

EXTERNAL (for general distribution)

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Legal/health concern

15 November 1991

GHANA: Kwesi Armah, aged 62, lawyer, former government minister

Kwesi Armah has been detained, incommunicado and without charge or trial, since 25 October 1991. His arrest followed the publication of a newspaper article critical of members of the present government, the Provisional National Defence Council (PNDC). Amnesty International considers him to be a prisoner of conscience and is calling for his immediate and unconditional release.

Kwesi Armah was High Commissioner (ambassador) to the United Kingdom and Minister for Trade under the First Republic government of Dr Kwame Nkrumah in the 1960s and later legal advisor to the ruling People's National Party (PNP) in the short-lived Third Republic from September 1979 to December 1981.

In October 1982, he was convicted of involvement in illegally obtaining a loan for the PNP from foreign sources, and was sentenced to nine years' imprisonment. Also convicted with him were leading PNP members Nana Okutwer Bekoe and Krobo Edusei. He was released in October 1989. Their trial, before a special court, a Public Tribunal, did not conform to international standards of fair trial and they were denied any right of appeal.

On 25 October 1991 Kwesi Armah and Nana Okutwer Bekoe were detained by officers of the Bureau of National Investigation (BNI), the security police.

Their arrest was believed to be in connection with an allegation made in a recent edition of the *Christian Chronicle* newspaper that members of the military government which seized power in June 1979, the Armed Forces Ruling Council (AFRC), had profited from the illegal foreign loan for which they had been convicted. There have been unconfirmed reports that the editor of the *Christian Chronicle*, George Maykene, has also been detained. The AFRC gave way to a PNP-controlled civilian government in September 1979 but its leaders again led a military coup in December 1981 and some remain in government today.

Although steps have recently been taken towards a return to constitutional rule, laws allowing arbitrary and unjust detention have not been repealed and the authorities continue to harass organized political opposition.

On 28 October 1991 Nana Okutwer Bekoe, who suffers from diabetes, was released on health grounds after he developed hypertension. Kwesi Armah's family has not been informed where he is detained, has not been able to deliver clean clothes or food for him, and is concerned for his health. Conditions in detention have often been harsh and health-threatening in Ghana.

No reason has been given for his detention and Kwesi Armah is believed to be held under the Preventive Custody Law, PNDC Law 4 of 1982, which 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.

RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:

- expressing concern at the arrest and continued detention without charge or trial of Kwesi Armah, apparently in connection with a newspaper article critical of members of the government;
- requesting information about the reasons for his detention, his place and conditions of detention, and his state of health;
- urging that he be given full and immediate access to his lawyers and family and appropriate medical care;
- stating that Amnesty International believes him to be a prisoner of conscience and calling for his immediate and unconditional release.

APPEALS TO:

Flight-Lieutenant J.J. Rawlings **Salutation: Dear Chairman**
 Chairman of the Provisional National Defence Council
 Office of the PNDC
 PO Box 1627
 Castle, Osu
 Accra, Ghana
Telegrams: Flt-Lt. Rawlings, Accra, Ghana
Telexes: 2132 SCALE GH or 2337 NATSEC GH

Captain Kojo Tsikata **Salutation: Dear Captain**
 PNDC member responsible for National Security and Foreign Affairs
 Office of the PNDC
 PO Box 1627
 Castle, Osu
 Accra, Ghana
Telegrams: Kojo Tsikata, Accra, Ghana
Telexes: 2132 SCALE GH or 2337 NATSEC GH

Major-General W.M. Mensah-Wood **Salutation: Dear Major-General**
 Chief of Army Staff, General Officer Commanding the Ghana Armed Forces
 Burma Camp
 Accra, Ghana
Telegrams: Maj-Gen Mensa-Wood, Accra, Ghana
Telexes: 2077 BCAMP GH

Mr Justice F. Daniel Annan **Salutation: Dear Mr Justice**
 Vice-Chairman of the Provisional National Defence Council
 State House
 Accra, Ghana
Telegrams: Mr Justice Annan, Accra, Ghana
Telexes: 2132 SCALE GH or 2337 NATSEC GH

COPIES TO:

Dr Obed Y. Asamoah
Secretary for Foreign Affairs
Ministry of Foreign Affairs
PO Box M53
Accra, Ghana

Ghanaian Chronicle, PO Box 16369, Airport, Accra, Ghana

Ghanaian Voice, PO Box 514, Mamprobi, Accra, Ghana

Pioneer, PO Box 325, Kumasi, Ghana

Entertainment Eye, PO Box 878, Kumasi, Ghana

and to diplomatic representatives of Ghana in your country.

**PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 27 December 1991.**