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GHANA

Political imprisonment and the death penalty

1. Introduction

Political imprisonment and detention without trial continue to be used to silence critics and opponents of the government in Ghana almost 10 years after it took power in December 1981. On 17 June 1991 the Secretary (minister) for the Interior, Nana Akuoko Sarpong, denied that there were any political prisoners in Ghana. A few days earlier he had said that the military authorities were detaining some members of the armed forces "for infringing the military code and for subversion". The only military personnel imprisoned since 1983 had testified as witnesses in political trials, he said, and no decision had yet been reached whether to try or release them. However, despite recent steps to restore constitutional rule

and move towards multi-party democracy, the Ghanaian government has continued to hold political prisoners, including both prisoners of conscience and others apparently suspected of conspiring to overthrow the government. Most have not been charged or tried or otherwise allowed to contest the accusations against them.

In 1983 Amnesty International representatives visited Ghana on two occasions to undertake research and meet government officials. After being refused permission to visit Ghana in 1989, Amnesty International representatives visited the country in April 1991, this time at the invitation of the government, to talk to government officials and to collect information. Although the Ghanaian authorities gave general assurances that forthcoming constitutional changes and moves towards a multi-party political system would soon "resolve" the problems of detention without trial and the use of the death penalty, they divulged little detailed information about either of these issues.

There have been several recent detentions of prisoners of conscience in Ghana of concern to Amnesty International. Some of those detained have been charged by the police and accusations made against them in the government-owned press, but none has been prosecuted, apparently for lack of evidence. In mid-November 1991, **Kwesi Armah**, 62-year-old lawyer and a former government minister, was still detained without charge or trial, incommunicado, following his arrest on 25 October 1991. **Nana Okutwer Bekoe**, a leading member of the ruling party during the short-lived Third Republic from September 1979 to December 1981, the People's National Party (PNP), was also detained but released a few days later, apparently on health grounds. They had both served long prison

terms after being convicted in 1982 of illegally obtaining a foreign loan for the PNP, Kwesi Armah being released in 1989. Their arrest in October 1991 was believed to be in connection with an article in the *Christian Chronicle* newspaper that allegedly criticized members of the government. Reports suggested that **George Maykene**, editor of the *Christian Chronicle*, had also been detained.

Other recent detainees include **B.B.D. Asamoah**, a former government official and prisoner of conscience in 1988, who was arrested on 10 May 1991 after distributing a leaflet in Accra which called for the resignation of the government. He was detained without charge until July 1991 when he was released on bail, apparently on charges of sedition and illegal possession of a firearm. On 25 May 1991 the authorities detained two leading members of the opposition Movement for Freedom and Justice (MFJ) - **Augustus Owusu-Gyimah** and former prisoner of conscience **Kwesi Pratt** - after they put up anti-government posters in Accra. Kwesi Pratt was reportedly beaten at the time of his arrest and later at police headquarters. They were released two days later, having been charged with possessing seditious documents and assaulting a police officer. On 14 August 1991 another MFJ activist, **Alhaji Ottman Danfordio**, was reportedly detained and beaten by plain-clothed men who took him to Osu Castle, the seat of government in Accra, where he was allegedly beaten and had his head shaved with a broken bottle by soldiers before being released uncharged.

Ghanaians returning from abroad have sometimes been detained, apparently on suspicion of involvement with dissident groups abroad.

Richmond Aggrey, a businessman with dual Ghanaian and American nationality, was arrested in May 1990 on his return to Ghana from the United States of America, and was detained incommunicado. The reason for his detention was not revealed but it has been alleged that wealthy detainees have sometimes been forced to pay a ransom for their release in such situations. He was denied all visits for almost a year, until April 1991 when his wife was allowed to see him but he was still refused access to his lawyers. He was finally released, uncharged, in October 1991.

Major Courage Quarshigah and at least five other army and security officers have been detained without charge or trial since their arrests in September 1989 and January 1990. The authorities claim there is evidence that Major Quarshigah and others were involved in a conspiracy to overthrow the government, but the detainees have nevertheless not been brought to trial. It appears that Major Quarshigah, a popular army officer, was seen by the government as a political threat; he apparently advocated a return to civilian rule. Amnesty International considers him and others detained with him to be prisoners of conscience (see page 39 below).

Agnes Quicoo, the mother of a security police officer who was detained in connection with the same affair but who escaped from detention in May 1990, has reportedly been detained without charge or trial since June 1990, apparently solely on account of her relationship to her son; in effect, she appears to be imprisoned as a

hostage. She has been held incommunicado -members of her family and elders from her village have been refused access to her - and is believed to be suffering health problems.

His continued administrative detention after the completion of a prison sentence strongly suggests that the motive for the imprisonment of **Jacob Jabuni Yidana** is indeed political and that he is a prisoner of conscience. A former Chief Superintendant of Police, he was sentenced to eight years' imprisonment for his alleged involvement in a coup attempt in November 1982, and transferred to administrative detention in July 1988. This prevented his release on parole at that time. Nor was he released at the end of his sentence in 1991. It has been alleged that his trial was unfair and that the real reason for his conviction was that he led an investigation into the murder of three judges and a retired army officer in June 1982 which implicated members of the government. These murders have remained a sensitive issue: in June 1989 the President and Secretary of the Ghana Bar Association at the time - **Peter Adjetey** and **Nutifafa Kuenyehia** - were detained without charge for over two weeks after attempting to hold seminars commemorating the 1982 murders.

Hundreds of political prisoners have been imprisoned and detained over the past 10 years. Flight-Lieutenant Jerry John Rawlings, the head of state, first seized power in a coup on 4 June 1979 and, after handing over to a civilian government a few months later, again led a military take-over on 31 December 1981.

Chairman of the ruling Provisional National Defence Council (PNDC), he and Captain (Retired) Kojo Tsikata, PNDC member responsible for National Security and Foreign Affairs, apparently authorize all political detentions. The 1979 Constitution was suspended following the 1981 coup but, after internal and international pressure for political reform, the PNDC has recently taken steps towards a return to constitutional rule, promising presidential and parliamentary elections in 1992. However, key repressive provisions - such as the laws allowing arbitrary detention - have not been repealed, and the authorities continue to harass political opposition.

Between 1983 and 1986, at least 90 people were charged and tried in political cases, of whom 50 were sentenced to death and at least 23 executed (see Appendix A below). For the most part they were charged in connection with unsuccessful coup attempts and alleged conspiracies to overthrow the government. More than half of the accused were tried in their absence. Courts known as Public Tribunals heard nearly all the cases. These are special courts created in 1982 which are not independent of the government and whose proceedings do not conform to international standards for fair trial.

The majority of political prisoners, however, have been kept in detention without the benefit of a trial and without ever being charged, most being released after weeks or months but some being held for many years. They have often been publicly accused of some

form of subversion, but many appear in fact to have been held solely because of the non-violent expression of their political beliefs or because they have displeased the government in some way. Many have been detained incommunicado - denied access to families, lawyers and appropriate medical care for long periods - and effectively secretly in some cases, there being no obligation on the authorities to provide information about their detention. Appeals to the authorities for access or for detainees to be brought to trial or released, made by both detainees themselves, their families and human rights organizations, have often been ignored. Some detainees, particularly those arrested and accused of subversion in the early and mid-1980s, were reportedly tortured or ill-treated.

Some 50 political detainees are believed to be held at the moment, many of them members of the armed forces detained since the first half of the 1980s, but the exact figure could be higher since it is difficult to clarify exactly who is in detention (some of those reportedly still held are listed in Appendix B below). In addition to these political prisoners, uncharged detainees suspected of ordinary criminal offences are also held by the Bureau of National Investigation (BNI), the security police. When the opposition MFJ published a list of 76 political prisoners and other detainees in May 1991, the government accounted for 22 - six had been released uncharged, nine were detained without charge on suspicion of committing criminal offences, three had been charged and released pending trial and four were detained without charge by the military - but provided no information about the others. However, so long as criminal suspects

are detained by the BNI - incommunicado and outside the framework of the law - and so long as the government does not publish information about arrests and releases of administrative detainees, there will remain room for confusion about the reasons for a particular detention or whether individual detainees are still held or not.

The Preventive Custody Law, PNDC Law 4 of 1982, provides the PNDC with unlimited powers of administrative detention - that is, imprisonment without charge or trial and without the prisoner ever appearing before a court or any other tribunal - "in the interest of national security". The law provides for no regular judicial review of detentions, and the right of *habeas corpus* - the right to challenge detention in the courts by special writ - was removed in 1984 for those held under the Preventive Custody Law. In such circumstances, detention can be arbitrary and constitute a violation of Article 9 of the Universal Declaration of Human Rights which states: "No one shall be subjected to arbitrary arrest, detention or exile."

The authorities have frequently claimed that it is better for political detainees if they are not brought to trial, since they would risk the death penalty in court. Indeed, Ghana has had a high rate of executions in the last 10 years, more than 260 people having been sentenced to death and over 90 executed since 1982, at least 23 of them for political offences (see Appendix C below). Most death sentences are passed by the Public Tribunals, which may impose the death penalty for offences specified as capital offences by the PNDC, including many not previously punishable by death or offences under

law. Apart from murder and treason, already capital offences, these include armed robbery, "sabotage of the economy", corruption by senior government and judicial officials, and a number of other offences such as smuggling of certain products. Although most death sentences passed and carried out in recent years have been for murder and armed robbery, executions for fraud and smuggling did take place in the first half of the 1980s.

With little information available about the reasons for most detentions, Amnesty International is unable to determine the number of detainees who are prisoners of conscience imprisoned for the non-violent expression of their political beliefs. However, it appears that in many cases, prisoners have been detained solely for criticizing the government or on suspicion of opposing the government. Amnesty International is therefore appealing 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 are not to be charged promptly and brought to trial on recognizably criminal charges. In Amnesty International's view, Ghana's political prisoners include all those who have been detained or imprisoned for political reasons or for allegedly committing politically-motivated offences, including subversion or any other offences against the security of the state.

Amnesty International is also calling for the immediate repeal of all legislation which allows unlimited administrative detention without any safeguards - that is, arbitrary detention - in particular the 1982

Preventive Custody Law, PNDC Law 4, and the 1984 Habeas Corpus (Amendment) Law, PNDC Law 91. Amnesty International is also appealing for an end to the use of the death penalty and, as a step towards its total abolition, a reduction in the number of capital offences.

The following chapters describe Amnesty International's concerns in Ghana in more detail.

2. Political imprisonment - convicted political prisoners

The relatively small number of convicted political prisoners - those who have been formally tried and sentenced in court - have been tried by special courts which were established to overcome perceived failings in the High Court system inherited from the period of British colonial rule. In particular, the government claimed that judges and lawyers were corrupt, that convictions were hampered by legal technicalities and lengthy appeals, and that "natural justice" did not prevail. However, neither in law nor in practice have these special courts provided safeguards against corruption, and freedom from the constraints of formal procedures has not always served the cause of justice. On the contrary, such special courts are even more vulnerable to pressure from a government which seeks to influence them, and trials before them have not always conformed to internationally-recognized standards of fairness.

At least two convicted political prisoners of concern to Amnesty International remain imprisoned following unfair trials before special courts.

a) AFRC Special Courts

On 16 and 26 June 1979, within days of the 4 June 1979 coup which brought the Armed Forces Revolutionary Council (AFRC) under Flight-Lieutenant J.J. Rawlings to power, three former heads of state - Generals Ignatius Acheampong, Frederick Akuffo and Akwasi Afrifa - and five other senior armed forces officers were executed by firing squad. They had apparently been convicted of misuse of power and embezzlement of state funds, but had not been publicly or fairly tried.

After the first executions had been carried out, the AFRC announced the establishment of Special Courts, courts outside the normal High Court system which would try expeditiously cases of corruption and people who had "contributed to economic hardships and disorder". The Special Courts Decree, AFRC Decree 3 of 1979, was introduced on 24 June 1979 but made retroactive to 4 June. It gave the Special Courts the power to impose from three years' imprisonment to the death penalty for various economic offences ranging from "selling above the controlled price" to "intent to sabotage the economy". The Special Courts suffered from serious deficiencies:

presiding members of the court were not independent, as they were appointed by the AFRC, and were not required to have legal training; trial proceedings were hurried, some trials lasting only a few minutes; allegations of ill-treatment made by defendants were disregarded; and defendants were allowed neither defence counsel nor the right to appeal to a higher court, the courts' decisions being subject only to review by the AFRC.

Nearly 70 former government officials who had fled the country were sentenced to death or to long prison terms in their absence. Although the Special Courts were abolished after the AFRC handed over power to a civilian government under President Hilla Limann in September 1979, the new constitution specifically prohibited the reversal of decisions by the Special Courts.

b) Public Tribunals

After Flight-Lieutenant J.J. Rawlings' second coup in December 1981, he announced that a new special court would be established which would not be fettered by "technical rules which, in the past, have perverted the course of justice and enabled criminals to go free". The established law courts came under attack from supporters of the government organized into People's Defence Committees and Workers' Defence Committees. Individual legal officials and lawyers also were subjected to harassment and intimidation. People's Defence

Committees set up their own illegal courts, which tried and sentenced people.

In July 1982 new special courts, the Public Tribunals, were created under the Public Tribunal Law, PNDC Law 24 of 1982. Public Tribunals are composed of at least three and no more than five members, selected from among a group of lay people appointed by the PNDC and presided over by a legally-trained chairman. A revised Public Tribunals Law, PNDC Law 78 of 1984, was promulgated in June 1984. It established a National Public Tribunal as the highest court to which those convicted by lower Public Tribunals could appeal, which could also try cases itself and which could hear appeals against its own decisions.

Public Tribunals were given the power to try any offence referred to them by the PNDC. In April 1991 the Ghanaian authorities provided Amnesty International delegates with a list of laws, dated September 1990, under which prosecutions may be brought before the Public Tribunals (see Appendix D below). These cover a wide range of offences under the Criminal Code and other legislative provisions. New offences, triable by the Public Tribunals, were also created for trial by these special courts. The Public Tribunals Law, PNDC Law 78 of 1984, specified the following offences among them:

"Part II - Special Offences:

9. (1) Any person who -

- ...
- f) does any act with intent to sabotage the economy of Ghana;
 - g) prepares or endeavours in any manner to overthrow the Government or to usurp any powers of the Government;
 - h) prepares or endeavours to procure by force any alteration of the revolutionary path of the people of Ghana or of the law or the policies of the Government;
 - i) intimidates or coerces any citizen of Ghana into opposing or expressing hostility to the Government of Ghana and thereby lessens the effectiveness of acts, programmes and policies of the Government designed to improve the welfare of the people of Ghana;
 - j) through false information about the Government of Ghana or its policies creates disaffection against the Government of Ghana and thereby lessens the effectiveness of acts, programmes and policies of the Government designed to improve the welfare of the people of Ghana;
- ...
- shall be guilty of an offence."

Public Tribunals were given broad powers to impose the death penalty in cases where both the PNDC had specified that the offences were capital offences and the court felt it was merited. The PNDC greatly increased the number of capital offences and the number of executions rose sharply.

In August 1991 a Committee of Experts appointed by the government to draft proposals for Ghana's future constitution recommended that the Public Tribunals be integrated as lower courts in the ordinary court system. If implemented, this recommendation would restore jurisdiction in capital and other serious cases to the High Court.

Amnesty International has been concerned about several aspects of the Public Tribunals since they were established in 1982 (for its concerns about the death penalty, see page 25 below).

i The political nature of some Public Tribunal trials

The Public Tribunals and High Court have overlapping jurisdiction in some cases, and the criteria for deciding which cases are to be tried by the Public Tribunals and which by the ordinary courts are unclear. Political motivations appear to be behind the prosecution of some cases before the Public Tribunals, where trials are summary even for capital offences, where there is more likelihood of conviction and where sentences may be more severe than in the ordinary courts. According to reports, suspects have sometimes bribed the police not to send their cases for prosecution before the Public Tribunals.

As well as clearly political trials which have been heard before the Public Tribunals, such as the subversion trials of 1983 to 1987, other

ostensibly criminal trials appear to have been brought before the Public Tribunal for political reasons.

In recent cases, businessmen have been detained and made the object of criminal prosecutions apparently because they have been perceived to be politically active or critical of the government, or in order to allow the confiscation of their businesses to the profit of either the government or of individuals or companies favoured by the government (see also page 19). This problem arises in large part from the manner in which various PNDC laws incorporate, and add on to, common law and administrative offences. For instance, alleged fiscal or export control violations can be translated into far graver charges of "sabotaging the economy of Ghana". Similarly, vague or all-encompassing provisions such as Section 9(2)(d) of the Public Tribunals Law, PNDC Law 78 - which makes it an offence to commit "...any other act or omission which is shown to be detrimental to the economy of Ghana or to the welfare of the sovereign people of Ghana" - are clearly open to arbitrary application. The prosecution is not required to provide details of the charges to the defendant, who may therefore be convicted and receive a heavy sentence on the basis of vague charges brought under vague laws. The behaviour of the authorities towards the defendants in these cases has also suggested that the motivation for such prosecutions has indeed been political.

In one case, **Dr Kwame Safo-Adu**, a doctor, former government minister and owner of a pharmaceuticals company, was arrested in mid-October 1990, detained for about three weeks and charged with

sabotage of the economy - designated a capital offence in October 1982 by the PNDC - for allegedly not paying his income tax or repaying loans, and with misapplication of funds. His factory was seized by a force of some 300 men. Others detained and charged with abetting the misapplication of funds were **Andrews Kumi Wontumi**, a senior bank official, and **Frank Kwaku Bruce**, a senior Ministry of Health official. After his lawyer and co-director, **Kwamena Bartels**, travelled to the United Kingdom to appoint a lawyer to the case, he too was arrested in mid-November 1990 and charged. The charges were based on a report by the National Investigation Committees, a government-appointed committee which initiates prosecutions before the Public Tribunals. Neither this report nor details of the charges were available to the defence throughout the trial, which commenced in November 1990 and ended in October 1991 with the acquittal of the defendants on all charges. In a comment on the judgment, Flight-Lieutenant J.J. Rawlings was quoted as saying, "The law...can sometimes be an ass", and made reference to the case of his own nephew who was convicted of murder and executed in 1984 after initially being acquitted of the lesser charge of manslaughter by a Public Tribunal. The prosecuting authorities have since lodged an appeal against the acquittals of Dr Kwame Safo-Adu, Kwamena Bartels and Andrews Kumi Wontumi.

In another case, **B.A. Mensah**, owner of a cigarette manufacturing company, International Tobacco, was arrested in August 1990 and detained for three weeks after he sued a Ghanaian government trust and Rothmans International Tobacco (UK) for US \$36 million damages for alleged breach of contract and wrongful

seizure, without compensation, of his company and tobacco-growing venture. A friend, *Dora Nichol*, was also reportedly detained by the BNI in August 1990 and held for three weeks without charge or trial.

Initially the BNI apparently denied that she was detained and later refused all access to her.

In July 1989 B.A. Mensah's company and a tobacco-growing venture had been forcibly seized by the Ghanaian authorities and sold to Rothmans International and a government trust, which had previously been negotiating to become shareholders of the company. B.A. Mensah, aged in his 60s, was reportedly threatened with detention by James Kwofie, then Commissioner of the Customs and Excise Service (presently Inspector General of Police), when he refused to agree in writing that the seizure was justified by non-payment of excise duties. In a letter to B.A. Mensah dated 11 August 1989 the Commissioner noted that he had continued to use his former company's headed paper and warned that "any further meddling with any property of International Tobacco (Ghana) Limited...shall amount to doing an act with intent to sabotage the economy of Ghana." After he was detained in August 1990, B.A. Mensah was charged with economic sabotage for non-payment of excise duties, as well as misapplication of public property, and then released on bail. His trial on criminal charges is continuing before the Public Tribunal, as is his civil damages claim before the High Court.

ii Appointment of Public Tribunals by the government

Neither chairmen nor lay members of the Public Tribunals can be considered independent of government influence, since they are appointed by the PNDC and have no security of tenure or special protection against dismissal. Public Tribunal chairmen have reportedly been transferred to less sensitive areas of the judicial system after making judgments which displeased the government or after overturning too many decisions of lower tribunals. A PNDC inquiry was opened in January 1991 after George Kwaku Agyekum, a long-standing Public Tribunal chairman, criticized the PNDC for interfering in a case before him but its report is not known to have been made public. Lay members of the tribunal, who are not required to have legal training, are often employees of the government - including military or police officers - who are dependant on the government for their employment and promotion. It has also been alleged that lay members on Public Tribunals have sometimes been close associates or relatives of senior members of the government.

iii No right of appeal to an independent court

When Public Tribunals were established in 1982, there was no right of appeal to a higher court against decisions by the Public Tribunals. The PNDC could receive petitions from people convicted by the Public Tribunal and did sometimes revise sentences. Death penalties imposed by a Public Tribunal had to be confirmed by the PNDC but such confirmation appeared in some cases to be perfunctory and made after little or no examination of trial proceedings. Those convicted before the June 1984 introduction of an appeals panel have

not subsequently been allowed to exercise their internationally-recognised right to appeal.

While establishing the National Public Tribunal as the highest court in the Public Tribunal system, PNDC Law 78 of 1984 also created an appeals panel of the National Public Tribunal - sometimes known as the National Appeals Tribunal - which hears appeals against decisions of the National Public Tribunal. From 1986 to 1989, members of the appeals panel tried cases before the National Public Tribunal while also serving on the appeals panel of the National Public Tribunal. However, members of the appeals panel no longer try cases of first instance as well.

Amnesty International remains concerned that members of the appeals panel are no more independent of government influence than chairmen of the National Public Tribunals and lower Tribunals. A further source of concern is that the appeals panel is empowered to review all matters of law and fact, and to impose both higher and lower sentences than were imposed by the trial court. In one recent case reported to Amnesty International, the appeals panel was re-evaluating a case in order to determine if it should impose the death penalty although no death sentence had been passed by the lower Tribunal.

iv No established procedures

The imposition of death sentences by the Public Tribunals is particularly disturbing because of the unspecified nature of their procedures. Although procedural rules for the Public Tribunals were apparently issued in 1982, there are in practice no established or binding procedures for cases prosecuted before the Public Tribunals. This fact is underscored by article 16(1) of the 1982 Rules which explicitly states that, "Notwithstanding anything to the contrary in these rules, the decision of a tribunal shall not be defective because of any irregular procedure in the course of trial or in the composition of a tribunal..." In practice, each Tribunal orders its own procedures for each case. Consequently, defendants and defence counsel often do not know what to expect. This problem is aggravated by the Tribunal's power to alter the charges based on the evidence, or lack of evidence, which emerges during a trial. The ready admissibility of hearsay evidence, the partial or total shift in the burden of proof on certain issues and other irregularities contained in the laws establishing the Public Tribunals also contribute to the Tribunals' clear bias in favour of conviction.

c) Special Military Tribunal

Although most political cases involving military personnel have been tried before Public Tribunals, in April 1984 nine former armed forces officers were sentenced to death for subversion *in absentia* by a Special Military Tribunal sitting *in camera*. They included **Colonel Annor Odjidja**, former head of the Armed Forces Intelligence Unit, and other

former officers who were allegedly plotting to overthrow the PNDC. Their trial almost certainly did not conform to international standards for fair trial.

They were prosecuted under the Special Military Tribunal Law, PNDC Law 19 of 1982, which established Special Military Tribunals in August 1982 to try civilian as well as military personnel for certain criminal offences. These special courts were presided over by panels of both officers and soldiers appointed by the Commander-in-Chief of the Armed Forces of Ghana. The law was amended in April 1984 (by the Special Military Tribunal (Amendment) Law, PNDC Law 77 of 1984) to empower the tribunal to try treason and other security cases, to hear such cases *in camera* and to pass death sentences. The amendment also allowed both retired and current military personnel to be tried by the Special Military Tribunal, whether before the court or *in absentia*, and to try offences committed outside as well as inside Ghana.

In a further amendment in November 1984 (the Special Military Tribunal (Amendment) (No. 2) Law, PNDC Law 100 of 1984), the Special Military Tribunal was empowered to try any offence referred to it by the PNDC. However, Amnesty International has no information on any subsequent political trials before this court.

d) Cases of political prisoners convicted by Public Tribunals

There have been a number of unsuccessful attempts to overthrow the government since Flight-Lieutenant J.J. Rawlings came to power for the second time in December 1981. These coup attempts have been followed by widespread arrests, trials before special courts and executions. More numerous have been announcements by the government of conspiracies and coup attempts which it claims to have uncovered or thwarted. Some of these conspiracies appear to have been fabricated in order to provide the authorities with an excuse to detain government critics and opponents, including prisoners of conscience.

Between 1983 and 1986, at least 90 people were charged and tried in political trials, of whom 50 were sentenced to death and at least 23 executed (listed in Appendix A). For the most part they were charged in connection with coup attempts and alleged conspiracies to overthrow the government. More than half of the accused were tried in their absence, and most were tried by Public Tribunals.

Two cases of convicted political prisoners who continue to be of concern to Amnesty International are described below.

i The case of Kwame Pianim

Amnesty International has been expressing concern for many years about the conviction of **Andrew Kwame Asare Pianim**, an economist, businessman and former chief executive of the Cocoa Marketing Board,

but has not received any satisfactory response from the authorities. He was convicted in August 1983 of preparing to overthrow the government in connection with a coup attempt in November 1982, and was sentenced to 18 years' imprisonment.

On 23 November 1982 there was shooting at Burma Camp in Accra, and the government subsequently announced that a coup attempt had been thwarted. According to government statements, two of those involved were killed while trying to avoid capture. Several leaders of the coup attempt fled the country. In March 1983, 10 prisoners were brought to trial before the Public Tribunal, along with 12 others tried *in absentia*, on charges of "preparing or endeavouring to overthrow the government" or "abetting an endeavour to overthrow the government". During a jail-break and another coup attempt in June 1983, six of the defendants escaped from prison, three of whom were reportedly recaptured and extrajudicially executed. The trial concluded on 2 August 1983 with the conviction of 16 defendants, 15 of them *in absentia*, and the acquittal of four, three of them *in absentia* (see Appendix A below), although the trial judgment was unclear about the convictions and sentences in several individual cases. Kwame Pianim was the only defendant in court to be convicted.

There appeared to be inadequate evidence to justify his conviction. The prosecution case against him was based entirely on the testimony of a witness who had participated in the coup attempt, been wounded during his capture and apparently offered immunity

from prosecution. The witness was detained illegally before and during the trial, with no safeguards against his being coerced to testify under duress or other improper pressure or inducement; he subsequently escaped from detention during the jail-break in June 1983 in which several defendants also escaped, and did not reappear in court. However, the Tribunal apparently did not address the question of pressure or inducement in considering whether to believe his testimony, although the reliability of the witness, as an alleged accomplice, was already questionable and much of the rest of his evidence was rejected by the court. It accepted his uncorroborated evidence that he had witnessed Kwame Pianim discussing the overthrow of the government with others. Hearsay evidence is admissible under the Public Tribunals Law and the court also accepted part of his hearsay evidence - that Kwame Pianim had apparently told him of a meeting with a member of a British commando unit, the Special Air Services (SAS) -on the grounds that it was corroborated by other evidence. This other evidence, however, was itself hearsay evidence which confirmed only that Kwame Pianim had been contacted by a foreign visitor to Ghana.

One of the court's five-member panel apparently left the country in unexplained circumstances before judgment was given, amid rumours that government pressure had been brought on the court to reverse a verdict of acquittal on Kwame Pianim. Government officials told Amnesty International in April 1991 that this was the reason he was not sentenced to death, since a death sentence requires the unanimous decision of all members of the Tribunal. In 1983 Public

Tribunals allowed no right of appeal to a higher court and, although an appeals panel was introduced in 1984, a subsequent request for an appeal by Kwame Pianim's lawyers was apparently ignored.

ii The case of Jacob Jabuni Yidana

Amnesty International has also raised the case of **Jacob Jabuni Yidana** for many years. His continued administrative detention, to prevent his release at the end of his prison sentence, strongly suggests that the motive for his imprisonment is indeed political and that he is a prisoner of conscience.

As a former Chief Superintendent of Police, he led the police investigation into the abduction and murder in June 1982 of three High Court judges and a retired army officer. He reported the results of his investigations to a Special Investigation Board which concluded that 10 people should be prosecuted. These included two former PNDC members and Captain Kojo Tsikata, PNDC member responsible for National Security both then and now. In December 1982 the Attorney-General said that the trial would be in the High Court; it appears to have been a political decision that it subsequently took place before the Public Tribunal. Five people were tried, without benefit of defence counsel. They included **Joachim Amartey Kwei**, a former PNDC member, and one defendant *in absentia* (see Appendix A below); Captain Kojo Tsikata was not prosecuted, apparently for lack of evidence. All five were sentenced to death on 15 August 1983, without right of appeal, and the four before the

court were executed shortly afterwards. The speed of the trial and executions lent support to widespread allegations of government implication in the murders.

Jacob Yidana was arrested in March 1983 and charged with harbouring Lieutenant Kenneth Korah, allegedly one of the leaders of the November 1982 coup attempt. Also charged with him were three others, including his wife who was tried *in absentia*. He was convicted on the evidence of four witnesses, two of whom were co-defendants, and was sentenced to eight years' imprisonment. However, it was alleged that the prosecution witnesses were subjected to torture or other improper pressure or inducements to fabricate evidence against him and that the real reason for his imprisonment was his involvement in the investigation into the judges' murder. He was unable to appeal against his conviction to a higher, independent jurisdiction by the Public Tribunals Law in force at that time.

In July 1988 he was transferred to administrative detention. This prevented his release on parole at that time or at the end of his sentence earlier in 1991.

3. Political imprisonment - arbitrary detention

Most of the hundreds of political prisoners held in the last 10 years have been detained without being referred to court and without charge or trial. Initially held outside any legal framework, those kept in custody for long periods have been officially imprisoned on the basis of administrative detention orders. Administrative detention - that is, detention without charge or trial ordered by the government - is known as "preventive custody" in Ghana.

Administrative detention has been used as a means of intimidating and silencing opposition within Ghana. Many detainees have been prisoners of conscience rounded up after allegations of conspiracies or coup attempts; the government has often used its almost complete control of the news media to accuse its critics of subversion but it has apparently been unable to produce sufficient evidence to convict them in the courts.

Amnesty International is concerned about the continued detention of some 50 - and possibly more - political detainees, including prisoners of conscience. Most are armed forces officers who have been detained without trial since the first half of the 1980s, allegedly on suspicion of involvement in conspiracies to overthrow the government (listed in Appendix B below). One has been held for almost nine years and others since 1983.

a) The Preventive Custody Law 1982

The Preventive Custody Law, PNDC Law 4 of 1982, was introduced in March 1982 and made retroactive to January 1982 to cover the hundreds of detentions which took place immediately after Flight-Lieutenant J.J. Rawlings came to power in December 1981. It empowered the PNDC to authorize the indefinite detention without trial of any person suspected of threatening the security of the state.

Under Section 2, the PNDC may "...authorise the arrest and detention of any...person in respect of whom they are satisfied that it is in the interest of national security or in the interest of the safety of the person so to do..." The Law allows the detainee to be held indefinitely, incommunicado and in any place. Section 3(1) states: "Any person detained under this law shall be held in such place and for such period and subject to such conditions as the Provisional National Defence Council may direct."

Amnesty International considers that the use of administrative detention in Ghana is arbitrary. Although legal, in that it is carried out within the terms of the Preventive Custody Law, that law itself provides totally inadequate safeguards against unjust detention.

Amnesty International is concerned about the following aspects of the Preventive Custody Law 1982 and its application.

i Detentions cannot be challenged in the courts

Detainees are sometimes neither informed of the reasons for their detention nor interrogated for weeks or months after their arrest.

They are not informed of the legal grounds for their imprisonment, nor consequently of the possibilities of challenging it. In fact, there is no legal recourse against detention under the Preventive Custody Law. The Habeas Corpus (Amendment) Law, PNDC Law 91 of 1984, 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.

This law was promulgated on 6 August 1984, after a number of *habeas corpus* writs had been sought in the High Court on behalf of detainees held without charge or trial following a coup attempt in July 1983. In July 1984, in response to a *habeas corpus* action, the High Court ordered the authorities to produce in court two of these detainees, **John Kugblenu**, a newspaper editor, and **Mike Adjei**, a journalist. They were released a few days before they were due to be produced in court. The Ghana Bar Association and the wife of a detainee sought a writ of *habeas corpus* for the release of two former government ministers held since early 1982 and two detained soldiers, but were thwarted by the introduction of the amendment law.

Under PNDC Law 91, the courts no longer have the power to inquire into the specific reasons for a detention. The Law says, "...where a person is detained under the Preventive Custody Law...it shall be sufficient...to state in the report the grounds stated in the executive instrument by which the detention of that person is authorised, and the High Court or the Judge thereof shall not have the power to enquire into such grounds." The executive instrument

authorizing a detention under the Preventive Custody Law - a Preventive Custody Order - states only that the PNDC is satisfied that the detention is in the interests of national security, but gives no information about the actions of the detainee which have led the PNDC to reach this conclusion.

In many cases, Preventive Custody Orders have not been issued or published in the government gazette for several months or years after arrests have been made (see Appendix B below).

ii There is no judicial review of detentions

Following arrest, a detainee is not brought promptly before any court or judicial official. Nor is there any provision for a regular review of the detainee's continued detention by the courts, or by any other independent judicial authority or review body, which may make recommendations to the detaining authorities on whether the detainee should be released or not.

iii The detention may be effectively secret and incommunicado

There is no obligation on the authorities, under the Preventive Custody Law, to issue a detention order authorizing an individual detention, or to provide any information about a detention, whether in the

government gazette or to detainees' families or lawyers. Detainees' families have complained that the authorities have sometimes denied that detainees have been arrested at all.

The authorities also determine all detainees' conditions of detention, including whether they are held incommunicado - denied access to family, lawyer or other visitor - their place of detention and whether they are held in harsh conditions.

A retired Staff Sergeant in the army, **Ibrahim Achaab**, was arrested in mid-1987 apparently on suspicion of meeting dissidents in the neighbouring Republic of Togo, and was detained without charge until June 1990. He was moved around various prisons in southern Ghana during this time. A northerner from Bolgatanga, his family could apparently only very occasionally afford to travel from the north to visit him and could not provide food regularly for him while he was in prison.

b) Illegal detentions

Since there is no legal obligation on the government to announce administrative detentions, the conditions have been created in which arbitrary and unlawful detentions can occur without anybody's knowledge and without any possibility to challenge them.

Many detentions which appear to be politically-motivated have never been formalized by specific detention orders or published in the

government gazette. Detainees have simply been held illegally. In most such cases, relatives have reportedly been reluctant to seek a writ of *habeas corpus* or make publicity about the case for fear that the authorities will respond by formally issuing a Preventive Custody Order or by holding the detainee for even longer. Detainees and former detainees have also been inhibited from protesting against their detention because of fears of unemployment; the security police are said to have put pressure on employers not to recruit some former detainees.

The government has claimed that some detainees held by the security police are in fact suspected of drugs offences. Although the Preventive Custody Law does not provide for the detention without charge or trial of criminal suspects, people suspected of criminal offences have often been detained illegally for long periods by the BNI. (This is in the context of the routine and illegal detention without charge or trial of criminal suspects by the ordinary police.)

In one case, **Joseph Moukarzel**, a United Kingdom national who was born in Ghana, was detained without charge from July to December 1989 because he took legal action against the authorities in a commercial dispute. On 11 July 1989 he obtained a High Court injunction ordering the Ghana Tourist Development Corporation (GTDC) not to interfere with the casino he was managing while he contested an eviction order. On 12 July he was detained by about 30 BNI and immigration officers, and on 14 July the Ministry of the Interior ordered the casino to be closed on the grounds that he had no

work or residence permit. Unsubstantiated accusations against him and his lawyers were made in the government news media shortly afterwards, although his detention was not mentioned. In September 1989, in defiance of the court injunction, the GTDC seized the casino, including his property on the premises.

For three months, he was reportedly held in harsh conditions in a police cell in Accra. When he became ill, he was transferred to hospital where he was held in chains and under guard. He was questioned twice by BNI officers during this time, and reportedly beaten and threatened in an attempt to make him withdraw his legal action. In October 1989 he was apparently told by the then Acting Secretary for the Interior, Nii Okaija Adamafio, that he would be released if he did not pursue his action. He was subsequently transferred, in October 1989, to another police station in Accra where he was apparently held in even worse conditions. By December 1989 he was ill and had severely lost weight, but his requests to see a doctor had been ignored so he went on hunger-strike. He was released on 17 December 1989 on condition that he report to the police three times a day, and in July 1990 he was given one month to leave the country.

c) Cases of political detention

Because of the secrecy and fear surrounding political detentions, relatively little information has been available to confirm reports that

particular individuals are detained. Current military detainees, believed to be held on suspicion of involvement in coup attempts, are listed in Appendix B to this paper. A few other cases of political detention are described below.

At least two members of the Forces Reserve Unit, an élite commando corps, have been detained without charge since their arrest in January 1986, apparently on suspicion of involvement in conspiracies against the government. They are **Sergeant William Asiedu** and **Sergeant Eric Ossei Yaw**. Four other commandos also arrested at that time were released without charge in late 1988. The authorities have claimed that the two detainees have committed criminal offences, but appeals from the detainees themselves to be brought to trial to answer any charges against them have met with no response.

Other members of the security forces have been similarly detained, including five employees of the BNI arrested in July 1987 on suspicion of aiding the escape from BNI custody of a possible prisoner of conscience. They have apparently denied the accusation and requested that they be charged and tried rather than detained indefinitely on the basis of unsubstantiated accusations. Another member of the Forces Reserve Unit, **Benjamin Nii Yemokwei Tetteyfi**, has reportedly been detained without charge since July 1989 and allowed family visits only briefly at Christmas holidays, the reasons for his detention being unclear.

Geoffrey Kumfo, a trade unionist, was detained without charge or trial from July 1987 until April 1988 after his involvement in a strike at a factory in Accra. *James Hansen* was reportedly also held without charge for nearly a year, from July 1987 to June 1988, apparently having been confused with a trade union leader involved in the same dispute. After a strike over protective clothing in September 1986 at the Asene Household Enamelware company, six trade union leaders, including *Geoffrey Kumfo*, had been detained without charge for a week. The other employees stopped work in protest and were all dismissed. *Geoffrey Kumfo* was involved in taking their appeal for reinstatement to arbitration and was detained five times between May and July 1987. Between his arrest on 15 July 1987 and his release on 15 April 1988, he was apparently not interrogated once. Since their detention, the trade union leaders have had difficulty finding jobs, since employers are apparently unwilling to employ former political detainees.

In October 1991 the High Court ordered the police to produce in court 20 employees of the Ghana Oil Palm Development Corporation, detained without charge or trial since September 1991 following industrial action.

In May and July 1987 seven leading members of two opposition groups, the New Democratic Movement and the Kwame Nkrumah Revolutionary Guards, were arrested, apparently because of their criticism of the government's economic policies. Attacks were made on them in the government press but no charges were brought against

them, and they were released gradually over the next two years. However, two of the group, **Yaw Tony Akoto-Ampaw**, head of the New Democratic Movement and a former student leader, and **Akwasi Adu-Amankwah**, head of the Political Department of the Trades Union Congress, were not released until May 1989.

Lieutenant-Colonel Dr Owusu Agyekum, a medical officer at the Military Hospital in Accra, was arrested in mid-1988 after a visit to the United States, apparently because he was suspected of having met exiled dissidents while he was there. He was not released until June 1990, when at least 10 political detainees were freed in the first announced releases since February 1987. Although the authorities said charges of subversion against them had been lifted, there was no indication they had ever been formally charged. One of them, **Lieutenant-Colonel Thomas Theophilus Kutin**, a former government minister, had returned home in 1985 in response to an amnesty announced by the government, but was detained without charge or trial following his return, apparently on suspicion of contacts with government opponents in exile. The others released were all believed to be former members of the security forces; five of them had been held since 1983 and 1984, the other three since 1985 and 1986.

4. Reports of torture and harsh prison conditions

a) Torture allegations

There are no safeguards against the torture or ill-treatment of detainees. Many political detainees in the early and mid-1980s were alleged to have been ill-treated or tortured, mostly by members of the armed forces, and recent political detainees have also reported being beaten and ill-treated. However, the authorities have never investigated such reports or brought to justice those responsible. The majority of victims were detainees who were held incommunicado and who were not charged with any offence or brought before any court. Reports of torture have decreased in recent years but detainees remain as potentially vulnerable as before; they have no right to be visited by any independent person while they are in detention and there is therefore no protection for them against ill-treatment. This is illustrated by the death of a detainee in 1989 in suspicious circumstances which have never been opened up to public scrutiny. In April 1991 government officials denied to Amnesty International that torture or ill-treatment had ever taken place.

i The death in detention of Flight-Lieutenant W.K. Domie

In September 1989 a detainee died in security police custody amid rumours that he had been tortured. **Flight-Lieutenant William Kofie Domie**, an airforce officer, was reportedly found hanging from bars on the door of his cell in the BNI's Counter-Espionage and

Statistics Section on 29 September 1989, a few days after his arrest in connection with an alleged conspiracy to overthrow the government (see page 39 below). Reports later suggested that he had been subjected to torture or ill-treatment to coerce him to make statements incriminating himself and other detainees. According to one report, he was tortured by officers of the Forces Reserve Unit and the BNI at a Forces Reserve Unit building in Accra.

However, no independent assessment has been possible in this case because there has been no formal inquest to inquire into the circumstances of his death. In fact, although his detention was announced on 6 October 1989, no mention was made of his death until the government-owned press published a summary of the findings of an internal board of inquiry into the whole case on 11 November 1989. According to the summary, a pathologist's report and an internal inquiry by airforce and security police officers apparently "confirmed that he had taken his life" after breaking down on the second day of his interrogation and confessing to an active part in the alleged conspiracy.

ii Torture allegations made in court

Even when torture allegations were made in court in one case in 1986, there was no official investigation and those who had allegedly been tortured were quickly executed, thereby preventing any possibility of further investigation.

In a trial of alleged conspirators in the first half of 1986, clear evidence of torture was brought before the Public Tribunal but, while accepting that ill-treatment had taken place, the court ruled that it had not affected the defendants' statements made during interrogations when they were detained incommunicado. Following their arrest in October 1985, the suspects were reportedly tortured by a special team within the Forces Reserve Unit. Some of the defendants claimed to have been hooded, beaten and cut with knives.

Godwin Mawuli Kofi Dra-Goka told the court that he had heard another suspect, Kyeremeh Djan, claiming that his back was being cut, and that he had then felt some flesh being put in his mouth. Despite evidence before the court - including physical scars on the accused - that their statements had been made after torture, the presiding chairman, George Kwaku Agyekum, then Chairman of the Board of Public Tribunals, ruled the statements admissible on the grounds that, although there was evidence that the accused had been ill-treated by the soldiers detaining them, there was no evidence that the BNI officers who took their statements had been responsible for any ill-treatment. From this, he reached the bizarre conclusion that the defendants were not under duress or any improper pressure to make false statements.

Corporal Moses Harley, another detainee held in connection with the same case, was reportedly threatened with death and cut with a knife on his back and chest in an attempt to coerce him to give evidence. The court apparently did not inquire into the circumstances in which prosecution witnesses gave evidence nor

whether they were under any duress to do so. Detained before and during the trial, Corporal Moses Harley is reportedly still held without charge or trial five years later (see page 37 below).

Seven of the defendants before the court, including those who had alleged torture, were subsequently convicted, sentenced to death and executed after a hasty appeal. The National Public Tribunal appeals panel apparently had no objection to the first court's ruling on the admissibility of evidence.

b) Harsh conditions of imprisonment

Political detainees have been held in security police cells, ordinary police cells and in civilian prisons, as well as in military camps and at the seat of government, Osu Castle in Accra. Conditions vary from place to place and according to the status of the detainee, but Amnesty International has received reports of conditions threatening the life and health of several detainees.

In May 1988 a United States citizen, **Alton D. Sawyer**, died after being held incommunicado and without charge following his arrest in November 1987. His detention was apparently in connection with a business dispute and he was reported to have died from malaria. **Dr Issa Egala**, a doctor at the prison hospital who was detained without charge from mid-1988 until 1989, was reportedly held because he had refused to certify Alton Sawyer's death from natural

causes. In an apparent attempt to discredit him, he was publicly accused by the government of embezzlement, but was never charged with any offence or brought to trial.

i Police cells

Detainees have experienced harsh conditions in police cells, where they have sometimes spent considerable periods of time, and Amnesty International has received no information to suggest that conditions have improved.

One cell at police headquarters in Accra was described to Amnesty International as measuring four by seven metres, yet at one period in 1989 holding some 30 uncharged detainees, most of whom had been there for several months, some for over a year. It had only a hole in the floor for a toilet and a window in the door for light and ventilation. Although detainees' families were allowed to deliver food, they were not allowed to bring bedding or clothes, and detainees slept on the bare floor. At Nima police station in Accra, also in 1989, over 60 prisoners were reportedly held in four small unlit cells and an adjoining corridor, with buckets in the corridor for toilets and the cells unlit except by the permanent neon light in the corridor. Detainees had to fight for space to sleep on the floor, and the constant noise made sleep almost impossible. Among the prisoners were two elderly women, separated from the others only at night.

ii Security police cells

Detainees held by the BNI in Accra have been held at the BNI Headquarters, at a building known as the Annex, and at the Counter-Espionage and Statistics (CES) Section, as well as in various other BNI buildings. Former detainees have sometimes been reluctant to publicize information about their particular conditions of detention for fear of losing their jobs. Although conditions vary, sometimes depending on the status of the detainee, Amnesty International has received information that some detainees have been held in harsh conditions.

Detainees at the Annex, near the Military Hospital in Accra, have reported being held in dark, unlit cells for days, stripped to their underwear, with only mats to sleep on and with small holes high in the wall providing the only light and ventilation. Alternatively, some have reported being held in windowless cells with the light on the whole time. Conditions at the CES Section are also said to be harsh; cells are reported to be dark, cold and damp, causing health problems to detainees.

Most detainees held by the BNI are reportedly held incommunicado and denied all access with the outside world. Some have occasionally been allowed family visits, for example at Christmas.

Families have sometimes been allowed to deliver food for detainees, but this appears to have been discouraged recently with the result that families may not even know where their relative is detained. One former detainee, a foreigner, reported that he was not allowed to

make contact with his country's diplomatic representative or with anybody in his home country.

Government officials told Amnesty International in April 1991 that BNI detainees were held in comfort and they denied allegations of poor conditions.

iii Civilian prisons

Long-term political detainees have usually been held in civilian prisons around the country, where conditions have reportedly improved since the severe economic crisis in Ghana in the early 1980s but where overcrowding is still a problem. Such detainees are frequently moved from prison to prison, apparently as a security measure.

Many appear to have been held in the Medium Security Prison in Nsawam, Eastern Region, but political detainees are also held at Ussher Fort and James Fort Prisons in Accra and in other prisons in such places as Anomabo and Winneba in Central Region, Koforidua in Eastern Region, Sekondi in Western Region, Ho in Volta Region and Tamale in Northern Region. Administrative detainees appear to be held separately from most other prisoners in the Annex and Infirmary buildings at Nsawam Prison, and in better conditions than at other prisons where conditions are reportedly very poor, with damp, overcrowded cells, no beds, insufficient bedding, and inadequate sanitary and washing facilities.

iv Medical treatment

Many detainees have suffered health problems caused by inadequate nutrition and hygiene in overcrowded and insanitary conditions. Although some political detainees have had access to doctors and hospital treatment when ill, other detainees' applications to see a doctor have been ignored, apparently after having been passed through prison and BNI officials to the Secretary for the Interior. Detainees who have been allowed hospital treatment have sometimes been chained to their beds. Others have been returned to the same poor conditions of detention where they have quickly become ill again.

5. The death penalty

Ghana has had a high rate of executions in the last 10 years, more than 260 people having been sentenced to death and over 90 executed since 1982, at least 23 of them for political offences (see Appendix D below). The real figures are almost certainly higher, since death sentences and executions have not always been announced nor details published. These figures also exclude the hundreds who were reportedly extrajudicially executed in the early 1980s, mostly at the hands of the armed forces or supporters of the government.

The last executions in Ghana known to Amnesty International were carried out in February 1990 although death sentences have continued to be passed. Government officials informed Amnesty International delegates in April 1991 that the absence of recent executions was the result of government policy. However, Amnesty International is not aware of any sustained study or formal attention to the issue on the part of the Ghanaian authorities.

Most death sentences are passed by the Public Tribunals, which were given broad powers to impose the death penalty in cases where both the PNDC has specified that they are capital offences and in which the court thinks it is merited. The PNDC greatly increased the number of capital offences in 1982 and the number of executions rose sharply. The first death sentence passed by a Public Tribunal was for armed robbery in May 1983, and the first executions took place in August 1983. Since then, by far the majority of death sentences in Ghana have been passed after summary proceedings before the Public Tribunals rather than by the ordinary courts. Although the Public Tribunals have been in place for nine years, the panoply of PNDC laws does not make clear which crimes are subject to the death penalty, and in April 1991 Amnesty International representatives found that there was no ready consensus from the Ghanaian authorities on this issue.

In October 1982 the government directed that Public Tribunals could impose the death penalty for treason and certain other crimes, including attempted sabotage of the economy, smuggling of certain

products, and corruption and extortion by certain senior government officials¹. Treason was already a capital offence under the Criminal Code, but the other offences listed had not previously carried a death sentence or been offences in law at all. Although most death sentences passed or carried out in recent years have been for murder and armed robbery, executions for fraud and smuggling did take place in the first half of the 1980s.

As indicated above, there appears to have been some confusion, both within the government and among defence lawyers, as to the definitive list of offences for which the death penalty can be imposed.

¹ According to a government statement on the Ghana Broadcasting Corporation, 6 March 1983, these offences were:

- inciting, assisting or procuring any person to invade Ghana with armed force or unlawfully subjecting any part of Ghana to attack by land, sea or air or assisting in the preparation of any such invasion or attack;
- importing into Ghana any explosive, firearm or ammunition without lawful authority;
- unlawfully dealing in any foreign currency in a manner likely to damage the economy of Ghana;
- doing any act with the intent of damaging the economy of Ghana;
- preparing or endeavouring in any manner to overthrow the Government or to usurp any powers of the Government or engage in any act which endangers the security of the state;
- preparing or endeavouring to procure by force any alteration of the revolutionary path of the people of Ghana or of the law or the policies of the Government;
- smuggling of cocoa, gold, diamond, timber or petroleum products;
- corruption, wilful oppression or extortion by a member of the PNDC, the Public Tribunals Board, a Public Tribunal or a Special Military Tribunal, a Citizens' Vetting Committee or Sub-Committee, or the National Investigations Committee or Sub-Committee.

In April 1991 the Ghanaian authorities, at the request of Amnesty International, provided a list of offences in respect of which the death penalty may be imposed by the Public Tribunals. This somewhat disjointed list is set forth in Appendix E. The authorities were unable to provide lists or statistics on death sentences passed or executions carried out.

6. Conclusions

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence. It works for fair and prompt trials for all political prisoners. It opposes the death penalty and torture or other cruel treatment or punishment of all prisoners without reservation.

Amnesty International is appealing 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 are not to be charged promptly and brought to trial on recognizably criminal charges.

Amnesty International is calling for the immediate repeal of all legislation which allows unlimited administrative detention without any safeguards - that is, arbitrary detention - in particular the 1982 Preventive Custody Law, PNDC Law 4, and the 1984 Habeas Corpus (Amendment) Law, PNDC Law 91.

Amnesty International is also appealing for an end to the use of the death penalty and, as a step towards its total abolition, for a reduction in the number of capital offences.

Appendix A: Political trials

DEFENDANTS	IN COURT OR IN ABSENTIA	VERDICT	SENTENCE	EXECUTED
November 1982 coup attempt: trial March–August 1983	Public Tribunal	August 1983	prison	
Maj Seidu Musah, 1st accused	<i>in absentia</i>	convicted	life	–
Lt Kenneth Alidu Korah, 6th accused	<i>in absentia</i>	convicted	life	–
Capt Ampomah–Nketia, 4th accused	<i>in absentia</i>	convicted	life	–
Capt Kwabena Appiagyei	<i>in absentia</i>	convicted	life	–
Maj Emmanuel Awudu Mahama, 3rd accused	<i>in absentia</i>	convicted	18 years	–
Andrews Asare Kwame Pianim, 2nd accused	in court	convicted	18 years – still in prison	–
L/Cpl Apana Abongo	<i>in absentia</i> (escaped June 1983)	convicted	10 years	–
Cpl Martin Amangaya Adjongba, 8th accused	<i>in absentia</i>	convicted	10 years	–
Cpl Oliver Akadima	<i>in absentia</i> (escaped June 1983)	convicted	10 years	–
L/Bdr Thomas Akenkorah	<i>in absentia</i>	convicted	10 years	–
Bdr Peter Nti Aning, 9th accused	<i>in absentia</i>	convicted	10 years	–
L/Bdr Atalia	<i>in absentia</i>	convicted	10 years	–
L/Bdr William Baisie	<i>in absentia</i>	convicted	10 years	–
L/Cpl Ibrahim Fuseini Batule	<i>in absentia</i> (possibly escaped June 1983)	convicted	10 years	–
Sgt Abdul Iddrisu Malik, 7th accused	<i>in absentia</i>	convicted	10 years	(24. 3. 84, see June 1983 below)
Pte Sylvester Tanti Adamogire, 13th accused	<i>in absentia</i> (reportedly recaptured after escape June 1983)	convicted	10 years	Reportedly extra-judicially executed
Sgt Matthew Aawaar (possibly 19th accused)	<i>in absentia</i> (reportedly)	no verdict given	10 years? – judgment	Reportedly extra-judicially

	recaptured after escape June 1983)		unclear	executed
Pte Abdulai Gamel (possibly 20th accused)	<i>in absentia</i> (reportedly recaptured after escape June 1983)	no verdict given	10 years? – judgment unclear	Reportedly extra-judicially executed
Pte Joseph Kwaku Baah, 21st accused	in court	acquitted	–	–
Pte Joseph Kofi Tawiah, 22nd accused	in court	acquitted	–	–
Cpl Yusifu Tanko, 16th accused	in court	acquitted	–	–
Cpl Cletus Calvin Addae, 17th accused	<i>in absentia</i> (escaped June 1983)	acquitted	–	–
DEFENDANTS	IN COURT OR IN ABSENTIA	VERDICT	SENTENCE	EXECUTED
November 1982 coup attempt: assisting escape of Lt Korah	Public Tribunal	August 1983	prison	
Chief Supt of Police Jacob Jabuni Yidana	in court	convicted	8 years – redetained	–
Alhaji Mumuni Amadu Baba	in court	convicted	7 years	–
Veronica Yidana	<i>in absentia</i>	convicted	7 years	–
Yahaya Seidu	in court	convicted	6 years	–
June 1982 murder of three judges and retired army officer	Public Tribunal	August 1983	death	August 1983
L/Cpl Kwaku Samuel Amedeka	<i>in absentia</i>	convicted	death	–
L/Cpl Ransford Johnny Dzandu	in court	convicted	death	18. 8. 83
Joachim Amartey Kwei	in court	convicted	death	18. 8. 83
L/Cpl Michael Komla Senyah	in court	convicted	death	31. 8. 83
Cpl Evans Hekli Tekpor	in court	convicted	death	13. 8. 83 (see June 1983 below)
June 1983 jail-break	Public Tribunal	August 1983	death	August 1983
Cpl Evans Hekli Tekpor	in court	convicted	death	13. 8. 83
Pte Henry Obeng	in court	convicted	death	13. 8. 83
Cpl Edward Offei	in court	convicted	death	13. 8. 83
Cpl Matthew Adabuga	<i>in absentia</i>	convicted	death	–
Cpl Charles Adam-Sackey	<i>in absentia</i>	convicted	death	–

Cpl Cletus Calvine Addae	<i>in absentia</i>	convicted	death	–
Cpl Martin Amangaya Adjongba	<i>in absentia</i>	convicted	death	24. 3. 84 – after recapture
Cpl David Atinga Ataburu	<i>in absentia</i>	convicted	death	–
Major Abu Braimah	<i>in absentia</i>	convicted	death	–
L/Cpl Carlos Halidu Giwa	<i>in absentia</i>	convicted	death	24. 3. 84 – after recapture
Cpl A. O. Baba Kankani	<i>in absentia</i>	convicted	death	–
Lt Kenneth Alidu Korah	<i>in absentia</i>	convicted	death	–
Sgt Abdul Iddrisu Malik	<i>in absentia</i>	convicted	death	24. 3. 84 – after recapture
Cpl Anobil Moro	<i>in absentia</i>	convicted	death	–
Pte Nimoh	<i>in absentia</i>	convicted	death	–
DEFENDANTS	IN COURT OR IN ABSENTIA	VERDICT	SENTENCE	EXECUTED
June 1983 coup attempt	Public Tribunal	August 1983	death/prison	
Maj Samuel Boateng Okyere	in court	convicted	death	13. 8. 83
WO II Joseph Osae-Kwakye	in court	convicted	death	commuted to life
Capt (Retd) Adjei Edward Ampofo	<i>in absentia</i>	convicted	death	recaptured 1986 but not executed
Lt-Col Solomon Ekow-Dennis	<i>in absentia</i>	convicted	death	–
Cpl Quarshie Debrah	in court	convicted	18 years	–
Sgt Charles Fofie	in court	convicted	18 years	–
L/Cpl Sampson Darkwa	in court	convicted	6 years	–
L/Cpl Samuel K Amponsah-Dadzie	in court	acquitted (re-detained)	–	–
Cpl Sampson Nyame-Bekyere	in court	acquitted (re-detained)	–	–
June 1983 coup attempt: assisting escape of Pte Tanti-Adamogire	Public Tribunal	March 1984	prison	
L/Cpl Samuel Senna	in court	convicted	life	–
March 1984 invasion: trial <i>in camera</i>	Special Military Tribunal	April 1984	death	
Lt-Col J. L. Abito	<i>in absentia</i>	convicted	death	–
Major Oppong Addae	<i>in absentia</i>	convicted	death	–

Capt Kwabena Appiagyeyi	<i>in absentia</i>	convicted	death	–
S/Sgt Thomas Boateng	<i>in absentia</i>	convicted	death	–
Lt Gamor	<i>in absentia</i>	convicted	death	–
Lt Coffie	<i>in absentia</i>	convicted	death	–
Col W. Annor Odjidja	<i>in absentia</i>	convicted	death	–
Maj Abubakar Suleimana	<i>in absentia</i>	convicted	death	–
Lt-Col Mohadini Yahaya	<i>in absentia</i>	convicted	death	–
December 1984 coup plot: trial <i>in camera</i>	Public Tribunal	April 1985	death, upheld on appeal	appeal/execution May 1985
Maj Hamlet Nana Akwasi	in court	convicted	death	executed
Sgt Francis Yaovi Anku	in court	convicted	death	executed
Maj Twumasi Anto	in court	convicted	death	executed
Sgt Oduro Frimpong	in court	convicted	death, to be confirmed	not known
Baba Shaibu Ibrahim	in court	convicted	death	executed
Sgt Joseph Issaka	in court	convicted	death	executed
Maj John Abdul Ocran	in court	convicted	death	executed
DEFENDANTS	IN COURT OR IN ABSENTIA	VERDICT	SENTENCE	EXECUTED
October 1983 alleged coup plot: trial March 1986	Public Tribunal	March 1986	death/prison	appeal June 1986
Abdulai	<i>in absentia</i>	convicted	death	–
Ambrose Kofi Twumasi Afriyie	in court	convicted	15 years	reduced to 12 years on appeal
Alhaji Abubakari Musah	in court	convicted	death	reduced to life on appeal
October 1985 alleged Goka coup plot: trial March–May 1986	Public Tribunal	May 1986	death, upheld on appeal June 1986	22 June 1986
Wo II Samuel Charles Lartey Aforo	in court	convicted	death	executed
Yaw Brefo Berko	in court	convicted	death	executed
Kyeremeh Djan	in court	convicted	death	executed
Godwin Mawuli Kofi Dra-Goka	in court	convicted	death	executed

Ahmed Denteh Braimah Kankani	in court	convicted	death	executed
Pte Charles Koomson	in court	convicted	death	executed
Samuel Boamah Panyin	in court	convicted	death	executed
Mohammed Ibrahim Abdul Alanko	<i>in absentia</i>	convicted	death	-
Eric Goka	<i>in absentia</i>	convicted	death	-
Frank Yaw Goka	<i>in absentia</i>	acquitted	-	-
Christian Goka	<i>in absentia</i>	acquitted	-	-
Papa Yaw Krobo Edusei	<i>in absentia</i>	acquitted	-	-
Kwame Agyeman-Badu	not known whether in court	acquitted	-	-
October 85 Goka coup plot: assisting escape of M. I. A. Alanko	Public Tribunal	June 1986	prison	
Evelyn Esi Goka	in court	convicted	5 years	-
Geneva Esinam Adjei	in court	convicted	3 years	-
December 1984 coup plot: abetting endeavour to overthrow government	Public Tribunal	July 1987		
Ernest Sampong Mireku	in court	acquitted	-	-
June 1983 jailbreak: charge of abetting escape of prisoners	Public Tribunal	November 1987	prison	
L/Cpl Emmanuel Arhin	in court	convicted	25 years	-
L/Cpl L. Jackson Duodo	in court	convicted	25 years	-
TOTALS: 91 INDIVIDUALS	49 IN ABSENTIA	79 CONVICTED	50 DEATH	AT LEAST 23 EXECUTED

(Details of these trials have been derived from incomplete and sometimes contradictory information, and therefore may not be accurate in all respects.)

Appendix B: Military detainees believed to be held on suspicion of involvement in coup attempts

In November 1990 Amnesty International provided the Ghanaian government with a list of 50 political detainees and requested further information about the individuals concerned. In April 1991 the

authorities informed Amnesty International that nine on the list had been released but were not able to provide information about seven others, who they said did not exist despite Preventive Custody Orders having been issued in their names. They confirmed the continued detention of the detainees whose cases are described below. None are known to have been subsequently released.

a) Coup attempt, November 1982

Bombardier Mustapha Mohamed, aged 32, a former member of the Mortar Regiment, has been held without charge or trial since December 1982. He testified for the prosecution at the trial of those involved in the November 1982 coup attempt, after being detained illegally before and during the trial, without any safeguards against improper pressure or inducement to testify for the prosecution.

His detention was not formalized until 1984 when a Preventive Custody Order, Executive Instrument (E.I.) 11 of 15 June 1984, was issued, authorizing his detention under the name "Boby Mustapha" with effect from 15 December 1983. A further Preventive Custody Order, E.I. 9 of 9 September 1985, authorized his detention from 1 October 1983.

The Ghanaian authorities told Amnesty International delegates in April 1991 that he had been involved in the coup attempt but could not "in all justice" be prosecuted after incriminating himself by giving evidence in the trial for the prosecution. It was suggested that he would be released shortly.

b) Alleged Achimota conspiracy, February 1983

At least five detainees are believed to be still held following allegations of a plot to overthrow the government in February 1983.

On 27 February 1983 the government announced that it had uncovered another conspiracy to stage a coup, and in early March reported the arrest of nine soldiers and two civilians. It claimed to have discovered arms and other evidence of a plot at a private home in Achimota, a suburb of Accra. Government opponents based in neighbouring Togo were accused of being behind the plot and of having received funding from the United States government. There were reports that two of those arrested were summarily executed.

At least five detainees are thought to be still held. They are all believed to have been arrested in February or March 1983, but their detentions were not formalized until 1984 or 1985 when Preventive Custody Orders were issued, authorizing their detentions with retroactive effect.

- **Corporal Adama Alhassan** was an officer in the Field Engineers. According to reports, he was arrested in early 1983, escaped in the June 1983 jail-break and recaptured.

The Preventive Custody Order, E.I. 11 of 15 June 1984, authorized his detention from 15 December 1983 and the Preventive Custody Order, E.I. 9 of 9 September 1985, authorized it from 1 December 1983.

- **Lance Corporal Emmanuel Owusu Aninakwa** was an officer in the Airborne Force and a bodyguard to Captain Kojo Tsikata. According to the Preventive Custody Order, E.I.

11 of 15 June 1984, his detention was authorized from 15 December 1983, and the Preventive Custody Order, E.I. 9 of 9 September 1985, authorized it from 19 August 1983.

- *Corporal Daniel Dzane*, formerly a member of a team of armoured car drivers, was apparently arrested in March 1983. The Preventive Custody Order, E.I. 11 of 15 June 1984, authorized his detention from 15 December 1983, but the Preventive Custody Order, E.I. 9 of 9 September 1985, authorized it from 19 August 1983.

- *Corporal Stanley Obeng Okyere*, previously an officer in the First Recce Regiment, was reportedly arrested in February 1983. The Preventive Custody Order, E.I. 11 of 15 June 1984, authorized his detention from 15 December 1983 but the Preventive Custody Order, E.I. 9 of 9 September 1985, authorized it from 17 March 1983.

- *Private Samuel Twumhene* is said to have escaped in the June 1983 jail-break but to have been recaptured and tortured at the Airforce Station in Burma Camp. His detention was authorized from 15 December 1983 by the Preventive Custody Order, E.I. 11 of 15 June 1984, but the Preventive Custody Order, E.I. 9 of 9 September 1985, authorized it from 10 March 1983.

c) Jail-break and coup attempt, June 1983

Among those arrested following a jail-break and a coup attempt in June 1983, at least two detainees are reportedly still held without charge or trial.

On 16 June 1983 soldiers under the command of exiled Ghanaians in Togo entered Ghana, released about 50 political prisoners in Accra and attempted to overthrow the government. Those released from prison included military personnel on trial in connection with the November 1982 coup attempt or detained on suspicion of involvement in the alleged plot in February 1983. Dozens of people were killed in the fighting and after government forces had succeeded in crushing the rebellion, there were allegedly a number of extrajudicial executions of captured rebels. Hundreds of people were detained by the authorities and, although most were released uncharged shortly afterwards, a few civilians remained in detention without charge or trial until July 1984. Two trials took place in August 1983 of those charged with involvement in the June 1983 jail-break and coup attempt, after which 19 death sentences were handed down, 14 of them *in absentia*, and seven executions were carried out.

However, a number of those acquitted in the trial were retained in detention after the trial and others continued to be held who had not been charged or tried. Although they were detained in 1983, their detentions were not formally authorized until 1984 and 1985 when Preventive Custody Orders were issued with retroactive effect.

Among those reportedly still detained in 1990 according to unofficial reports received by Amnesty International, but who had been released by April 1991 according to the Ghanaian authorities, were Lance Corporal Samuel Abrokwa, Lance Corporal Paul Adiga Akora, Lance Corporal Samuel K. Amponsah-Dadzie, Corporal

Sampson Nyame-Bekyere and Sergeant Nicholas Osei. It was not clear, however, when they had been released.

Two detainees are apparently still held, who have been neither charged nor tried with any offence:

- *Warrant Officer I Joseph Mensah*, a former officer in the Armed Forces Intelligence Unit, was reportedly arrested following the June 1983 jail-break, although the Preventive Custody Order, E.I. 9 of 9 September 1985, only authorized his detention from 15 June 1985.
- *Private Rexford Ohemeng* is said to have been arrested in July 1983, but the Preventive Custody Order, E.I. 11 of 15 June 1984, authorized his detention from 15 December 1983 and the Preventive Custody Order, E.I. 11 of 9 September 1985, authorized it from 12 August 1983. According to some reports, he was released then re-detained in 1983.

d) *Alleged coup attempt, March 1984*

Two detainees are reported to be still held since their arrest in March 1984, but it is not clear whether their detention is related to an alleged coup attempt in the same month.

The government claimed to have thwarted a two-pronged invasion on 23 March 1984 by former Ghanaian soldiers from the neighbouring states of Côte d'Ivoire and Togo. Three of those arrested were executed the next day, on 24 March, according to the government on the grounds that they were already under sentence of

death for their involvement in the June 1983 coup attempt. Others were said to have been killed in an exchange of fire. It has been alleged that those arrested were not carrying arms, that there was no armed clash with government forces, and that at least five others were extrajudicially executed at the Airforce Station, Burma Camp, in Accra.

In April 1984 nine members of the Armed Forces Intelligence Unit, in exile, were sentenced to death *in absentia* by a Special Military Tribunal. They were convicted of subversion, apparently in connection with the alleged invasion the previous month.

The two detainees said to be still held, without charge, are:

- **Corporal Daniel Opare Sarpong** was reportedly arrested in March 1984. A Preventive Custody Order, E.I. 9 of 9 September 1985, authorized his detention from 28 June 1984.
- **Adimah Harrison Tetteh** was also reportedly arrested in March 1984, although his detention was variously authorized by Preventive Custody Order, E.I. 12 of 15 June 1984, from 15 June 1984 and by Preventive Custody Order, E.I. 9 of 9 September 1985, from 28 May 1984.

e) Alleged assassination plot, Kumasi, February 1985

At least nine detainees who were arrested after a conspiracy to assassinate the head of state was allegedly discovered in February 1985 are said to be still held without charge or trial.

In early February 1985 the authorities announced that arrests had followed an exchange of fire between rebel soldiers and loyal troops in Kumasi, Ghana's second largest city. Those detained had apparently been involved in a plot to assassinate Flight-Lieutenant J.J. Rawlings while he was on a visit to Kumasi on 31 January 1985, and their leaders had fled the country.

The detainees named below were among those arrested in the following months, although the reasons for their arrest are uncertain.

The detention of the following seven was authorized by Preventive Custody Order, E.I. 9 of 9 September 1985, which gave their date of arrest in most cases as 14 June 1985:

- **Sergeant George Aza Adongo** was a member of the Forces Reserve Unit, and was allegedly tortured after his arrest. He is reported to have gone almost blind in detention.
- **Sergeant Anamolga George Akolgo**, aged 28, also from the Forces Reserve Unit, was reportedly arrested on 1 February 1985 in Kumasi.
- **Lance Corporal John Kwesi Attipoe** was a member of the Sixth Battalion based at the Armed Forces Recruit Training Centre in Tamale at the time of his arrest.
- **Corporal Abraham Kweku Botwe** was also a member of the Sixth Battalion.
- **Corporal Issaka Bukari** was reported in 1990 to be mentally disturbed and held in chains at Nsawam Prison. The Preventive Custody Order authorized his detention from

15 June 1985 but also listed a Bukari Issah as having been detained from 14 June.

- *Lance Corporal Emmanuel Sawundi*, from the Fourth Battalion, was reportedly arrested in February 1985, although the Preventive Custody Order authorized his detention from 15 June 1985.
- *Nana Kwabena Amoah* had his detention authorized from 7 May 1985.

The following were detained under Preventive Custody Order, E.I.10 of 11 September 1985:

- *Private Godwin Wegudi*, from the Mortar Regiment, had his detention authorized from 19 June 1985.
- *Corporal Seidu Iddrisu* was serving with the Second Recce Regiment in Sunyani at the time of his arrest. The Preventive Custody Order authorized his detention from 29 March 1985. He is alleged to have been tortured at the BNI headquarters in Accra following his arrest.

One of those detained, *Captain Kwabena Bogee*, was released unconditionally in June 1990. A company commander in Tamale at the time of his arrest in April 1985, he was reportedly tortured and ill-treated under interrogation so badly that he was unable to walk for a time. There appeared to be no evidence that he had been involved in any conspiracy against the government.

Others who were reported to have been arrested at about the same time and to be still detained without charge or trial in 1990

were said by the Ghanaian authorities in April 1991 not to exist. They had all been detained under Preventive Custody Orders in 1985, but information about their release was not made available: Lance Corporal Kwadwo Osho Ampah, a member of the Fourth Battalion, Constable John Kwame Appiah, a BNI officer, Lance Corporal Winfred Koranteng, Abdul Aziz Salaam and Abubakari Alhassan.

f) Alleged Goka conspiracy, October 1985

Corporal Moses Harley, a nurse in his late 20s at the Military Hospital, Accra, at the time of his arrest in October 1985, is reported to be still held in detention in connection with an alleged conspiracy to overthrow the government. He is said to have been threatened with death and cut with a knife on his back and chest during his interrogation, and to bear the marks of torture.

Some 24 people were arrested in October 1985 after the alleged discovery of a plot to overthrow the government by members of the Goka family in exile in Togo. Trial, appeal and executions all took place within a short period of time. After the trial of 13 accused (five *in absentia*) by a Public Tribunal in Accra, which lasted from 6 March to 16 May 1986, nine were convicted of conspiracy and plotting to overthrow the government and were sentenced to death, two of them *in absentia*. Four were acquitted and two were sentenced to prison terms for helping an alleged conspirator escape. The appeals panel of the National Public Tribunal confirmed the sentences in June 1986 and, on 22 June 1986, seven prisoners were executed by firing squad.

The trial could not be considered fair because there was insufficient evidence to convict the defendants of involvement in plotting a coup. The evidence against them came primarily from their own statements made in incommunicado detention before the trial and retracted in court on the grounds that they were made under duress. The Public Tribunal, chaired by George Agyekum, made the extraordinary ruling that, because the statements were made to BNI officers, torture and intimidation by the military in whose custody the suspects were being held did not amount to duress (see page 23 above). The court also reportedly refused to hear some evidence in favour of the accused.

The court apparently ignored protests about the detention of witnesses before and during the trial, who may equally have been subjected to ill-treatment or intimidation while in detention. Evelyn Yeboah Djan, a 23-year-old laboratory technician and sister of one of the accused, Kyeremeh Djan, reportedly testified for the prosecution but was not released from detention until 1989. It has been alleged that Corporal Moses Harley was also detained as a potential prosecution witness, although it is not clear whether he gave evidence. These two detainees were not formally detained under the Preventive Custody Law, and it appears that they may have been subjected to improper pressure to coerce them to testify for the prosecution.

g) Alleged conspiracy, May 1986

Two people are believed to remain in detention without charge or trial following their arrest in May 1986, apparently on suspicion of planning a coup attempt.

In a press statement following the arrest on 28 May 1986 of **Captain Edward Adjei Ampofo**, a former Armed Forces Intelligence officer, the authorities said that they had foiled another coup attempt and that a number of dissidents had been detained. Captain Ampofo had been sentenced to death *in absentia* in August 1983 for his alleged involvement in the June 1983 coup attempt. The authorities said that he had admitted to involvement in subsequent attempts to overthrow the government in December 1984 and October 1985, and had implicated others in coup attempts. Arrested at about the same time was **Lance Corporal George Kojo Benefo**, also allegedly involved in the June 1983 coup attempt.

Following these initial arrests, others were detained in June and August 1986, including civilians; they are believed to have been released without charge in February 1987 and June 1990. In February 1987 the government announced that it was suspending charges of subversion against 12 people and releasing them "on licence" (apparently on a provisional basis). The statement said that some of them had admitted to involvement in plotting to overthrow the government and had appeared as prosecution witnesses at (unspecified) subversion trials. The government said it was releasing them because "it is considered that the time they have spent in custody has at least made them realise the gravity of allowing themselves to be used or misled by those who seek to retard national progress". They included **Victor Owusu**, a former government minister detained in August 1986. However, **Kojo Adjei Brempong**, a businessman arrested in June 1986 whose release was announced in February 1987, was not released until June 1990. According to a

government statement, he had been "involved in a subversive plot with Mr Victor Owusu, already released". Neither had been formally charged with or convicted of subversion.

h) Alleged Quarshigah conspiracy, September 1989

At least six members of the Ghanaian security forces have been detained without charge or trial since their arrests in September 1989 and January 1990. Although they have been accused of involvement in a plot to overthrow the government, the authorities appear to have insufficient evidence to prosecute them in open court.

Amnesty International considers them to be prisoners of conscience, detained for advocating non-violent political change in Ghana or because of their personal association with the alleged leader of the conspiracy.

Major Courage E.K. Quarshigah and at least eight others were arrested in late September and early October 1989. They were alleged to have been threatened and held in disorienting conditions and, in some cases, physically ill-treated. One of them, Flight-Lieutenant William Kofie Domie, died in detention on 29 September, according to the authorities by committing suicide (see page 21 above).

On 6 October 1989 a Ministry of Defence statement confirmed the detention of Major Quarshigah, Flight-Lieutenant Domie and three others. It said that a board of inquiry had been set up to look into allegations that they had compromised the security of the state but made no mention of Flight-Lieutenant Domie's death. Following this statement however, there were persistent rumours that

one of the detainees had died in detention, possibly as a result of torture.

The board of inquiry, composed of senior military and security officers, reported its findings to the Chief of Army Staff and a summary of them was published in the government-owned newspaper, the *People's Daily Graphic*, on 11 November 1989. According to this summary, the board heard evidence that Major Quarshigah had recruited members of the military and security forces to join a conspiracy to assassinate the head of state. The article said that six others had been involved in the plot: **Squadron Leader Edward Yehoenu Akakpo**, an airforce officer, **Alhaji Mohammed Abdulai Yusif**, a senior security officer at PNDC headquarters, **Joy Cudjoe** and **Simon Sablah**, two soldiers who had served under Major Quarshigah in the Forces Reserve Unit, and two others who had escaped arrest. The board of inquiry apparently recommended the release of one of the detainees, **Kwabena Donkor**, for lack of evidence.

The summary of the board's report said that Major Quarshigah had failed to report to the authorities his contacts with Flight-Lieutenant Domie and went on to suggest that his involvement in the alleged conspiracy was motivated by "an inordinate political ambition" and "delusions of grandeur". It implied that some of those detained had joined the alleged conspiracy because they had been dissatisfied with the progress of their careers or had been dismissed from their jobs.

In January 1990 at least five further army and security officers were arrested; they were said to be suspected of trying to destroy

evidence that local and foreign businessmen had financially backed the conspiracy. No report was made public of any inquiry into their cases but at least four army officers were subsequently released without charge and one BNI officer, **Prince Eric Acquah**, escaped from custody in May 1990. His mother, **Agnes Quicoo**, has reportedly been detained incommunicado and without charge since June 1990, apparently solely on account of her relationship to her son. She was reportedly arrested because she was carrying his passport when she returned to Ghana from a period of residence in neighbouring Côte d'Ivoire to look for him, and is said to have been suffering problems with her eyes while in detention. Another BNI officer, **Chris Amamatey**, also arrested in January 1990, is believed to remain in detention.

Others were reportedly detained in connection with the Quarshigah affair but were not mentioned in government statements.

They apparently included **Ras Seth Djamah Tei**, a businessman who was detained without charge or trial from September 1989 until August 1991 when he was released after requiring hospital treatment for heart disease and hypertension.

None of the detainees has been charged or tried with any offence, or given the opportunity to challenge the accusations against them in open court. The board of inquiry produced no conclusive evidence either that a conspiracy against the government existed or that those detained were implicated in any such conspiracy. According to the summary of the inquiry's findings, only two witnesses admitted to taking part in a conspiracy, Flight-Lieutenant Domie, who is dead, and Simon Sablah, who has since remained in detention.

It appears that the detainees are being held solely because of their non-violent criticism of government policy or because of their personal or professional association with Major Quarshigah. As a popular military figure with a following among the troops and in the country, Major Quarshigah was apparently seen as a threat to the government. He became nationally-known after playing a key role in thwarting the June 1983 coup. However, he subsequently fell from favour; he was not appointed to the most senior military or political positions. He and others among those arrested were known to have supported a return to civilian and constitutional rule.

(For further information about this case, see *Ghana: Detention without trial - the Quarshigah "conspiracy"*, AI Index: AFR 28/05/90, of 16 July 1990.)

Appendix C: Death sentences 1982-1991

YEAR	NUMBER SENTENCED TO DEATH	NUMBER EXECUTED	CHARGES AGAINST THOSE EXECUTED
1982	none known	none known	-
1983	32 (19 in absentia)	8 executed 1 death sentence commuted	attempting to overthrow the government, murder, armed robbery, fraud and smuggling
1984	30 (9 in absentia)	25 (including 3 convicted in absentia in August 1983 for attempting to overthrow the govt)	murder, armed robbery, attempting to overthrow the government and smuggling
1985	58 (7 in absentia)	16	common-law offences including armed robbery and murder, conspiring to overthrow the government
1986	21 (3 in absentia)	16 executed 2 death sentences commuted to prison terms	conspiring to overthrow the government, criminal offences
1987	61	an unknown number executed in July	armed robbery
1988	28	21	murder, including ritual

			<i>murder, and armed robbery</i>
1989	11 (1 in <i>absentia</i>)	not known	<i>murder and armed robbery</i>
1990	20	9	<i>murder and armed robbery</i>
1991	9 (1 in <i>absentia</i>)	not known	<i>murder and armed robbery</i>
TOTALS	270	at least 95	(at least 23 executed for <i>political offences</i>)

(The totals of death sentences and executions are almost certainly higher, since they have not always been announced nor details published. In April 1991 the Ghanaian authorities were unable to provide Amnesty International with lists or statistics on death sentences passed or executions carried out.)

Appendix D: Laws under which prosecutions may be brought before the Public Tribunals

(This document was provided by the Ghanaian authorities in April 1991 at the request of Amnesty International.)

Appendix E: Offences in respect of which the death penalty may be imposed by the Public Tribunals

(This document was provided by the Ghanaian authorities in April 1991 at the request of Amnesty International.)

