

**IN THE SECOND SESSION OF THE SEVENTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA**

**FIFTEENTH REPORT OF THE APPOINTMENTS  
COMMITTEE**

**ON**

**HIS EXCELLENCY THE PRESIDENT'S  
NOMINATION OF MR MARTIN ALAMISI  
BURNS KAISER AMIDU AS SPECIAL  
PROSECUTOR**

ACC NO: 3218 CI

CLASS NO: CR/SP/18

20 FEBRUARY, 2018

**FIFTEENTH REPORT OF THE APPOINTMENTS COMMITTEE ON  
HIS EXCELLENCY THE PRESIDENT'S NOMINATION OF MR MARTIN  
ALAMISI BURNS KAISER AMIDU FOR APPOINTMENT  
AS SPECIAL PROSECUTOR**

**1.0 INTRODUCTION**

In accordance with Section 13(3) of the Office of Special Prosecutor Act, 2017 (Act 959) which states that *"The Attorney-General shall nominate a person qualified for appointment as Special Prosecutor by the President, subject to the approval of the majority of all the Members of Parliament"*.

Accordingly, H. E. the President of the Republic of Ghana, Nana Addo Dankwa Akufo-Addo exercising his due prerogative communicated to Parliament on Wednesday, 24<sup>th</sup> January, 2018 the nomination of Mr. Martin Alamisi Burns Kaiser Amidu as Special Prosecutor by the Attorney General.

Consequently, the nomination was referred to the Appointments Committee by the Rt. Hon. Speaker, Prof. Michael Aaron Oquaye for consideration and report pursuant to Order 172 of the Standing Orders of the House.

**2.0 REFERENCE DOCUMENTS**

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

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Office of the Special Prosecutor Act, 2017 (Act 959); and
- iv. The Curriculum Vitae of the Nominee;

**3.0 CONSIDERATION OF THE REFERRAL**

- 3.1 Pursuant to Order 172 (3) of the Standing Orders of the House, the Committee in the first instance caused to be published in newspapers of national circulation, the name of the nominee and notice of the Committee's Public Hearing for the attention of the general public. The publication further requested Memoranda from the general public if any, on the nominee.

- 3.2 The Committee subsequently obtained Confidential Reports on the nominee from the Ghana Police Service and the Bureau of National Investigations (BNI) as part of its background checks. A Tax Status Report was also obtained from the Ghana Revenue Authority (GRA).
- 3.3 A Public Hearing was thereafter held on Tuesday, 13<sup>th</sup> February, 2018 to consider the nomination. At the commencement of proceeding, the nominee subscribed to the Oath of a Witness and subsequently answered questions relating to his Curriculum Vitae, matters relating to his eligibility, issues pertaining to the office to which he has been nominated and other issues of national concern.
- 3.4 The Committee has duly considered the nomination and report as follows:

#### **4.0 BACKGROUND**

Martin Alamisi Burns Kaiser Amidu was born on 6<sup>th</sup> September, 1951 in Kadema in the Upper East Region. He attended the Presbyterian Memorial Primary School, Takoradi from 1956-1959. He then went to Lawra Primary Boarding School for one academic term in 1956. From 1959 to 1962, he attended St. Anthony's Primary School in Bawku and subsequently to Bawku Middle Boarding School from 1962 to 1966 where he obtained a Middle School Leaving Certificate. He attended a Commercial School in Tamale from 1966 to 1971, however he obtained his GCE "O" Level Certificate as a Private Candidate in Navarongo in 1970. He proceeded to Navarongo School from 1971 to 1973 for his "A" Level Certificate and again obtained his Certificate as a Private Candidate in Tamale in 1972.

Mr Amidu enrolled at the University of Ghana in 1973 and read Law. He was awarded an LLB in 1976 and subsequently enrolled at the Ghana School of Law in 1976 and was called to the Ghana Bar in 1978. In 1999, he enrolled at the Antioch University McGregor, Ohio, USA and was awarded an MA in Conflict Resolution in 2001.

Mr Martin Amidu worked at Bawku Secondary School during 1978/1979 academic year for his National Service. From 1979 to 1980, he was a Private Legal Practitioner in Bawku. He joined Lugu Chambers in Tamale from 1980 to 1983. From February 1982 to December 1982, he was the Chairman for the Committee of Enquiry into Cotton Development Board.

Mr Amidu was appointed the PNDC Deputy Secretary for the Upper East Region from February 1983 to January 1986. From 1982 to 1988, Mr Amidu was PNDC Deputy Secretary for Upper East Region, Local Government and Rural Development, Industries, Science and Technology and Volta Region.

The nominee also served as the PNDC Deputy Secretary for Justice and Deputy Attorney-General from September 1988 to January 1993. During this period, he doubled as the Chairman of the Public Agreements Board. Mr Amidu was appointed Deputy Attorney General and Deputy Minister for Justice from January 1993 to January 2001. He went back to Private Legal Practice at Amidu Consults from 2002 to 2009. He was appointed the Presidential Advisor on Legal Affairs from July 2009 to February 2010. He became the Minister of the Interior from 2010 - 2011 and finally served as the Attorney General and Minister for Justice, from January 2011 to January 2012. Mr Amidu has been a Public Service Pensioner and a Constitutional Defence Activist from February 2012 to date. He is the Executive Director of the Not for Profit Citizens Vigilance for Justice (CIVIG JUSTICE) since September 2017.

Mr Martin Amidu was the Vice Presidential Candidate for the NDC in the 2000 Presidential Elections. He is a member of the Ghana Bar Association, the International Bar Association and the Association for Conflict Resolution.

## **5.0 RESPONSE TO QUESTIONS**

### **(1) Acceptance of the Presidents' Nomination**

The nominee informed the Committee that he accepted the President's nomination as the Special Prosecutor because he wants the good people of Ghana to benefit from the rich resources of this country by blocking the leakages and slippages of the proceeds from the resources of the nation. He stated that his primary aim is to fight corruption and protect the national purse. He added that the fight against corruption is of utmost importance and that fighting the menace of corruption was so important that notwithstanding his views on certain portions of the bill he was prepared to work with what Parliament has passed into law.

**(2) Appointment as Special Prosecutor Lower than Previous Appointments**

As to why he accepted the appointment as Special Prosecutor although the Office is lower than his previous appointment as Attorney General, the nominee stated that in 1999 he was nominated to the Supreme Court but he turned down the request. However, he accepted the offer of the Special Prosecutor, because of the passion he had for the fight against corruption which he had done throughout his public life.

**(3) Perception of Public Image of Nominee**

In response to why the nominee exudes such an image of fear in public circles, the nominee stated that it was more of a perception than reality and attributed that to the circle of friends he has.

He informed the committee that persons close to him would attest to the fact that he is pleasant and open-minded, an advocate for the poor and very compassionate. He added that in his life works he has defended people who thought he was an enemy. He indicated that what he detests are people who thrive on cheating.

**(4) Interpretations Adduced to Writings/Articles**

As to what he projects in his articles and writings, the nominee told the Committee that as a prolific writer on various issues, he writes to admonish people on various issues some of which border on matters of unconstitutionality. He also highlighted the injustices in the Ghanaian society and also write to enlighten the public on happenings in the Ghanaian society. For him, the enlightened public should interpret his writings in the context in which they were authored and not with preconceived notions.

**(5) Presidential Ambitions**

As to whether he has Presidential ambitions, the nominee answered in the negative and stated that if he had ambitions he would have pursued it after he became the running mate to late President John Evans Atta Mills in 2000. He informed the Committee that even if he did, he would not have the resources to mobilise people to achieve that ambition. He maintained that although people had approached him to contest as independent Presidential Candidate in the past, he turned them down. As to his current ambition, he intimated that he does not contemplate running for President as such an attempt would amount to attempting to do what is impossible.

**(6) Vendetta against the National Democratic Congress (NDC)**

Regarding his perceived vile for the NDC, he indicated that he did not have any problem with members of the NDC. However, he assured the Committee that if a member of the NDC committed a crime he would deal with him/her as required by law.

**(7) Application to Join the New Patriotic Party (NPP)**

On whether he had applied to join the NPP, the nominee indicated that he is a foundation member of the NDC and the National Convention Party (NCP) and he had always remained so. According to the nominee, the General Secretary of the NDC had stated that he was not aware that he had left the NDC. He believed that parties could collaborate. He intimated that since accepting the President's nomination he had resolved to stay neutral, and that he had never applied to join the NPP.

**(8) Rationale for Setting-Up the Office of Special Prosecutor**

The nominee informed the Committee that His Excellency the President made a campaign promise to the good people of Ghana to fight corruption by the establishment of the Office of the Special Prosecutor as Ghanaians appear not to trust the Attorney-General's Department. He stated that corruption has caused a lot of havoc in the country and therefore it is important to set up a new credible institution with a credible culture which would be able to block leakages and slippages in Government. He also indicated that if approved by the House, his Office would put in place mechanisms to block leakages and slippages from the public purse which would result in a Ghana beyond foreign aid.

**(9) Critique of the Special Prosecutor Act**

In response to questions relating to his critique on the setting up of the office of the Special Prosecutor for which the president had nominated him, Mr Martin Amidu said that despite some flaws which he found in the creation of the Office, he accepted the offer because stemming corruption was more of essence than the flaws in the Act.

He told the Committee that he could work with the Act despite some misgivings on some aspect of it.

The nominee maintained that in his critique, what the President has set out to achieve was possible despite problems with some of the clauses of the Bill and that despite his critique of the Bill, the President saw in him a credible person to perform this important assignment.

**(10) Preparedness of Nominee for the Position of Special Prosecutor**

In a response on how prepared he was as the Special Prosecutor, the nominee indicated that all he can do is to pray to God to grant him the needed strength to be able to undertake this responsibility. He stated that it is God that strengthens him to go through his daily duties.

**(11) Independence of the Office of the Special Prosecutor**

The nominee, in response to how independent the officers of the Special Prosecutor would be, assured the Committee that under the Code of Ethics of lawyers in Ghana, Lawyers are under obligation to be independent minded. He stated that, as Attorney-General, he never directed any Attorney working under him to handle a case in a particular way. Rather, he made recommendations on how cases should be handled.

He told the Committee that, the Office of the Special Prosecutor would be unconstitutional unless the Special Prosecutor works under the authority of the Attorney-General. That notwithstanding, as a Lawyer he told the Committee that he could comfortably work under the authority of the Attorney-General and still be very independent.

**(12) Fair and Objective Special Prosecutor**

On how many people who after reading his articles and epistles could confidently think he would be fair and objective as a Special Prosecutor, the nominee assured the Committee that he writes and admonishes people when he thinks they have acted unconstitutionally. He told the Committee that he exercises his rights as a citizen of Ghana and writes to enlighten the public who can appreciate what he writes. Unfortunately, people misunderstand him sometimes.

He assured the Committee that his background would not affect his judgement as a Special Prosecutor in any way and stressed that he will not use his Office to settle personal scores as critics have suggested.

**(13) Measure of Success as a Special Prosecutor**

On how he wanted the public to measure his success as a Special Prosecutor, he stated that his success should not be measured by the number of persons he imprisons, but by the integrity that he brings to the Office by prosecuting cases without fear or favour. He indicated that he wants to create an institution that would work to fight corruption and explained that he intends to put in place rigorous mechanisms for the vetting and appointment of personnel of the Office. He assured the Committee that he will prosecute and retrieve monies from corrupt individuals.

**(14) Co-operation with other Public Institutions (Section 73 of Act 959)**

On co-operation and collaboration with other anti-corruption institutions such as the Commission for Human Rights and Administrative Justice (CHRAJ) and the Economic and Organised Crime Office (EOCO) in which he appears to have no confidence, Mr Martin Amidu indicated to the Committee that the Act enjoined him to collaborate and cooperate with institutions in information sharing and dissemination. He maintained that the fight against corruption involves team work and sharing of ideas among all stakeholders and anti-corruption institutions.

He indicated that he would review all cases emanating from collaborative institutions and satisfy himself that they meet the threshold for prosecution set by the Office of the Special Prosecutor before such cases will be prosecuted.

**(15) Living in Harmony**

The nominee, in response to whether he could live in harmony with personalities he had levelled allegations against in his articles, told the Committee that he could only live in harmony with “decent people” and not criminals and looters of state resources. He said he had no grudges with people he had criticised in his writings, just that he could not tolerate people of deceit and individuals who stole from the resources of the state.

**(16) Reparation under the Special Prosecutors Act**

On whether the Office of the Special Prosecutor would not abuse the option of reparation as an alternative to prosecution, the nominee responded that each case would be treated on its own merit.



He stated that there are existence in prosecution where a prosecutor would rather have to resort to settling the matter out of court than go for prosecution.

He indicated that a decision to opt for reparation will not be taken in isolation. The Office will work as a team and would consider the pros and cons of each case. He stated that the operation of the mechanism would require a balancing act.

The nominee explained that decisions taken in respect of reparation will be subject to existing standards and will be conducted in the national interest.

**(17) Regulations (Section 78) of the Office of the Special Prosecutor's Act**

The nominee informed the Committee that Regulations are important if the Office is to run effectively. The Regulations spell out the standard operating procedures for the workings of the Office. He indicated that if approved, he will work with the Board and Attorney General's Office to prepare Regulations based on international best practice for enactment by Parliament.

**(18) Prosecution of Procurement Offenses (Section 3(A) of the Office of the Special Prosecutor Act, 2017 (Act 959)**

Regarding Section 3(a) of the Office of the Special Prosecutor Act, 2017 (Act 959), on the investigation and prosecution of alleged or suspected corruption and corruption related offenses under the Public Procurement Act, 2003 (Act 663), the nominee stated that the Office of the Special Prosecutor will collaborate with the Procurement Authority to prosecute procurement offences under the Act.

**(19) Confidentiality (Section 74 of Act 959)**

As to whether the nominee will uphold the principle of confidentiality as contained in Section 74 of the Special Prosecutors Act, (Act 959), he stated that as a Public Officer, he will abide by the principles of confidentiality. He explained that the conversation which he had with the late Prof. Kofi Awoonor which formed the basis of the questioner's inquiry was not confidential. He assured the Committee that he would at all times be guided by the principle of confidentiality as a Public Officer.

**(20) Plea Bargaining under Section 71 of Act 959**

Mr. Amidu was referred to Section 71 of Act 959 which states in subsection (1) that:

*“A person under investigation or charged with corruption or a corruption-related offence may voluntarily*

*(a) Admit the offence and make an offer of restitution; or*

*(b) Admit the offence and offer to provide information that will aid in the arrest and prosecution of other persons whom that person knows have committed or are about to commit corruption or a corruption-related offence.”*

He explained that the *plea bargaining* provisions offered an avenue for accused persons to make reparation to the people of Ghana for the consideration of the Special Prosecutor and the courts.

In his estimation, it would be better for the nation to retrieve its money back rather than send people to jail.

He assured the Committee that if approved, his Office will act professionally and reasonably in dealing with offers for reparation.

**(21) Mutual Legal Assistance Act 2010 (Act 807)**

On the relevance of the Mutual Legal Assistance Act, 2010 (Act 807) to the work of the Special Prosecutor, the nominee stated that Mutual Legal Assistance Act provides an opportunity to trace people who put their hidden wealth abroad and to retrieve those monies.

He admonished those who are hiding ill-gotten wealth abroad that pursuant to Section 77 of Act 959, he would endeavour to retrieve the monies, if his nomination is approved.

**(22) Advice to Ministers to Seek Attorney-General's Advice**

When asked what advice he would give to Ministers on seeking the Attorney General's advice on agreements and contracts that builds the nation, he stated that seeking the advice of the Attorney General is very important. The advice of the Attorney General acts as a check on corruption. He opined that he would rather advise Cabinet to seek at all times the Attorney-General's advice and recommendation before proceeding with the execution of contracts and agreements for and on behalf of the state.

**(23) Inherent Weakness in the Attorney General's Office**

As to whether there are some inherent weaknesses in the Attorney General's Office, the nominee stated that it would not be fair to the Attorney-General to point out weaknesses inherent in that Office. However, he believed that there are different attitudes and a general rule as to how an Attorney-General should behave. He explained that with some level of consistency in maintaining standards, the Office would be strengthened.

**(24) Passion for Fighting Corruption**

Mr. Martin Amidu, acclaimed as the "Anti-corruption Advocate" informed the Committee that he has a passion for fighting corruption. It was this passion that made him to join the Provisional National Defence Council (PNDC) Revolution.

He opined that his passion for fighting corruption resulted in him being made the Chairman of the Sub-Committee of the National Investigations Committee by the PNDC to look into financial irregularities within the Social Security Bank at the period. He intimated that his recommendations of the Sub-Committee led to the re-structuring of the SSB bank.

He told the Committee that, Government Procurements should reflect value for money and that the PNDC set up the Public Agreements Board from December 1988 to January 1993 to vet all Procurement Agreements before implementing. Given his track record and passion for fighting corruption, he was made the Chairman of the Board.

Mr. Martin Amidu further told the Committee that, the Board worked so hard to ensure that every agreement entered into were in the national interest and even recalled an incident where State Insurance Corporation (SIC) entered into an agreement with a British Company during his absence. On his return, the Board met and considered the Agreement. The Board's recommendation to the Government on the contract however, was that the contract was not in the interest of the nation and accordingly it was cancelled. He said the work of the Board won the admiration of the then sitting President.

He told Members that shaving as the Deputy Attorney-General in the Fourth Republic, his Office continued to evaluate Agreements of Government and ensured that agreement were in the best interest of the nation.

Mr. Martin Amidu indicated to the Committee that the fight against corruption cannot be successful if the Government was not committed to the fight. He held the view that the then government was not that committed to the virtues that the New Democratic Congress (NDC) Party stood for. In January 2012, he was removed from office as Attorney-General. However, his passion continued and metamorphosed in his new role as a Constitutional Defence Activist, which he continues to champion to date. He informed the Committee that he has written many articles in the press in defence of the Constitution which as a Member of the Consultative Assembly he helped to fashion.

**(25) Strategies to Combat Corruption**

On strategies the nominee would employ to combat corruption, Mr Amidu indicated that the way forward to fight white-collar crime is to set up very strong Institutions. He indicated that if approved by the House, he would try his best to live above reproach and would also ensure that the full complement of the staff he would work with would also do same.

**(26) Allegations of Bribery and Corruption against the Appointments Committee of Parliament**

The attention of the nominee was drawn to the President's assertion during the State of the Nation's Address on February 8, 2018 that all the allegations of corruption against his appointees have all been duly investigated and cleared as against his view in one of his articles titled *"Punishing Hon Mahama Ayariga for contempt of Parliament is unconstitutional and void"* where he stated among others that the Parliament of Ghana still owes the people of Ghana a fair, transparent and accountable investigation in the allegations of bribery and corruption made against the Appointments Committee of Parliament.

In furtherance of his article, when the Nominee was asked whether he would cause an investigation to be done on the Appointment Committee of Parliament in new of his divergent views with the President. The Nominee stated that he spoke for himself as an anti-corruption crusader when he wrote that article to persuade the President to side with him. However, that did not happen and since there are as many opinions as there are men, the difference in opinion was not unusual and in any case was reflective of a true democracy.

**(27) Corruption of the Political Establishment of Political Parties**

On whether the nominee would have a special interest in dealing with corruption inherent in political parties in Ghana as shown by research findings conducted by the Institute of Economic Affairs (IEA) and Centre for Democratic Development (CDD). The nominee told the Committee that the political parties need to be educated on corruption and made to understand that as political operatives they are also public officers. The nominee noted that most of the illegal operations that political parties engage in border on ignorance. He reiterated that political parties for instance do not pay their office holders. Under the table dealings do not augur well within the political landscape in mitigating corruption.

**(28) Commitment to Dealing with all forms of Corruption**

On his commitment to deal with other forms of corruption; petty, grand or political, the nominee assured the Committee that he would deal with corruption of all forms that would be inimical to the supreme national interest. He reiterated that he would deal with corruption once evidence is adduced to back it.

**(29) Response to Possible Accusations of Incompetence in the Prosecution of Cases**

In response to possible accusations of incompetence from the public if the Office of the Special Prosecutor losses cases continually, the Nominee stated that the Office of the Special Prosecutor is supposed to be a professional Office. He continued that it is only a vindictive prosecutor who expects to win every case he prosecutes. He said that you only go to court when there is a higher threshold of a good case with facts and evidence.

He stated that as a prosecutor, you have to do your best for every case and not to worry about the others. In the event that you lose a number of cases, it could only mean that the evidence presented was weak and justice would have been done any way. He said that should this happen, the Office should rather be praised for conceding defeat.

**(30) The Attorney-General's Power of *Nolle Prosequi***

As to whether the nominee shares the view that *Nolle Prosequi* should be the sole prerogative of the Attorney-General, he stated that the Attorney General had already delegated that power to some of her officers. He

added that it will be difficult if the power is not delegated for officers to seek the opinion of the AG at all times in prosecuting cases.

**(31) Article 181(5) of the Constitution on International Business or Economic Transaction**

Regarding seeking the approval of Parliament for all international business or economic transaction to which the Government is a party, the nominee stated the country had learnt lessons for non-compliance. According to the nominee, Parliamentary approval must be obtained on all international business and economic transactions before they are executed. He admonished foreign investors and their Ghanaian partners to ensure that the pronouncement of the Supreme Court on the matter is complied with henceforth.

**(32) Law on Wilfully Causing Financial Loss to the State**

Regarding his views on the law of causing financial loss to the state, the nominee stated that there were two view points on the matter, the broad and narrow interpretations. He opined that although, it was not immediately used after it was enacted by the then NDC Government. The NPP Government succeeded the NDC and utilized it. The nominee believed that the law should be maintained to serve as deterrent for public officials.

**(33) Position on Judgement Debts**

He maintained that the work of the Sole Commissioner on Judgement Debts was good but it was difficult to implement the recommendations arising out of it as they are by law equal to a High Court Judgement. According to the nominee, Commissions of inquiry is not a good medium for investigating crimes. He believed that the Attorney-General should appoint Special Prosecutors to deal with specific matters as is being done in United States of America, where Special Prosecutors are appointed to deal with particular matters of national interest.

**(34) General View on Judgement Debts**

On his general views on judgement debts, the nominee stated that the issues surrounding judgement debts are very wide and varied. He indicated that when a Court gives a judgement, it must be enforced. He stated that because there was no Commission of Inquiry Implementation

Act, recommendations of Commissions of inquiry cannot be prosecuted. As to whether he will revisit the judgement debts cases he pursued, he indicated that as Special Prosecutor, he was not going to look for cases but will wait for people to bring complaints before he acts.

**(35) Strategies to Fight Money Laundering**

On strategies to fight money laundering, the nominee mentioned the Mutual Legal Assistance as well as the collaboration with other institutions to investigate cases of money laundering as some of the strategies he will employ. He informed the Committee that while other strategies exist, he may not disclose them but indicated that he will rely on them in the fight against money laundering. He assured the Committee that all avenues will be explored to fight corruption and money laundering in the country.

**(37) Legislative Defects on the Major Mahama Trust Fund Bill**

When the Nominee was asked to state the legislative defects of the Major Mahama Trust Fund Bill as stated in one of his articles, titled "*Mr President, think long before signing the Major Mahama Trust Fund Bill*", he indicated that he was only doing his work as a constitutional defence advocate at the time and was of the view that an Act should be general and not targeted at one person for it to serve the national interest. He explained that he just persuaded the President not to assent to the Act but the President in his wisdom thought otherwise and assented to it and as a person, he does not have a problem not to be on the same page on an issue with the President.

He further informed the Committee that he did not have anything against Major Mahama and that he personally knew his family.

**(38) Article on the 7<sup>th</sup> Parliament**

The Committee inquired from the nominee why he wrote an article advising the 7<sup>th</sup> Parliament not to replicate the actions and inactions of the 6<sup>th</sup> Parliament on examination of contracts and conduct of business.

The nominee in response, told the Committee that members of Parliament are elected by the citizenry and as such the public is at liberty to criticize it. He said any effort made to deny the citizenry this right amounted to gagging.

He said as a citizen, he was advising the 7<sup>th</sup> Parliament not to replicate the 6<sup>th</sup> Parliament in the way they scrutinized international contracts/agreements brought before the House. He said he respected Parliament but that would not stop him from criticizing the institution when needed.

**(39) Interdiction of Fire Officers**

Answering a question on why he caused the interdiction of four Fire Officers including the Chief Fire Officer by name William Brown Acquaye in 2010 when he was the Interior Minister, but did not prosecute them when he became the Attorney General subsequently.

The Nominee stated that the Economic and Organised Crime Office (EOCO) was conducting investigation at the time without his knowledge and he stated his displeasure. He mentioned that the various investigation reports including that of EOCO was adverse to the four Fire Officers but there was pressure not to prosecute. He continued that he was subsequently informed by the Director Public Prosecutor (DPP) handling the docket that the Deputy Attorney General at the time had been instructed by 'somebody from above' to take over the dockets and he never saw the dockets again.

**(40) Right to Fair Trial (Article 19 of the Constitution)**

On the matter of fair trial as contained in Article 19 of the Constitution, the nominee stated that the right to a fair trial is inherent in the Constitution. He opined that a person is innocent of a crime until proven guilty. He indicated that a person accused of a crime should have at his disposal a lawyer of his choice with proper due process followed. According to the nominee, the Special Prosecutor should facilitate and not hide evidence to the benefit of the accused. As Special Prosecutor he maintained that he will not engage himself in persecution but prosecution of crimes under the Act.

**(41) Media Trials**

On the phenomenon of persons being accused of corruption and lambasted in the media even before they are ever charged officially with any offence, Mr. Amidu said "*Mr. Chairman, I don't support people being tried in the press*". He maintained that everyone is entitled to be presumed innocent until proven guilty by a court of competent jurisdiction.



He found it unfair to try people in the press because credibility once destroyed cannot be regained. He stated that his Office will protect the image of persons being investigated until there is a decision to charge them formally.

**(42) Public Accounts Committee's (PAC) Recommendations**

As to how he intends to work with the recommendations of PAC, the nominee indicated that if approved the Office will put in place structures and mechanisms to prosecute offenses using the recommendations of the PAC as the basis. He stated that based on the PAC recommendations, the Office will initiate corruption investigations and prepare dockets for the cases that would be identified. The recommendations will also form the basis for the calling of credible witnesses to give evidence to aid the prosecution.

**(43) Recommendations of Commission of Enquiry**

He stated that recommendation of Commission of Inquiry would be difficult to prosecute because, the recommendation arising thereof becomes a judgement of the High Court. He prayed that Parliament finds a way to establish rules to enable such recommendations to be used as the basis for prosecution in the courts. He recommended that instead of Government establishing Commission of Inquiries, the Attorney-General could appoint a Special Prosecutor to investigate those matters and build a docket for prosecution when wrong doings have been established.

**(44) Prosecution of the Presidents Relations**

As to whether he would be able to prosecute the relations of H. E. the President of the Republic when they commit corruption offenses, the nominee stated that he will prosecute everybody even if it is his own brother. He believed that the President of the Republic would not intercede on behalf of any of his relations when found culpable of corruption.

**(45) The 2016 Election**

When asked whether he still stands by his comment that the 2016 election would be rigged, the nominee stated that at that time, it was perceived that the election would be rigged based on an actionable

intelligence. Pressed to disclose his source of intelligence, he stated that he was not prepared to accuse anyone when that person was not in attendance to defend himself. However he believed the 2016 elections was won clean and as an activist, he ensured that counter measures were put in place to prevent any form of rigging that might have been contemplated.

**(46) An Ethics Act**

On the need for the Country to have in place legislation on ethics that would govern or regulate the use of Public Resources. The nominee agreed with the proposal. He urged Parliament to regulate the conduct of public officials by law.

**(47) Visit to Wesley Girls High School**

On an attribution of a misbehaviour to the nominee at the Wesley Girls School, Mr Martin Alamisi Burns Kaiser Amidu responded in the negative, stating that he had never been to that school in his lifetime.

**(48) Assets Declaration**

On Assets declaration, the nominee identified two schools of thought. While the first suggests that the assets of public officials should be published at the beginning and at the end of the tenure, the second believed that assets declared must be kept secret by the Auditor General. The nominee believed that the former may serve as a disincentive to individuals who wanted to serve in public office but do not want their assets to be made public.

The nominee stated that he preferred a balance, where the assets of a public official could be made public upon request to facilitate the investigation of a crime. He recommended for an expansion of the list of officials who should be made to declare their asset.

## 6.0 CONCLUSION AND RECOMMENDATION

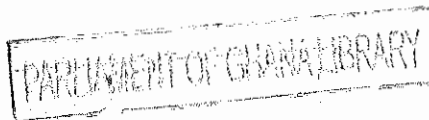
The Committee observed that given Mr. Martin Alamisi Burns Kaiser Amidu's high standard of competence, forthrightness in answering questions, independent mindedness, selflessness, solid principles and an in-depth appreciation of the task ahead backed by his onerous experience, knowledge of the law and his promise to be above political colourization, the Nominee qualifies to serve as the Special Prosecutor.

His demeanor and composure during the stretch of vetting, portrays him as being ready for the challenge ahead.

The Committee having satisfied itself that the nomination of Mr. Martin Alamisi Burns Kaiser Amidu by His Excellency the President as Special Prosecutor is in conformity with the Office of Special Prosecutor Act, 2017 (Act 959) and also persuaded that the candidate has the requisite integrity, competence, courage, determination, sense of purpose, independence of character and a mind suitable for the position accordingly, recommend by an overwhelming majority decision, the House to approve the appointment of the nominee by consensus.

The record must reflect though, that one (1) member of the Committee, Hon Suhuyini Alhassan Sayibu voted against the nominee's approval by the House.

Respectfully submitted.



A handwritten signature in black ink, consisting of a long horizontal line with a loop at the end and a smaller loop above it.

HON. JOE OSEI-OWUSU  
(FIRST DEPUTY SPEAKER,  
& CHAIRMAN  
APPOINTMENTS COMMITTEE)

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a vertical line and a small flourish at the bottom.

ASANTE AMOAKO-ATTA (MR.)  
(CLERK TO THE COMMITTEE)

20 February, 2018