have sent him a note as alleged by Amartey Kwei.

270. On 13th January, 1983 the Board received a statement dated 12th January, 1983 from L/Cpl. Amedeka in which he said *inter alia*:

"I was surprised to hear from a Radio box in Nsawam Security Prisons that Captain Kojo Tsikata had disclosed before the Board that he has never known me in his life and the Amedeka he knows is the former S/Sgt. Amedeka who now lives in Togo. This is not true...."

271. Continuing his statement, L/Cpl. Amedeka said that before the 31st of December Revolution whenever he visited the house of the Chairman of the P.N.D.C. on his arrival from his village to check about his passport, he lodged with one Corporal Alberta Gbefia in the Boys' Quarters of the Chairman's house. During these visits he often met Capt. Kojo Tsikata, who sometimes came to the house to have a wash and to fetch water in bottles for his domestic use. L/Cpl. Amedeka said he remembered that he sometimes carried the bottles of water into Capt. Tsikata's car. He could remember that one characteristic habit of Capt. Tsikata was that occasionally when he met visitors in the sitting-room, he would join them, but he hardly made any contribution to the discussions.

272 L/Cpl. Amedeka said that he could remember one specific event that brought him into direct contact with Capt. Tsikata. This was when he received information at Broadcasting House that a car with a diplomatic registration number was keeping surveillance over the Broadcasting House, and that the same car used a local registration number at other times. He, therefore went to Gondar Barracks to report to Capt. Tsikata, and he gave to him in his office, the registration numbers, which he had written down on a piece of paper. Capt. Tsikata informed him that he had received the same information from another source, and after a meeting lasting about five minutes, he left Capt. Tsikata's office. According to L/Cpl. Amedeka, he was in uniform, and there was no reason to suppose that Capt. Tsikata did not know the person to whom he had been talking.

273. At one stage in his evidence, L/Cpl. Amedeka declared:

"Gondar Barracks is for me and I am for Gondar Barracks."

Then the Board asked him a few questions as follows:

"B.: You were a Liaison Officer?

S.K.A.: As I was saying I used to be there frequently when the need arises.

B.: So that those who are there know you?

S.K.A.: Majority know me.

55

B.: Has Captain Tsikata ever seen you at Gondar Barracks?

S.K.A.: I even greet him when we by-pass each other. I still maintain that he knows me."

(B.=Board: S.K.A.=Samuel Kwaku Amedeka.)

274. L/Cpl. Amedeka even said that the clothes in which he was appearing before the Board were arranged for him by Capt. Tsikata. Though admitting this fact, Capt. Tsikata said that it was arranged upon official request.

275. Then in the course of an exchange, Capt. Tsikata said:

"L/Cpl. Amedeka, I will like to ask you a question. Haven't you told Captain Agbenoto that you have never spoken to me in my life? You asked Captain Agbenoto to come and see me. He asked what you wanted to tell me and you said it was a matter about your wife and you told him that you had never spoken to me in my life." L/Cpl. Amedeka's reply was; "I didn't tell him so, I will swear to that."

276. Earlier cross-examination of L/Cpl. Amedeka by Counsel for Capt. Tsikata, Mr. Tsatsu Tsikata, must have caused some embarrassment to Counsel. It would seem that Counsel had at several times been with both Capt. Tsikata and L/Cpl. Amedeka at the Chairman's house at the same time. This is clearly demonstrated in the following cross-examination of L/Cpl. Amedeka:

"T.T.: And this information you gave him, he said he has already received the same information?

S.K.A.: Yes.

T.T.: You were in a Military uniform?

S.K.A.: Of course.

T.T.: And when you also referred to the times in Chairman's house when you carried his water bottles and so on. Did you ever give any name to him or you assumed that he knew whom you were?

S.K.A.: I hope you can also bear me out in person that you have been seeing me there, Mr. Tsatsu. I hope you yourself can bear me out.

B.: You met two of them?

B.: You met two of them?

S.K.A.: Yes.

T.T.: Captain Tsikata and I are different people. I can know you and whether he knows you or not is a different matter.

S.K.A.: He knows me.

T.T.: On the occasion when you took bottles to him, I met you in the house several times. When you took water to him as you yourself said he was silent in the discussions--did you ever have the occasion to give him your name or you assumed that he knows you?

S.K.A.: I do. I have ever mentioned my name to him in the house.

T.T.: Was it in 1981?

S.K.A.: Before the Revolution.

T.T.: And were there other people--About how many other people normally were there--may be two or three people?

S.K.A.: Roughly as you yourself can bear me out, sometimes it used to be five or six.

PART XIX

AMEDEKA'S REASON FOR DENIAL OF RECEIVING NOTE

277. Counsel then proceeded to ask L/Cpl. Amedeka about the note that Amartey Kwei alleged he delivered to him from Capt. Tsikata. The Witness was asked whether the Investigating Team asked him about the note, and his answers reveal perhaps the fundamental reason for denying that he received a note from Capt. Tsikata. He said he had been puzzled by the constant reference to this note by the Investigating Team. This is an extract from the record of proceedings:

"S.K.A.: ... I said so in connection with notes that Amartey Kwei is alleging gave to me from Capt. Tsikata.

I.T.: And you said it was not true?

S.K.A.: I told them I can't remember if it is true he has ever given me a note from Captain Tsikata. Senyah can bear me out.

B.: You say you can't remember whether or not he sent a note to you?

S.K.A.: Yes, that is what I am saying.

B.: Why can't you remember, but you think Senyah can remember?

S.K.A.: I passed through a mental breakdown in the course of my detention so I am finding it difficult to come to my memory up to date."

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S.K.A.=Samuel Kwaku Amedeka; I.T.=Tsatsu Tsikata;

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B.: Why can't you remember, but you think Senya can remember?

S.K.A.: I passed through a mental breakdown in the course of my detention so I am finding it difficult to come to my memory up to date."

S.K.A.=Samuel Kwaku Amedeka; T.T.=Tsatsu Tsikata;

B.= Board.)

278. It seems clear and we find that it is loss of memory due to mental breakdown, that prevents L/Cpl. Amedeka from remembering whether

he received a note from Capt. Tsikata. Consequently, we find that his evidence denying the receipt of the note from Amartey Kwei is unreliable.

279. We need not go on indefinitely to quote passages from the record of the evidence showing false denials made by Capt. Tsikata about material incriminating features of the allegations against him. There is before the Board ample and uncontradictory evidence that L/Cpl. Amedeka and Capt. Tsikata met on several occasions at the residence of the Chairman of the P.N.D.C., and that he had rendered personal services to Capt. Tsikata. Furthermore, as the Liaison Officer at Broadcasting House, which is a sensitive security post, L/Cpl. Amedeka must have met the Chief of State Security, Capt. Tsikata. In the teeth of this strong evidence, Capt. Tsikata persisted unabashed to deny that he did not know who L/Cpl. Amedeka was until they met during the proceedings of the Board on 18th January, 1983. We agree with the observations of Sholl J. in the case of *Popovic v. Derks* (1961) V.R. 413 at pages 429-430, in the following passage:

“a false denial of opportunity or other fact need not be of an opportunity or other fact suspicious in itself, since it is the very false denial which may be used by the tribunal of fact to confer on the opportunity or other fact the suspicious or sinister character which makes it corroborative. (T)here may be a world of difference between the effect of an admitted fact of a neutral character, such as the opportunity of intercourse, or presence at or near the scene of a crime at the material time, and the effect of that fact together with a false denial of it by the person alleged to be implicated.”

280. L/Cpl. Amedeka is a self-confessed murderer, and we find that the false denials of any knowledge of him by Capt. Tsikata must have proceeded from a deep consciousness of guilt about the note he is alleged to have sent to L/Cpl. Amedeka. If we may quote again from the case *Nawaz Khan v. The Queen* (1967) I.A.C. 454 on page 463:

“The recourse to falsehood leads fairly to an inference of guilt.”

281. We wish to observe that during the course of the inquiry, L/Cpl. Amedeka did his level best to cover up for Capt. Tsikata, and he felt very disappointed that the Captain should disown him. And in a spirit of solidarity he declared:

“I still maintain that I know you and you know me. And for that I will never deny you anywhere.”

Later, L/Cpl. Amedeka said: “I said it was the first time I heard his name that was the time Amartey Kwei confronted me on the note. So I will like you not to deny me because you have been mentioned in the operation.”

282. Having regard to the whole evidence, we find that Capt. Tsikata knew L/Cpl. Amedeka very well and that L/Cpl. Amedeka received a note from him Capt. Tsikata as alleged by Amartey Kwei.

PART XX

AMARTEY KWEI'S FAILURE TO MENTION THE CAPTAIN'S NAME

283. One matter which was seriously discussed during the investigation was the fact that Amartey Kwei did not appear to have mentioned in conversation with anyone that Capt. Tsikata was involved in the kidnapping and murder of the victims, even though he had the opportunity on several occasions to do so.

284. In his statement of 23rd November, 1982, Amartey Kwei said that on 2nd July, 1982, after L/Cpl. Amedeka had informed him that he and the other soldiers had killed the Judges and the retired Army Officer, he drove to Gondar Barracks and went straight to the Chairman's office. There, he met the Chairman, Major Gbedemah, Sgt. Daniel Alolga Akata-Pore, and two other military men engaged in a discussion about the kidnapping. He discovered that most of the people present knew very little about the event that had taken place on 30th June, 1982.

285. When Amartey Kwei was asked to explain his reason for not giving them the information, his reply was:

"Because the architect was part of the meeting. He was also there."

Here, Amartey Kwei was referring to the presence of Capt. Tsikata at the meeting.

286. After this informal meeting Amartey Kwei said he went to the Chairman's office and to give the Chairman a full account of what had really happened. But he said that the way in which the Chairman introduced the subject made him to assume that he was fully briefed on the subject. When pressed by Counsel to say whether he in fact mentioned the name of Capt. Tsikata to the Chairman, Amartey Kwei replied:

"I have answered this question several times that the way he asked me the question pre-supposed that he knew everything, but he wanted me only to add a few things. He took the lead."

He maintained that the only person who could have briefed the Chairman was Capt. Tsikata, and therefore there was no need for him to mention Capt. Tsikata's name.

287. After this, Counsel for Capt. Tsikata questioned Amartey Kwei very closely about his failure to mention the name of Capt. Tsikata at least to the former Chief of Defence Staff, Brigadier Joseph Nuroo-Mensah. The facts briefly are that, the former C.D.S. went to Gondar Barracks on the morning of Friday, 2nd July, 1982 in his effort to find out where his cousin, Major Sam K. Acquah (Rtd.) was being held captive. On his arrival at Gondar Barracks he saw Amartey Kwei proceeding towards the office of Capt. Tsikata, and he followed him to the office. There, he put it bluntly to Amartey Kwei that he knew where the late Major Acquah and the other Judges were and that he should go away and have them released. The former C.D.S. said that he came to this

conclusion that Amartey Kwei knew where the abducted persons were, purely on the assumption that if the late Major Acquah, who, until his death, was the Personnel Director of GIHOC, could be abducted, then the cause of the abduction would be related to his handling of affairs at GIHOC. The former C.D.S. said that he also knew that the late Major Acquah had been instrumental in the dismissal of some GIHOC workers some time in 1980, and that Amartey Kwei was one of them. He said when he put the question to Amartey Kwei, the only comment Amartey Kwei made was:

J.A.K.: I answered it the other day. I told you that in the presence of the C.D.S. when he asked the question, I had wanted to answer and at that time Capt. Tsikata winked at me not to do that and later he said the C.D.S. was a CIA agent and he will later go and expose it.

T.T.: You had every opportunity to talk to the C.D.S. alone. Hadn't you?

"OK Sir, I am just coming."

He then left the office of Capt. Tsikata without any further comment.

288. When Amartey Kwei appeared before the Board on 6th January, 1983, Mr. Tsatsu Tsikata, Counsel for Capt. Tsikata, asked him his reason for failing to disclose to the former C.D.S. that Capt. Tsikata was involved in the kidnapping and killing. Amartey Kwei's explanation can be found in the following extracts from the record of the proceedings.

"T.T.: After the C.D.S. had also asked you and you didn't see it fit to let all of these people know anything about Captain Tsikata's

expose it.

T.T.: You had every opportunity to talk to the C.D.S. alone. Hadn't you?

J.A.K.: You are asking me the question as if you don't know the type of your client.

T.T.: You have every opportunity to talk to the C.D.S. alone and at no point did you talk to the C.D.S. about Capt. Tsikata's involvement or having ordered the arrest of those people?

J.A.K.: I was strictly abiding by Tsikata's instructions.

T.T.: In fact when you also met the other members of the Council in connection with the state burial, you also never again mentioned anything about Capt. Tsikata.

J.A.K.: Before we met for the state burial issue, they were all aware."

T.T.=Tsatsu Tsikata; J.A.K.=Joachim Amartey Kwei.)

289. Counsel obviously did not react when Amartey Kwei said that he, Counsel, knew the type of person his client was. But this had been clearly revealed by the evidence which we had heard.

290. The matter was further pursued by the Board on 7th January, 1983, and again this is how Amartey Kwei explained the situation:

"J.A.K.: . . . It was on that point I wanted to tell the CDS what actually took place and Tsikata signalled me. It was not a meeting.

B.: He signalled by way of what?

J.A.K.: He winked at the corner of his eye.

B.: That you should not talk?

J.A.K.: Yes. And it was later in the evening that very day he told me he is an open CIA agent and if I had talked he was going to use it outside."

(J.A.K.=J. Amartey Kwei; B.=Board.)

291. We find that Amartey Kwei was unwilling to tell anyone of the complicity of Capt. Tsikata in the conspiracy to kidnap and kill the three Judges and the retired Army Major, because the two of them were both contaminated with that conspiracy. In our view, it would really lie ill in Amartey Kwei's mouth to tell other persons that Capt. Tsikata was implicated in, or that he was the "architect" of, the plot.

292. Having regard to the whole evidence, and particularly to the false denials and alibis concerning the material incriminatory features of this investigation, we further find that the plot to kidnap and kill the three Justices of the High Court and the retired Army Major was master-minded by Capt. Tsikata, Special Adviser to the P.N.D.C.

293. We accordingly recommend that Capt. Tsikata should be arrested immediately and placed in custody to await trial.

PART XXI

HAD AMARTEY KWEI ANY SINISTER MOTIVE FOR IMPLICATING CAPTAIN TSIKATA?

294. We wish first of all to make it abundantly clear that Capt. Tsikata was summoned to appear before the Board only as a result of allegations made against him by Mr. Joachim Amartey Kwei, a former member of the P.N.D.C. This is in accordance with the statement we made during the Inaugural Session of the Board on 10th August, 1982. We said on that occasion that:

"Any person whose conduct is the subject of inquiry by this Board, or who is in any way implicated, or concerned in any matter under investigation by the Board, shall be entitled to be represented by Counsel at the inquiry. Further, any person regarding himself implicated by allegations made before the Board, may, if he wished, call any witness he desires to call by applying to the Board, through the Secretary, for leave to call such evidence. The application should be accompanied by a brief statement as to the trend of the evidence which he proposes to lead. It is entirely within the province of the Board to decide upon the relevance to their terms of reference of any evidence submitted.

If any statement taken appears to implicate any person, other than the person making it, such person shall, as soon as practicable, be entitled to be shown the statement.

All witnesses will be witnesses for the Board, and none is called on behalf of any particular party."

295. We wish to stress further that the allegations implicating Capt. Tsikata in the abduction and murder of the three Justices of the High Court and of the retired Army Major, were made not by "enemies of the Revolution" or "counter revolutionaries", or "foreign agents", aimed at discrediting or embarrassing the Government. These were made by no less a person other than Joachim Amartey Kwei, a former member of the P.N.D.C., who, even after his resignation from the Government in August 1982, continued to attend special meetings of the Council on Trade Union matters. Before the Board, therefore, there was a direct encounter between J. Amartey Kwei and Capt. K. Tsikata.

296. When asked by his Counsel, Mr. Tsatsu Tsikata, whether Amartey Kwei had been on friendly terms with Capt. Tsikata, the Captain replied:

"Yes, he knew me very well. He was working actually on Trade Union matters which I took to mean his main interest, so we used to meet to hold discussions on matters of the Trade Unions. Even when he left the Council he was attending meetings in connection with Trade Union affairs."

297. Before his arrest on 8th November, 1982, Amartey Kwei, though no longer a member of the P.N.D.C., had been seen several times both at Gondar Barracks and at the Castle, Osu. Capt. Tsikata said:

"... at the time, I believed our relationship was very friendly."

298. The Board then asked Capt. Tsikata some few questions:

"B.: Can you tell us why Amartey Kwei should implicate you in this case?

K.T.: I believe because he thinks I am responsible for his arrest.

B.: Why does he think it is so? We recommended that in our Interim Report.

K.T.: He didn't know this."

(B.=Board; K.T.=Kojo Tsikata.)

299. Later, Counsel for Capt. Tsikata also asked some questions as follows:

"T.T.: When were you arrested?

J.A.K.: On the 8th November.

T.T.: In fact I am suggesting to you that when you were arrested you thought that Capt. Tsikata has been responsible for your arrest. Is that not right?

J.A.K.: That is not correct."

(T.T.=Tsatsu Tsikata; J.A.K.=Joachim Amartey Kwei.)

300. There is no evidence that Amartey Kwei did not know that the Board had recommended that he should be arrested. There is, however, evidence that Amartey Kwei was arrested by the Striking Force in the

62

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62

presence, and on the directions of members of the Technical Investigating Team attached to the Board. He was taken to the Nima Police Station. The next day, 9th November, 1982, he was removed from there to Ussher Fort Prisons by members of the Investigating Team attached to the Board. What Capt. Tsikata was saying therefore, was a mere conjecture.

301. At one stage during cross-examination, Amartey Kwei described Capt. Tsikata as the "architect" of the abductions, and therefore, he saw no reason why he alone should be in custody for a conspiracy which was originated by Capt. Tsikata.

302. In answering a question by a member of the Board, on 2nd December, 1982, Amarthey Kwei disclosed his real motive for implicating Capt. Tsikata in these words:

"I have no bone of contention or I have no bone to pick with him other than that there would not have been any need for me to be responding to his invitations and calls. But the point was only the way he had handled the whole thing from the beginning and which has landed me in this situation that is what is painning me. Because at the moment it is almost one month now since I have been in custody. He is rather going about breathing air of freedom. Naturally, we are all human beings, if it were to be you, Sir, you would adopt the same attitude and approach."

303. We find that the conduct of Amarthey Kwei for implicating Capt. Tsikata would be the natural reaction of a person who felt that he alone should not be made to suffer the punishment for plotting the abduction and murder of the four persons. There appears to be no other motive apart from this one, which appears to be the natural expression of one's feelings.

PART XXII

GENERAL APPRAISAL OF EVIDENCE AND FINDINGS

(a) Identity of the Kidnappers

304. Soon after the announcement of the kidnapping of the three Justices and the retired Army Officer, there were various speculations as to the identity of those who had committed this horrible crime. For example, the first official announcement referred to the kidnappers as "armed civilians", but this was later changed to "unidentified gun men".

305. Various theories were propounded. One theory on the lips of some people fixed responsibility on "the enemies of the revolution". According to another theory put forward by other people, "elements sympathetic to the revolution" could well be held responsible for the murders.

306. It must be observed that no less a person than the Secretary of the Interior, Mr. Johnny Hansen, was reported to have said that the murderers were internal enemies with external assistance. The LAW

STUDENTS' UNION also expressed the view that "the wicked and dastardly act was orchestrated and perpetrated by frustrated idealists and political misfits who have always thought that the revolution is losing its tempo and bearing".

307. But what is the evidence? It is clear beyond all reasonable doubt that the kidnapping and subsequent murder of the three Justices of the High Court and the retired Army Officer were the work of two active soliders and two ex-soldiers of the Ghana Armed Forces. They are:—

1. No. 17482 Lance-Corporal Samuel Kwaku Amedeka of Military Police Headquarters, Accra. He was a Military Guard at Broadcasting House, and the Liaison Officer between Military Personnel at Broadcasting House and Gondar Barracks, the Headquarters of the P.N.D.C.
2. No. 177505 Lance-Corporal Michael Komla Senyah of Field Engineers Regiment, Teshie. He was also a Military Guard at Broadcasting House.
3. Ransford Johnny Dzandu, ex-soldier of the Medium Mortar Regiment, Ho.
4. Evans Tekpor Hekli, alias Tonny, ex-soldier of IBN of Infantry, Tema, and 2 Brigade, Kumasi.

308. The evidence shows that both L/Cpl. Amedeka and L/Cpl. Senyah were, on 30th June, 1982, attached to the Broadcasting House on Guard Duty. The evidence further shows that L/Cpl. Amedeka had by that date become the Liaison Officer between the Army Personnel on duty at Broadcasting House and the P.N.D.C. Secretariat at Gondar Barracks.

309. There can be no doubt that even though Ransford Johnny Dzandu was not a regular serviceman, he was closely associated with some serving members of the military; particularly L/Cpl. Amedeka and L/Cpl. Michael Senyah. He lived in the Boys' Quarters at Broadcasting House in a room next to that of L/Cpl. Amedeka. But his best friend is Evans Tekpor Hekli, alias Tonny, who lived outside Broadcasting House.

310. In spite of the fact that he lived at various private places in Accra, Evans Tekpor Hekli, alias Tonny, had since 31st December, 1982, assisted his military friends on operational duties.

311. In their evidence, Sgt. Alolga Akata-Pore, Amartey Kwei, and Evans Tekpor, revealed that L/Cpl. Amedeka was in the front-line of the forces that toppled the Limann Administration.

312. In the opinion of the Board, one important issue which emerges from the evidence is whether the three Justices and Major Sam K. Acquah (Rtd.) were specially picked on to be killed. There is no doubt, from the evidence, that they were, for Amartey Kwei voluntarily confessed, in his statement of 23rd November, 1982, that he took the kidnappers round and showed them the houses of the Judges and the retired Army Major.

313. But, perhaps the most critical issue was the motive for the kidnapping and killing of the four persons. One fact which is common in the

64

case of the Judges is that each of them, after the A.F.R.C. had handed over to the Limann Administration, had adjudicated in a case involving A.F.R.C. convicts. Notwithstanding the provisions of Article 15(2) and 3 of the 1979 Constitution of the Republic of Ghana, each Judge, after considering the legal issues raised on an application for an order of Habeas Corpus, had ordered the release of the applicant from custody.

314. It ought to be mentioned that the kidnapping and murder took place a little over six months after the Court cases, and it had been argued that the release of the A.F.R.C. convicts had nothing to do with the murders.

315. But the fact still remains that only the Judges in Accra who had ordered the release of A.F.R.C. convicts were specially picked on and killed on 30th June, 1982. That the release of the A.F.R.C. convicts was the prime motive for the murder of the Judges is plainly confirmed by Amartey Kwei's statement of 23rd November, 1982, which he repeated on oath before the Board.

316. Even the way in which their houses were searched for by the kidnappers is clear evidence that these Justices were specially selected to be executed. After the Murder Squad had gone to the house of Judge Adadevoh by mistake, they drove straight to Bungalow No. 9, Second Circular Road, in the Cantonment area, where Mrs. Justice Cecilia Koranteng-Addow lived. On one side of Mrs. Justice Cecilia Koranteng-Addow's house, along the Second Circular Road, is Bungalow No. 7 where Mr. Justice Sam Mensah-Boison lives, and on the other side is Bungalow No. 11, which is the residence of Mr. Justice Charles Coussey. There is evidence that as they got on the Second Circular Road, the Murder Squad first entered Bungalow No. 11 and asked specifically for Mrs. Justice Koranteng-Addow. A young student in that bungalow directed them to the next house. Both Mr. Justice Sam Mensah-Boison and Mr. Justice Charles Coussey were left alone that night, because they were not on the list of the Justices who were to be executed.

317. Most of the Justices of the Superior Court of Judicature in Accra live along the Third Circular Road and the Fifth Circular Road. These two roads are practically in the same vicinity as the Second Circular Road. The evidence is that after kidnapping Mrs. Justice Koranteng-Addow, her captors specifically asked her to direct them to the area around the Castle Road, which is more than a mile from the vicinity of the Second Circular Road. Both Mr. Justice Sarkodie and Mr. Justice Agyepong lived near the Castle Road. We agree with the observation made by the Judicial Secretary in the course of his evidence, that if it were just a matter of killing Judges the kidnappers could have picked on as many as they wanted.

318. On the evidence, we find that the three Justices of the High Court were specially picked for execution on the night of 30th June, 1982, and we are happy to observe that this finding is fully confirmed by Amartey Kwei's statement of 23rd November, 1982. In all the circumstances, we are led to the conclusion that the perpetration of these crimes must have

been motivated by the dissatisfaction felt by some people at their judgments in which they freed persons convicted and sentenced to long terms of imprisonment by a tribunal specially established by the Armed Forces Revolutionary Council (A.F.R.C.). These atrocities could have been committed only by fanatical supporters of the Armed Forces Revolutionary Council (A.F.R.C.).

319. In the case of Major Sam K. Acquah (Rtd.), he was at the time of his death GIHOC's Group Personnel Director. In June 1980 Amartey Kwei led a group of striking GIHOC workers to present their case before Parliament. These strikers behaved so badly that the Management of GIHOC decided to dismiss them and in the normal course of his duties Major Sam K. Acquah (Rtd.) signed the dismissal letters. If this was not the motive for including him with the victims of the 30th June, 1982, then we find it impossible to discover any other motive for his abduction. We say this notwithstanding what Amartey Kwei had said in his statement of 23rd November, 1982. Both Brigadier Joseph Nunoo-Mensah, former Chief of Defence Staff and Member of the P.N.D.C., and Amartey Kwei told the Board on oath that on 2nd July, 1982, when some members of the P.N.D.C. and senior Army Personnel met at Gondar Barracks to consider the kidnapping of the four persons, Amartey Kwei was told to get the GIHOC employees to release Major Sam K. Acquah (Rtd.). Indeed, Brigadier Nunoo-Mensah said that he suspected that it was Amartey Kwei who had organised the GIHOC workers to abduct the retired Major.

320. Incidentally, Mrs. Justice Koranteng-Addow dismissed an appeal against the wrongful dismissals lodged by some of the GIHOC workers. This could be another reason for including her on the list of victims.

321. In spite of the evidence that the Chairman of the P.N.D.C., Flt.-Lt. J. J. Rawlings, was a close associate of L/Cpl. Amedekpa; and again, in spite of the clear evidence that the Fiat Compagnola Jeep which was used in the kidnapping was picked from the house where the wife of the P.N.D.C. Chairman, Mrs. Agyeman Rawlings, lived, there is no evidence from which the inference can be drawn that both the Chairman and his wife had fore-knowledge of the kidnapping and the murders.

322. There is evidence that when Flt.-Lt. Rawlings heard on 3rd July, 1982, that the four abducted persons had been murdered at the Bundase Military Range, he looked very sad. The former Chief of Defence Staff, Brigadier Joseph Nunoo-Mensah, who saw Flt.-Lt. Rawlings at about the same time on that date, said in his evidence as follows:

"The Chairman appeared to know nothing about what had happened. I do not think that at that time he knew more than I knew."

323. According to Brigadier Nunoo-Mensah, a meeting of the P.N.D.C. Secretaries was held at the Castle to brief them on the events of the moment. This was after the Chairman's nation-wide broadcast on 4th July, 1982. Those present included Brig. Nunoo-Mensah, the Rev. Dr. Vincent Kwabena Damuah, and Capt. Tsikata, Special Adviser to the

66

P.N.D.C., and there was a lengthy discussion. Brig. Nunoo-Mensah said that whilst he and Rev. Dr. V. K. Damuah insisted that there should be a public inquiry into the killings, Capt. Tsikata took a different view. No-one else at the meeting shared Capt. Tsikata's view, and consequently it was agreed that a public inquiry should be held.

324. We accept the evidence of Brigadier Nunoo-Mensah, and we find that the negative reaction of Capt. Tsikata to the establishment of a public inquiry into the killings was prompted by his fear of the truth being known.

325. On 27th October, 1982, the Chairman, Flt.-Lt. Rawlings, is said to have convened an emergency meeting of the P.N.D.C. without indicating the subject for discussion. When the members of the Council arrived at the Castle, the Chairman informed them that the purpose of the meeting was to discuss a feud which was raging between Sgt. Alolga Akata-Pore and Capt. Tsikata. When Sgt. Akata-Pore was asked to explain the reason for his hostile attitude towards Capt. Tsikata, he said that for some time Capt. Tsikata had been briefing him about the develop-

ments arising out of the proceedings of the Special Investigation Board, but that Capt. Tsikata had stopped this briefing since L/Cpl. Amedeka made a statement to the Board implicating him in the murder of the Judges and the retired Army Officer. But Capt. Tsikata explained that he did not inform Sgt. Akata-Pore about the reference to him in L/Cpl. Amedeka's statement because Amartey Kwei had told him, Capt. Tsikata, that he was not involved in the conspiracy to abduct and murder the four persons.

326. The question that we think arises is: What was the reason for Sgt. Alolga Akata-Pore's anxiety to be briefed regularly on the developments arising from the proceedings of the Board? In his own evidence Sgt. Akata-Pore said that when he heard rumours about the kidnapping of the Judges and the retired Army Officer, he did not take them seriously and that as a prominent member of the P.N.D.C., who was also a member of the National Defence Committee, he did nothing about the matter. He said it was when he heard the Chairman's broadcast on 4th July, 1982 that he began to take the matter seriously.

327. In the confrontation between Sgt. Akata-Pore and L/Cpl. Amedeka on 21st December, 1982, L/Cpl. Amedeka was unshaken in his evidence that Sgt. Akata-Pore was in the conspiracy to murder the four men. He referred to Sgt. Akata-Pore's invitation to him to discuss the formation of a Mafia Group.

328. Sgt. Akata-Pore admitted his antipathy towards the Judges, lawyers, and the present legal system.

329. On the evidence, we find that Sgt. Akata-Pore's anxiety to be briefed on the developments of the Board's proceedings could only arise from the fear that his involvement in the conspiracy might become known. But at last he was completely exposed by L/Cpl. Amedeka. Though he had claimed to have been framed, Sgt. Akata-Pore did not suggest any reason whatsoever as to why Capt. Tsikata and L/Cpl. Amedeka should conspire to implicate him in their plot to kidnap and murder the four persons.

this thing in a coded message. AMEDEKA is a military man, you are also a military man so it was between two (2) of you who could understand the message very well so now look at the trouble you have put me."

336. Moreover, there was evidence of the secret meeting at Adu Lodge between Amartey Kwei and Capt. Tsikata, where a strategy was worked out to save the Government from collapse and to mislead the Board. The meeting at Adu Lodge was the second consultation (see paragraph 84). Amartey Kwei had with Capt. Tsikata...

Amarthey Kwei had with Capt. Tsikata about matters raised at the Special Investigation Board. It seems clear that these meetings took place at a time when our investigation had progressed perilously near to exposing the plot to kidnap and murder the three Judges and the retired Army Officer. The question that still has to be answered is: For what special reason did Amartey Kwei have to go into consultation with Capt. Tsikata in particular about a dangerous situation which he thought was developing?

337. On the evidence before us, the answer is simple; and it is that Capt. Tsikata was the brain behind the plot to kidnap and murder the three Judges and the retired Army Officer. This conclusion is, in our view, reinforced by the evidence that Sgt. Akata-Pore had also gone regularly to Capt. Tsikata in particular to specially be briefed on the proceedings of the Board.

333. We appreciate Amartey Kwei's candour and courage in this investigation as the scales have now fallen from his eyes. But upon a critical examination of the statement dated 23-11-82, we find that it is partly self-serving. It is difficult for us to understand how, if the four persons were to be arrested for the reasons stated in that statement it was essential that a special vehicle as described by witnesses must be acquired for the purpose of effecting their arrests. Besides, if the main object for arresting the three judges was to make them appear before the National Investigating Committee, we do not see the necessity for effecting their arrests during the curfew hours. With regard to Major Sam K. Acquah (Rtd.), we also do not see the necessity for his arrest during the same time and for the reasons stated. Granted that Capt. Tsikata had a grudge against the retired Army Officer, Amartey Kwei's motive for wishing the retired to be killed has been established beyond all reasonable doubt.

332. We find that it was agreed between Amartey Kwei and Capt. Tsikata that the four specified persons should be kidnapped and killed during the curfew period of 30-6-82, and not for the reasons cleverly stated in Amartey Kwei's statement dated 23-11-82.

341. On the evidence before us we find that Captain Kojo Tsikata (Rtd.) Special Adviser to the P.N.D.C., Sgt. Daniel (now Ahmed) Aloga Akata-Pore, and Joachim Amartey Kwei, were all implicated in the conspiracy to kidnap and murder the three Justices of the High Court and Major Sam K. Acquah (Rtd.). Indeed, Amartey Kwei described Capt. Tsikata, with whom he was very closely associated, as the "architect" of

330. Notwithstanding what L/Cpl. Amedeka is alleged to have told the Murder Squad on their return from the Bundase Military Range to Accra, that "it was Amartey Kwei who gave out the Operational Permit and that the Chairman, Sgt. Aloka Akata-Pore and the rest of the P.N.D.C members knew about the operation", there is no evidence that the kidnapping and killing of the four persons was the direct result of a collective decision taken by the P.N.D.C. But some of the members of the Council strongly suspected that some of their colleagues were responsible for these heinous crimes.

331. This is borne out by statements made by two respected members of the P.N.D.C. Addressing the workers of the Ghana Ports Authority at Tema on 9th July, 1982, the Rev. Dr. Vincent Kwabena Damuah, a member of the Council, was reported to have said that the P.N.D.C. would do whatever possible to track down those who planned and executed "this barbaric, egocentric and unpardonable crime".

332. In his letter of resignation from the P.N.D.C., dated 22nd December, 1982, Brig. Nunoo-Mensah wrote:

"I have been horrified, lastly, by the senseless and heinous crime of the abduction, murder and the burning of the three High Court Judges, and the retired Army Officer; and more so by the indications that people in responsible political positions might be implicated in this dastardly act. The whole episode casts an ugly slur on the image and integrity of the Government. In the circumstances, I can only bow my head in shame and quit honourably . . . "

These are the words of the former Chief of Defence Staff of the Ghana Armed Forces.

333. But who were those "in responsible political positions (who) might be implicated in this dastardly act"? It might have been very helpful if Brig. Nunoo-Mensah had named them, especially as he felt very strongly about this matter.

334. But the statement of Amartey Kwei dated 23rd November, 1982, was really a narration with the lid off. In his statement Amartey Kwei made it very clear that he and the Special Adviser to the P.N.D.C., Capt. Tsikata, were some of the persons who were implicated in the crimes of kidnapping and murder.

335. If the statement of 23rd November, 1982, stands alone, it can be fairly argued that Capt. Tsikata will be liable only for the crime of kidnapping. But there is the evidence of the special note which he caused to be delivered to L/Cpl. Amedeka, and his false denial of any association with Amedeka, which is capable of corroborating the evidence of Amartey Kwei. In his evidence Amartey Kwei said:

"He KOJO according to AMEDEKA, when I confronted him why they should do that, he told me that, that coded message he KOJO gave me to be given to AMEDEKA instructed them to do that, that was why they did so. Meanwhile, you KOJO denied that AMEDEKA did not understand the coded message very well, that

“He KOJO according to AMEDEKA, when I confronted him why they should do that, he told me that, that coded message he KOJO gave me to be given to AMEDEKA instructed them to do that, that was why they did so. Meanwhile, you KOJO denied that AMEDEKA did not understand the coded message very well that was why he did that. And I made him understand that I was a civilian, you gave me a verbal instruction then further on you went and wrote

the plot to commit this most outrageous crime in the annals of this country. To effectuate their evil designs, these three men engaged the services of L/Cpl. S. K. Amedeka, who had been closely associated with leading members of the Government.

MR. JUSTICE S. AZU CRABBE
Chairman

MR. C. E. QUIST
Member

MR. T. O. LINDSAY
Member

RT. REV. PROFESSOR N. K. DZOBO
Member

MR. J. O. AMUI
Member/Secretary

APPENDIX "A"

LIST OF WITNESSES WHO GAVE ORAL EVIDENCE

<i>Number</i>	<i>Name</i>	<i>Organisation</i>
1.	Daniel Kofi Nzeh	C.O.P. (C.I.D.)
2.	Jacob Jebuni Yidana	Chief Supt. C.I.D.
3.	Dr. Eric Suatey Boye	Pathologist, Korle Bu Teaching Hospital.
4.	John Nkuah	D/Inspector, C.I.D.
5.	Yadega Moshie	Night Watchman to late Justice Sarkodee.
6.	Victor Kano	Cleaner, Judicial Service
7.	Eliezer Gyau Bekoe	Snr. Shipping Manager, G.N.T.C.
8.	Joseph Rexford Woode	Snr. Security Officer, G.N.T.C.
9.	Alhaji Mahama Mukailah	Night Watchman, Judicial Service
10.	Alfred Allotey Mingle	Customs Clerk, G.N.T.C.
11.	Isaac Kpakpo Allotey	Manager, Ghana Cargo Handling Co.
12.	Emmanuel Sompah	Ghana Police
13.	Bary Amadu	Cattle Brewer, Bundase
14.	Regina Mensah	Major Acquah's House
15.	Mrs. Jemima Acquah	Major Acquah's Widow
16.	Major Tetteh Charway	Ghana Army
17.	Reuben Komlah Dzieketey	Ghana Army
18.	Nowortey Manehe	Farmer
19.	Christine Adadevoh	G.E.S.
20.	Mrs. Comfort Agyapong	Justice Agyapong's Widow
21.	Abena Dankwa	Justice Agyapong's House
22.	Rexford Opere Addo	Ghana Police
23.	John Obliet Tetteh Ahinakwa	Ghana Police
24.	Emmanuel Mensah	

- | | | | |
|-----|-----------------------------|----|----------------------|
| 24. | Emmanuel Mensah | .. | Major Acquah's House |
| 25. | Benson Baba Tongo | .. | Ghana Prison Service |
| 26. | Dr. Gustav Koranteng-Addow. | | Retired Appeal Judge |
| 27. | John Amissah | .. | Ghana Police |
| 28. | Timothy Kofi Forson | .. | Ghana Police |
| 29. | Kwasi Nkansah | .. | Ghana Police |
| 30. | Emmanuel Ampati Daaku | | G.N.T.C. Manager |
| 31. | Kingsford Kweku Osei | .. | Ghana Police |
| 32. | Augustus Sono Addow | | Restaurant Operator |
| 33. | Sackitey Joseph Korley | .. | Ghana Army |

APPENDIX "A"—contd.

LIST OF WITNESSES WHO GAVE ORAL EVIDENCE

<i>Number</i>	<i>Name</i>	<i>Organisation</i>
34.	Solomon Shim Adachevch ..	Student
35.	Peter Avah Junior	Student
36.	"Mr. Kow Bondzie Brown"	G.M., G.N.A.
37.	Samuel Ansah	Ghana Police
38.	Constance Yaw Laba ..	Ghana Police
39.	Raphael Tunle Dagban ..	Ghana Police
40.	ANONYMOUS	—
41.	Samuel Kwaku Amedeka ..	Ghana Army
42.	Gideon Kweikumah Quaye ..	Judicial Service
43.	Inspector Vincent Moore ..	Ghana Police
44.	Bon Ouo Klufio	Ghana Police
45.	John Kofi Amoah	Ghana Police
46.	Abadoa Codjoe	Bank of Ghana
47.	Ransford Johnny Dzandu ..	Ex-Soldier
48.	Michael Komla Senyah ..	Ghana Army
49.	Dr. Yaw Aboagye Attah ..	D.M.S., Min. of Health
50.	Benedicta Monica Ababio ..	Ministry of Health
51.	Mr. Bright Akuamoah Osei ..	Ghana Broadcasting Corp.
52.	Evans Tiekpor Hekli, alias Tonny.	Ex-Soldier
53.	Joachim Amartey Kwei ..	Public Servant, Former Member, P.N.D.C.
54.	Brigadier Nunoo Mensah ..	Former Member, P.N.D.C.
55.	Sgt. Ahmed Alolga Akata- Pore, alias Daniel Akata- Pore	Former Member, P.N.D.C.
56.	Capt. Kofi Telleke (D.C.)	Special Adviser, P.N.D.C.

56. Capt. Kojo Tsikata (R.N.) .. Special Adviser, P.N.D.C.
 57. Augustus Obadum Tandoh .. P.N.D.C. Secretariat
 58. Paul Victor Obeng .. P.N.D.C. Co-ordinating Secretary, Castle.
 59. Kwamena Ahwoi University of Ghana
 60. Victor Gomeleshio Ghana Army
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APPENDIX "B"

LIST OF EXHIBITS

<i>Number</i>	<i>Exhibits</i>
A	.. Shells & Bullet
B	.. 2 Keys
C	.. Hair Comb
D	.. Post-mortem Report on Mr. JUSTICE SARKODEE
E	.. Post-mortem Report on Mr. JUSTICE AGYEPONG
F	.. Post-mortem Report on Mrs. JUSTICE KORANTENG- ADDOW.
G	.. Post-mortem Report on MAJOR SAM K. ACQUAH (Rtd.).
H	.. Draft Sketch
I	.. Photos
J	.. Waybills
K	.. Tally Sheets
L	.. Photos of Identification
M	.. <i>Legon Observer</i>
N	.. G.N.A. Press Release
O	.. St. of Amedeka
P	.. <i>Graphic</i> dated July 13, 1982
Q	.. Statement of Dzandu
R	.. Statement of L/Cpl. Senyah
S	.. Statement of Tonny Tekpor
T	.. Statement of Amartey Kwei 15-11-82
U	.. Statement of Amartey Kwei 23-11-82

V .. Statement of Aloiga
W .. Statement of Capt. Kojo Tsikata
X .. Statement of Capt. Kojo Tsikata
Y .. Statement of Augustus O. Tandoh
Z .. Statement of P. V. Obeng
AB .. Statement of Kwamena Ahwoi dated 12-1-83
AC .. Statement of 1 Cpl. Samuel Kwaku Amedeka dated
12-1-83.

EXHIBIT 'D'

DEPARTMENT OF PATHOLOGY
UNIVERSITY OF GHANA MEDICAL SCHOOL

No. 334/82

P.O. Box 4236,
Accra,
8th July, 1982.

My Ref. No. PM/Military. 125/82

POST-MORTEM REPORT

ON

MR. JUSTICE F. P. SARKODEE

I, Dr. Eric Suatey Boye, Specialist Pathologist, Korle Bu Hospital, Accra, on 5th July, 1982 at 3.00 p.m. in the 37 Military Hospital Mortuary examined a body identified to me by W. P. Sarkodee in the presence of Chief Superintendent, Crime, J. J. Yidina, as that of Mr. Justice F. P. Sarkodee. Age: 60 years. Sex: Male.

General Condition:—Burnt, decomposed, maggot-infested body of adult male with a gold left 1st upper premolar denture and gold fillings in right upper 2nd premolar and 1st teeth.

MARKS OF VIOLENCE

1. Three gun-shot entry wounds in right infra-clavicular region.
2. Three gun-shot exit wounds through 11th left intercostal space with fracture of the left 12th rib.
3. Left hand severely burnt with loss of the terminal phalanges of all fingers.
4. Burns of scalp.
5. Charred plastic slippers.
6. Extensive superficial burns.

In my opinion death was due to multiple gun-shot wounds of chest, an unnatural cause.

(Sgd.) DR. F. S. BOYE
Specialist Pathologist

THE CORONER,
ACCRA.

cc: The Police.

EXHIBIT "E"

DEPARTMENT OF PATHOLOGY
UNIVERSITY OF GHANA MEDICAL SCHOOL

No 334/82

My Ref. No. PM/Military.126/82

P.O. Box 4256,
Accra,
8th July, 1982.

POST-MORTEM REPORT

ON

MR. JUSTICE K. A. AGYEPONG

I, Dr. Eric Suatey Boye, Specialist Pathologist, Korle Bu Hospital, Accra, on 5th July, 1982 at 3.15 p.m. in the 37 Military Hospital Mortuary examined a body identified to me by Frempong-Manso in the presence of Chief Superintendent, Crime, J. J. Yidana, as that of Mr. Justice K. A. Agyepong. Age: 58 years. Sex: Male.

General Condition — Burnt, maggot-infested body of adult male of short stature in advanced state of decomposition.

MARKS OF VIOLENCE

1. Large gun-shot exit wound, left 5th intercostal space, mid-clavicular line, going through and extensively damaging the heart.
2. Multiple rib fractures:
 Left — ribs 10 and 11 posteriorly,
 3-4 inches from the spine.
 Right — ribs 10, 11 and 12 posteriorly,
 2-3 inches from the spine.
3. Left leg amputated 11 inches below the knee.
 The cut ends of the tibia and fibula are charred.
 The left foot also retrieved for examination is severely burnt.
4. Extensive superficial and deep burns.

In my opinion death was due to shock from extensive lacerations of the heart caused by gun-shot, an unnatural cause.

(Sgd.) DR. E. S. BOYE
Specialist Pathologist

THE CORONER,
ACCRA.

cc: The Police.

THE CORONER,
ACCRA.

(Sgd.) DR. E. S. BOYE
Specialist Pathologist

cc: The Police.

EXHIBIT "F"

DEPARTMENT OF PATHOLOGY
UNIVERSITY OF GHANA MEDICAL SCHOOL

RO.334/82

My Ref. No. PM/Military.127/82.

P.O. Box 4236,
Accra.
8th July, 1982.

POST-MORTEM REPORT
ON

MRS. JUSTICE CECILIA KORANTENG-ADDOW

I, Dr. Eric Sualey Boye, Specialist Pathologist, Korle Bu Hospital, Accra, on 5th July, 1982 at 3.00 p.m. in the 37 Military Hospital Mortuary examined a body identified to me by Paul Adei-Benin and John Kofi Boadi in the presence of Chief Superintendent, Crime, J. J. Yidana, as that of Mrs. Justice Cecilia Koranteng-Addow. Age: Not stated. Sex: Female.

General Condition.---Burnt, decomposing, maggot-infested body of adult female, with straightened singed hair, wearing ear-rings, a wedding ring on the left ring finger and the charred remains of a pair of brassiers. Both breasts identified grossly.

MARKS OF VIOLENCE

1. Multiple gun-shot entry wounds in left lumbar region (loin).
2. Ragged, large lacerations of tissues of right lumbar region with exteriorisation of abdominal viscera.
3. Extensive superficial burns.

In my opinion death was due to shock from (1) extensive lacerations of abdominal viscera and right side of back caused by multiple gun-shots. (2) multiple gun-shot wounds of left side of back, unnatural causes.

THE CORONER,
ACCRA.

(Sgd.) DR. E. S. BOYE
Specialist Pathologists

cc: The Police.

EXHIBIT "C"

DEPARTMENT OF PATHOLOGY
UNIVERSITY OF GHANA MEDICAL SCHOOL

RO.334/82

Mj Ref. No. Military.128/82

P.O. Box 4236,
Accra,
8th July, 1982

POST-MORTEM REPORT

ON

MAJOR (RTD.) S. K. ACQUAH

I, Dr. Eric Sualey Boye, Specialist Pathologist, Korle Bu Hospital, Accra, on 5th July, 1982 at 3.00 p.m. in the 37 Military Hospital Mortuary examined a body identified to me by Reginald Kow in the presence of Chief Superintendent, Crime, J. J. Yidana as that of Major (Rtd.) S. K. Acquah. Age: 51 years. Sex: Male.

General Condition.—Burnt, decomposing, maggot-infested body of tall adult male wearing (a) the charred remains of a belt with a metal buckle, (b) a mechanical wrist watch with a yellow case and blue strap, (c) a gold make signet ring with the inscription S.K.A. There is a stainless steel Parker Ball-point pen stained black with the body.

MARKS OF VIOLENCE

1. Multiple gun-shot wounds:
 - (a) 6 entry wounds in right infra-scapular region.
 - (b) Additional entry wounds on front of chest.
 - (c) Large exit wound in left anterior hypochondrium.
2. Multiple bilateral rib fractures in the mid-clavicular line.
3. Extensive superficial and deep burns, worst on left leg.

DISSECTION REVEALED

Large lacerations of the left ventricle and liver with massive intra-peritoneal and intrathoracic haemorrhage.

In my opinion death was due to shock from (1) massive haemoperitoneum and haemothorax, (2) lacerations of the heart and liver, (3) multiple gun-shot wounds, unnatural causes.

(Sgd.) DR. E. S. BOYE
Specialist Pathologist

THE CORONER,
ACCRA.

Copy to: The Police.

THE CORONER,
ACURA.

Copy to: The Police.