



STATEMENT READ BY HON. JOHNSON ASIEDU NKETIA, NATIONAL CHAIRMAN OF THE NATIONAL DEMOCRATIC CONGRESS, AT A PRESS CONFERENCE ON THE UNPROFESSIONAL AND CRIMINAL CONDUCT BY THE ATTORNEY-GENERAL, GODFRED YEBOAH DAME, IN THE AMBULANCE CASE.

Tuesday, 28th May, 2024

Good afternoon, distinguished ladies and gentlemen of the media.

I welcome you on behalf of the National Democratic Congress (NDC), to this crucial Moment of Truth press conference.

We have called you here over a very grave matter that has the potential to completely undermine the administration of justice in Ghana.

As you may be aware, since late 2021, the Akufo-Addo/Bawumia government has been persecuting the Minority Leader in Parliament, Hon. Dr. Cassiel AtoForson, over the purchase of some ambulances by the Ministry of Health under the erstwhile NDC/Mahama government.

As a law-abiding political party, we have restrained ourselves from commenting on this matter publicly. This is because we respect the principle that matters pending in court should not be commented on in a manner that prejudices the outcome. We therefore have no intention of doing so today.

However, in the light of repeated falsehoods, deliberate misrepresentations and distortions churned out by Attorney-General Godfred Yeboah Dame and NPP propagandists, we are compelled to correct certain misconceptions in the public domain about the said ambulance transaction and situate this discussion in its proper context.

This is without prejudice to any matters pending before the law courts in this case.

Every reasonable person would agree that, it will be irresponsible of us to sit aloof and allow deliberate falsehood to be peddled about us without putting out the truth.



1. For the avoidance of doubt, the specific claim that the Attorney-General has based his persecution of the Minority Leader on is that, in the Attorney-General's view, there has been financial loss to the state because he as Deputy Minister of Finance, wrote letters to the Bank of Ghana requesting the Bank to set up Letters of Credit in favour of Big Sea Trading Limited of Dubai, suppliers of the ambulances in question, without authorisation from his then boss and Finance Minister, Hon. Seth Terkper. This is publicly available information captured in the records of the High Court, Accra.

2. It is also a matter of public record, that Hon. Seth Terkper has appeared before the trial court and stated unequivocally under oath that he gave express authorisation to his then Deputy Minister of Finance, Hon. Ato Forson, to write the said letters to the Bank of Ghana for Letters of Credit to be established in respect of the ambulance transaction. This authorisation is evidenced by the seal of the Ministry of Finance that is apparent on the face of the letter written by Hon. Ato Forson.

3. It is instructive to note that the establishment of the Letters of Credit was done on the advice of the Attorney-General then, that failure to do so was going to make it difficult for the Government of Ghana to defend any suit brought by Big Sea Trading for breach of contract.

4. Godfred Dame and hordes of NPP propagandists also continue to falsely claim that the NDC government brought in ordinary vans purporting to be ambulances without medical equipment under the said transaction.

5. We want to state emphatically that the first set of 30 ambulances supplied under the transaction arrived in the country with the necessary fittings in them sometime in the year 2015.

On the screen are pictures of the exterior and interior of the ambulances as they arrived in the country. It is clear from these pictures that the ambulances that were procured were not empty vans as claimed by dishonest Godfred Dame and the NPP.

6. In addition, a container load of medical equipment to be installed in these ambulances were shipped by Big Sea and arrived in the country around the end of 2016. Sadly, these medical



equipment have been sitting at the Tema port for the last eight (8) years because this government, specifically the Ministry of Health, which is the consignee, has refused to clear them just so they can falsely claim that there were no equipment.

Once again, we have projected on the screen a copy of the bill of lading dated 8th October, 2016 covering this shipment. As can be seen, this container has 30 sets of medical equipment and defibrillators for installation, as well as spare parts for the 30 ambulances.

7. All that was required for this government to do was to clear the medical equipment from the ports and give engineers of Big Sea access to the ambulances, which have since been parked at the Airforce Base in Accra, to install them, train personnel of the Ghana Ambulance Service to use them and then formally take possession of the said ambulances.

8. It therefore makes no sense that after refusing to do this simple task and allowing the ambulances to deteriorate for 8 years, Godfred Dame would turn around to persecute Hon. Ato Forson for allegedly causing financial loss to the State, when that loss has been clearly occasioned by the deliberate negligence of the government he represents.

9. We firmly believe that the decision to take the Minority Leader and some others to Court over this matter was born out of a malicious, sinister and wicked desire to silence him through unjust imprisonment and nothing more.

As we publicly stated from the very outset of this case, the timing and circumstances of this so-called prosecution, show that it was instituted mainly to intimidate and silence the then ranking member on Finance, now Minority Leader, following his vehement opposition to the government's 2022 budget, the E-levy and the general economic mismanagement by the Akufo-Addo/Bawumia government. This is the very embodiment of political witch-hunt and persecution.

Having set out the factual background of this whole matter, I will now proceed to address certain grave matters that have emerged from the ongoing trial, which border on professional misconduct and crime on the part of the Attorney-General, Godfred Yeboah Dame.



10. Ladies and gentlemen of the media, last Thursday, 23rd May 2024, the 3rd Accused person in this case, Richard Jakpa, took the stand to be cross-examined by counsel for Dr. Ato Forson. During this cross-examination, Attorney-General Godfred Dame, shot up from his seat to accuse Mr. Richard Jakpa of defending Dr. Ato Forson rather than himself.

11. In response to the Attorney-General's accusation, Mr. Jakpa who was testifying under oath and felt attacked without provocation, dropped a bombshell that Godfred Yeboah Dame, the Attorney-General, has been having clandestine meetings and telephone conversations with him at odd hours to persuade him to falsely testify against the Minority Leader, Dr. Ato Forson, so that the prosecution can secure a conviction. This testimony by Mr. Jakpa was given to the court under oath and captured by the court's record.

12. At last Thursday's hearing, the Attorney-General who was personally present in court, could not object to this damning evidence of Mr. Jakpa. He did not deny calling and meeting Jakpa at odd hours. Neither did he deny Jakpa's claim that he has been impressing on him to skew his testimony in a manner that will allow the State to secure a conviction against the Minority Leader.

13. Ladies and Gentlemen of the media, in the period following these startling revelations, the National Democratic Congress, has obtained compelling evidence which supports Mr. Richard Jakpa's claim that the Attorney-General indeed has engaged him on countless occasions and urged him to falsify his testimony to aid the case of the Attorney-General against Dr. Ato Forson.

14. This evidence points to a devious, diabolic and dangerous plan by the Attorney-General to secure conviction against Minority Leader Dr. Ato Forson at all cost, contrary to what the 3rd Accused knows and believes to be the truth.

15. We have in our possession a series of recordings in which the Attorney-General, Godfred Dame, is clearly heard goading, urging, impressing upon and coaching Mr. Jakpa to bear false testimony against the Minority Leader, Dr. Ato Forson.



All of this desperate subornation by Mr. Dame is just because he is hellbent on securing the incarceration of the Minority Leader.

16. Ladies and Gentlemen, the first of these recordings is a 16-minute five seconds telephone conversation between Godfred Dame and Richard Jakpa, the 3rd Accused person, held on the morning (7:12am) of 9th April, 2024, a day that the 3rd Accused Richard Jakpa was preparing to go to court to continue his testimony.

In this recording which we will play to your hearing and share with you shortly, Godfred Dame, the Attorney-General, is clearly heard doing the following:

A) Witness tampering

In this recording, Godfred Dame is heard impressing upon Richard Jakpa, the 3rd Accused, Richard Jakpa, to skew his answers and testimony to support the prosecution's case.

This was despite Mr. Jakpa's insistence that the line the Attorney-General wanted him to tow was dishonest, untenable and that his conscience could not allow him to do so.

The dishonourable Attorney-General then dangled the assurance that Richard Jakpa's acceptance to testify the Attorney-General's way was not going to get him into any difficulty.

B) Conspiracy against an accused person

In the recording under reference, Richard Jakpa reveals that Godfred Dame had met him on several occasions at the residence of a sitting Supreme Court Judge to impress upon him to testify in a manner that the Prosecution wants in order to fix and wrongfully jail the Minority Leader Dr. Ato Forson.

Godfred Dame did not refute this statement by Richard Jakpa except to caution him that they were speaking on phone, and that he was not sure if anyone was recording their conversation.



Also, Godfred Dame is heard in the recording urging and coaching Richard Jakpa, albeit with strong protest from Mr. Jakpa, to provide answers that Jakpa knows to be false to the Court.

C) Professional Misconduct

The audio recording provides incontrovertible evidence of professional misconduct on the part of Godfred Dame as a Lawyer and a prosecutor.

By talking to a represented person in an ongoing trial, on the blindside of the represented person's lawyer and urging the represented person to testify in a manner that aids the prosecution's case, Godfred Dame violently violated the Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423) in many ways.

This gross professional misconduct on the part of no less a person than the Attorney-General, who as the leader of the Bar bears a high responsibility to adhere to the rules of ethics of the legal profession, is reprehensible and totally unpardonable.

D) Fabrication of evidence to pervert the course of Justice

It is instructive to note that in the audio recording, Godfred Dame is heard persuading Mr. Jakpa not to end his testimony by a particular time to allow him to travel.

The dishonourable Attorney-General is also heard persuading Mr. Jakpa to procure and submit a fake medical excuse duty to the court which he was scheduled to testify before that morning. This was to enable Godfred Dame travel abroad without missing Jakpa's testimony.

By asking a witness to fabricate evidence to deceive a court, Godfred Dame, the Attorney-General, sought to undermine the judicial and justice administration process.

This conduct of Godfred Dame constitutes the offense of perjury which is a crime punishable under the laws of Ghana, specifically sections 213 and 214 of the Criminal and Other Offenses Act, 1960 (Act 29).



Ladies and Gentlemen of the media, I would at this stage invite you to listen to the content of this recording after which I will make some important observations.

(Play audio recording)

Ladies and gentlemen of the media, the recording you just heard is one that is worrying and all Ghanaians must be concerned about it.

This is a scandal of unimaginable proportions that seriously exposes the criminal-mindedness and lack of integrity of the Attorney-General, Godfred Dame.

It also highlights the dishonesty of the prosecution in the Ambulance trial and the desperate lengths they are prepared to go to secure wrongful conviction against Hon. Ato Forson at all cost.

Clearly, Mr. Dame, who as Attorney-General ought to know better, was doing everything he could, including criminal acts, to defeat the long cherished legal principle that it is better to set a thousand guilty persons free than to convict one innocent person.

Again, this recording, confirms our long-held position on Godfred Dame's notoriety for judicial manipulation against opponents of the Akufo-Addo/Bawumia regime.

After many years of getting away with his shady, crooked and underhand dealings, Godfred Dame's cup has become full and his day of reckoning has finally come.

Today, Godfred Dame stands exposed as an unethical, scheming and devious Attorney-General who will go to whatever length, including engaging in criminality to unjustly silence, persecute and imprison critics of his government. Dame is clearly a devious character bereft of integrity, honour and unfit to occupy the high and hallowed public office of Attorney-General.

Ladies and gentlemen of the media, why should we be concerned about this tape recording?



As I have already intimated, this tape recording captures professional misconduct, unethical behaviour and criminal conduct on the part of no less a person than the Attorney-General of the Republic of Ghana, Godfred Yeboah Dame.

This conduct of Attorney-General Godfred Dame offends Rules 13, 40 and 54 of the Legal Profession (Professional Conduct and Etiquette Rules) L.I. 2324.

Rule 13 of L.I 2324 , which is on Communication with a represented party states:

“A lawyer shall not approach, communicate or deal with a represented person on a matter or attempt to negotiate or compromise a matter directly with a represented person except through or with the consent of the lawyer of that represented person”.

At the time that Mr. Godfred Dame was calling and meeting Richard Jakpa at odd hours to urge, goad, impress upon and coach him to testify the Attorney-General’s way, Mr. Jakpa was represented by a lawyer.

The claim that the Attorney General has been engaging the 3rd Accused directly because he has been changing lawyers frequently is totally false.

For instance, at the time Godfred Dame engaged the 3rd Accused, Richard Jakpa in the phone call conversation that we just played to you on 9th April, 2024, the 3rd Accused was represented by the distinguished lawyer, Thaddeus Sory.

It is clear from the tape recording that Godfred Dame was communicating with the 3rd Accused, Richard Jakpa, on the blindside of his lawyer as well as the court, and he was attempting to compromise Jakpa in order to wrongfully convict Dr. Ato Forson. This is a cardinal sin against the Legal Profession (Professional Conduct and Etiquette Rules) L.I. 2324.

Again, Rule 40 (1) of LI 2324, which highlights special responsibilities of a prosecutor states:

“Where a lawyer acts as a prosecutor, the lawyer shall act resolutely and honourably within the limits of the law and shall treat the court or tribunal with candour, fairness, courtesy and respect”.



It is clear from this tape that Godfred Dame's conduct violates Rule 40 (1) of LI 2324. He consciously, deliberately and knowingly did not act resolutely nor honourably. Neither did Dame treat the court with the candour, fairness and respect that all lawyers, and in this particular case prosecutors, are required by law to do.

The standard for Integrity of evidence is provided for by Rule 54 of LI 2423. It states:

Rule 54 (1) A lawyer shall not advise or suggest to a witness to give false evidence.

(2) A lawyer shall not

(a) suggest, or

(b) condone a client or another person suggesting to a prospective witness, the content of any particular evidence which the witness should give at any stage in a proceeding.

This is the duty placed by law on all lawyers, including the Attorney-General. Godfred Dame by his conduct, which are captured on this tape, clearly violates this duty placed on him as a lawyer.

Again, Godfred Dame's conduct violates section 213 of the Criminal Offenses Act, 1960 (Act 29) which is on fabrication of evidence and states as follows:

“Whoever fabricates evidence, with intent to defeat, obstruct, or pervert the course of justice in any proceeding, shall be liable to the same penalties as if he had committed perjury in that proceeding.”

It is clear from the tape recording that Mr. Dame was urging, goading and encouraging the 3rd Accused to fabricate evidence in the form of a fake medical excuse duty to deceive the trial court.

FALSE ENTRAPMENT EXCUSE

Ladies and gentlemen of the media, we note that following Mr Richard Jakpa's explosive testimony last Thursday and the widespread controversy it has generated, Godfred Dame has resorted to peddling more lies in an attempt to escape accountability.



First, the Attorney General publicly stated at paragraph 2 of his press release of 23rd May, 2024 that;

“The Republic has never required or desired the cooperation of any of the accused persons in the matter, in which it has already succeeded in establishing a prima facie case against all the accused persons. Neither the Attorney-General nor any officer from the Office of the Attorney-General has approached any of the accused persons with the view to obtaining evidence from them”.

It is glaringly clear from the tape recording you just listened to that this claim is a barefaced lie peddled by the dishonourable Attorney-General and his office to deceive the public.

In sharp contrast to his earlier claim that he has never met any of the accused persons, the Attorney-General now claims that he has actually contacted and met the 3rd Accused, Richard Jakpa, but that he met him only once at the residence of a Supreme Court Judge and that this meeting was not at his behest but rather at the behest of a sitting Supreme Court judge who entrapped him.

Ladies and gentlemen, all these claims by the Attorney-General through his spokesperson are lies, and we have evidence to prove so.

In addition to the voice recordings, we have other evidence by way of screenshots of chats on WhatsApp between Godfred Dame and Mr. Jakpa which further prove that the Attorney-General contacted a represented person without recourse to the represented person’s lawyer.

The chats further show, that it was Godfred Dame who chose to meet Richard Jakpa at the house of the Supreme Court Judge (Project WhatsApp Exhibit 1).

As you can see from the screen this is a WhatsApp chat dated 16th February, 2022 in which Godfred Dame undertakes to arrange a meeting with Mr. Jakpa through his brother (actually, his cousin, the Supreme Court Judge) through a WhatsApp message sent at 7:32pm. This evidence totally belies Dame’s contrived and ridiculous claim that he was entrapped.



The next set of WhatsApp chats (Project WhatsApp exhibits 2, 3 and 4) dated 17th July, 2022, shows Godfred Dame, receiving certain soft copies of documents from Mr. Richard Jakpa to facilitate his prosecution of the Minority Leader at 11:29pm. This was immediately after the Attorney-General had met Mr. Jakpa at the residence of the Supreme Court judge, at the instance of the Attorney-General.

In the next WhatsApp chat (WhatsApp exhibit 5) dated 23rd November, 2023, Godfred Dame is seen to have placed a call at 10:40am to Richard Jakpa and followed it with a message at 10:49am acknowledging a message sent to him by Mr. Jakpa that the case had been adjourned to Thursday, the following week.

The final WhatsApp chat (WhatsApp exhibit 6) dated Tuesday 9th April, 2024 shows evidence of a 26- minute phone call placed to Richard Jakpa by Godfred Dame at 7:12am, the morning of a day Jakpa was scheduled to testify in court.

It is this telephone conversation that we have played to you and it was in this conversation that Godfred Dame, among others, asked Jakpa to fabricate a fake medical excuse duty to deceive the trial court.

Thus, the claim by the dishonourable Attorney-General Godfred Dame that he only met the 3rd Accused person once and that same was through entrapment by a Supreme Court judge is not only false but hogwash.

CONTRIVED PLEA BARGAIN EXCUSE

Ladies and gentlemen, following Mr. Jakpa's explosive testimony in court, the Attorney-General has falsely claimed through his spokesperson and various assigns that his engagement with the 3rd Accused was for purposes of plea bargain negotiations at the instance of the 3rd Accused.

We want to state for the records that there has not been any plea bargain meetings between the Attorney-General and the 3rd Accused throughout this trial.



All the letters being circulated by the Attorney-General in the media dated 27th April, 2023, 16th May, 2023, 30th May, 2023 and 12th June, 2023, were proposals for amicable settlement and plea bargaining from Big Sea LLC and Mr. Jakpa.

All these proposals were rejected by the Attorney-General, whereupon the trial court decided to continue with the hearing and adjudication of the case.

Since then, the court has not been informed of the commencement of any plea bargain negotiations as required by section 162C(3) of Plea Bargaining Act, 2022 (Act 1079).

For emphasis, aside the letters submitted by Mr. Jakpa to the Attorney-General for settlement or plea bargaining, which proposals were all rejected by the Attorney General, there has not been any meeting between either Mr. Jakpa or his lawyers on one hand and the Attorney-General or his assigns on the other hand.

It is worthy of note that all those letters were signed by lawyers for Mr. Jakpa. This means that assuming the Attorney-General had accepted to engage the 3rd Accused in plea bargain negotiations, same should have been done with the lawyers of the 3rd Accused as required by section 162A(3) of Plea Bargaining Act, 2022 (Act 1079).

More importantly, the evidence of clandestine communication and meetings between the Attorney-General and the 3rd Accused which we have shown you, dates back to as far back as 16th February, 2022 and 17th July, 2022 when no settlement or plea bargain proposal had even been made by Big Sea and Mr. Jakpa.

We have also played to you a recording of a phone call conversation held between the Attorney-General and Mr. Jakpa as recent as 9th April, 2024, a day Mr. Jakpa was scheduled to testify in court.

It is evidently clear from the foregoing facts that the plea bargain excuse being mounted by the Attorney-General and his assigns are palpable lies calculated to divert attention from the critical issues at stake.



The question every well-meaning Ghanaian should be asking is, why the Attorney-General will refuse a proposal to settle this case, which will ensure the payment of Two Million Euros to the State, at a time our country is faced with economic bankruptcy.

DEMANDS

Considering the scandalous nature of this recording and other forms of evidence we have shown you, we wish to make the following pressing demands as part of efforts to restore credibility to the Attorney-General's office and Ghana's judicial system as a whole.

1. The immediate and unconditional resignation or dismissal of Godfred Dame for bringing the high office of the Attorney-General and Minister of Justice into disrepute and public opprobrium. Clearly, Mr. Dame is not fit to hold himself out as Attorney-General and Minister of Justice. He is unfit to be the Leader of the Ghanaian Bar.
2. The immediate prosecution of Godfred Dame for multiple violations of the laws of Ghana. We wish to make it clear that should President Akufo-Addo fail to prosecute him, a future NDC government will prosecute Godfred Dame for this heinous crime of fabrication of evidence.
3. Commencement of disciplinary proceedings by the General Legal Council against Godfred Dame and his disbarment for conduct unbecoming of a lawyer and more importantly the leader of the Ghana Bar.
4. A publicly-televised Parliamentary inquiry into this and other reports of judicial manipulations by Godfred Dame with a view to censure Godfred Dame to prevent the recurrence of such judicial manipulations.

CONCLUSION

Friends from the media, it is clear from the incontrovertible evidence we have adduced today, that the government has no evidence of wrongdoing against the Minority Leader but is only involved in fabrications to persecute him as retribution for his strong opposition to the economic mismanagement and general misrule of the Akufo-Addo/Bawumia government.



These damning revelations call into question the integrity of the case of the prosecution in the ongoing Ambulance trial and the necessity for same.

Godfred Dame has brought shame and disrepute to the honourable office of the Attorney-General with his criminal, devious and vicious conduct. He is a danger to fairness and justice in our judicial system and represents the lowest point in the history of persons who have occupied the hallowed office of Attorney-General and Minister of Justice.

While we have pointed out many times that Godfred Dame epitomises all that is inherently wrong in vesting both the office of the Attorney-General and the Minister of Justice in the same person, we believe that he has recklessly abused both offices and his continuous stay in office is no longer tenable.

The primary responsibility of the Attorney-General is to be the voice of rule of law, ensure the impartial enforcement of law and advise the President and government to take actions that conform to law.

More importantly, an Attorney-General must be a shining example and a leading light for the Bar, not a criminal-minded, crooked, devious and vicious person who is pre-occupied with witch-hunting and victimisation, as has become the cup of tea of Godfred Dame.

Mr. Dame has demonstrated time without number that he cannot prioritise the national interest over his party's parochial and self-serving interest. He must therefore resign or be sacked by the President without delay.

SIGNED.

HON. JOHNSON ASIEDU NKETIA
NATIONAL CHAIRMAN, NDC