

August 12, 1991

Ghana

Government Denies Existence of Political Prisoners

Minister Says Detainees "Safer" in Custody

Introduction

Ghana's ruling Provisional National Defence Council (PNDC), chaired by Flt. Lt. Jerry Rawlings, has claimed -- for the third time in as many years -- that Ghana has no political prisoners. In a radio interview on May 31, Secretary for Foreign Affairs Obed Asamoah, argued that some detainees -- whom he characterized as "subversives" -- are being kept in custody for their own good. He added that if they were brought to trial, they would be convicted and executed.

The first claim is deliberately misleading. Africa Watch knows of the existence of a number of detainees incarcerated in Ghana, though it is difficult to estimate the exact number in the light of government denials. One group -- of ten detainees -- was moved to different prisons on the same day -- January 14, 1991. One member of this group is known to have been held without charge or trial since November 1982. Their detentions have never been officially explained. The minister's argument that detainees are better protected in custody amounts to a manifest presumption of guilt, and makes it unlikely that any detainee in Ghana can now receive a fair trial.

The government's denial is also contradicted by the publication on May 30 of a list of 76 "political prisoners and other detainees" by the opposition Movement for Freedom and Justice (MFJ). According to the MFJ's information at the time, none of the 76 had been charged or tried. The PNDC Secretary for the Interior, Nana Akuoku Sarpong, has characterized the list as a mixture of "lies and half truths," calculated to discredit the government.

A disturbing feature of the government's current attitude towards opposition, both before and since the publication of the MFJ's list of detainees, is the attempt to link its critics with subversion and terrorism. Both the Secretary for the Interior and Flt.Lt. Rawlings himself have recently made such accusations, in public speeches and in the state-owned media. Opponents of the government believe that this campaign is designed to prepare the ground for a possible new wave of detentions in the run-up to the Non-Aligned Movement (NAM) summit scheduled to be held in Accra in September.

PNDC Laws "Justify" Indefinite Detention

Under PNDC Law 4, the Council has the power to detain any person indefinitely, so long as the Council believes it is "in the interest of national security or the safety of the person to do so." Under an August 1984 amendment to the 1964 Habeas Corpus Act (PNDC Law 91), the courts may no longer inquire into such cases of "administrative" or "preventive detention." Under Law 4, the PNDC can oblige anyone released from preventive custody to notify the police of any plans to travel outside Ghana, and also of "such matters as the Commissioner of Police may reasonably specify."

The Quashigah Case

So unwilling is the government to tolerate dissent that those currently in detention without charge or trial include **Maj. Courage Quashigah**, one of the most respected soldiers in the Ghana Armed Forces and, until his arrest, a pillar of support for the government. The government alleges -- although he has not been charged with the offence -- that Maj. Quashigah and others plotted to assassinate Flt.Lt. Rawlings. The PNDC chairman had been due to address a public meeting in Ho, in the Volta Region, on September 23, 1989, but he canceled the engagement.

Maj. Quashigah is a former Chief Operations Officer at PNDC headquarters, and a former commander of the Military Police. On May 19, 1983, he led loyal troops to recapture the national radio station during an abortive coup attempt. One of Maj. Quashigah's fellow detainees, **Flt.Lt. W.K.Domie**, died soon after his detention in mysterious circumstances; according to the official version of his death, he had committed suicide in his cell.

Significantly, the Defence Ministry statement of October 6, 1989, which first publicized the arrests two weeks after they had occurred, described the five named detainees as being "among those arrested and being kept in custody" -- making it clear that the government was unwilling to acknowledge exactly how many people it had detained in connection with the alleged plot.

Maj. Quashigah was actually arrested on September 26, 1989 with at least four others -- **Squadron-Leader Edward Akakpo, Abdulai Yusif Mohamed, Flt.Lt. Domie and Kwabena Donkor** -- for "their alleged involvement in activities which could have compromised the security of the state." The Ministry of Defence said that a four-man military Board of Inquiry had been set

up to investigate the alleged plot. On November 10, 1989, a summary of the Board's findings -- published in the state-owned press -- reported that Flt.Lt Domie had used his own clothing to hang himself in his cell. Fears have since been expressed for the safety of the remaining detainees. On October 10, 1989, according to the state-owned *People's Daily Graphic* newspaper, guards at the Bureau of National Investigations (BNI) foiled an escape attempt. Maj. Quashigah pleaded for forgiveness, according to the paper.

The publication of a summary of the Board's findings -- rather than the full report -- is in itself an abuse of due process. The suspects in the affair stand accused in the state-controlled press of planning to assassinate the Head of State. Whether they are eventually to be tried under civil or military law, their right to a fair trial has already been compromised by the publication of a detailed official version of events. According to some sources, the Board's full report fails to reach a conclusion as definitive as that contained in the summary, because only two of the suspects admitted to taking part in a conspiracy. One of them -- Flt.Lt. Domie -- is now dead, leaving the authorities insufficient grounds on which to mount a prosecution.

In January 1990, another group of five people was reported to have been detained in connection with the Quashigah affair. Of this second group, **Chris Amematey**, a BNI officer, is still believed to be detained without charge.

These events generated considerable tension within the armed forces, where Maj. Quashigah still has a following. Nevertheless, there continues to be near-total official silence about the reasons for the continued detention of the suspects. The case was however given prominence in the announcement of a June 4, 1990 amnesty for prisoners, which specified that the amnesty did *not* cover "a group of persons arrested in September [1989] and January [1990] in connection with subversive activities."

Government efforts to brand Maj. Quashigah and his co-accused as "subversives" have failed to convince many Ghanaians. It is believed in Ghana that following his role in the 1983 coup attempt, Flt.Lt. Rawlings had come to regard Maj. Quashigah as a personal political threat. Whatever the true reasons for the detention of Maj. Quashigah and his colleagues for nearly two years, it is widely believed that they are in custody solely for expressing the view that the PNDC should leave the political arena.

Maj. Quashigah is known to be detained with Squadron Leader Edward Akakpo, **Joy Cudjoe and Simon Sablah** of the Commandos, Abdulai Yusif Mohamed of the Armed Forces Reserve Battalion and Chris Amematey. Sablah and Cudjoe are thought to be held in Nsawam Prison, and the other four at BNI headquarters. It is possible that the government is unwilling to resolve their cases in the courts because Flt.Lt. Rawlings and Maj. Quashigah are related. This may explain, in part, the government's perceived reluctance to bring the case to court after nearly two years. However if Maj. Quashigah is tried and is *not* sentenced to death, as many others found guilty of treason or subversion have been in the past, the government also runs the risk of being

accused of tribalism.

Given the politically sensitive nature of this case, it appears that the PNDC is prepared for these six detainees -- and any other suspects -- to remain in detention indefinitely. Africa Watch is calling on the Ghana government to charge these men if there is any evidence of wrongdoing; to bring them to court without further delay; and to ensure that they are given a fair trial. Otherwise, they should be released immediately and unconditionally.

Other Detainees and Political Prisoners

Africa Watch is also concerned about the fate of ten other detainees, who the government has never acknowledged as being in detention. Their names do not appear in the MFJ's list of 76 detainees. The ten -- nine civilians and one soldier -- were dispersed to different places of detention around Ghana on the same day -- January 14, 1991.

One member of this group -- Ras Seth Djamah Tei, a businessman detained in 1989 -- is known to be seriously ill. On January 14, Tei was moved to Nsawam prison. But since March 26 this year, Mr. Tei has been undergoing treatment at Korle Bu Teaching Hospital in Accra for heart disease, chest pains and hypertension, among other ailments. He is also known to suffer from dizzy spells as a result of swings in his blood pressure, and was readmitted to the hospital on June 6. Despite his condition, Mr. Tei lies chained to his hospital bed.

Another member of this group, Bombardier Mustapha Mohamed, who was moved to Koforidua prison earlier this year, is known to have been in detention since November 1982, after testifying for the prosecution at a subversion trial, following an abortive coup attempt that month. He was not released after giving his evidence.

Africa Watch is publishing all ten names in the hope that this will elicit further information about the circumstances of their detention. They are:

- 1. Galley Sackey** (Ho Prison).
- 2. James Zogah Lamotzo** (Ho Prison).
- 3. Samuel Abrokwa** (Anomabu Prison)
- 4. Abubakari Alhassan** (Anomabu Prison).
- 5. Ras Seth Djamah Tei** (Nsawam Prison)
- 6. Abdan Abaloo** (Nsawam Prison).
- 7. Bombardier Mustapha Mohamed** (Koforidua Prison).
- 8. P.Y.Kumordjie** (Akuse Prison).
- 9. Christian Attachey** (Kpandu Prison).
- 10. Kofi Dzomeku** (Sekondi Prison).

Long-Term Detainees

In addition to those whose names are highlighted above, Africa Watch is particularly concerned about detainees who have been in detention for almost all of the time that the PNDC has been in power. They include:

- * **Jacob Yidana**, the former Deputy Superintendent of Police. His investigations in 1982 led the Special Investigations Board which inquired into the abduction and murder of three judges and a retired army officer to recommend the prosecution of Capt.(ret'd) Kojo Tsikata, who is now the PNDC member for security and foreign affairs.¹ Yidana was sentenced to eight years with hard labor by a Public Tribunal in 1983, and is believed to be in the annex block at Nsawam Prison. The authorities allege that he was harboring a fugitive from justice. But it appears that the real reason for his imprisonment was his role in investigating the judges' murders. Prisoners usually serve two-thirds of their sentences, so Yidana would normally have been released in 1989. Yidana is known to be losing his eyesight, although it is not clear whether this is a direct result of his incarceration.
- * **Private Sam Twumhene**, is currently in Nsawam Prison following his arrest in 1983 on suspicion of involvement in a plot to overthrow the PNDC. He is in detention without charge under PNDC Law 4.
- * **Corporal Rexford Ohemeng**, was arrested in 1983 on suspicion of involvement in a coup attempt, and is detained without charge under PNDC Law 4 in Nsawam prison.
- * **Lance Corporal Moses Harley**, currently in Kpandu Prison, has been in detention without charge under PNDC Law 4 since 1985. He testified for the prosecution in a subversion case, and is reported to have suffered torture.

The PNDC's Amnesty Offer

The possibility that a recently announced amnesty for political exiles could be used as a pretext to arrest the government's most-wanted opponents cannot be ruled out. The amnesty, the latest in a series of measures officially aimed at promoting national reconciliation, was announced in Kumasi on June 19 by the Secretary for the Interior. Apprehensions about the potential abuse of the amnesty are heightened by the case of Colonel T.T. Kutin, Transport Minister under a previous military regime and a former air force officer. In 1985, he responded to a similar offer and returned

¹ See *News from Africa Watch, Lawyers Detained for Commemorating Judges' Murder, July 14, 1989, p3.*

home. He was immediately detained under PNDC Law 4 and released under a government amnesty on June 4, 1990, after five years in detention.

The government's latest amnesty offer is accompanied by an invitation to anyone who thinks their friends or relatives may have been unjustly detained to write to the government seeking redress. This has been seen as a tacit admission that there might be political prisoners or victims of arbitrary arrest in detention of whom the government is not aware. But the invitation could also have more sinister implications for some detainees. Given the general lack of publicity surrounding detentions under the PNDC, to express concern that a friend or relative is in jail for political reasons could lead to their being officially charged with a political offence, even if that is not the reason why they were originally arrested.

A further reason for a cautious response to the amnesty offer is the experience of K.A.A. Brempong, who was finally freed after four years in detention under a government amnesty on June 4, 1990. Brempong's release had previously been announced under an amnesty in February 1987, but he was not in fact released.

On July 2, the Secretary for the Interior modified his June 19 offer by stating that only those who have been convicted by a court or a public tribunal, together with anyone declared wanted by the police for a criminal offence, would be excluded. These modifications still allow room for possible abuse. The legislative instrument granting the amnesty -- as announced in an official statement -- does not prevent anyone from being declared wanted after returning from exile. In addition, the standards applied in cases heard in the public tribunal system fall well below internationally-recognized standards.²

The PNDC's Position on Detainees

Reacting twelve days later to the MFJ's list of "detainees and political prisoners," Interior Secretary Nana Sarpong told the press on June 11 that there are no political prisoners in Ghana, and that the only military personnel in detention are those who have testified during trial to participating in "subversive" activities for which others have been punished. Both statements are inaccurate. Major Quashigah and his fellow detainees have never been charged or tried, and have therefore never had a chance to answer the accusations levelled against them. Nana Sarpong claimed that 28 of those named by the MFJ as "political detainees" are being held on "purely criminal" charges, such as drug trafficking, fraud and kidnapping. In fact he misrepresented the MFJ's claim. The Movement made it clear when it published the list that it includes both "detainees" and "political prisoners." And the fact that according to Nana Sarpong the 28 face criminal charges does not excuse the length of time it has taken to bring some of their cases to court.

² See *News from Africa Watch*, *Lawyers Detained for Commemorating Judges' Murder*, July 14, 1989, pp 4-5.

The Secretary for the Interior also criticized the list because it contains the names of six military personnel who were in detention, but have since been freed. In fact, Nana Sarpong's published explanations so far cover just 22 detainees -- less than one-third -- of the number believed by the MFJ to be in detention. Four of those he singles out, as reported by the state-controlled Ghana News Agency on June 12, do not even feature on the MFJ's list. Nana Sarpong thus failed to confirm if the remaining 58 people listed are actually in detention, and if so on what grounds. The preponderance of military personnel on the list is an indication of the government's perception of the source of the main threat to its security. But opposition to PNDC policies has also been expressed by a number of former senior civilian officials, many of whom are in exile as a result.

The NAM Summit

Fears of a crackdown by the PNDC in the run-up to the NAM summit, using the powers of PNDC Law 4 to detain members of the opposition indefinitely, have been heightened by an ongoing campaign in the state-controlled media. MFJ Deputy National Secretary, Kwesi Pratt, was accused in the *People's Daily Graphic* on April 29 of discussing "ways of supplying the leaders and agents of the group with weapons...as well as plans for disrupting the non-aligned ministerial conference." A wide spectrum of opponents of the PNDC are accused in the same article of planning to "incite workers, teachers and Kumasi traders...to cause violent unrest."

On June 4 -- the twelfth anniversary of Flt.Lt. Rawlings' first seizure of power -- he flew back to Accra during the Organization of African Unity summit being held in Nigeria, to warn that he would exact "a heavy price" from those individuals and groups who advocate a violent road to Ghana's political future. Although the MFJ is a non-violent movement, formed in 1990 in response to the PNDC's decision to hold a nationwide debate on Ghana's political future, opponents of the PNDC fear that Flt.Lt. Rawlings' warning will be used as a pretext to detain them. They point out that these attacks in the media closely echo the pattern of events in 1987, when eight prominent opponents of the PNDC were detained without charge for between 18 months and two years.³

³ See *News from Africa Watch*, *Lawyers Detained for Commemorating Judges' Murder*, July 14, 1989, pp 7-8

Recommendations for Action

Africa Watch is urging the Ghana government:

- * to publish a complete list of all those being held in detention without charge;
- * to speed up investigations into the cases of all detainees in the country;
- * to charge and bring to trial without delay all detainees suspected of a criminal or political offence;
- * to ensure in the meantime that all detainees have access to family members, a doctor and legal counsel of their own choosing;
- * to allow an independent judicial inquiry into the circumstances of the death of Flt.Lt. Domie in 1989;
- * to publish in full the investigative report prepared by Jacob Yidana into the murder of three judges and a retired army officer in June 1982.

We encourage individuals and institutions to write to the following officials, calling on the authorities to release all political detainees in Ghana immediately and unconditionally unless they are to be charged with a recognizable criminal offence and given a fair trial.

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Chairman
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Nana Akuoku Sarpong
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Mr. K.B. Asante
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Capt.(retd) Kojo Tsikata
PNDC member for Security and Foreign
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The Castle, Osu
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- * **Ghana:** Official Attacks on Religious Freedom, May 18

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