

**IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA**

**THIRTY-SECOND REPORT OF THE APPOINTMENTS COMMITTEE
ON HIS EXCELLENCY THE PRESIDENT'S NOMINATION FOR
RE-APPOINTMENT OF**

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**MS CYNTHIA NAA-KOSHIE LAMPTEY AS DEPUTY SPECIAL
PROSECUTOR**

JULY, 2023

THIRTY-SECOND REPORT OF THE APPOINTMENTS COMMITTEE ON HIS EXCELLENCY THE PRESIDENT'S NOMINATION FOR RE- APPOINTMENT OF MS CYNTHIA NAA-KOSHIE LAMPTEY AS DEPUTY SPECIAL PROSECUTOR

1.0 INTRODUCTION

In May 2018, Ms Cynthia Naa-Koshie Lamptey was appointed Deputy Special Prosecutor for a five-year term pursuant to section 16(2) of the Office of the Special Prosecutor Act, 2017 (Act 959) and with prior approval of Parliament. The said appointment lapsed in May, 2023.

In a letter dated 6th July, 2023, the Hon Minister for Justice and Attorney-General, Mr Godfred Yeboah Dame, communicated to Parliament that His Excellency the President, Nana Addo Dankwa Akuffo Addo, in furtherance to Article 195(2) of the 1992 Constitution and Section 16(3) of the Office of the Special Prosecutor Act, 2017 (Act 959) has in June 2023, delegated to him his power to re-appoint Ms Cynthia Naa-Koshie Lamptey as Deputy Special Prosecutor for another term subject to the approval of Parliament.

In accordance with Article 195(2) of the Constitution, Section 16(3) of Act 959 and Standing Order 172, the Rt Hon Speaker on Wednesday, 12th July, 2023, referred His Excellency the President's nomination for re-appointment of Ms Cynthia Naa-Koshie Lamptey as Deputy Special Prosecutor to the Committee for consideration and report to the House.

2.0 REFERENCE DOCUMENTS

The Committee referred to the under-listed documents during its deliberations:

1. The 1992 Constitution of the Republic of Ghana;
2. The Standing Orders of Parliament;
3. Office of the Special Prosecutor Act, 2017 (Act 959); and

4. The Curriculum Vitae (CV) of the Nominee.

3.0 CONSIDERATION OF THE REFERRAL

Pursuant to Standing Orders 6 and 172(2), and in line with the decision in the Supreme Court case of *Joseph Henry Mensah v Attorney-General* which stated that "prior approval" is a term of art, the Committee varied its normal procedure.

Consequently, the Committee met on Thursday, 13th July, 2023 and considered the re-appointment. The Nominee subscribed to the Oath of a Witness before proceeding to answer questions posed by Hon Members. The questions were related to her Curriculum Vitae, matters relating to her eligibility, issues pertaining to the office to which she has been nominated for re-appointment and other issues of national concern.

4.0 MS CYNTHIA NAA-KOSHIE LAMPTEY DEPUTY SPECIAL PROSECUTOR DESIGNATE

4.1 BACKGROUND

Ms Cynthia Naa-Koshie Lamptey was born on 15th December, 1959 in Adabraka, Accra. She began her education in the New Era Preparatory School, Tudu from 1965 to 1966 and then continued to the University Primary School, Legon from 1966 to 1972, where she sat for the Common Entrance Examination in 1972.

From 1972 to 1977, she attended Aburi Girls Secondary School where she obtained her G.C.E 'O' Level Certificate and proceeded to the Mfantsiman Girls Secondary School and obtained a G.C.E 'A' Level Certificate in 1979. She also obtained a Bachelor's Degree of Arts in Law & Sociology at the University of Ghana (Workers College) in 1980 and subsequently enrolled in

the Ghana School of Law in 1985 where she qualified as Barrister at Law in 1987.

The Nominee was called to the Bar in 1988 and is currently a member of the Ghana Bar Association. Ms Lamptey did the compulsory national service at the Civil Defence Organisation from October 1987 to July 1988. She then worked at the Ministry of Justice and Attorney-General's Department in Accra and Koforidua from 1989 to 1992 as an Assistant State Attorney and rose through the ranks to Chief State Attorney from August 1989 to April 2011. She also took on the role of Acting Director of Public Prosecution for four (4) years at the Ministry from October 2011 to April 2015. The Nominee was later appointed Deputy Director to the Legal Aid Commission from September 2015 to April 2017.

The Nominee was appointed as Deputy Special Prosecutor in May 2018 for a five-year term. However, between November 2020 and August 2021, she acted as Special Prosecutor.

Ms Lamptey has participated in a number of workshops and conferences including "the Conference on the Establishment of the International Criminal Court (I.C.C), New York, U.S.A in December 2011; "Capacity Building for Prosecuting State Attorneys, Koforidua, Ghana, from October 2010 to November 2011; "11th Session of the Assembly of the State Parties to the Rome Statute, Hague, Netherlands, in November 2012"; and "Model Law Workshop and Academic Criminal Justice Seminar, Rosewell, New Jersey, in May 2013".

The Nominee's hobby is cooking.

5.0 RESPONSES TO QUESTIONS

5.1 PUBLIC PERCEPTION OF OSP

In responding to the question whether the nominee agrees with the perception that the Office of the Special Prosecutor (OSP) has over the period concentrated mostly on the investigation of alleged corruption of political appointees, the Nominee stated that the perception may be wrong. She indicated that OSP has a mandate to investigate and prosecute cases of alleged corruption or suspected corruption related offences and has over the years investigated and prosecuted cases involving members of ruling party and the opposition.

5.2 When asked to enumerate some of the cases being investigated and prosecuted by OSP, the Nominee said that there are currently 150 alleged corruption related cases undergoing investigation and have been published on the website of OSP. Out of the 150 cases, the Nominee recalled that only about five are politically related. She cited cases like *the Republic v Issah Seidu*, *the Republic v Adjenim Boateng Adjei & Another*, *the Charles Adu Boahen case* and *the case on the Attempt to Bribe Members of Parliament*, Prof Kwabena Frimpong-Boateng, former Minister for Environment, Science, Technology and Innovation and Chairperson of the erstwhile Inter-Ministerial Committee on Illegal Mining among others.

5.3 MANDATE OF THE OFFICE OF THE SPECIAL PROSECUTOR AND PUBLIC EXPECTATION

On whether the Office of the Special Prosecutor has lived up to its mandate, the Nominee responded in the affirmative and added that going by the number of petitions received, the Office has impacted positively on the Ghanaian society. She however explained that the Office exists to investigate corruption related cases and for that matter, needed

suitable infrastructure, full complement of staff and logistics, to enable it to meet the expectations of the Public.

5.4 MANDATE OF THE OFFICE OF THE SPECIAL PROSECUTOR VIS-À-VIS OTHER STATE INVESTIGATIVE BODIES

The Nominee was asked whether there has ever been conflicts or overlaps with the work of the Office of the Special Prosecutor and state agencies like the National Investigations Bureau and the National Security. She informed the Committee that no such conflict has ever occurred between OSP and any of the two state investigative institutions.

5.5 ELIGIBILITY OF NOMINEE FOR REAPPOINTMENT

The Nominee was asked whether in her view, her nomination for reappointment for another five-year term is regular since she would be due for retirement in 2024 at the age of 65. She admitted that there has been a delay in writing to Parliament for her nomination and ascribed it to administrative lapses and other challenges. She explained that the existent of a well-established Human Resource Department would have helped to deal with the situation to avoid the delay since the onus lies on the department to notify the Office to make the necessary arrangement for an appointment to be made to fill the position.

The nominee cited the Supreme Court's decision in the case of *Ayine v Attorney-General*. According to her, the ruling indicated that certain critical staff should have different retirement ages from the core public service staff. She stressed that critical staff at the Office of the Special Prosecutor who are appointed by the President do not retire as other public servants.

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5.6 EXPIRATION OF NOMINEE'S MANDATE

The nominee was asked what, in her view, accounted for the delay in her nomination for reappointment after the expiration of her initial appointment in May 2023. In her response, she made reference to Section 16(4) of the Office of the Special Prosecutor Act, 2017 (Act 959) which, among others, stated that her tenure of office may be extended for another term only. According to her, she could not have prompted the authorities to renew her appointment because it would be their prerogative to do so.

The Nominee also stated that OSP lacked the necessary administrative support staff who would under normal circumstances prompt the authorities on the impending expiration of her term.

She further indicated that she was aware of the legal implications of remaining in office after the expiration of her term in May 2023. She, therefore, stayed away from work and has since then not dealt with any official business.

5.7 RELATIONSHIP WITH SUPERIORS

In response to what working relationship existed between her and her superiors, the Nominee described it as cordial. She indicated that she enjoyed a good working relationship with Mr Martin Alamisi Burns Kaiser Amidu and continues to enjoy same with the current Special Prosecutor, Mr Kissi Agyebeng.

5.8 CHALLENGES CONFRONTING OSP

In answering the question on the challenges experienced by OSP since its inception, the nominee stated that inadequate staff strength has been a major hindrance to the effective performance of the office. She indicated

that absence of adequate infrastructure needed for the proper execution of work has also been a matter of concern and needs to be addressed. According to the nominee, OSP has commenced recruitment procedures to engage about 120 additional staff to augment its staff strength and to address the challenges facing the Office.

5.9 PUBLICATION OF CASES UNDER INVESTIGATION

The Committee raised concerns about the effects of publishing cases under investigation referencing the identity of the persons involved before charges are proffered. The Nominee, in her response, explained that because the publication list only cites the Attorney-General against the person under investigation, in her view, the publication does not constitute culpability. She also said that the published list clearly states which cases are in court and those under investigation. According to her, prosecution commences only after reasonable grounds for prosecution have been established.

5.10 THE IMPROVEMENT SHE SEEKS FOR OSP

The Nominee was asked to indicate to the Committee, the improvement she seeks for the Office of Special Prosecutor if approved by Parliament for reappointment as Deputy Special Prosecutor. She said OSP had challenges with logistics and infrastructure and, for that matter, she would like to see the Office well-resourced to do its work. She, however, informed the Committee that the staffing problem that the Office was confronted with would be addressed with the programmed recruitment of about 120 people in October 2023 to augment the staff strength. She disclosed that the job advertisement was published in the relevant newspapers in 2019 after which a number of applications were received and shortlisting was done for interviews and subsequent appointments. She assured the

Committee that the work of OSP would improve with the coming on board of the new employees

5.11 INDEPENDENCE OF THE NOMINEE

When the nominee was asked why she continued to stay at post after her former superior, Mr Martin Alamisi Amidu resigned on allegations of manipulation and lack of independence, she stated that her former superior indicated that his resignation was based on interferences in the cases he was handling.

According to the Nominee, she did not have any reason to also resign because, unlike her former Boss, she did not experience anything that would have compelled her to take such a decision. She assured the Committee that her belief in the independence of persons appointed to OSP is unquestionable.

6.0 RECOMMENDATION

The Committee recommends to the House, by **consensus**, the approval of the nomination of **Ms Cynthia Naa-Koshie Lamptey for reappointment as Deputy Special Prosecutor.**


7.0 CONCLUSION AND GENERAL RECOMMENDATION

The Committee is satisfied with the responses of the Nominee, and having regard to the numerous contributions of the Nominee towards the investigation and prosecution of cases before the Office of the Special Prosecutor, recommends to the House to adopt its report, and by **consensus**, approve the re-nomination of **Ms Cynthia Naa-Koshie Lamptey as Deputy Special Prosecutor** to the Office of the Special Prosecutor.

Respectfully submitted.



**HON JOSEPH OSEI-OWUSU
(FIRST DEPUTY SPEAKER AND CHAIRMAN
OF THE APPOINTMENTS COMMITTEE)**



**MS ANITA QUARTEY-PAPAFIO
(HEAD, GOVERNANCE CLUSTER OF
COMMITTEES AND CLERK TO THE COMMITTEE)**

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