

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

**SIXTEENTH REPORT OF THE APPOINTMENTS
COMMITTEE**

ON

**HIS EXCELLENCY THE PRESIDENT'S
NOMINATION OF MS CYNTHIA JANE NAA-
KOSHIE LAMPTEY AS DEPUTY SPECIAL
PROSECUTOR**

18 MAY, 2018

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

1.0 INTRODUCTION

His Excellency, the President of the Republic of Ghana, Nana Addo Dankwa Akufo-Addo exercising his due prerogative communicated to Parliament on Thursday, 26th April, 2018 the nomination of Ms. Cynthia Jane Naa-Koshie Lamptey as Deputy Special Prosecutor by the Attorney General.

This is pursuant to Section 16(2) of the Office of Special Prosecutor Act, 2017 (Act 959) which states that *"The Attorney-General shall nominate a person qualified for appointment as Deputy Special Prosecutor by the President, subject to the approval of the majority of all the Members of Parliament"*.

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 of the Committee was thereafter held on Wednesday, 16th May, 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 her Curriculum Vitae, matters relating to her eligibility, issues pertaining to the office to which she 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

Madam Cynthia Jane Naa-Koshie Lamptey was born on 15th December 1959 in Adabraka, Accra. She attended the New Era Preparatory School, Tudu from 1965 to 1966 and then to the University Primary School, Legon from 1966 to 1972, where she sat for her Common Entrance Examination in 1972. From 1971 to 1977 she attended Aburi Girls Secondary School, Aburi and obtained a G.C.E. 'O' Level Certificate. She proceeded to Mfantsiman Girls Secondary School and obtained a G.C.E. 'A' Level Certificate in 1979. She enrolled in the University of Ghana in 1980 (Workers College) and graduated with a Bachelor of Arts in Law & Sociology. She subsequently enrolled in the Ghana School of Law in 1985 and was called to the Ghana Bar in March 1988.

Madam Cynthia Lamptey worked at the Civil Defence Organisation from October 1987 to July 1988 for her National Service. She then worked at the Ministry of Justice and Attorney-General's Department in Accra and Koforidua as an Assistant State Attorney rising through the ranks to a Chief State Attorney between August 1989 and April 2015. She acted as the Director of Public Prosecutions from October 2011 to April 2015 before

being posted to the Legal Aid Board as Deputy Director from September 2015 to April 2017. She is currently the Deputy Registrar-General at the Registrar-General's Department. She is a member of the Ghana Bar Association.

Madam Cynthia Jane Lamptey has attended a number of workshops and conferences. In April 2005, she attended a conference on "Prosecuting the Child Sex Offender" in Johannesburg, South Africa. In July 2006, she attended a Training Seminar for "ECOWAS Member States on International Legal Cooperation against Terrorism in Abuja Nigeria". Madam Lamptey participated in a Conference on the Establishment of the International Criminal Court (ICC) in New York, USA and attended a Capacity Building Workshop for Prosecuting State Attorney's in Koforidua, Ghana in October 2010.

5.0 RESPONSE TO QUESTIONS

(1) NOMINATION AS A DEPUTY SPECIAL PROSECUTOR

The nominee informed the Committee that she heard of her nomination on the radio just like anyone else did. She informed the Committee that nobody sought her views prior to her nomination and that despite the mode of her nomination, she has accepted her nomination to the position of Deputy Special Prosecutor.

(2) CHOICE FOR POSITION OF DEPUTY SPECIAL PROSECUTOR BY PRESIDENT

The nominee commenting on her moral character and integrity in her previous role as Acting Deputy Public Prosecutor told the Committee that she has demonstrated high moral character and integrity throughout her professional career. She averred that, these personal attributes may

have informed the appointing authority's choice of her for the position of Deputy Special Prosecutor. She assured the Committee that, she will firmly hold on to the attributes and values that propelled her to the high office of the deputy special prosecutor.

(3) **ALLEGIANCE TO A POLITICAL PARTY**

To a question if she was of any political colouration, Madam Cynthia Lamptey, responded that she does not do politics. She opined that she is a civil servant and should be identified as such.

(4) **WORKING RELATIONSHIP WITH SPECIAL PROSECUTOR**

In a response to how she will support and cooperate with the Special Prosecutor, Mr Martin Amidu and maintain a good working relationship with him, the nominee informed the Committee that, the functions of the Deputy Special Prosecutor is clearly outlined in Section 17 of the Special Prosecutor Act (Act 959) 2017. She indicated that, she will clearly work according to the line of duties assigned to the Deputy Special Prosecutor in the Act. She explained that, she had worked with the Special Prosecutor in several capacities at the Attorney General's Department when he was the Deputy Attorney-General and also when he was Attorney-General. She explained that, Mr. Martin Amidu (Special Prosecutor) is a principled person who expects others to perform duties assigned them diligently. This working relationship has given her the opportunity to understand the work ethics of the special prosecutor which is necessary for a harmonious working relationship. She assured the Committee of her preparedness to work in accordance with the work ethics and under the instructions of the Special Prosecutor to ensure a harmonious working environment to achieve the objectives of the office.

(5) **EXPERIENCE AT ATTORNEY-GENERAL'S OFFICE AS THE ACTING DEPUTY PUBLIC PROSECUTOR IN THE FIGHT AGAINST CORRUPTION**

The nominee, Madam Cynthia Lamptey reflecting on her time as the acting Deputy Public Prosecutor at the Attorney-General's Office informed the Committee that her duties as a Deputy Public Prosecutor at the Attorney-General's Office involved handling different cases like murder, stealing, extortion, rape and fraud, which she discharged effectively. She pointed out to the Committee that the object of the Office of the Special Prosecutor is to investigate and prosecute specified cases of corruption only, as such it should be easier to focus and deliver on the mandate of the office.

(6) **ACHIEVEMENT IN THE ATTORNEY-GENERAL'S DEPARTMENT**

The nominee in response to a question on what she considers her stand-out achievement in her 29 year career as a prosecutor, cited the prosecution of two High Court Judges and a court registrar in a corruption case of which she secured the conviction of one judge and the registrar. She is of the conviction that, that case is an attestation of the fairness and integrity of the judicial system in Ghana and that the Law is not a respecter of persons. She indicated that the rich experience acquired in this process and the training as a public prosecutor would help her support the work of the office of special prosecutor to execute its mandate in fighting corruption in Ghana.

(7) **PERFORMANCE AT THE LEGAL AID BOARD**

The nominee informed the Committee that during her tenure as a Member at the Legal Aid Board, she was unable to execute any outstanding policy that improved legal Aid in the country. She told the Committee that decisions made were collective, and since that was the

first established Legal Aid Board, it struggled to make the necessary impact. She told the Committee that personnel and infrastructure challenges were the main issues that the Legal Aid Board grappled with.

(8) **ABILITY OF THE OFFICE OF THE SPECIAL PROSECUTOR TO FIGHT CORRUPTION**

In response to a question on whether the office of the Special Prosecutor will be able to effectively deal with many cases of economic graft to meet public expectations, the nominee indicated that, the office by itself will not be able to eradicate economic crimes. Madam Lamptey explained that, by dedicating total efforts to the fight against corruption and the prosecution of corrupt officials, the work of the Office would ensure that many corruption cases would be investigated and prosecuted expeditiously. She cautioned that, the establishment of the Office will by itself not eliminate corruption and other forms of financial crimes in Ghana. However, she was optimistic the intensification of investigations and prosecutions would deter public officers and other persons from engaging in economic graft and thereby reduce the incidence of corruption.

She promised to bring to bear her professional experiences in prosecuting corruption cases to ensure that the establishment of the Office of the Special Prosecutor will impact greatly on the effort to combat corruption in public service.

(9) **EQUIPPING AND RESOURCING THE SPECIAL PROSECUTOR'S OFFICE**

The nominee stated that for the Office of the Special Prosecutor to work effectively, the Office needs to be equipped with the necessary tools. She said without these logistics, the Office may face similar difficulties faced by the Attorney-General's Department

She indicated that if the Office is resourced adequately, it would be able to deliver on its mandate as expected.

(10) **POWER OF THE SPECIAL PROSECUTOR TO INVESTIGATE AND PROSECUTE**

In response as to whether the Special Prosecutor had the powers of conviction, on account of calls from certain quarters of the public for the Special Prosecutor to jail people of certain political colourisations, the nominee stated that it is the Court that is clothed with power to convict and that the end results of investigations and prosecution does not lie in her bosom. She stated that any prosecutor with a good docket and enough evidence adduced on a cases could only expect conviction.

(11) **ADJOURNMENT OF LEGAL CASES IN PROSECUTION**

On what the nominee having acted as a Deputy Director of Prosecution could offer the Committee on how to reform and transform the face of prosecution in Ghana, Madam Lamptey indicated that adjourning cases during trials, prolonged trials unnecessarily. She opined that it would be better if courts specified instances which would allow lawyers to adjourn cases. This would ensure the shortening of the duration of trials. She alluded to the fact that Plea Bargaining, which is an arrangement between the prosecutor and defendant, where a defendant pleads guilty to a lesser charge in exchange for a more lenient sentence or an agreement to drop other charges, is unspecified in the Criminal and other Offences Act, 1960 (Act 29), that notwithstanding, it is a norm in practice. She stated that the inclusion of this in the law would help transform the nature of prosecution in the country.

(12) **PROSECUTION OF CASES**

On whether the nominee belonged to the category of legal practice where you don't proceed with prosecution when you do not foresee conviction ahead as a noted assumption in criminal law, as guided by the Evidence Degree, the nominee affirmed that she would only proceed to court to prosecute when she possess enough evidence.

(13) **CHALLENGES TO EFFECTIVE PROSECUTION**

The nominee in enumerating some of the challenges to successful prosecution in Ghana, indicated that, successful prosecution hinged on strong investigations, evidence gathering, intelligence gathering and relying on testimonies of witnesses to secure conviction. She lamented the absence of proper tools and equipment to aid proper investigation and building of dockets for successful prosecutions. She advocated for proper intelligence gathering systems for the office of the Special Prosecutor to ensure water tight dockets for successful prosecution. Ms. Cynthia Naa Koshie Lamptey also advocated for the provision of infrastructure to combat emerging crimes such as internet/cybercrimes, illicit financial flows and money laundering. The nominee also advocated for the protection of the identity of informants to encourage many individuals and citizens to volunteer critical information needed for successful prosecution. She further proposed the establishment of a witness support scheme to reimburse witnesses with transportation expenses incurred in testifying for public.

(14) **VIEW ON PROPOSING REFORM IN MAKING CORRUPTION A HIGH RISK ACTIVITY**

As to whether the nominee would make corruption a high risk activity and punish it because it betrays public trust, Madam Lamptey answered in the affirmative and suggested the need to reform legislation to amend

corruption to a higher pedigree than misdemeanour, as currently is. The nominee stated that, however the most important thing for her is to curb corruption.

(15) **CORRUPTION AND STEALING AS DISTINCT CRIMINAL OFFENSES**

When Madam Cynthia Lamptey was asked whether stealing and corruption offences amounted to white colour economic crimes and same as distinct offenses under the Criminal Code, she pointed out that the two offences are different.

(16) **REGRETS CONVICTING INNOCENT PERSONS**

On if the nominee ever had any regret convicting an innocent person during the course of her service, she emphatically told the Committee that she had never experienced such a situation in her career as she does not proceed to court until she is convinced that there is sufficient evidence to convict an accused person.

(17) **COLLABORATION AND AVOIDING ROLE DUPLICATION WITH OTHER STATE INSTITUTIONS**

The nominee answering a question on how the Office of Special Prosecutor would work with other state institutions and avoid role duplication, disagreed with the suggestion that the functions of the Special Prosecutor duplicates the roles of other state agencies. She explained that, the office of the Special Prosecutor would collaborate with all state agencies including the police and the Attorney-General's office in pursuit of accountability and the fight against corruption. She indicated that each state agency had clear mandate and the role of the Special Prosecutor would not conflict with the mandates of any state agency.

Madam Cynthia Lamptey further explained that institutions like the Economic and Organised Crime Office (EOCO), Commission for Human Rights and Administrative Justice (CHRAJ), the Ghana Police Service are institutions that the Office of the Special Prosecutor must collaborate and cooperate in the fight against corruption. She also agreed that Parliament and the Auditor General are allies in the fight against corruption and that, Parliament and the Auditor General as institutions could refer cases of corruption to the Special Prosecutor.

(18) **REPORTS OF THE AUDITOR GENERAL**

On what the nominee would do with yearly reports of leakages, misappropriation and embezzlement of public funds by the Auditor-General and how her office would collaborate with the Auditor-General to prevent and punish persons recommended by the Auditor General in his reports, the nominee told the Committee that the Office of the Special Prosecutor would go through the report of the Auditor-General and prepare dockets for prosecution.

(19) **STRENGTHENING THE POLICE SERVICE AS INDEPENDENT ALLY TO FIGHT CORRUPTION**

The nominee, commenting on the need to strengthen the Police Service and enhance its independence capabilities in the fight against corruption, alluded to the fact that, police officers are public servants appointed and controlled by the government and therefore could not be said to be totally independent from state control. However she supported the proposal for a security of tenure for the Inspector General of Police (IGP) to help neutralise government control on the work of the Police Service in the fight against corruption.

(20) **REPORT OF PRESIDENTIAL COMMISSIONS**

On the difficulties of the Attorney-General's office to secure conviction for indictments in Presidential Commission Reports, the nominee indicated that the government issuance of white paper reports alone may not be sufficient to secure conviction. She indicated that, there is the need for the issues raised in the reports and government white paper reports be investigated further by the police and dockets issued for the Attorney-General to commence prosecution.

(21) **AMENDMENTS ON THE OFFICE OF THE SPECIAL PROSECUTOR'S ACT**

The nominee informed the Committee that she had only read the law as it is and therefore was unable to suggest any amendments to the Law. She however indicated that the need for amendments to any law usually comes up during its implementation.

She assured the Committee that during the implementation of the law, if it becomes necessary and there is the need for amendments, she would put across proposals to that effect.

(22) **REVIEW OF ASSET DECLARATION REGIME**

On a review of Asset Declarations to reflect accountability of public officers, the nominee affirmed her support for a reviewed asset declaration regime in Ghana as a check against corruption. She intimated that an asset declaration would generate the spectre of people's income being commensurate with their expenditure.

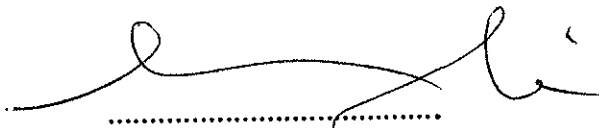
On declaration of her assets, the nominee opined that, she has never been required to declare her assets as a public officer but would be required to do so under the new dispensation when given the nod as the Deputy Special Prosecutor.

6.0 CONCLUSION AND RECOMMENDATION

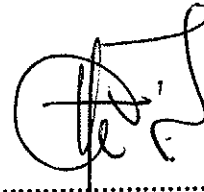
The Committee was satisfied that the nominee, Ms. Cynthia Jane Naa-Koshie Lamptey answered questions truthfully with forthrightness and a calm disposition.

The Committee is satisfied with her nomination as Deputy Special Prosecutor and that her nomination is in conformity with the office of the Special Prosecutor's Act 2017 (Act 959). Accordingly, the Committee recommends to the House to approve by consensus the appointment of the nominee.

Respectfully submitted.



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



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

18 May, 2018