

RECOMMENDATIONS

1. STRUCTURAL

1.1. The Commission recommends that the president should review and restructure the Ministry of National Security establishment with a view to ensuring clarity of responsibilities and roles as well as lines of reporting.

1.2. The Commission recommends the establishment of a standing command and control center tasked *inter alia* with the role of assessing and processing intelligence for rapid deployment. This center will incorporate key officers of allied internal security agencies, including the police, military, national security, fire service, customs etc.

1.3. The Minister of State appointed at the presidency to the Ministry of National Security should have a clearly delineated role with responsibilities indexed to that of substantive sector minister. This should establish a clear chain of command and the circumstances under which he or she can act in the absence of the substantive Minister.

2. OPERATIONAL

2.1. It is recommended that as a matter of urgency, the police and national security establishment develop protocols for the assessment and rating of intelligence received; and subsequent deployment of missions, if any.

2.2. The Commission recommends that no masked or hooded men should be used for civilian policing, especially in electoral policing or the execution of intelligence contingent on, or connected with, any ongoing elections in Ghana.

2.3. The Commission recommends that SWAT teams and police officers deployed to maintain the peace and order on electoral grounds must have rigorous training in crowd control, arrests and perimeter security for both the ongoing electoral exercises and for any allied security issues that may emerge in an ancillary fashion.

2.4. The Commission recommends that standard rules and procedures for the issuance of weapons and ammunition to police officers and operatives of the

national security who are sent on missions and accompanying rules of accountability for these weapons and ammunitions should be enforced.

2.5. The Commission recommends that intelligence-based agencies should operate under the law and be guided by the fundamental human rights of citizens .In this vein, the Commission also recommends that operatives of the National Security Council should be trained to internalize human rights rules including the provisions on the fundamental human rights of the Constitution within their Standard Operating Procedures (SOPs).

2.6. The Commission recommends a strict adherence to the rules on searches and seizures, especially as regards to respect for the privacy of the citizen. Consequently, the Commission recommends that a ministerial directive be issued reminding all state operatives of the need to respect the citizen’s privacy except as authorized by judicial orders.

2.7. The Commission recommends that the SWAT team of the National Security Council Secretariat should be disbanded and operatives be reassigned as appropriate.

2.8. The Commission further recommends that support for special operations should be sought from the specialized units of the police directly as and when necessary.

2.9. The Commission recommends intelligence sharing between relevant agencies where an operation would entail or necessitate inter-agency cooperation, such as the operation that has formed the subject of this inquiry. The police should be better resourced so that they can maintain active communication during the entirety of operations. Providing equipment to only the leaders of an operation who cannot be everywhere at once leaves the flank unprotected and this would not inspire confidence in any of them.

3. INDIVIDUAL LIABILITIES

3.1. The Commission recommends the criminal prosecution of Mr. Ernest Akomea alias ‘Double’ for the unauthorized possession of firearms under section 192(1) of the Criminal Offences Act.

3.2. The Commission recommends the criminal prosecution for the offence of assault, to wit, the slapping of Mr. Samuel George by Mohammed Sulemana.

3.3. The Commission recommends the immediate removal of DSP Samuel Kojo Azugu from command responsibility at the Ministry of National Security given his failure to appropriately command and control the SWAT team of which he had charge during the operation at the La Bawaleshie school polling station. It is recommended that he should be reassigned by the IGP.

3.4. The Commission recommends the reprimand of Colonel Mike Opoku, for being ultimately responsible for the outcome of the SWAT operation at the La Bawaleshie School Polling Station. His liability is further reinforced by his failure to properly define the mission for which the SWAT team was sent and ensuring that the SWAT team complied with the defined mission. Further, he failed to conduct and internal inquiry into identifying the culprits of the offence when revelations became rife that there were operational lapses resulting in violations of human rights.

3.5. It is further recommended, that Col. Opoku be made to immediately release the weapons used for, as well as the persons involved in ,the operation to enable ballistic testing and analysis to be undertaken and for further investigations by the police.

3.6. The Commission recommends that Mr. Bryan Acheampong be reprimanded for his ultimate responsibility as Minister in authorizing an operation of that character on a day of an election in a built up area.

4. COMPENSATIONS

4.1. The Commission recommends the payment of financial compensation to the following persons on the basis of injuries sustained by them arising out of the reckless gunshots by the SWAT team, and that is to say :

1. Mr. Theophilus Sedofu
2. Seidu Zaneh

3. James Moore

4. Mohammed Alhassan

5. Ishawu Yaro

4.2. The Commission recommends payment of compensation to the following persons for damage caused to their properties.

- a. Owner of vehicle (model unknown) with registration number GE 3844-17.
- b. Owner of Kia Picanto vehicle with registration number GW 1045-17.
- c. Mrs. Justine She, Owner of beauty salon bordering the road.

5. GENERAL RECOMMENDATIONS

5.1. The commission recommends that the structure of reporting within the national security set up needs to be revised. It is recommended that the National Security Coordinator be elevated to the first level of being reported to by subordinate security officers.

5.2. The Commission recommends that the roles and responsibilities within the set-up be streamlined and clarified.

5.3. The Commission recommends that the police should review their recruitment procedures and install merit-based criteria to ensure that the most qualified, and not the most well-connected, persons are enlisted.

5.4. The Commission recommends the immediate criminalization of the establishment and/or funding and other support for militia organizations in Ghana.

5.5. The Commission recommends the opening of a criminal investigation into the circulation of posters of certain persons who may have taken part in the botched exercise in the Ayawaso West Wuogon Constituency as part of the SWAT team and the said perpetrators brought to book.

5.6. The Commission recommend for the consideration of the Medical and Dental Council to remind their members to comply with the legal duty to endorse police

forms issued in respect of victims to whom they may have provided services –the subject of ongoing criminal investigations.

5.7. The Commission urges, for the consideration of the Electoral Commission, that the EC should explore the possibility of resorting to electronic voting or some other method which does not depend on physical ballot boxes.

5.8. The Commission recommends that the Police should mount public education on crime –scene management to ensure that the public would avoid interfering with crime scenes and thereby protect the integrity of evidence for future prosecution.

5.9. The Commission recommends that an independent Police Complaints Commission based outside the Police structure should be established to deal with complaints from the public on the conduct of Police officers and so promote police accountability.

5.10. The Commission recommends that there should be a multi-stage process to enable all aspects of the problem of party associated militias and vigilantes to be appropriately explored.

CHAPTER 3

FINDINGS AND RECOMMENDATIONS

1. ELECTORAL SECURITY

- 1.1. The maintenance of a safe and secure environment for the conduct of elections is vital for Ghana's democratic governance. Regrettably however, past elections have often been marred by incidents of violence and states of insecurity resulting in injuries and in some cases, loss of lives. It is therefore utterly important that the management of elections are promised on the assurance of security and optimal guarantees of safety on electoral grounds for the public to exercise their franchises without any fear.
- 1.2. The Commission finds that by-elections appear to focus the attention and competition between the parties on one constituency, thereby increasing the potential for violence. This fact should not be lost on the EC and the country at large and so no effort must be spared in making appropriate security managements for the event.
- 1.3. The Commission finds, that while there was some semblance of security provided within the Ayawaso West Wuogon Constituency on the said day of the elections, the otherwise reasonable arrangement was abruptly disrupted by the SWAT team who though were not part of the arrangement, arrived on the scene unannounced.
- 1.4. In a related conclusion, the Commission finds that, there was not sufficient prior coordination usually characteristic of such elections, between the electoral commission and the security services, notably the police service on the issue of the security needs of the EC for a successful conduct of elections within the constituency. This finding is especially troubling given the importance of coordination in ensuring a proper mapping of the security needs of the elections and strategic hot spots in light of past experiences.
- 1.5. In this particular case, because the candidate of the NDC lives in quite close proximity to the polling station, planning adequate security guarantees cannot be overemphasized. Adequate prior coordination has the further advantage of allowing the EC as the primary stakeholder in

the electoral exercise to play a lead role in the management of security deployments for the day in order to ensure that the execution of any security agenda balances the need for security with the avoidance of a state of fear and panic created in the voting public often caused by the massive show of force.

- 1.6. The Commission further finds that the SWAT team which was deployed to the electoral grounds of the La Bawaleshie School Polling station grounds in complete disregard of the officially laid down electoral security arrangement ,were officers of the national security establishment.
- 1.7. In this regard, the Commission finds that these persons were deployed and commanded by a police officer names DSP Samuel Azugu under the authority of the director of operations of the national security secretariat and with the ultimate responsibility of the Minister of state for national security.
- 1.8. The Commission further finds that these ‘men’ were deployed to follow-up on intelligence to the effect that certain arms and ammunition stored in a warehouse within the constituency and to intercept and retrieve same. From the generality of the evidence given before the Commission however, it is clear that the said intelligence gathered was neither shared with the police who were in charge of security for the election nor was the said intelligence information tested in accordance with any known or standardized rating/ranking protocols to determine its reliability. This is further compounded by the copious evidence before the Commission to the effect that the team aborted the mission and made no effort to retrieve the said arms.
- 1.9. The Commission therefore finds that the intelligence which formed the basis for the deployment of the armed men from national security was at best of unreliable quality .The fact that the said intelligence was not shared with lead state agencies like the police and defense intelligence is a major failure that undermined coordination. In a hotly contested political space, the manner in which the intelligence was acted upon through the counter-measure employed undermines the credibility of the report and the overall mission of the armed masked men deployed from the national security outfit.

- 1.10. At the time the intelligence was received and the operation planned, there was sufficient time to secure a search warrant whose issuance would have ensured that the operation was conducted in accordance with law. In a democratic regime such as Ghana's, the requirement of chapter 5 of the Constitution on fundamental human rights require that the subjection of the privacy of a person's home to intrusive searches be carried out under the superintendence of law and judicial oversight, hence the need for a court order in this case.
- 1.11. A major complaint leading to the establishment of the Commission was the allegation of the reckless use of guns and weapons by the masked SWAT team from the national security establishment. The preponderance of evidence given in oral testimonies and video footages reviewed by the Commission shows that there were gunshots by the men deployed by the national security establishment and that these were done ostensibly to control the crowd which had formed at the frontage of the residence of the candidate of the NDC-a property which was located in an area close to the electoral grounds.
- 1.12. The Commission's visit to the *locus in quo* and its examination of the layout, structures, and fixtures in the environment including trees impacted show, that there were many incidents of gunshots and this is *inter alia* marked by the signs of shallow bullet holes and impact spots created by ejected bullets as verified by a ballistic expert of the Ghana Police Service. In addition, all the bullet holes suggested that the bullets glazed off the trees as none were embedded in a tree and moved on to cause further damage.
- 1.13. The Commission finds that on the said day and within the context of the events on the day, several live bullets were fired and accordingly rejects the claim by officers of state who appeared before the Commission, and the commander of the SWAT team that the group only fired six warning shots.
- 1.14. Considering that this operation was to take place on an election day when members of the public were expected to be out and about exercising their franchise, the operation should have been conducted in a more subtle manner unless the real purpose was to be a show of force

and strong arm tactics to warn off certain persons from interfering with the election.

- 1.15. Further to this, the Commission finds that the warning shots fired were so done in reckless disregard for the safety of persons in the vicinity of this highly built up area. The Commission bases its conclusion on the injuries sustained by persons on the scene in addition to the trajectory of bullets flight and impact on adjoining structures and fixtures, including a hairdressing salon in a metal container nearby. The evidence given by experts and field examination of the impact holes made by travelling bullets suggest that these bullets were fired as “warning shots”. However, as many of the witnesses testified before the Commission, the said shots were fired at the crowd.
- 1.16. The Commission finds that the guns were not aimed in to the skies as the latter would have resulted in the bullets being ejected into the upwards before returning to earth with a spent force. The apparent reckless abandon with which the SWAT team discharged their guns as a means of crowd control which is indicative of poor training at best, and intent grievously harm, at worst.
- 1.17. Consequently, the Commission finds that the injuries sustained, some of which are serious (including those sustained by Mr. Yaro) were the direct outcome of that reckless and callous disregard for human life. On the other hand, it bears pointing out that the video evidence and testimonies of the parties show that the rampant firing of guns by the SWAT team was the combination of two factors; Firstly a wanton show of force by the SWAT team designed to instil fear in the voting public and the crowd gathered in front of the NDC candidate’s house. Secondly, the seemingly trigger happy attitude shown ,reflects a direct failure on the part of the Commander in charge of the SWAT team, DSP Azugu, to maintain command and control of the SWAT team and ensure the upholding of the highest professional standards in the maintenance of law and order pursuant to the mission for which they were sent. The ensuring chaos was a direct result of his failure of responsibility as a commander of the group who were meant to be on an intelligence-led mission.

- 1.18. Officials of the National Security Council Secretariat testified that there was firing from the crowd hence the number reciprocal of shots fired. However, there was no evidence that this was in fact the case. The direction of the bullet holes on the trees and metal containers also do not bear this story out.
- 1.19. The Commission further finds that the ammunition used were live bullets and this further heightens the belief of the Commission that the shots were calculated to cause grievous harm and injury and not to control the crowd. Further, the commission notes that the firing did not follow anyone taking refuge at the school premises. Expert testimony and eye witness accounts indicate that a number of holes on the school building were caused by an attempt to mount a signage marking the building as a donation from a group to the school.
- 1.20. It is therefore untrue that the said holes were made by bullets impacts on the wall caused by firing. In this regard, the Commission finds that there was no firing of guns at the polling station itself.
- 1.21. Further, the Commission finds that the masking of the operatives implies that the Commission is unable to identify with certainty the specific perpetrators of the offence for recommended punishment. The Commission however states that being the commander of the unit, DSP Azugu ought to know who those members of his team were, who may have perpetrated the impugned acts commented on and should reveal this to the police in any criminal investigation that may be opened in the future.
- 1.22. In this regard, the Commission further notes with deep regret the report of the attack of a uniformed police officer by operatives from the National Security Council. Evidence led before the Commission suggested a possible case of man-handling on a police officer operative from the national security against uniformed police officers who were on duty at the Prisons Compound Polling Station at Roman Ridge within the Ayawaso West Wuogon constituency.
- 1.23. While evidence has been led before the Commission to the contrary, the Commission finds that the use of masked men in electoral security policing represents a deviation from standard practice in Ghana. Neither the Minister for the Interior nor the Minister for National Security could

provide any evidence of a single situation in which masked men armed to the teeth were used to provide security on the electoral grounds where active

Voting was ongoing under the 4th Republic. As noted, the use of armed masked men drove fear into the hearts of the voting public and was a disproportionate show of force within the context of a civil electoral exercise. The Commission will further comment on this subject subsequently in this report. The Commission also finds, there was a lack of protocol surrounding the giving out of and accountability for weapons and ammunitions as well as general asset inventory-taking upon the completion of missions within the establishment of the National Security.

- 1.24. Despite its ability to use lethal force, the SWAT team has no instructions and procedures for the use of firearms and claims to rely on instructions of the Police Service. Yet, the Commission finds that they used civilians whom they had put in official uniform and armed with guns and Tasers (referred to as “shocker”) but who were not subject to any regime of accountability. The Minister and his team ought to explain how this force operated outside any rules of accountability in respect of the use of firearms. This became evident in the failure of the Ministry of the National Security to take stock of weapons and ammunitions handed out to operatives and their use. The fact that there are contradictory testimonies on the actual number of bullets fired vis-à-vis shell casings found on the scene reflect an administrative malaise that needs urgent remedying. In the minimum, the situation implicates tracking and traceability issues and can affect any criminal investigations into the improper use of weapons issued out for official assignments. The Commission notes that the failure to manage the process of issuing weapons and ammunitions to officers of the National Security remain problematic and could lead to the wrongful use of arms and ammunitions belonging to the state.
- 1.25. Closely related to this is the absence of stringent debriefing and reporting systems within the police and national security establishments. It is clear from the preponderance of evidence presented before the Commission that there are no clear mandatory

reporting and debriefing responsibilities for persons and officers from the national security who are sent on field missions. While the police have a system in place, enforcement is lax and this needs to be optimized. The Commission notes that this procedure is critical to an ex post facto assessment of the success or failure of the mission in addition to a review of any collateral fall-outs of any such mission.

1.26. The Commission notes that the absence of a mandatory system could inspire serious instances of official impunity in the absence of a review mechanism to determine the effectiveness of orders carried out pursuant to missions embarked on. This can be based on the filing of an after-action review reports and not merely on oral discussions as may appear to be the norm,

1.27. Even more crucially, the Commission notes that the remit of the National Security establishment does not include active law enforcement and thus does not justify the use of arms and ammunitions per se. Consequently, as a purely intelligence-led entity whose main mandate is to gather intelligence and coordinate other agencies of state in the execution of a security strategy, the use of arms and ammunitions by the National Security not being under the aegis of the regular police and/or the military is worrisome as it suggests that the national security is a parallel entity that performs regular police work in maintaining domestic security in Ghana. In the minimum, the national security apparatus has been operated as a political appendage of succeeding governments in Ghana and has been treated as such. Their operational officers have often been changed with each change of government and their closeness with the politics of Ghana can hardly be denied. That the National Security establishment is not a regular police force nor are they part of the regular army is accordingly clear. In this regard, the Commission notes that the tendency to give the operatives of the National Security apparatus the appearance of police powers is illegal. Furthermore, the Commission denounces the tendency to put civilians in police or military uniforms to conduct offensive operations holds same illegal.

2. GENERAL ARCHITECTURE OF STATE SECURITY

2.1. The evidence given before the Commission presents a confused and unsettling picture relative to the structure and systems put in place for the provision of a state of national security for Ghana. In the main, the top officers whose schedules border on national security and who testified before the Commission appeared at best, unsure of the boundaries of their work and authority and the coordinating roles of their institutions relative to other allied agencies, not to speak of reforms in an evolving delicate establishment. From the totality of the evidence given, the Commission finds that the confusion may partly stem from the lack of clear demarcations of authority and responsibility as well as a delineation of mandate subsistent between the Ministry of National Security and the Ministry of Interior. In the sensitive aspect of national life, confusion and overlapping can only be detrimental to the interests of the state.

2.2. The evidence showed that there exists general notions of parallelism between the two key ministries mentioned and the absence of a clear strata of authority in any collaborative engagement in which the two entities are expected to cooperate. This became apparent when the Ministry of National Security decided to independently conduct the operation to intercept certain weapons following intelligence gathered to that effect. A clearer demarcation of responsibility would have meant that there should have been structured protocols on intelligence assessment, sharing and designation of which institution was to lead in the said operation as well as clear mapping out of responsibilities between the two institutions in the said operation. These, when properly managed will help deal with the command and control factors that so badly failed in the case of the SWAT operation at the Ayawaso West Wuogon Constituency.

3. COMMAND AND CONTROL

3.1. On the issue of command and control, the failure was even more glaring and pronounced. The Commission finds that the evidence shows a complete breakdown of command responsibility and anarchy on the electoral grounds of La Bawaleshie school polling station and the commanding officer in charge of the SWAT team could not show what

- interventions he made to ensure that the operation was conducted in as best a professional manner as was possible to ensure civilian safety.
- 3.2. The Director of Operations at the National Security was at the operations headquarters, but did not appear to have retained control, leaving matters in the hands of the tactical commander who could not defend his actions taken. The failure of command responsibility was also evident in the lack of coordination between the Sector Minister and the Minister of State in charge of National Security. The contradictory evidence presented before the Commission by the Ministers involved exemplifies the dissonance in the actions of the Ministers and Sectors involved.
 - 3.3. The confusions in command responsibility and the lack of discretion exercised by scheduled officers on the ground on the occasion exacerbated an already degenerative situation and ultimately led to the events that were witnessed at the La Bawaleshie school polling station.
 - 3.4. As already mentioned, the situation was worsened by factors such as the near absence of inter-agency coordination leading to the breakdown of law and order when the SWAT team showed up in the constituency without the knowledge of the police who were primarily stationed to maintain law and order at the various electoral grounds in the Constituency.
 - 3.5. The Commission finds, rather disturbingly, that the national security establishment is a means by which party faithful's are resettled. Whether or not these persons who perform vigilante functions are members of any known militia groups, their very presence within the state security machinery encourages opposition parties to also seek to counter their activities. Given that these persons are citizens and not ordinarily disqualified from such appointments, the Commission is particularly worried at the manner of their absorption and the absence of a system for proper training and re-socialization. The need for re-socialization is mandated by the fact that these people are ordinarily trained and used to defending political party loyalists and officers, and consequently their training and orientation is normally partisan- a situation that disables them from operating in an establishment that should be non-partisan founded on an abject loyalty to the state.

3.6. The Commission regrets to state that its finds ,the contrary situation in the preponderance of evidence led before it .The current situation reflects an easy transition in which members of a party militia are ordinarily appointed as national security operatives upon the assumption of power by their political party and this not only undermines the standing and future of that establishment but also the individual and collective security of Ghanaians if left unchecked. In this regard, the Commission notes that the appointment model in to the National Security secretariat violates Section 15 of Act 526 and the future compliance with this legislation cannot be overemphasized.

3.7. The Commission observes that there is no standing operations command center for coordinating security operations incorporating the various agencies of state with a structured command and control system. The existence of a system of this kind would have ensured that the deployment of the SWAT team would have been better handled from a professional standpoint; and this would have minimized the prospects of mishaps arising out of poor assessment of intelligence, improper planning and untested execution strategies.

4. PARTY ASSOCIATED MILITIA('VIGILANTES')

4.1. The Commission finds that the reality of militia groups either formed by the political parties or otherwise affiliated to them is beyond reasonable doubt. Evidence led before the Commission clearly showed that these groups are either actively supported and/or funded by the parties themselves, or by prominent individuals within the parties. At a minimum , their existence is condoned by the two leading political parties of the NDC and NPP for whom they perform “vigilante” services from time to time.

4.2. Like all militias, these groups retain minimum military or quasi-military characteristics; prefer men of well-build physique and physical fitness; follow a regimen of training and observe leadership and command structures. They bear names of known terrorist organizations or ferocious creatures, or the name of the founder, etc. In some cases, some of these groups bear weapons of various kinds, such as whips, tasers or batons and have even been known to use firearms. There have been many reports over the years of assaults and other forms of

mayhem they have visited upon members of the general public, including at the premises of courts to free colleagues on trial for breaches of the peace. The Commission finds that these groups are a threat to the very stability of Ghana's constitutional democracy as their acts amount to a challenge to the authority of the state.

- 4.3. The Commission observes that these groups are maintained by the parties and/ or their private owners for a variety of purposes, but are united by one overarching feature –to defend the interest of their political parties by every means , including through the use of unauthorized force. In this regard, the Commission observes that the modus operandi of these militia groups is in opposition to the values of the state of Ghana and of legality and accordingly denounces their existence. The Commission also rejects as a misnomer the labelling of these groups as “vigilantes” given the rather lawless manner in which they operate and their non-cooperative attitude towards the regular law enforcement bodies. The Commission notes in this respect that vigilante groups are fundamentally complementary to the law enforcement bodies of state and they are often said to come into being and play when the regular law enforcement bodies fail. These groups however, seek to play a substitutive role and aim at replacing the lay enforcement bodies in areas where the defense of the interest of their parties is at stake. In this regard, the establishment and operation of party militia may seem to be unconstitutional and to the extent that they are supported by the political parties that are complicit may be in violation of Article 55 which requires that political parties are to be organized along democratic lines, among other provisions of the Constitution.
- 4.4. The Commission accordingly finds that the use of militia by the two leading parties of Ghana is a reality and is a wrong against the Republic. The Commission further finds that their practices threaten the safety and wellbeing of Ghanaians in particular, and the polity in general.
- 4.5. The Commission also notes that the fact that the police establishment appears to have ceded ground to these militia groups wherever they operate. This development bolsters the confidence of these groups and enhances their sense of legitimacy as enforcers of the law in spaces where the police seem to have created a vacuum.

5. POLICING ISSUES

- 5.1. It was palpably clear from evidence led before the Commission that there was inadequate police response to the chaos that characterized the conduct of the elections at the Ayawaso West Wuogon Constituency on the 31st January 2019.
- 5.2. Given the level of confusion that greeted the arrival and presence of the masked SWAT team, the Commission holds that there should have been a rapid response police team whose presence would have normalized the situation and coordinated things with the SWAT team as they pursued the intelligence they said they had on the presence of arms and ammunitions in the house of the NDC parliamentary candidate. From the evidence, the clash between the SWAT team and party loyalists at the residence of the parliamentary candidate went on for about fifteen minutes with no police in sight. To begin with, no police officer on duty in the constituency that day reported the presence of this group while on their “confidence building” patrol.
- 5.3. Again from the evidence given, the use of the SWAT team in situations likely to involve crowd control is undesirable. The lack of capacity on the part of these institutions relative to the electoral process in the Ayawaso West Wuogon was reflected in the use of brute force and disproportionate use of firearms resulting in the injuries sustained by unarmed civilians and members of the public.
- 5.4. The Commission especially notes the gaping disempowerment of the police in law enforcement relative to other law enforcement agencies. The fact that the police officer on duty at the electoral grounds appeared helpless and hapless in the face of the raging confusion between the SWAT team and the crowd spoke volumes. This is worsened by the fact that the many of the victims were unarmed and in flight from the SWAT team who were giving chase at the time they were shot at. The need to rebuild confidence in the police has become paramount in view of the need to re-position the police to fully occupy the law enforcement space. Issues of party influenced recruitment came up before the Commission as one of the reasons for the lack of confidence in the police, especially by opposition parties, leading to the parties seeking out their own security personnel.

6. ASSAULT ON HON. MR. SAM GEORGE, MEMBER OF PARLIAMENT FOR NINGO-PRAMPAM

- 6.1. The Commission notes that members of the SWAT team committed criminal assault against certain members of the gathered crowd. In its assessment, the Commission notes that some of these instances of assault were committed while the victims were in flight and fleeing from the SWAT team who were giving chase. Questioned, a member of the team (Mr. Sulemana Mohammed) agreed that the assault meted out did not conform to the standard training given for effecting arrest. Indeed, a member of parliament, Mr. Samuel Nartey George who was on the electoral grounds when the incident took place, was assaulted by the said Mohammed Sulemana. While confirming the incident of assault, Sulemana informed the Commission that he slapped the person he did not know was a Member of Parliament, because, the person insulted him and his ethnic group. He further explained that had he known he was a Member of Parliament, he would not have slapped him. The Commission notes that the entire encounter between the said Sulemana and the said Hon. Mr. George resulting in the slap administered by the said Sulemana was regrettable.
- 6.2. In this connection, the Commission notes that the action of the said Sulemana Mohammed in responding to an alleged insult with a slap was unprofessional and must be condemned. The Commission further notes that the behavior of Mr. Sam George, within the context of a highly charged environment, was somewhat inappropriate and ill- advised, and could have even endangered his own safety.

7. OTHER INCIDENTAL ISSUES

- 7.1. The Commission notes demands for payment for endorsement of Police Medical Forms is a widespread practice in Ghana and creates a situation that can undermine the interest of the poor and persons who may not readily have the means when they have to operate within the criminal justice system.
- 7.2. The Commission also noted with regret, the delay in the commencement of criminal investigations leading to possible prosecutions. This undermines the prospects of achieving successful

- prosecutions as evidence could be compromised and tampered with, or memories may fade and trace evidence lost due to the impact of loss of time. This omission is directly traceable to the police and the need to commence immediate and publicly verifiable investigation cannot be overemphasized.
- 7.3. The link between political vigilantism and elections having been established, the Commission finds that the need to resort to vigilantism at elections would be greatly minimized if there were no physical ballot boxes to protect.
- 7.4. The Commission also notes with regret, the delay in the commencing of criminal investigations after the incident. This has affected the prospect of successful prosecutions as some of the evidence was tampered with, and so compromised at the scene of the crime. This failure may directly impact upon the quality of evidence available for subsequent prosecution.
- 7.5. Finally, the Commission takes note of the initiatives of H.E. the President for the disbandment of party militias and to rid our polity of organized groups that operate outside the law. The Commission commends the President and supports this initiative within the context of its findings.

8. RECOMMENDATIONS

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8.1.2. The Commission recommends the establishment of a standing command and control center tasked *inter alia* with the role of assessing and processing intelligence for rapid deployment. This center will incorporate key officers of allied internal security agencies including the police, military, national security, fire service, customs etc.

8.1.3. The Minister of State appointed at the presidency to the Ministry of National Security should have a clearly delineated role with responsibilities indexed to that of substantive Sector Minister. This should establish a clear

chain of command and the circumstances under which he or she can act in the absence of the substantive Minister.

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8.2.4. The Commission recommends that standard rules and procedures for the issuance of weapons and ammunition to police officers and operatives of the national security who are sent on missions and accompanying rules of accountability for these weapons and ammunition should be enforced.

8.2.5. The Commission recommends that intelligence-based agencies should operate under the law and be guided by the fundamental human rights of citizens. In this vein, the Commission also recommends that operatives of the National Security Council should be trained to internalize human right rules, including the provisions on the fundamental human rights of the constitution within their Standard Operating Procedures (SOPs).

8.2.6. The Commission recommends a strict adherence to the rules on searches and seizures, especially as regards to respect for the privacy of the citizen. Consequently, the Commission recommends that a ministerial directive be issued reminding all state operatives of the need to respect the citizen's privacy except as authorized by judicial orders.

8.2.7. The Commission recommends that the SWAT team of the National Security Council Secretariat should be disbanded and operatives be reassigned as appropriate.

8.2.8. The Commission further recommends that support for special operations should be sought from the specialized units of the police.

8.2.9. The Commission recommends intelligence sharing between relevant agencies where an operation would entail or necessitate inter-agency cooperation, such as the operation that has formed the subject of this inquiry.

8.2.10. The police should be better resourced so that they can maintain active communication during the entirety of operations. Providing equipment to only the leaders of an operation who cannot be everywhere at once leaves the flank unprotected and this would not inspire confidence in any of them.

8.3. INDIVIDUAL LIABILITIES.

8.3.1. The Commission recommends the criminal prosecution of Mr. Ernest Akomea alias 'Double' for the unauthorized possession of firearms under section 192(1) of the Criminal Offences Act.

8.3.2. The Commission recommends the criminal prosecution for the offense of assault, to wit, the slapping of Mr. Samuel George by Mohammed Sulemana.

8.3.3. The Commission recommends the immediate removal of DSP Samuel Kojo Azugu from command responsibility at the Ministry of National Security given his failure to appropriately command and control the SWAT team of which he had charge during the operation at the La Bawaleshie school polling station. It is recommended that he should be reassigned by the IGP.

8.3.4. The Commission recommends the reprimand of Colonel Mike Opoku, for being ultimately responsible for the outcome of the SWAT operation at the La Bawaleshie School polling station. His liability is further reinforced by his failure to properly define the mission for which the SWAT team was sent and ensuring that the SWAT team complied with the defined mission. Further, he failed to conduct an internal inquiry into identifying the culprits

of the offence when revelations became rife that there were operational lapses resulting in violations of human rights.

8.3.5. It is further recommended, that Col. Opoku be made to immediately release the weapons used for, as well as the personnel involved in, the operation to enable ballistic testing and analysis to be undertaken and for further investigations by the police.

8.3.6. The Commission recommends that Mr. Bryan Acheampong be reprimanded for his ultimate responsibility as Minister in authorizing an operation of that character and on a day of an election in a built up area.

9. COMPENSATION

9.1. The Commission recommends the payment of financial compensation to the following persons on the basis of injuries sustained by them arising out of the reckless gunshots by the SWAT team , and that is to say :

9.1.1. Mr. Theophilus Sedofu

9.1.2. Seidu Zaneh

9.1.3. James Moore

9.1.4. Mohammed Alhasan

9.1.5. Ishawu Yaro

9.2. The Commission recommends payment of compensation to the following persons for damage caused to their properties :

a. Owner of Vehicle (model unknown) with registration number GE 3844-17

b. Owner of Kia Picanto vehicle with registration number 1045-17.

c. Mrs. Justine She, Owner of beauty salon bordering the road.

10. GENERAL RECOMMENDATIONS

10.1. The Commission recommends that the structure of reporting within the national security set up needs to be revised .In the current scheme of things the technical person who also occupies the statutory security position being the national security coordinator is consigned to a fourth level position in the reporting strata. It is recommended that he be elevated to the first level for purposes of reporting responsibilities by subordinate security officers.

The Commission recommends that the roles and responsibilities within the set be streamlined and clarified. The multiplicity of ministerial roles and scheduled officers further compounds the problem and this needs reviewing. The Commission notes that currently the following persons play similar if not same roles:

- i. Minister for National Security
- ii. Minister of State for National Security
- iii. National Security Advisor
- iv. National Security Coordinator
- v. Minister for the Interior (to a limited degree).

10.2. The commission notes that with the current set up, the prospect of diffusion of responsibility with its attendant dangers is high.

10.3. The Commission recommends that the police should review their recruitment protocols and install merit-based criteria to ensure that the most qualified, and not the most well- connected, persons are enlisted.

10.4. The Commission recommends that there is the need to criminalize the very existence of these groups to attack the problem from its roots. Such legislation must cover the founding, funding, operation and use of such groups. In addition, persons who support them must be denoted as promoters of the crimes they commit and held liable for abetment.

10.5. The Commission has taken note of the circulation of certain posters titled 'WANTED', in certain public spaces in Accra. These posters purport to

10.10. The Commission recommends that the issues pertaining to the disbandment of militia be appreciated as complex and involving. Therefore it is recommended that there should be a multi- stage process to enable all aspects of the problem to be appropriately explored. Such a step-by-step approach would not only ensure that the two major parties would feel an ownership of the processes, but would also enable the involvement of other stakeholders in broad –based consultations. Again, since there are economic aspects to the existence of militias, issues of alternative livelihoods are likely to arise, and must be handled professionally to ensure a permanent solution to the problem or else the result would amount to merely exchanging one group of militias in this generation for those of the future.

SIGNED BY THE BELOW-MENTIONED COMMISSIONERS, THIS FOURTEENTH DAY OF MARCH TWO THOUSAND AND NINETEEN.

**JUSTICE EMILE F. SHORT
CHAIRMAN**

**HENRIETTA MENSA- BONSU
MEMBER**

**PATRICK K. ACHEAMPONG
MEMBER**

**E. KOFI ABOTSI
SECRETARY
(HEREIN CERTIFIED)**