

*In case of reply the
number and date of this
letter should be quoted*

My Ref. No:OSP/2/AM/14

Your Ref. No.:.....



REPUBLIC OF GHANA

OFFICE OF THE SPECIAL PROSECUTOR
YANTRABI ROAD, LABONE
P. O. Box M 60
ACCRA

Tel:

16th November 2020

**H. E. THE PRESIDENT OF THE REPUBLIC OF GHANA
OFFICE OF THE PRESIDENT
JUBILEE HOUSE
ACCRA**

RESIGNATION OF APPOINTMENT AS SPECIAL PROSECUTOR

Kindly refer, Your Excellency, to your letter with reference number OPS101/1VOL.5/20/88 dated 30th January 2020 and hand delivered to me in person on 5th February 2020 formally offering me appointment as the Special Prosecutor. I also refer to my letter dated 17th February 2020 accepting Your Excellency's offer of appointment as the Special Prosecutor made in your said letter.

The purpose of this letter is to convey to Your Excellency, Mr. President of the Republic, that pursuant to Section 13 (8) and (10), of the Office of the Special Prosecutor Act, 2017 Act (959), and Article 145(3) of the 1992 Constitution I am resigning my position as the Special Prosecutor with immediate effect to enable Your Excellency to take steps to appoint a replacement to that position as required by law.

The one condition upon which I accepted to be nominated as the Special Prosecutor when you invited me to your Office on 10th January 2018 was your firm promise to me that you will respect and ensure same by your Government for my independence and freedom of action as the Special Prosecutor. Several things have happened since then. But your reaction to my letter with reference number OSP/SCR/20/12/20 dated 16th October 2020 which was delivered to you on 19th October 2020 conveying to you the conclusions and observations of the analysis of the risk of corruption and anti-corruption assessment of the Agyapa Royalties Limited Transactions convinces me beyond every reasonable doubt that you had laboured under the mistaken belief that I could hold the Office of the Special Prosecutor as your poodle.

After receiving my letter under reference on 19th October 2020 you ordered your Chief of Staff on 20th October 2020 to deliver an urgent message personally to me the same day. When she could not reach me on telephone she decided to invite me in writing, in her letter with reference number OP/COS/015 dated 20th October 2020 stating that: "I have been directed by H. E. the President of the Republic to deliver an urgent message personally to you, today 20th October. 2020. I am looking forward to seeing you as requested." I received the Chief of Staff's letter the next morning 21st October 2020 and reported to her office as requested. The message she delivered to me was that you had instructed that I was not to do anything about my report on the Agyapa Royalties Transaction until I had met you on Friday 23rd October 2020. You were away in the Volta Region when I met the Chief of Staff.

I met Your Excellency in your office in the afternoon of 23rd October 2020 and I underscored the fact that my letter dated 16th October 2020 to you was sent out of the necessary courtesy of prior information to your Office as President of the Republic and the Commander-in-Chief responsible for national security. I also underscored the fact that the analysis of the risk of corruption and anti-corruption assessment was conducted professionally, it could not be reviewed by the Minister of Finance or yourself, and my letter was particularly not intended for you to direct me as to how to conduct the duties of my Office. Your Excellency insisted that I should withhold any further action on the report for one week. I reluctantly agreed to your terms but gave you notice immediately that I did not intend to continue as the Special Prosecutor because of your interference in the performance of my functions under the law.

You eventually invited me to your office in the evening of Sunday 1st November 2020 where I again asserted that I was not going to bargain over the independence of my functions as the Special Prosecutor. I refused to take the copy of the alleged comments from the Minister of Finance you offered me as that would have compromised my independence as the Special Prosecutor. I also refused to shelve my report to enable you handle the matter which explains my press release to the public on the morning of 2nd November 2020 and the follow-up with the distribution of the full sixty-four (64) page Agyapa Royalties Transactions anti-corruption assessment report to the public. Unbeknown to you that I had published the full sixty-four (64) page report to the public you caused a press statement to be made based on my letter dated 16th October 2020 to you under reference which sought to politicize and down play the seriousness of the professional analysis of the risk of corruption and anti-corruption assessment reported by my Office.

It thus became abundantly clear to me that I cannot continue under your Government as the Special Prosecutor because we disagree on the non-partisan independence of the Special Prosecutor in the performance of the functions of my Office in preventing and fighting corruption and corruption-related offences. The sixty-four (64) page analysis of corruption and anti-corruption assessment report discloses several serious corruption and corruption-related offences in respect of which I intended to open full investigations as the Special Prosecutor. I cannot do that now after your political interference in the performance of functions of the Office for two weeks from 20th October 2020 to 1st November 2020 culminating your directives on how the anti-corruption assessment report of the Agyapa Royalties Limited Transaction by this Office should be handled by the principal suspects disclosed by the anti-corruption assessment report.

More importantly, Your Excellency was acting as a judge in your own cause in usurping my functions to take any independent follow-up actions on the anti-corruption assessment report when you knew from my thirteen (13) page letter of 16th October 2020 conveying the conclusions and observations of the anti-corruption assessment report to you that negative anti-corruption assessments had been made against the conduct of your Office in the procedure adopted in granting the Executive Approval dated 24th March 2020, and your assent of the Minerals Income Investment (Amendment) Act, 2020 (Act 1024) on 27th August 2020 intended to retroactively impact the Parliamentary approval of the Transactions Documents granted on 14th August 2020. Pages 31 to 33 and 52 to 53 of the full sixty-four (64) page report submitted to you on 2nd November 2020 contains the detailed anti-corruption assessments on these matters. The totality of the foregoing interventions by you in my functions make my position as the Special Prosecutor untenable.

I had also stated at my vetting for approval by Parliament on 13th February 2018, which was broadcast to the whole world, that the Office of the Special Prosecutor will be innovatively operationalized and run effectively and efficiently in accordance with international best practice to be able to achieve its objectives of preventing, investigating, prosecuting corruption and corruption-related offences, and recovering assets of corruption. Unfortunately, by July 2020 I had not been able to have an Office staffed by independently recruited and impartial staff operating within a credible institutional culture of anti-corruption to achieve the mandate of the Office. This was the undertaking I made to Parliament and the people of Ghana on oath during my vetting for approval for appointment. The whole proceedings of my vetting for approval for appointment is still available online and I am most disappointed to listen to it years down the line.

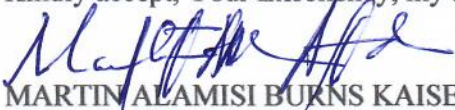
The compulsion to use a limited number of seconded staff in a three bedroom and boys-quarters accommodation undermined the achievement of the objects of the Office and my undertaking on oath before Parliament. One cannot seriously continue to prevent and fight corruption by depending on seconded staff of a two (2)-year duration (renewable for another year) who are looking forward to and/or over their shoulders to returning to their main employers who consequently may have more influence over them than the Special Prosecutor under whom they are supposed to work.

I am most grateful for every assistance and support Your Excellency, Mr. President, offered me since my appointment on 23rd February 2018. Regrettably, our wishes have not materialized during Your Excellency's first term in Office for obvious operational and political reasons, and we now fundamentally disagree on a non-partisan professional approach to the prevention of corruption and fighting corruption to make it a high-risk enterprise for public officers. I also do not see any serious non-partisan prospect of any improvement in preventing and fighting corruption in Your Excellency's next term of Office in 2021. My view has always been that if I cannot assist Your Excellency, Mr. President in a non-partisan professional way to prevent corruption and to fight corruption, I should not hurt Your Excellency by continuing to occupy the position of the Special Prosecutor.

It is essential for me to state for the purpose of the records, and contrary to public perceptions, that my appointment letter was received on 5th February 2020 (almost two (2)-years after my appointment). The copy addressees made no efforts to honour any of the conditions of appointment in terms of emoluments and benefits of the appointment ever since my warrant of appointment was issued on 23rd February 2018 to the date of this letter of resignation. I accepted your offer on 10th January 2018 to be nominated the first Special Prosecutor because Your Excellency, Mr. President, and Ghanaians knew I have been a non-partisan anti-corruption crusader all my life and not an anti-corruption entrepreneur. This explains why I have never put the emoluments and benefits of the Office as central to my commitment and my passion for the establishment of a non-partisan and independent, effective, efficient and impartial anti-corruption Office of the Special Prosecutor before the end of the first term of Your Excellency, Mr. President. This has not been possible for several reasons, including those expressly stated hereinbefore.

I have delayed since 2nd November 2020 in submitting my letter of resignation to Your Excellency to enable me to formally facilitate a smooth transition from my tenure to the Deputy Special Prosecutor's, who by law has to act as the Special Prosecutor for the meantime. She has also not been paid any emoluments since her appointment, and you may wish to redress that situation for her now that I am out of the way.

Kindly accept, Your Excellency, my assurances of the highest consideration.

A handwritten signature in blue ink, appearing to read 'Martin Alamisi Burns Kaiser Amidu', written in a cursive style.

MARTIN ALAMISI BURNS KAISER AMIDU
(SPECIAL PROSECUTOR)