

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE, FINANCIAL & ECONOMIC CRIME DIVISION 2, HELD IN ACCRA ON MONDAY THE 13TH DAY OF MAY, 2024 BEFORE HER LADYSHIP JUSTICE AFIA SERWAH ASARE-BOTWE (JA.), SITTING AS ADDITIONAL HIGH COURT JUDGE.

SUIT NO. CR/0045/2023

TIME: 12:12P.M

THE REPUBLIC

....

PROSECUTION

VRS.

MICHAEL NYINAKU

.....

ACCUSED PERSON

ACCUSED PERSON PRESENT

MRS. EVELYN KEELSON (CSA) WITH MR. DAVID BEECHAM (ASA) FOR THE REPUBLIC PRESENT

MR. THADDEUS SORY FOR THE ACCUSED PERSON PRESENT WITH MR. KOFI AMPIAW AND MS. CHRISTABEL MAAME EFUA MBIR

WITNESS REMINDED OF HER FORMER OATH

CONTINUATION OF EVIDENCE-IN-CHIEF

Witness continues reading her witness statement from paragraph 29.

- i. Exhibit OM3-H will be remarked as **Exhibit 82-H**
- ii. Exhibit OM4, OM4-A to OM4-H will be remarked as **Exhibit 83, 83A TO 83H.**
- iii. Exhibit OM5, OM5-A to OM5-F will be remarked as **Exhibit 84, 84A TO 84F.**
- iv. Exhibit OM6, OM6-A and OM6-B will be remarked as **Exhibit 85, 84A and 85B.**
- v. Exhibit OM7, OM7-A to OM7-H will be remarked as **Exhibit 86, 86A to 86H.**
- vi. Exhibit OM8, OM8-A to OM8-Q will be remarked as **Exhibit 87, 87A to 87Q.**

BY COURT: The witness has completed reading her witness statement which started on 10th May, 2024.

END OF EVIDENCE-IN-CHIEF OF DW4

CROSS-EXAMINATION OF DW4 BY MRS. KEELSON

Q: All the works you claim to have done were requested of you directly by the accused person as CEO of the Beige Group, is that right?

A: Yes my lady.

Q: And all the transactions you have described were approved by the accused person as CEO of the Beige Group, is that right?

A: I will like to answer the question on two phases. All transaction were approved by the Director and the CEO of the Beige Bank. Transactions were given off by approvals with the process. The process included generating a memo, seeking approval, seeking approvals with the Finance Department and finally seeking a final approval with the CEO.

Q: You were an employee of the Beige Group, is that not so?

A: Yes, it is.

Q: And all the internal memos and documents you have tendered in evidence were signed by employees of the Beige Group, is that not so?

A: I disagree to that I would like to request for the approvals to answer the question.

Exhibit 87Q is given to the witness.

Answer: We have a process and the department is structured in such a way that, we do not just pick requisitions from a service person of the bank. We work under the Beige Gorup with a team called the Service Quality Department. In the Service Quality Department, it was not just myself but it was a team of other

employees in the department. According to the structure of the department, we had a department called the Quality Assurance Team which was made up of Five members and they are Esther Charway, Enock Denkyi, Osei Kuffuor , Wilhemina Ayebia and hence the process was supposed to be done with a requisition to me for the purposes for which branch we were setting up based on the proto type of the branch, style, model and hence you would actually have a lot of my staff which included Esther Charway and Enock Denkyi in front of you. Once that is done, I pushed through with a requisition with the CEO to further continue our work and hence that is why you would see a lot of my staff members in my witness statement that I have given.

Q: On that Exhibit 87Q, is actually an email from you an employee of the Beige Group to BCE. OTL, CSA, who are they

A: BCE is the Beige Chief Exectuvie of a branch. OTL is the Operation Team Lead and CSA is a Client Service Advisor.

Q: There is nothing in the documents you have tendered in evidence showing the supposed services rendered to Beige Bank were ever requested for by the Beige Bank

A: As I said, I worked with the Beige Group and I worked directly with the CEO. I reported to the CEO as my witness statement states here in category 4. My key responsibility of the service quality was to ensure that the department has consistency in the service flow. My responsibility was to report to the CEO and hence all the requests

came through to me from the CEO. I had no reporting lines to the Beige Bank.

Q: So you worked under the accused person as CEO of the Beige Group is that not so?

A: That is right, I reported to the CEO.

Q: Throughout the documents you have tendered in evidence in this court, there is again not a single requisition form, purchase order or service order form originating from the Beige Bank.

A: I would like to differ from this because in paragraph 10 of my witness statement (Witness reads paragraph 10 of her witness statement).

Q: The questions is throughout the documents you have tendered in evidence in this court, there is again not a single requisition form, purchase order or service order form originating from the Beige Bank.

A: Just like I said, I reported to the CEO of the Beige Group.

Q: I am repeating the question and the question is, throughout the documents you have tendered in evidence in this court, there is again not a single requisition form, purchase order form or service order form originating from the Beige Bank.

A: No, you would not have the service order with the Quality Service Department witness statement because it supposed to be a request from the Beige Bank to the CEO.

Q: There is also no evidence of any contract or agreement entered into for those services between the Beige Bank, the Beige Group and any of the related companies.

A: Again. I would not have this in my witness statement and reasons being that there was a legal department of the Beige Group which would hold in contract or all other signed agreements documentations of which you are asking.

Q: I am putting it to you that, you have no records of any of those documents which do not exist because no such services were rendered to the Beige Bank by the Beige Group or any of the related companies.

A: I want to refer to Exhibit 82H.

Exhibit 82H is given to the witness

Answer: Here we have the Beige Capital Bank and this is a picture that describes the Beige Capital Bank transitioning the branch from the Savings and Loans to a universal bank. We changed the look and feel from Alucobonds so we needed a new architectural structure so this is the first we did. I would take you through a second branch which we called the Osu Branch.

Here also, I disagree that nothing was done at the Osu branch which was a premium branch. Here, before we start anything to do with a work, this is approved by a team so we pick up an architectural drawing that gives us an impression of the branch and how the service flow would operate in the branch. In relation to this work, there is always a process we go through which starts with the first requisition from the Beige Bank to the CEO informing them how they want a branch and where they want the branch. Based on that, a structure is put together by Babbel and handed over to the project team. The project team comprises of us which is the service team which looks out to the fit out of a branch and these I would explain which is funded by the Beige Group for the Beige Bank and these items include the ceilings lamination with the branch which is light, flooring surfaces, teller cubicles which are cladded either in wood or cladded across with brick tiles. For security measures, all teller cubicles are measured at a distance to keep the teller away for security measures. To ensure standardization of the look across all the Beige Banks, the back of the tellers is kept in the colour Beige with a standard colour which was painted 'Beige'. The signage which was supposed to be a facial signage was always fixed behind the tellers. With addition, to ensure our branches our kept in a tidy order, the front of our tellers was always carpeted and you can see the image of the Osu branch. In order to keep consistency again for all our branches, the chairs are purchased by the Procurement Department in bulk and placed in front of our tellers and each branch has a minimum of 8

single tap chairs in front of the tellers. As part of service requisitions from the BOG, every branch was supposed to have a minimum of 2 client service advisors. As part of consumer requisite reporting and hence you would see two tables and chairs in front of the Client Service Officer. We were also tasked from the bank to ensure at all times for the consumer reporting section of the BOG to have in place at the teller point feedback boxes and all other third-party services offered by the bank and these are in place per the picture we have here. Prior to all these fit out of a branch from the Beige Group to the Beige Bank, there was a memo raised to the office of the CEO with a list of items to be done to be used for the interior fit out and the fittings of the branch. In order to follow with the works, there is a service order that is done for every vendor that has to work and that is done and filed by the finance department of the Beige Group. There are several other branches which was done by the Beige Group for the Beige Bank which includes the Airport West Branch and that is Exhibit 83G. In 2017, evolving from Beige Capital and Savings Loans to the Beige Bank, the Airport West Branch was also allocated as a premium branch which was a requisite from the Beige Bank to the CEO of the Beige Group to have more premium branches to credit their new status of a bank and hence the Beige Group acquired a bigger space and a more premium place for them. Sequel to the process from the bank, service quality was tasked to create a first-class branch for the Beige Bank. This was a task from the Beige Group to the Beige Bank and evidence proves an empty nutshell of building that had to be put

together to serve the bank not just operational services but to be able to host a few other departments that were supposed to serve the bank. As part of team to serve from teg Beige Group to the Beige Bank, we had to undergo a few service checks with the BOG operational team projects team from the Beige Group, Operations team from the Beige Bank and a projecting property team to ensure the authenticity of a branch in that location. This was done and was approved by the team and hence the project took a team of about three months and to put together the branch which hosted the various units of the bank because it served as their head office. There is evidence of works that was carried which is evidenced in the works of the branch which is in existence today which we can see the building and works included having themes and themes included of the interior and exterior look of the branch. Because the business was seated in a highly residential area, we picked a theme for exterior of the branch and this was done from the Beige Group to the Beige Bank and one of the exterior looks which is a large space was a large coal pot with a big saucepan and the other was a mortar and a pistol and a fufu pot and a spoon and so we had to go into the bush to get wood to mould that picture you see there.

Q: I am putting it to you that the Beige Bank paid for its own goods and services and the photographs and the fufu pots and all that do not show otherwise.

A: I disagree

Q: I am putting it to you that the expenditure from the various payments vouchers you have attached were for the Beige Group and its related companies.

A: I disagree. I would pick a payment voucher that was presented to DFWI Ghana Limited (that is Exhibit 83G) that was in respect of the branch that was done at the airport west and their task was to ensure our floors were laminated. My second payment which was also to Pamoni Clothing which is Exhibit 83F which was done by the Beige Group for the Beige Bank to ensure as required from the BOG that all frontlines service staff are uniformed with the standard look. Another payment I would pick is for Rajova which was for uniforms (i.e. Exhibit 83E) and there again from the service order that we had, we are supposed to have a service level agreement which was drafted by the legal department and agreed with Rajova ventures prior to the service order of payment.

Q: These uniforms you have referred to procured from Rajova, Pamoni ETC (i.e. Exhibit 83 C), from your memo to the CEO, they were not meant just for the Beige Bank but they were also meant for Beige Bank, Beige Capital, Beige Care and Beige Assure and all related companies of the accused person contrary to your testimony that these were procured for the staff of the Beige Bank.

A: I disagree. The Beige Group had several subsidiaries under the Beige Group which included the Beige Vare, Beige Assure and Beige Asset Management. In each of these subsidiaries, in order to retain the customers of these subsidiaries, the BEIGE Group enabled the

formation of a Beige Bank branch in all the subsidiaries. Reasons for this and why you would see in this memo for staff for these subsidiaries is because we had staff from these subsidiaries from the Beige Bank. These staff were supposed to perform functions of the bank by collecting funds for any new account person that is signed up for these services and hence as part of consumer reporting from BOG at all branches and from consumer reporting of the BOG, at all times you sight a staff in a subsidiary unit. The person must look and meet the service standard of banking operations and have consistency and so when you walk into a Beige Care Unit, you would see the Beige Bank again in that unit. With that unit, you would see a teller, you would see an operational teller, client service manager and they dot into the operations of the sub unit and therefore from the memo attached, we would need to seek approval which includes the staff from the various sub units

Q: I am putting it to you that this answer is only an afterthought since you state clearly in your memo that the quantities are being procured for projected staff across all business of Beige and this has got nothing to do with just the bank.

A: I disagree and I still hold my words to say that we projected a count of 5000 pieces of our staff with a head count from the Human Resource Department which included over 5000 staff. If for any reasons we should have added any subsidiaries to this, we would have to request over 5000 pieces if we should add all other subsidiary units and I still hold on to our quantity counts on our memo and I confirm that this was to serve the Beige Bank.

Q: I am putting it to you that there is no evidence on record that the BOG approved the supposed outsourcing of these services you have spoken about in this court to the Beige Group or any of the related companies.

A: In evidence of this court and to my witness statement, any report here is anything that has to do with the service quality department and my reporting lines and hierarchy of the organization was not to get approvals from the BOG but to get approvals from the CEO which was my reporting lines.

Q: I am finally putting it to you that the Beige Group which did not engage in any income earning venture did not have any other source of funding apart from funds dishonestly transferred from the Beige Bank to the Beige Group on the instructions of the accused person who was CEO of both entities.

A: I do not know anything to do with finance of an organization and this is because I did not work in the Finance Department. I am here to witness for the service quality department and any other relation to service, anything relating to finance, I do not know.

Mrs. Keelson: My lady that will be all for the witness.

END OF CROSS EXAMINATION BY MRS. KEELSON

By Court: Any re-examination?

Mr. Sory: My lady there will be none.

By Court: DW4 is hereby discharged.

BY COURT

The case is adjourned to 20th May, 2024 at 12 noon for the evidence of Emmanuel Ayedina.

(SGD)
**AFIA SERWAH ASARE-BOTWE (MRS.)
(JUSTICE OF THE COURT OF APPEAL)**