



GHANA CENTER FOR DEMOCRATIC DEVELOPMENT

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Press Release

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CDD-Ghana Registers Its Dismay Over the Latest Twist and Turn in the Cecilia Dapaah Case

The Office of the Attorney-General (AG), has, in a letter addressed to the Economic and Organised Crime Office (EOCO), dated April 25, 2024, advised EOCO to not investigate suspected money laundering in connection with certain monies found at the private residences of former Sanitation Minister, Mrs. Cecilia Dapaah. This follows a “request for directions” ostensibly made to the AG by EOCO following EOCO's receipt of a referral from the Office of Special Prosecutor (OSP) concerning Mrs. Dapaah's case. The referral from the OSP had noted that while the OSP's investigations had “identified strong indications of suspected money laundering and structuring,” such matters fell outside the OSP's statutory mandate but were well within the EOCO's mandate, hence the referral. In its advice to EOCO to not proceed with investigation of the matter, the AG stated that it found no grounds to warrant such an investigation, because the OSP had not made any findings of criminal activity that would serve as a predicate offense for a money laundering case. The AG further stated that an investigation by EOCO into the Cecilia Dapaah matter was not necessary, since the AG had apparently instructed the Criminal Investigations Division (CID) of the Ghana Police Service some eight months ago to investigate the source of the monies found at Mrs. Dapaah's residence. The upshot of the AG's Advice is that the Cecilia Dapaah matter is over. Case closed.

Once again, a high profile case of suspected or alleged criminal conduct implicating a politically influential person has been terminated abruptly without proper credible resolution or closure. It is not clear in what way the forced termination of further investigation into this matter by the AG serves either the public interest or helps the reputation of the target of the investigation. It is hard to believe that, after over eight months of investigation following the alleged theft of \$1 million and €300,000 cash from the home of Mrs. Dapaah, the subsequent discovery of another \$590,000 and GHS 2,730,000 in cash by the OSP in Madam Dapaah's properties, not to mention the huge balances held in investment and bank accounts, Ghanaians cannot get a simple satisfactory answer from any public agency as to the source of these monies. The fact that these monies, at least in the aggregate, apparently exceed the former Minister's known or verifiable income should raise legitimate questions or reasonable suspicion or doubt as to their source. Continuing to investigate this matter to establish the source of the monies is therefore eminently justifiable under the circumstances.

In fact, the idea that “unexplained wealth” can give rise to a reasonable suspicion or even a presumption of illegality of the source of such wealth is a principle embraced by our Constitution. Notably, Article 286(4) of the Constitution, in the chapter on the Code of Conduct for Public Officers, makes it clear, in the context of the asset declaration regime,

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that assets of a declarant that are "not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be deemed to have been acquired in contravention of this Constitution." It is the same principle or presumption that justifies at least a credible investigation in this matter.

It is instructive that Mrs. Dapaah refused to complete a Statement of Income and Property form during the OSP investigation. So far, no other agency is known to have asked to see Mrs. Dapaah's asset declaration record or appears interested in getting to the bottom of this matter in order to bring it to a satisfactory closure.

The action of EOCO in requesting directions from the AG without first acting on the referral from the OSP to initiate its own investigation of the matter seems oddly contrived. Having been provided with a docket containing various exhibits, statements by twenty or so individuals, as well as the bare fact of the quantum of the monies found in the properties associated with Mrs. Dapaah and her spouse, one would have expected EOCO to proceed with its own investigations, instead of seeking the AG's legal advice on prosecution at that early pre-investigative stage.

CDD-Ghana notes with great disappointment that the abrupt or inconclusive manner in which this matter has been ended fits a pattern in terms of the Nana Akufo Addo Administration's general attitude and response to scandals and allegations or reported incidents of criminal conduct, corruption or other financial malfeasance involving persons closely associated with the Government or ruling party. Cases and scandals that have been treated in similar inclusive fashion include various Galamsey scandals and a host of pseudo-PPP/procurement deals, including the recent SML case. The Government has not demonstrated a good faith commitment to working with the responsible agencies to bring any of these cases or scandals to a credible and satisfactory resolution. It appears that the Government is more interested in exonerating the targets or suspects in these cases than in working with the state's investigative and prosecutorial agencies to resolve these matters in the public interest.

The Government makes much of the fact that it pioneered the establishment of the OSP and has provided significant financial resources to enable the OSP and related agencies to function. But what is the point of funding the budgets of these investigative and anti-corruption or anti-crime agencies in one breath, while, turning around, to frustrate or obstruct their efforts to investigate politically sensitive and other high profile cases. Given Ghana's continuing dismal performance in fighting corruption and associated alarming deterioration of the quality of governance, this persistent inconclusive handling and shutting down of high profile scandals only serves to further undermine the already low public trust in our state institutions.

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About CDD-Ghana

The Ghana Center for Democratic Development (CDD-Ghana) is an independent, non-governmental and not-for-profit organization that promotes and supports, through research, education, advocacy, and policy engagement, efforts to build democracy, good governance and inclusive development in Ghana and throughout Africa. CDD-Ghana's research outputs and other products are available to and used by governmental and non-governmental agencies, Africa regional bodies, development partners as well as researchers and the public.

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