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GHANA

Releases of political prisoners and new arrests

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Between March and October 1992 the government of Ghana released most of its political prisoners, including several prisoners of conscience. In September 1992 repressive legislation providing for indefinite administrative detention without charge or trial was replaced with a 14-day detention law. Amnesty International welcomes the releases and the repeal of repressive laws under which hundreds have been detained in the last decade. However, it is concerned at the further detention of possible prisoners of conscience in November and December 1992 and that the new detention law still allows prisoners of conscience and others to be detained without recourse to the courts.

Under pressure both within Ghana and internationally, the Provisional National Defence Council (PNDC), the military government which has ruled Ghana under Flight-Lieutenant J.J. Rawlings since a coup in 1981, initiated a return to constitutional rule to be completed by early 1993. In April a new Constitution was approved by national referendum, despite controversy over provisions granting immunity from prosecution to all PNDC members and appointees for their actions while in power. In May the ban on political parties was lifted. On 3 November 1992, in the first multi-party elections since 1979, the PNDC Chairman, Flight-Lieutenant (Retd) J.J. Rawlings, who had been head of state since 1981 and who retired from the armed forces to stand for election, was elected

President. Opposition parties accused the government of electoral malpractices and vote-rigging, and threatened to boycott the parliamentary elections in late December 1992.

Recent detentions

In the weeks following the elections, several bomb attacks damaged government buildings in the capital, Accra, and in Tema. The Bureau of National Investigation (BNI), the security police, arrested several people suspected of involvement in the bomb attacks or who had connections with exile Alhaji Tahiru Bambali Damba, who had previously been detained without charge or trial for two years from December 1984 on suspicion of plotting to overthrow the government. On about 15 November 1992 seven of his relatives were detained: his three wives, his son, **Hada Damba**, his brother, **Musah Damba** and his brother's wife, and his brother-in-law. All were reportedly released by December 1992 except for Musah Damba, who apparently escaped and fled into exile, and Hada Damba, who was reported to have been brought before a Public Tribunal on 7 December 1992 although details of any charges are not known. At least 13 soldiers and former soldiers, including members of the élite Forces Reserve Battalion (commandos), were also detained at about this time.

On 25 November 1992 opposition leader **Johnny Hansen** was detained, apparently for having been in contact with Alhaji Damba. A former Secretary (government minister) of the Interior from 1982 to 1983, he is a lawyer aged in his 50s and a leading member of the opposition *People's Heritage Party*. He was previously detained without charge or trial in 1975 on suspicion of conspiring against the government. He has apparently denied any involvement in the explosions. A week earlier the current Secretary of the Interior had said that dismissed military personnel and opposition leaders were plotting to destabilize the government's programme for the transition to constitutional rule. Johnny Hansen is believed to be held, incommunicado, at the BNI headquarters in Accra where former detainees have been tortured or severely beaten at the time of their arrest.

Kwesi Pratt, journalist and former prisoner of conscience, and Professor Adu Boahen, leader of the opposition *New Patriotic Party* (NPP) – both leading members of the *Movement for Freedom and Justice*, a human rights organization – were both questioned by the BNI in early December 1992 about meetings with Alhaji Damba. Over the weekend of 5 and 6 December 1992 more than 35 people in the Ashanti Region, an opposition stronghold, were detained in Kumasi and Obuasi. They included at least 15 leading NPP members and supporters, one of whom, **Nana Yaw Boakye**, is aged in his 70s. The reason for their arrest was not known.

Releases of political prisoners

Over 70 detainees and political prisoners, including at least 37 political detainees, have been released during 1992. Most had been detained without charge or trial under administrative detention orders, some on suspicion of involvement in criminal offences. At least half, and possibly more, had been held since the mid-1980s on suspicion of involvement in real or alleged conspiracies against the government. Some had been tortured or severely beaten at the time of their arrest and many were held in harsh conditions.

In a report published in December 1991, *Ghana: Political Imprisonment and the Death Penalty*, Amnesty International called for the immediate and unconditional release of all prisoners of conscience and for an independent judicial review of the cases of all other political prisoners, with a view to releasing those who were not to be charged promptly and brought to trial on recognizably criminal charges. It also called for the immediate repeal of all legislation allowing unlimited administrative detention without any safeguards – that is, arbitrary detention – in particular the Preventive Custody Law and the 1984 Habeas Corpus (Amendment) Law, and expressed concern about the Public Tribunal system.

The government announced the release of the first 17 prisoners on 20 March 1992. They included at least 15 political prisoners: 14 detainees and one serving a prison sentence.

Prisoner of conscience **Major Courage Quarshigah** had been detained without charge or trial since September 1989, accused of being involved in a plot to overthrow the government, although the authorities failed to provide any evidence to substantiate the accusation. **Jacob Jabuni Yidana**, a former Chief Superintendent of Police sentenced to eight years' imprisonment for his alleged involvement in a coup attempt in November 1982, had been held beyond the end of his prison sentence under an administrative detention order, which strongly suggested that the reason for his continued detention was political. **Andrew Kwame Pianim**, an economist and businessman, had served almost half of an 18-year prison sentence imposed in August 1983 for his alleged support for the November 1982 coup attempt, following a trial which Amnesty International considered to be unfair. **Bombardier Mustapha Mohamed**, also suspected of involvement in the same conspiracy, had been held without charge or trial since December 1982.

A further 22 political detainees were among some 60 untried detainees quietly released, without announcement, mostly in April and May 1992. With little information available about the reasons for their detention, it has been difficult to determine how many had been held for political reasons. Among those released in April and May were prisoners of conscience **Edward Akakpo**, **Joy Cudjoe** and **Simon Sablah**, who were arrested in September 1989 in connection with the same alleged coup attempt as Major Courage Quarshigah and held without charge or trial. Also released were long-term political

detainees held on suspicion of involvement in real or imagined conspiracies against the government. They included **Corporal Moses Harley**, a nurse at the Military Hospital in Accra, who was allegedly tortured following his arrest in October 1985.

Apart from announcing the release of the 17 political prisoners in March 1992, the government has not made public any information about the further releases of untried detainees. **Paul Adiga Akora**, had apparently been released in September 1991, although Amnesty International had been told by government officials that he had been released prior to April 1991. **Kwesi Armah**, a lawyer and former government minister who was detained on 25 October 1991 in connection with an allegedly libellous report in the *Christian Chronicle* newspaper, was released uncharged from the police hospital in Accra on 5 April 1992. **Corporal Thomas Kojo Benefo**, held since 1986 in connection with an alleged conspiracy to overthrow the government, was reportedly released at the beginning of October 1992.

Convicted political prisoners

All of those released since March 1992, with the exception of Andrew Kwame Pianim, were detained without charge or trial under administrative detention orders. However, seven other political prisoners, convicted in connection with alleged subversion and conspiracies to overthrow the government, are still serving prison sentences. They were all tried by Public Tribunals.

The new Constitution, which comes into force in 1993, abolishes the National Public Tribunal, the highest court in the Public Tribunal system. Public Tribunals are special courts created in 1982 by the PNDC which are not independent of the executive and whose procedures do not guarantee a fair trial. The new Constitution gives a right of appeal from lower Public Tribunals to the higher courts in the ordinary court system. Public Tribunal chairmen are to have the same qualifications as High Court judges and the judiciary is given the main responsibility for their appointment.

Also still held is prisoner of conscience **George Naykene**, editor of the *Christian Chronicle*, who was sentenced to 18 months' imprisonment for libel on 14 April 1992 by the Accra Circuit Court. He had published a letter in the *Christian Chronicle* which alleged that all members of the former Armed Forces Ruling Council (AFRC) – the military government headed by Flight-Lieutenant J.J. Rawlings from June to September 1979 following a coup – had profited from an illegal foreign loan. The court ruled that he had not proved that *all* AFRC members had profited from the loan, although the evidence showed that some members indeed had.

Repressive legislation

The majority of political prisoners detained in Ghana over the past 10 years were not charged with any offence or brought to trial at all, but were held under repressive legislation which allowed arbitrary and unjust administrative detention. On 3 October 1992 the Ghanaian government announced that it had repealed these laws with effect from 30 September: the **Preventive Custody Law**, PNDC Law 4 of 1982 and the **Habeas Corpus (Amendment) Law**, PNDC Law 91 of 1984. The Preventive Custody Law empowered the PNDC to authorize the indefinite and incommunicado detention without trial of any person suspected of threatening the security of the state. The Habeas Corpus (Amendment) Law effectively removed the essential legal safeguard, granted by the 1964 Habeas Corpus Act, of allowing cases of administrative detention to be challenged in the courts.

These laws were replaced by the **Public Order (No. 2) Law**, a supplement to the 1972 Law on Maintenance of Public Law and Order. This new law allows the Secretary of the Interior to order 14 days' administrative detention without charge or trial of any person whose actions are likely, among other things, to foment ethnic conflict or violence. The law specifies that detainees should be informed of the grounds for their detention within 48 hours of their arrest, and that the names of those detained and the grounds for their detention should be published in the weekly government gazette. After 14 days any continuation of the detention must be reviewed by a panel of three Supreme Court judges which may approve the detainee's remand in custody for further investigation.